



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that a Meeting of the **EAST CAMBRIDGESHIRE DISTRICT COUNCIL** will be held on **THURSDAY 22 OCTOBER 2020** commencing at **6.00pm** with up to 15 minutes of Public Question Time, immediately followed by the formal business, and you are summoned to attend for the transaction of the following business.

PLEASE NOTE: Due to the introduction of restrictions on gatherings of people by the Government due to the Covid-19 outbreak, this meeting will be conducted remotely facilitated using the Zoom video conferencing system. There will be no access to the meeting at the Council Offices, but there will be Public Question Time at the commencement of the meeting in accordance with the Council's Public Question Time Scheme, as modified for remote meetings. Details of the public viewing arrangements for this meeting are detailed in the Notes box at the end of the Agenda.

A minute's silence will be observed as a mark of respect following the deaths of former District Councillor Graham Steward, Labour Member for Sutton from 1991-2003 and former District Councillor John Willson, Independent Member for Ely West from 1991-1995.

AGENDA

1. PUBLIC QUESTION TIME [oral]

The meeting will commence with up to 15 minutes Public Question Time

Please Note: due to this being a remote meeting, questions from the public should be e-mailed to tracy.couper@eastcambs.gov.uk by 5pm on Tuesday 20 October 2020 (see Notes box at the end of the Agenda)

2. APOLOGIES FOR ABSENCE [oral]

3. DECLARATIONS OF INTEREST [oral]

To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct

4. MINUTES – 16 & 31 JULY 2020

To confirm as a correct record

- 5. CHAIRMAN'S ANNOUNCEMENTS [oral]**
- 6. TO RECEIVE PETITION(S) [oral]**
- 7. NOTICE OF MOTIONS UNDER PROCEDURE RULE 10 [oral]**

(i) Protecting the Public's say in the Planning Process

This Council notes:

1. The publication by Government of the White Paper *Planning for the Future* on 6 August 2020, which sets out proposals for changes to the planning process for the future.
2. That the vast majority of planning applications are given the go ahead by local authority planning committees, with permission granted to around nine out of ten applications.
3. That research by the Local Government Association has said that there are existing planning permissions for more than one million homes that have not yet been started.
4. That there is a significant shortage of affordable housing in East Cambridgeshire.

This Council is concerned that the proposals seek to:

1. Reduce or remove the right of residents to object to applications near them.
2. Grant automatic rights for developers to build on land identified as 'for growth'.
3. Remove section 106 payments for infrastructure and their replacement with a national levy.
4. Significantly raise the size of development at which applicants are required to provide affordable housing, from the current ten properties to forty or even fifty.

This Council further notes:

1. The Royal Institute of British Architects called the proposals 'shameful' and said they 'will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes'. RIBA also said that proposals could lead to the next generation of slum housing.
2. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.

This Council believes:

1. That existing planning procedures, while not without their flaws, allow for local democratic control over future development, and give local people a say in planning proposals that affect them.
2. That proposals for automatic rights to build in 'growth' areas, and increased permitted development rights, risk unregulated growth and unsustainable communities.

3. That an increase in the threshold for the provision of affordable housing will mean an end to the building of new affordable homes in our rural villages.
4. That local residents must be in the driving seat in shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.

This Council resolves to:

1. Respond to the consultation on the *Planning for the Future* White Paper, and to make representations against the proposals as outlined in this motion.
2. Write to and lobby both of our Members of Parliament, urging them to oppose these proposals and to circulate their replies to members.
3. Highlight its concerns over these proposals to the public and local residents.
4. Instruct officers to bring forward a paper to the Finance & Assets Committee examining the potential for this Council to work with East Cambridgeshire's rural parishes to apply for designation under section 157(1) of the Housing Act 1985, with the consequent power to set its own affordable housing threshold.

Proposer: Cllr Lorna Dupré

Secunder: Cllr Charlotte Cane

(ii) Parking Enforcement

This Council unequivocally endorses the constitutional commitment to free car parking in its off street town centre car parks. This commitment, together with a proportionate enforcement regime, is even more important now to support town centre businesses to recover from the COVID 19 crisis.

Nevertheless, the Council remains concerned at the growing instances of dangerous and anti-social on street car parking across the District, not limited to, but notably in Ely, Littleport, Bottisham and Soham. The on street enforcement regime is not fit for purpose.

The decriminalisation of on street car parking does not offer an appropriate solution to a District committed to free car parking and sound financial management. The Council cannot sign up to a scheme which is irreversible, has significant unfunded capital and revenue commitments and would lead to the introduction of car parking charges in our District.

Therefore, this Council instructs the Director, Operations to engage with the Chief Constable to discuss the provision of a dedicated car parking enforcement resource for the District and/or the effective implementation of CSAS (Community Safety Accreditation Scheme) and furthermore requests that an update is reported to Finance and Assets Committee in January 2021 detailing any legal and financial implications for consideration and decision on how to progress the matter.

Proposer: Cllr Anna Bailey

Secunder: Cllr Joshua Schumann

8. TO ANSWER QUESTIONS FROM MEMBERS [oral]

9. RECOMMENDATIONS FROM COMMITTEES AND OTHER MEMBER BODIES

- **Treasury Operations Annual Performance Review**
- **Statement of Licensing Policy**

- Risk Management Policy

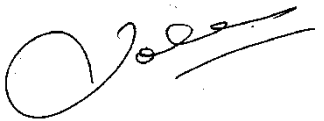
10. EAST CAMBRIDGESHIRE LOCAL PLAN AND 'PLANNING FOR THE FUTURE' WHITE PAPER

11. CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY UPDATE REPORT

EXCLUSION OF THE PRESS & PUBLIC

That the press and public be excluded during the consideration of agenda item no. because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Category 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended)

12. EXEMPT MINUTES – 31 JULY 2020



**J Hill
Chief Executive**

To: All Members of the Council

NOTES:

1. Since the introduction of restrictions on gatherings of people by the Government in March 2020, it has not been possible to hold standard face to face public meetings at the Council Offices. This led to a temporary suspension of meetings. The Coronavirus Act 2020 now has been implemented, however, and in Regulations made under Section 78 it gives local authorities the power to hold meetings without it being necessary for any of the participants or audience to be present together in the same room.

The Council has a scheme to allow Public Question Time at the start of the meeting using the Zoom video conferencing system. If you wish to ask a question or make a statement, please contact Tracy Couper, Democratic Services Officer for full Council tracy.couper@eastcambs.gov.uk by 5pm on Tuesday, 20 October 2020. If you are not able to access the meeting remotely, or do not wish to speak via a remote link, your question/statement can be read out on your behalf at the Council meeting.

2. A live stream of the meeting will be available on YouTube at www.eastcambs.gov.uk/meetings/council-22102020 for public viewing.
3. Reports are attached for each agenda item unless marked "oral".

4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail:
translate@eastcambs.gov.uk
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Agenda Item 4

Minutes of the remote Meeting of East Cambridgeshire
District Council held on Thursday 16 July 2020 at 6.00pm

P R E S E N T

Councillor Christine Ambrose-Smith	Councillor Bill Hunt
Councillor David Ambrose-Smith	Councillor Mark Inskip
Councillor Sue Austen	Councillor Alec Jones
Councillor Anna Bailey	Councillor Daniel Schumann
Councillor Ian Bovingdon	Councillor Joshua Schumann
Councillor David Brown	Councillor Alan Sharp
Councillor Charlotte Cane	Councillor Amy Starkey
Councillor Matthew Downey	Councillor Lisa Stubbs
Councillor Lorna Dupré	Councillor John Trapp
Councillor Lavinia Edwards	Councillor Paola Trimarco
Councillor Lis Every (Chairman)	Councillor Jo Webber
Councillor Simon Harries	Councillor Alison Whelan
Councillor Julia Huffer	Councillor Christine Whelan
	Councillor Gareth Wilson

19. **PUBLIC QUESTION TIME**

No public questions were submitted.

20. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Charlesworth.

At the invitation of the Chairman, Councillor Jones reported that Councillor Charlesworth was currently on maternity leave after giving birth to a baby boy Monty, weighing over 8lb.

The Chairman requested that the congratulations and best wishes of Council be passed onto Councillor Charlesworth and her family.

21. **DECLARATIONS OF INTEREST**

Declarations of Interests were made by Councillor Charlotte Cane as follows:

Agenda Item 7(i) Motion Local Electricity Bill – Prejudicial Interest as unpaid Director and minor shareholder in Reach Solar Farm Ltd (will not be exercising public speaking right).

Agenda Item 9 Corporate Plan – Disclosable Pecuniary Interest (DPI) as employed by Wildlife Trust Bedfordshire, Cambridgeshire, Northamptonshire (BCN).

22. **MINUTES**

It was resolved:

That the Minutes of the Annual Council meeting held on 21 May 2020 be confirmed as a correct record and signed by the Chairman, subject to the amendment of Minute 17 Covid 19 Update as follows:

Page 12 penultimate paragraph, final sentence to read:

A Member referred to page 2 section 4.1 of the report which said ‘all service leads including the two trading companies...’ and the Member commented that they thought that the Trading Companies were independent of the Council, so were they working together?

Page 12 final paragraph, final sentence to read:

The Chief Executive responded that the comment in the report was accurate, since it was considered appropriate that all activities of both the Council and the Trading Companies were co-ordinated to deal with the challenges of the crisis.

23. **CHAIRMAN’S ANNOUNCEMENTS**

Councillor Lavinia Edwards joined the meeting at 6.10pm

The Chairman made the following announcements:

John Hill, Chief Executive

The Chairman reported that, as of 3 July, the Chief Executive, John Hill, had served 25 years at East Cambridgeshire, almost 20 of which had been as Chief Executive. She stated that John had led the organisation to achieve many accomplishments and had worked with a large number of Leaders of all political persuasions through both good and challenging times. His excellent leadership skills were demonstrated by his ability to produce focused priorities and objectives and then to empower staff to deliver these. Notable achievements included maintaining a balanced Budget and Council Tax freeze, the establishment of the Council’s two trading companies ECTC and ECSS and more recently becoming joint Chief Executive of the Cambridgeshire and Peterborough Combined Authority (CA). The Chairman expressed the congratulations and thanks of the Council to John Hill.

The Leader of the Council, Councillor Anna Bailey, endorsed the comments of the Chairman and expressed her own personal congratulations and thanks to John Hill. John had arrived in the Fens from Birmingham but had adapted well to the ways of the area, leading the Council through a great many changes. He always had been ‘fleet of foot’ and innovative and had a refreshing way of cutting through the

detail to bring clarity. The Leader also commended John's role as joint Chief Executive of the Combined Authority and referred to the significant benefits which the CA was bringing to the County as a whole and to this District.

Councillor Cane, as Liberal Democrat Deputy Leader, also congratulated John Hill and stated that he was a conscientious and committed Chief Executive both to East Cambridgeshire and now the County as a whole via the Combined Authority.

Council expressed their appreciation to John Hill via a round of applause.

Special Council Meeting 31 July 2020

The Chairman reminded Members of the E-mail notification earlier in the week of the remote Special Council meeting to be held on Friday 31 July 2020 to consider an Exempt Asset Management matter in the Parish of Mepal

24. **PETITIONS**

Council received a Petition of approximately 1,229 local requesting the Council to consider the provision of a Splash Pad in Ely. The Chairman highlighted the presentation provided by the petition organisers giving information about Splash Pads which had been circulated to Council Members and published on the Council's website.

One of the Petition Organisers, Ellie Senior, spoke in support of the Petition and explained that she was representing a group of local residents who had completed 12 months of extensive research on the issue. She stated that they were typically zoned into 3 areas catering for toddlers, children and teens. They also were fully accessible for users with a range of disabilities. There were Splash Pads in Cambridge and Newmarket and these represented a good income generator for towns and cities, attracting visitors from surrounding areas. They were environmentally friendly in both their operation and by stopping people driving to other facilities. She had met with Ian Ross, Community Sport and Recreation Manager at Cambridge City Council, which operated 3 successful Splash Pads and Ustigate, the largest waterplay specialists in the UK. The running costs for the facility estimated at £10,000 per annum, could be funded by a refreshment kiosk. The Group also had approached and made a presentation to City of Ely Council, who were considering funding for the project via CIL/S106 monies. A Splash Pad would enable families to spend quality time together, so Ms Senior urged the Council to support the project and the identification of a suitable site.

Ms Senior responded to questions from Members as follows:

With regard to what constituted a suitable site for a Splash Pad, it was reported that this just needed to be flat and close to a water source to minimise costs. Possible sites included: Paradise Centre, Jubilee Gardens, former MOD site, although the group were open to suggestions, preferably with a reasonably central location.

With regard to the estimated number of residents travelling from Ely to other Splash Pads, it was stated that a survey of this had not been carried out at present, but could be undertaken in the future.

With regard to location, it was reported that a balance was needed between walking distance for Ely residents and access to parking for those visiting from outside of the City.

With reference to the period of opening each year, it was stated that Cambridge City Council usually opened their facilities around the Easter Bank Holiday and closed them sometime in October.

The Leader of the Council then responded and stated that she had met with Ellie recently to discuss the detail of the issues. The Leader referred to the fact that it was usual for Town and Parish Councils to provide local play facilities and this had been recognised by the presentation of the Petition to City of Ely Council as well, who were considering the allocation of CIL/S106 funding for this purpose. If this was progressed, the District Council would assist in identifying and facilitating a suitable location for the Splash Pad.

The Chairman thanked Ellie for her attendance and presentation of the Petition to the Council.

25. **MOTIONS**

(i) **Local Electricity Bill**

Councillor Cane left the meeting for the duration of this item.

The following Motion was proposed by Cllr Mark Inskip and seconded by Cllr Lorna Dupré:

This Council:

- (i) acknowledges the efforts that this council is making to reduce greenhouse gas emissions and promote renewable energy;
- (ii) recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;
- (iii) further recognises
 - that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
 - that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for councils and local community co-operatives to be providers of locally generated renewable electricity directly to local people, businesses and organisations, and

- that revenues received by councils that became local renewable electricity providers could be used to help fund local greenhouse gas emissions reduction measures and to help improve local services and facilities;
- (iv) accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of 187 MPs, and which, if made law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and
- (v) further resolves to:
- write to local MPs, asking them to support the Bill, and
 - write to the organisers of the campaign for the Bill, Power for People, at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing its support.

Councillor Inskip spoke as proposer of the Motion, highlighting the important step taken by the Council in October 2019 to declare a Climate Emergency and the recent report on progress regarding the Council's Environmental Plan submitted to Operational Services Committee in June. This Motion was another way in which this issue could be addressed. Locally generated renewable community energy had the great potential to contribute towards the target of zero carbon emissions and provide low cost energy to local communities.

The meeting was adjourned at 18.35pm due to technical issues with the livestreaming of the meeting and re-convened at 19.01pm.

Councillor Inskip continued in his proposing of the Motion by stating that 70% of Councils had declared a Climate Emergency. However, community energy currently was blocked by the energy market and legislation, as people could not buy energy at present except from a utility company or supplier. The set-up costs for a local supply network currently were prohibitive, but the Bill aimed to solve this problem by giving the right to local energy suppliers to operate with proportionate costs. The Bill was sponsored by a cross-party group in Parliament and 187 MPs had expressed their support. A large number of Councils already had shown support for the Bill, and Councillor Inskip hoped that cross-party support could be secured here at ECDC to contribute towards a zero carbon future.

Councillor Joshua Schumann, as Deputy Leader of the Council, commended the Bill but stated that it was still in its early stages and was unlikely to progress through the Parliamentary process until at least the autumn, giving this Council time to more fully consider its implications in the context of local energy strategies being developed. Therefore, he proposed and Councillor David Ambrose-Smith seconded that, in accordance with Council Procedure Rule 10.4, the Motion be referred to the Operational Services Committee. Upon being put to the vote, this was agreed unanimously.

(ii) Black Lives Matter

The following Motion was proposed by Cllr Matthew Downey and seconded by Cllr Charlotte Cane:

Council notes:

1. In the UK 26% of instances of police using firearms are against Black people, despite Black people making up only 3.3% (1) of the population. 51% of young men in custody in the UK are from Black, Asian or minority ethnic backgrounds, despite these groups making up only 14% (2) of the UK population. The 2017 Lammy Report concluded that “BAME individuals still face bias, including overt discrimination, in parts of the justice system”. Most recently, we’ve seen that BAME people are 54% (3) more likely than white people to be fined under the new coronavirus lockdown laws.
2. Here in East Cambs, Black people face being stopped by police just because they are Black. An example of this happening in Ely was recently posted on social media. Data from Stop Watch shows that in 2018/2019, police officers in Cambridgeshire subjected Black people to stop and search at a rate of 6 (4) times more than white people.
3. The police killing of George Floyd in June 2020, has led to protests against the killing of Black people by police everywhere from Floyd’s home of Minneapolis, to the UK, Japan, and New Zealand. The world knows George Floyd’s name, and his death has fuelled a movement to end police violence against Black people.

(1) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764894/police-use-of-force-apr2017-mar2018-hosb3018.pdf

(2) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

(3) <https://www.itv.com/news/2020-06-17/bame-people-50-more-likely-to-receive-coronavirus-lockdown-fines-mps-told/>

(4) <https://www.stop-watch.org/your-area/area/cambridgeshire>

East Cambridgeshire District Council extends our solidarity to the Black Lives Matters movement and believes that:

- A. Racism in all forms, both structural and in individuals, continues to be a serious and often unseen problem throughout the UK, including in East Cambridgeshire. The needs and challenges of Black people may differ from those of Asian people and also those of other minority ethnic groups and the Council will ensure that this is reflected in our approach to equality, diversity and inclusion.
- B. Although progress has been made in combating racism in all its forms, more work is needed to eradicate it entirely.

This Council, representing people in East Cambridgeshire, welcomes its duty to actively lead that work locally.

Council resolves to meet the challenge head-on with immediate action to:

- I. Review and recommend concrete actions on ensuring that we maintain an actively anti-racist outlook within the area of BAME access to housing and to homelessness & welfare support.
- II. Commit to taking an active part in Black History Month.
- III. Write to the Minister for Schools asking the government to provide resources to schools to support them in providing further historical context for events normally only seen through the lens of white British history.
- IV. Produce a report on the impact of the Covid-19 pandemic on BAME communities in East Cambridgeshire by the end of 2020, to be reviewed by the Finance and Assets Committee, and shared with BAME community representatives.
- V. Ask the Police & Crime Commissioner to put in place measures to ensure that arrest and custody measures are proportionate.
- VI. Write to the two MPs in our district to ask that rather than spending money on another race inequality review, the Government implements recommendations of previous reviews - specifically including but not restricted to, the Lammy and Windrush recommendations.

On a long term basis Council believes there is a need to further address racism, and therefore resolves to, over time:

- VII. Ask officers to regularly review our progress on the measures above, report progress to Finance & Assets Committee and recommend to Council any additional steps required to achieve these goals.
- VIII. Review and examine the internal structures of East Cambs District Council to ensure Black Asian and Minority Ethnic people are not disadvantaged. Understand specifically how many minority ethnic people the council employ, where are they working, what barriers, if any exist to their career progression and recommend any changes required to our staff policies and procedures to ensure that they are inclusive.
- IX. Act on any concerns raised about street names which derive from individuals or organisations that have racist links.
- X. Ask the Police & Crime Commissioner to report on what measures have been put in place to reduce the disproportionality of BAME people affected by the use of stop and search powers seen locally and nationally and how often are these measures are reviewed; and to provide a regular report as to initiatives and progress.
- XI. Ask the Combined Authority to produce a toolkit for businesses to help broaden their understanding of race inequality in the workplace, including but not limited to materials, signposts to relevant local groups and training that can be provided for staff, and links to relevant networks.

Speaking as the proposer of the Motion, Councillor Downey stated that the death of George Floyd had sparked a movement across the world. Councillor Downey referred to a Councillor from a neighbouring Council who had needed to remind her black son of the assumptions likely to be made about him by the Police when he was out at night. This was not a conversation

Councillor Downey's parents had needed to have with him. Similarly, Chinese restaurants had experienced a dip in trade since the Covid-19 outbreak. People with 'White Privilege' could take action to overcome such prejudice via a Motion like this. Councillor Downey stated that this Council needed to do everything it could to fix this, fight White Privilege and racism and ensure that it represented all people in East Cambridgeshire. People could become complicit in racism by adopting an institutionalised approach. But we must remember that all lives matter and that we need to help those in need the most.

The Chairman thanked Councillor Downey for submitting the Motion to Council.

Speaking in response to the Motion, the Leader of the Council, Councillor Anna Bailey, stated that this Council condemned all forms of racism in all its manifestations. This was our key commitment in a Motion unanimously agreed by this Council at our meeting in February this year.

That same resolution referred the implementation of that matter to Finance and Assets Committee for inclusion in the Council's updated Inclusivity, Equality and Diversity Scheme.

Councillor Bailey stated that this was a wide-ranging Motion which required careful and detailed consideration. The motion acknowledged the need for specific local data. To cite examples, it called for information on employees, data about access to the homelessness prevention service and wider demographic data, all of which were needed to inform actions. It also acknowledged that the Finance and Assets Committee was the appropriate Member body to take this forward for consideration and action.

She had been reminded by the Chairman of Finance and Assets Committee that at their next meeting on 23 July 2020 they would be considering the new Inclusivity, Equality and Diversity Scheme, which would be subject to full public consultation.

Therefore, the Leader proposed in accordance with Council Procedure Rule 10.4, that the Motion be referred to the July Finance and Assets Committee to consider alongside the Inclusivity, Equality and Diversity Scheme. She hoped in its deliberations that the Committee would focus on the actions in the Motion where we could make a real difference and take account of how our neighbouring Councils had met the challenges in similar motions.

The proposal for referral to Finance and Assets Committee was seconded by Councillor Joshua Schumann and upon being put to the vote was declared to be carried.

(iii) Balloons and Lanterns

The following Motion was proposed by Cllr Alan Sharp and seconded by Cllr Amy Starkey:

East Cambridgeshire is a rural area with many farm animals, as well as a wide and diverse mix of wildlife.

An estimated 200,000 sky lanterns and many thousands of balloons are sold in the UK each year for release. While they can look mesmerising, many people are unaware of the deadly consequences fallen lanterns and deflated balloons can have for animals and the environment.

Wildlife and farm animals can easily become entangled in lantern frames and balloon strings, not to mention the fatal effect these parts can have on an animal if they ingest any component of these items. Deflated and fragments of balloons are commonly mistaken for food by marine life, and the strings used to tether balloons have been known to cause animals to become entangled or choke and suffer from internal blockages which ultimately leads to their death.

Reports state that balloons are the highest-risk debris item to seabirds; they are 32 times more likely to result in death than ingesting hard plastic. Both balloons and sky lanterns have the potential to travel miles from their original release site before returning to land.

There is a risk to buildings, dry standing crops, forestry, hay/straw stacks and habitats.

Wherever the depleted lanterns may fall, they inevitably litter the area in question.

There is an air safety risk associated with possible "ingestion" of parts into aircraft engines.

This Council resolves to ban the release of all types of helium-filled balloon and sky lantern on property and land owned by the District Council.

This Council resolves to ask all Parish and Town Councils within East Cambridgeshire to pass a similar motion to ban the release of all types of helium-filled balloon and sky lantern on Parish & Town Council owned land.

This Council resolves to engage with businesses, communities, landowners, schools and individuals in East Cambridgeshire encouraging them to sign up to this initiative.

Speaking on the Motion, Councillor Sharp stated that East Cambridgeshire was a rural area with many farms, animals and wildlife. An estimated 200,000 sky lanterns were released each year in the UK and were a wonderful sight to see, but at massive cost to animals. Recent reports included a 6 month old calf in Newark who lost its life due

to a 70th birthday balloon, but there were many other sad examples. This Council should not knowingly contribute to this on our land and should encourage other organisations and businesses within the District to sign-up to this initiative as well.

An amendment then to the Motion was proposed by Councillor Mark Inskip and seconded by Councillor Gareth Wilson as follows:

East Cambridgeshire is a rural area with many farm animals, as well as a wide and diverse mix of wildlife.

An estimated 200,000 sky lanterns and many thousands of helium-filled balloons are sold in the UK each year for release. While they can look mesmerising, many people are unaware of the deadly consequences fallen lanterns and deflated balloons can have for animals and the environment.

Wildlife and farm animals can easily become entangled in lantern frames and balloon strings, not to mention the fatal effect these parts can have on an animal if they ingest any component of these items. Deflated and fragments of helium-filled balloons are commonly mistaken for food by marine life, and the strings used to tether balloons have been known to cause animals to become entangled or choke and suffer from internal blockages which ultimately leads to their death.

Reports state that balloons are the highest-risk debris item to seabirds; they are 32 times more likely to result in death than ingesting hard plastic. Both helium-filled balloons and sky lanterns have the potential to travel miles from their original release site before returning to land.

There is a risk to buildings, dry standing crops, forestry, hay/straw stacks and habitats.

Wherever the depleted lanterns may fall, they inevitably litter the area in question.

There is an air safety risk associated with possible "ingestion" of parts into aircraft engines.

Helium is a finite resource with important medical and industrial uses.

This Council resolves to ban the release of all types of helium-filled balloon and sky lantern on property and land owned by the District Council. This Council resolves to ask all Parish and Town Councils within East Cambridgeshire to pass a similar motion to ban the release of all types of helium-filled balloon and sky lantern on Parish & Town Council owned land.

This Council resolves to engage with businesses, communities, landowners, schools and individuals in East Cambridgeshire encouraging them to sign up to this initiative.

To write to the Members of Parliament for the district requesting that the government review the use of sale of helium for recreational uses.

Speaking in support of the amendment, Councillor Inskip stated that this was an important issue and thanked Councillors for bringing it forward. Many Councils had taken similar action and the amendment was intended to strengthen the Motion through drafting changes to recognise helium as a finite resource which is difficult to capture and source and critical for medical, technological and industrial uses. Therefore, it was a waste of a scarce resource to use it in balloons and also endangered the lives of land and marine animals. It also constituted littering, as no-one knew where they would land. Therefore, Councillor Inskip urged Council to support the amendment.

Councillor Sharp responded by acknowledging that helium was a finite resource, but was concerned that the amendment muddled the issues and he stated that helium was referred to at the end of the Motion.

Councillor Wilson as seconder of the amendment, stated that balloons blown up by people were less of a hazard and were loved by children. That was why it was important to refer to helium balloons and sky lanterns, the latter of which could be a fire hazard as well. Councillor Sharp commented that ordinary balloons still could cause harm if eaten by an animal.

Upon being put to the vote, the amendment was declared to be lost.

Returning to the Motion, a Member stated that it divided into 3 sections, one regarding the potential dangers and littering of the countryside by ordinary plastic balloons; the finite quality of helium used in some balloons; and fire risks associated with sky lanterns. He used the example of a lantern from a party that had caught in the wind in Bruges, potentially causing a fire in a historic wooden city. Other Members stated that they would be supporting the Motion due to the impact on the countryside and animals, although they would have liked to have seen the amendment passed.

As seconder, Councillor Starkey thanked Members for their support of the Motion which had regard to the fact that East Cambridgeshire was a rural area with diverse wildlife, animals and racehorses in the area of the District around Newmarket. Balloons and Sky lanterns could have deadly consequences for these.

On being put to the vote, the Motion was declared to be carried unanimously.

26. **QUESTIONS FROM MEMBERS**

Questions from Members were received and responses given as follows:

Councillor Lorna Dupré:

I would like to ask the following question of the Chair of Finance & Assets Committee:

Members of this Council will be aware of the fire at Mepal Outdoor Centre on Sunday 12 July. The Centre was handed back to the Council in February 2017, since when it has lain empty and deteriorating, at some considerable cost to secure, and subject to ongoing incidents of trespass. An exercise to sell or let the Centre to an external bidder in 2018 failed to reach a satisfactory conclusion. What are the Council's plans now for this important but declining asset?

Response by Chair of Finance & Assets Committee, Councillor David Brown

Firstly, I would like to thank Councillor Dupre for her question.

I will start by thanking the fire crews from Chatteris, Manea, Ely, Cottenham and Cambridge who attended the fire on Sunday 12th June and brought the situation under control. I would also like to thank our Building Control team who attended on Monday to inspect and secure the building.

The cause of the fire was deliberate. I would urge anyone with information about the incident to contact police by visiting www.cambs.police.uk to submit an online report or call Crimestoppers on 0800 555111.

I can confirm that the Council has been undertaking a number of site investigations and surveys to fully establish future uses of this asset.

I fully agree that this matter is one of urgency and, following on from the Chairman's announcement earlier, I hope Council will be discussing this issue in the very near future.

Councillor John Trapp:

Question 1a) Roughly how many people are currently employed at Lancaster Way Business Park?

Question 1b) We are told that the expected employment at Lancaster Way Business Park will be in excess of 2,000. What is the basis for this assertion?

Response by Leader of the Council, Councillor Anna Bailey:

Around 1,700 people are currently employed at Lancaster Way Business Park. Thorlabs are nearing completion of construction of their new premises and are intending to bring 250 members of staff onto the site, DB Broadcast is due to open their new premises next month which will see 70 – 80 members of staff on site, and Cambridge Nutritional Sciences is due to open by the end of the year, also with 70 – 80 members of staff. So in terms of part 1b of the question, the Business Park is expected to exceed 2,000 jobs on site by the end of this year.

It's worthy of note that the Thorlabs facility has actually been constructed to accommodate around 500 people to cater for their phased expansion plans.

In terms of the phase two expansion of Lancaster Way Business Park, this was the subject of a planning application which was granted permission in 2011. Since then, in April 2016 the site has, thanks to the support of this Authority, been granted status as an Enterprise Zone - it's part of the Cambridge Compass Enterprise Zone, a status which is hugely helpful in bringing new businesses and high-quality jobs to the Park.

The impact of phase 2 expansion is estimated to increase FTE employment on Lancaster Way Business Park to between 2,500 and 3,200 people. This is based on the square footage expansion of the site, but is obviously subject to the needs of individual businesses as they relocate to the site or expand.

27. **CORPORATE PLAN**

Council considered a report containing the updated Corporate Plan 2020-23 for East Cambridgeshire District Council. The Chief Executive highlighted the promises and commitments met during the past 12 months detailed in paragraph 3.1 of the submitted report and the priorities for the next 3 years of the Plan set out in paragraph 3.2 of the report.

The Leader and Deputy Leader of the Council proposed and seconded the recommendations in the report and approval of the new Corporate Plan.

The Leader of the Council spoke in support of the Corporate Plan as follows:

'I am delighted to propose the updated Corporate Plan for adoption by the Council. In the run up to the May 2019 elections, my Group clearly

set out our proposals to the electorate in our manifesto and we were returned as the administration.

I want to thank all our officers for their role in working towards and fulfilling those promises - we are nothing without them.

We must also reflect on the response by this authority to the Covid 19 pandemic, working together with our colleagues in the NHS, the County Council and our City, Town and Parish Councils, but most of all with the volunteers in our communities. Whilst the pandemic has been truly awful, socially and economically, I think we can be proud of the way that East Cambridgeshire collectively has stepped up to look after each other. Our District is fairing better than the regional and national average in terms of rates of infection; East Cambs has the lowest rate of infection in Cambridgeshire, lower than half that of some of the other Districts and almost one third that of Peterborough, but we must work to keep it that way. As we continue to come out of lockdown and more of us go back to our workplaces we must remember the basics – washing hands, using a tissue, keeping your distance and if you have symptoms, to immediately self-isolate and get a test. Members will note a number of important references to Covid 19 in the updated Corporate Plan.

We promised sound financial management. Over the last year we have, for the seventh year in a row, frozen the East Cambs element of Council Tax whilst continuing to deliver great services. Whilst the Liberal Democrat Group at this Council has a long track record of calling for increased levels of Council Tax, the Conservative administration notes that Council Tax is taken from people with the force of law, comes in the main from income that has already been taxed, and is reaching a level that makes up an increasing and significant proportion of household incomes for many. We still have by far the lowest management costs of all Cambridgeshire District Councils.

The Council has stepped up its commercial agenda – being commercial for *community* benefit. The decision to set up the Trading Company has provided £1.6m of financial benefit to our residents to date.

We promised to try to get a better deal for East Cambs residents on bus services, cycling and walking infrastructure and we have completed a District wide survey of our residents – the only District Council in the Combined Authority area to do so - the results of which are getting ready to be presented to the CA and others as we make the case for better services and infrastructure.

We promised to try to land transport infrastructure improvements for East Cambs residents and we have had significant success with a number of schemes that we are contributing to financially. The new A14 is open; Soham Railway Station is all go, with construction due to

begin in 2021; the BP roundabout upgrade is underway, with Lancaster Way roundabout due to follow early next year, facilitating the expansion of the Business Park which will deliver new high quality jobs for our area. And we have retained free car parking in the Council's town and city centre car parks. We support the work of the Combined Authority in its efforts to get junction improvements and dualling of the A10 and in the game changing Cambridgeshire Autonomous Metro project. We are pushing for CAM coming to East Cambs, to the south of our District in Burwell, but also to consider CAM in the A10 upgrade proposals which offers a huge opportunity to facilitate the running of CAM from Waterbeach in the future. We continue to highlight the importance of improved rail connectivity and frequency in the south of the district.

We promised to provide better housing options for local people to help them get a home of their own, in their own community. This authority has one of the most open and transparent pro-growth planning services available and it's a matter of huge frustration that we have granted permission for some 7,000 homes in the district that developers have still not built. So, we've set up our own building company that's delivering high quality housing, including truly affordable housing, for local people. Covid 19 notwithstanding that programme continues. The first 7 shared ownership homes at the MoD site are now available to local, working people. Haddenham CLT is delivering 19 CLT owned affordable homes for people with village connections and Kennett Garden Village has received planning permission. East Cambs will also see the first £100k homes in the county to be delivered in Fordham – facilitating 100% home ownership for £100k for local working people – that's truly affordable home ownership.

We promised a Cleaner, Greener East Cambs and we've recently agreed the Council's commitments on the environment and climate change with 20 firm commitments this year. We're going for a 65% recycling rate, and we're in a good place to make the changes from the Government's forthcoming waste and resources strategy.

We promised improvements to social and community infrastructure. We've delivered free Wifi in Ely and Soham centres - Littleport will also be online soon. I personally continue to work with the NHS on landing a re-provided Princess of Wales Hospital for our District and this is slowly moving forward. And the Council is supporting the NHS with increased GP provision for Ely. We've delivered business rates cuts for our local High Street retailers and we look forward to making bids into the Combined Authority Market Towns fund to support delivery of the Market Town Strategies for Ely, Soham and Littleport – this could see investment of around £3m into East Cambs.

This Council, under our administration, has a record of delivery and the Corporate Plan sets out the promise of more. I hope that this will receive unanimous support this evening.'

The Liberal Democrat Leader Councillor Lorna Dupré commented that whilst there were some things in the Corporate Plan that she agreed with, the overall Plan needed a refresh in the light of the Covid-19 outbreak to strengthen the economic and community aspects. There were no real target dates in the Plan just vague promises and commitments and it needed to be more sharply focussed. In addition, a number of initiatives had been dropped without any explanation, e.g. the relocation from The Grange and a Woodland Burial site. Councillor Dupré commented that we needed to be more candid when we did not deliver on our promises and commitments. There was no reference to the urgent need to support people who were likely to lose their incomes and their homes as a result of Covid-19. The role of the Council's Covid-19 Working Party was likely to become increasingly important over the coming months.

During a detailed debate on the Corporate Plan, comments were made by Members as follows:

A Member commented that from his extensive experience of Corporate Plans, this was one of the weakest he had seen. He expressed concern at the reliance on Community Land Trusts (CLTs) in the section of the Corporate Plan on Housing. He stated that whilst some did excellent work others were flawed. He believed that they needed proper regulation and management and to deliver truly affordable housing. He expressed the view that the first units delivered on the former MOD Site at Ely were not truly affordable and that there should be more than 30% rental housing provision in the second phase. He did not believe that the proposed Kennett CLT development complied with the designation as a 'Garden Village' and considered that the former Paradise Pool site at Ely should be used as amenity land rather than Housing. Overall the Plan was woolly, poorly drafted and not deliverable.

A Member stated that Covid-19 had demonstrated the importance of access to parks and open spaces to people's well-being and the expansion of Ely Country Park would contribute to this. He also urged Members to become involved with the Future Parks Accelerator Programme.

With reference to the 'Cleaner, Greener East Cambridgeshire' section of the Plan, a Member commented that this needed more vision and action by the Council. It was bullet point 7 before the Environment and Climate Change Action Plan was mentioned and more ambitious targets were needed for recycling and the Purge on Plastics campaign. Under 'Improving Transport' more action was needed to reduce the polluting nature of vehicles and a zero carbon District was not mentioned. Covid-19 had shown the opportunities for working from home in the future. There were no targets in the Plan for reaching the 2050 goal let alone a more ambitious one.

A Member commented that she was a Member of the Bus Services Working Party and wanted to see fast, positive action of public transport and active travel initiatives. She also queried whether the provision of a Doctors Surgery at the North Ely development had been removed from the Plan. She

also made reference to the need for Broadband improvements for homeworking and education purposes.

A Member commented that it was easy to be critical of the Council's achievements, but it was more difficult to plan and take action for the future. It was important for this Council to plan for recovery from the Covid-19 outbreak. This would include promoting job growth on projects such as the Lancaster Way Business Park, building homes and new infrastructure.

A Member commended the Plan which demonstrated a shared vision for the District by this Council with its other partners. She acknowledged the Council's excellent response during the Covid-19 outbreak and expressed her particular support for the transport improvements in the Corporate Plan. She believed that the Plan was focussed and would deliver tangible results.

A Member referred to the removal of the Haddenham CLT from the Corporate Plan. He expressed concerns regarding its delivery due to the Covid-19 outbreak and stated that it needed support. On the issue of improving transport, he stated that local people cared about speeding and lorries cutting through villages, but this was not addressed in the Plan. He commented that shared ownership was not really affordable housing and that rental housing was needed close to family. He did not consider Kennett CLT as a true CLT as it was not supported by local people.

A Soham Member referred to local criticism of the lack of consultation on the Market Town Strategy and the proposal for a Marina at Soham. A lot of work had been undertaken in local communities in response to the Covid-19 outbreak which now needed to be picked up by the higher tier authorities.

In response, a Member referred to the positive projects in Soham such as the railway station and she believed that there was local support for the Marina project. She also commended ECSS which had continued to deliver a full waste and recycling service throughout the Covid-19 outbreak. This service went from strength to strength and had ambitious recycling targets for the District.

A Member highlighted that Mepal Outdoor Centre was not referred to in the Plan and now had been the subject of an arson attack. She also expressed concern at the commercial activities of the Council and believed that the Plan lacked ambition and a sound financial base.

A Member stated that the Covid-19 Working Party was a positive way forward to break down barriers with local Parish Councils and community groups to help support local communities. Therefore, Members needed to be active on this.

A Member commented that whilst the Corporate Plan contained the 'headlines', it was for the individual committees to develop and implement the detail. The Council should be heralding its achievements, particularly for being

a well-managed and prudent authority. He disagreed with the comments regarding the lack of a sound financial base and welcomed the rail improvements referred to in the Plan.

Littleport Members commended the Market Towns Strategies which were being developed.

A Member stated that the Liberal Democrat Group needed to produce costed, deliverable objectives and projects and act as a 'critical friend' rather than a criticiser. It also was important to acknowledge the Council's successes.

A Member commented that full discussion and consultation on projects was required to ensure the necessary improvements. He welcomed the proposed improvements to bus services, but highlighted the 10% reduction within the District since 2013. He also supported cycling and walking initiatives. But the proposed highways improvements were unlikely to be effective in solving bottlenecks and there still was a lack of commuter parking at Ely rail station. The Council need a holistic Plan with realistic aspirations.

The Deputy Leader of the Council, as seconder of the Motion, stated that the Council did deliver on its promises in the Corporate Plan and that the criticisms of lack of substance were ill-informed and unsubstantiated. No alternatives had been offered, merely criticism. The Council had delivered 7 years of low Council Tax and excellent services. The Plan demonstrated to the public that the Council had done what it had promised and would continue to do so in the future. Therefore, he was delighted to second this ambitious and forward-thinking Corporate Plan.

The Leader of the Council in summing-up, countered arguments regarding the nature and lack of public support for CLTs within the District, as well as the affordability of the affordable housing provision of the CLTs, stating that they delivered 60% market rents. She also highlighted the innovative £100K Homes project. The Council was promoting ambitious recycling targets and a number of transport initiatives, despite not being a transport authority. The North Ely GP surgery provision was referred to in bullet point 2 of the Social and Community Infrastructure section of the Plan. Support also was being given by the Council to the Haddenham CLT. The Council needed to be ambitious in its aspirations and targets, which was why the Leader urged Members to support the Corporate Plan.

It was resolved:

- (i) That the completed actions and progress made during the past 12 months be noted.
- (ii) That the new Corporate Plan set out in Appendix 1 to the submitted report be approved.

- (ii) That the Monitoring Officer be instructed to amend the Constitution (ref: Article 1 paragraph 1.05) to make the necessary amendments to reflect the new Corporate Plan priorities.

28. **COVID-19 IMPACT ON COUNCIL FINANCES**

Council considered a report detailing the impact of Covid-19 on the Council's finances in 2020/21 and the potential impact on the Medium Term Financial Strategy (MTFS). The Finance Manager and S151 Officer highlighted the significant impact on the Council's Finances detailed in section 5 of the report, which were likely to be subject to change. He also highlighted the two tranches of grant received from Central Government in response to the pandemic detailed in paragraph 4.2 of the report amounting to £938,258. A third tranche of £121,000 also had been awarded to the Council.

The Leader of the Council and Chairman of the Finance and Assets Committee proposed and seconded the recommendations in the report.

Speaking in support of the recommendations, the Leader stated that:

'This Council went into the Covid 19 pandemic in better financial health than many local authorities, with a balanced budget for the next two years, and a prudent level of general reserves at 10% of operating expenditure.

I think it's important to recognise the Government's significant financial support to Local Government throughout the pandemic. I sit on a number of national forums and I can report that Government has *really* listened to the detail and responded well. We welcome the Government's support to this authority of £938K to date and we look forward to the detail of the latest Government funding announcement of £500m nationally and on the compensation scheme for loss of income from fees and charges.

This authority was fortunate - although clearly it arises from our hard work and choices in the past - in that it has not suffered the financial losses of other authorities arising from increased housing and homelessness costs. We have housed people during Covid 19 that would not normally be housed, but we have done this at nil cost. I believe that for other Districts in Cambridgeshire the costs for this to date are, in some cases, getting up to £1m. We've also not seen the enormous losses from car parking income that other authorities have suffered - again amounting to millions of pounds for some authorities.

We *are* getting more clarity now, on where we stand in this financial year and thank you to Ian for setting that out clearly in the report.

It is important to give space and time to our officers to continue discussions with our Leisure provider GLL, a not for profit, but *national* operator and those discussions need to continue and reach resolution

urgently now.

It's simply not possible to quantify the medium or long-term financial effect of Covid with any real degree of accuracy at this moment in time. The Government has stated that further information on the future funding of local Government will be coming in the autumn, this, among other things, to recognise the issues that are likely to arise with loss of receipts to the collection fund, from decreasing Council Tax and Business Rates receipts. The deferral of the implementation of fairer funding and the business rates retention scheme is certainly helpful to the finances of this Council.

Turning to the recommendations at little (iv) - construction companies across the UK will be talking to their lenders to request changes to their loan agreements and repayment schedules – ECTC is absolutely no different in that.

It is the business of the Combined Authority and this Council to do all it can to provide housing. The MOD housing site, which I am fully aware was not supported by the Liberal Democrats, and the Haddenham CLT site, which I am aware *is* supported by Cllr Wilson, need to be supported to continue – the alternative is to shut up shop and close down the sites. But make no mistake, ECTC is not seeking grant funding or charity handouts, it is simply proposing a re-profiling of the rate of delivery and the necessary loan agreement to support that in recognition of the unprecedented event that has been Covid 19. Not to do so would indeed be extraordinary! Notably, the effect of the request from ECTC for this authority is in fact an *increase* in income from loan interest payments, which will help to support the medium term financial position of this authority – the original interest due prior to Covid 19 was expected to be £813K in total, and under the re-profiling will be £1.09m – some £283K additional support to this authority's financial position.

The sites are proceeding at around 50% speed to facilitate safe working, which equates to around 6 months disruption to the build programme. Current economic uncertainty and the threat of possible significant job losses arising from business failures means there will be an impact on housing sales rates. The build out rate has to be commensurate with sales rates – you can't put all the houses on the market at the same time, and neither would cash flow withstand such an approach. The new business modelling assumes it is likely to be late summer or early autumn until we get real interest, and it takes on average around 12 weeks to get from sale to completion. To put it into relatable terms – the new model assumes 2.25 sales per month in the MoD site compared with 3.35 previously, and 1.3 per month at Haddenham compared with 2.25 previously. This is what drives the re-profiling and the need to restructure the finances and loan agreements. I also note that the ECTC has responded to the fact that the rental market is buoyant, and that 9 properties on the site have been agreed for rental, which is ahead of the

revised schedule and will bring significant supporting income to the project.

Ultimately, the Haddenham project, in the new modelling, is expected to break even and the MoD site, in the new modelling, will be roughly the same in terms of profitability, but it will happen more slowly – which is only to be expected.

As other lenders tighten their lending criteria, these sites become even more important in East Cambs – we could well see a dramatic slowing down of house building, with all the knock on effects of that. East Cambs and the Combined Authority have the opportunity to facilitate continued delivery of housing.

Finally, I support the recommendation for the increase in management fee to East Cambs Street Scene. The increased costs are directly related to Covid and arise from employing agency staff which were needed to cover staff absences due to self-isolating and shielding. I am proud of our team for keeping a full service going throughout the pandemic and they deserve our support – this is a totally appropriate use of our Covid 19 funding.'

The following amendment then was proposed by Councillor Alison Whelan and Seconded by Councillor Charlotte Cane:

That item 2.1 "Members are requested to:" be deleted and replaced with "Officers to request financial information from the trading companies and prepare a revision of the current year finances and the MTFs to demonstrate the impact of Covid-19 and the following actions for discussion at a Members Seminar followed by presentation and approval at a Special Meeting of this Council in no more than 4 weeks time. Such report to clearly demonstrate numerically the impact of these actions in each financial year:"

Speaking in support of the amendment, Councillor Alison Whelan stated that Members needed to ensure that the finances of the Council. And Trading Companies were on a sound footing. However, the report contained insufficient information to make decisions upon. She particularly referred to recommendation (iv) in the report and stated that she had not seen a request to reduce interest rates on loans in this manner before. This represented reducing the rate of return and increasing the risks for the Council with little information or justification. This was why the amendment requested referral back to give further time for the provision of better and more detailed information.

In response, the Leader stated that recommendation (ii) which the Lib Dems sought to remove, already required the Finance Manager to update the Finance & Assets Committee at the appropriate time on the revision to the MTFs. This needed to be after the F & A Committee considered the 2019/20

outturn report, which had positive implications for the MTFs, at its meeting on 23rd July.

The Trading Companies needed a decision from Council, a delay would mean that the 2019/20 accounts could not be finalised as the information needed to be provided to the auditors.

The Leader commented that the amendment did nothing that was not already happening and, worse, took away things that needed to happen in order to realise what it sought to achieve.

A Councillor had given advance notification of a question as follows: 'Agenda item 10 includes an extension of the loan to ECTC of two years, and the rationale included for this mentions reduced pace of work and sales at Haddenham and the Ely MOD site. Can we have figures for the pre-Covid 19, and the post-Covid 19, projected physical completions and projected sales completions for the two sites?' At the invitation of the Chairman, Phil Rose from ECTC read out figures in response to the question and agreed to provide these in writing to all Councillors. Members queried the ability of Mr Rose to speak at the Council meeting and the Chief Executive responded.

A Member commented that Councillor Alison Whelan had made a strong case for acceptance of the amendment on the grounds of good financial practice to safeguard the interests of the shareholders of East Cambridgeshire. He expressed disappointment at the lack of detailed financial information and inadequate evidence of good financial principles being followed, which was why he urged Members to support the amendment.

Councillor Wilson stated that since Haddenham CLT had been referred to during debate, he would abstain from voting.

A Member expressed surprise at the Liberal Democrats expressing support for affordable housing provision, when they had voted against the MOD site project that included affordable housing.

Councillor Cane as seconder of the amendment, clarified that the Liberal Democrats had voted for a higher level of affordable provision on the MOD site and still had not received a response on this. With regard to the amendment, she stated that more financial information had been requested at Finance and Assets Committee and it had been expected that this would be submitted to this Council meeting. But this had not been forthcoming either for this meeting or for the Finance and Assets Committee meeting to be held on 23 July. No information was provided on the detail of the loans or their affect on the Council's cashflow. She was concerned that the additional management fee for ECSS would set a precedent for the future. In order to ensure oversight of finances, information should be submitted to every Finance and Assets Committee meeting. A Member Seminar would enable the issues to be discussed in an informal setting, but it was recognised that the issues were time-critical, which was why it had been requested that the seminar and Special

Council meeting be held in the next four weeks. Councillor Cane requested a recorded vote on the amendment.

A recorded vote was taken on the amendment, the results of which were as follows:

FOR: (9) – Cllrs Cane, Downey, Dupré, Harries, Inskip, Jones, Trapp, A Whelan, C Whelan.

AGAINST: (16) – Cllrs C Ambrose Smith, D Ambrose Smith, Austen, Bailey, Bovingdon, Brown, Every, Huffer, Hunt, D Schumann, J Schumann, Sharp, Starkey, Stubbs, Trimarco and Webber.

ABSTENTIONS: (1) – Cllr Wilson.

The amendment was declared to be lost.

A second amendment was moved by Councillor Cane and seconded by Councillor Dupré, requesting reference back of the recommendations to Finance and Assets Committee for further consideration in accordance with Council Procedure Rule 11.4. Councillor Dupré requested a recorded vote on the amendment.

A recorded vote was taken on the amendment, the results of which were as follows:

FOR: (10) – Cllrs Cane, Downey, Dupré, Harries, Inskip, Jones, Trapp, A Whelan, C Whelan, Wilson.

AGAINST: (16) – Cllrs C Ambrose Smith, D Ambrose Smith, Austen, Bailey, Bovingdon, Brown, Every, Huffer, Hunt, D Schumann, J Schumann, Sharp, Starkey, Stubbs, Trimarco and Webber.

ABSTENTIONS: (0)

The amendment was declared to be lost.

A Member highlighted that Councillor Wilson had voted on the amendment. Councillor Wilson explained that the amendment merely was to refer back the recommendations, which was why he had voted.

Returning to the Motion, the Leader explained that the repayment arrangements for the loans were set out in paragraph 10.5 of the report.

A Member expressed disappointment at the failure of the two amendments, as she considered that the recommendations were not fit to be voted upon. It was not good practice to vote on open-ended loans without detailed terms, as Members needed to understand the risks and sensitivities

and be reassured that the Council was acting in a prudent way. Therefore, she requested a recorded vote on the Motion.

The Chairman of Finance and Assets Committee, Councillor Brown, as seconder of the Motion, expressed surprise at the earlier comments regarding lack of financial information as this had been provided at Finance and Assets Committee in June.

The Leader of the Council reiterated that information on the loan facilities was contained in paragraph 10.5 of the report and, with the agreement of her seconder, amended her Motion to include reference to this at the end of both of the bullet points in recommendation (iv).

A recorded vote was taken on the amended Motion, the results of which were as follows:

FOR: (16) – Cllrs C Ambrose Smith, D Ambrose Smith, Austen, Bailey, Bovington, Brown, Every, Huffer, Hunt, D Schumann, J Schumann, Sharp, Starkey, Stubbs, Trimarco and Webber.

AGAINST: (9) – Cllrs Cane, Downey, Dupré, Harries, Inskip, Jones, Trapp, A Whelan, C Whelan.

ABSTENTIONS: (1) – Cllr Wilson.

The amended Motion was declared to be carried.

It was resolved:

- (i) To note the current assessment of Covid-19 on the Council's finances detailed in the report.
- (ii) To instruct the Finance Manager to update the Finance & Assets Committee, when appropriate, on revisions to the Medium Term Financial Strategy to take into account Covid-19 and the 2019/20 budget outturn.
- (iii) To request the Finance Manager and Director, Commercial in consultation with the Chairman of Finance & Assets Committee, to negotiate with GLL.
- (iv) To approve new loan facilities for East Cambs Trading Company from 31st March 2021, specifically:
 - original £5m loan (due to be repaid by 31st March 2021) – a new loan with a final repayment date of 31st July 2023 and with a reduced interest rate of 3.50% per annum, this compared to 5.22% for the original loan, as detailed in paragraph 10.5 of the submitted report;

- MOD loan (due to be repaid by 31 March 2021) – a new loan with a final repayment date of 31st March 2023 and with a reduced interest rate of 3.50% per annum, this compared to 5.22% for the original loan, as detailed in paragraph 10.5 of the submitted report.
- (v) To approve an increase in management fee of £91,000 to East Cambs Street Scene, to cover the first six months additional costs of the waste and recycling service.

29. **CONSTITUTIONAL AMENDMENT**

Council considered a report containing a proposed amendment to Council Procedure Rules within the Constitution regarding Budget amendments in response to a request from the Council meeting on 20 February 2020. The Democratic Services Manager highlighted a further proposed amendment to Appendix 1 to include the same wording in same 'track changes' in Procedure Rule 11.9 in Procedure Rule 12.10.1, for the sake of consistency.

Councillor Every proposed and Councillor Sharp seconded the recommendation in the report, as amended.

Some Councillors expressed concerns that the Constitution was being amended to curtail debate and that there were good reasons not to have advance notification of amendments. The view was expressed that the Constitution should be reviewed to identify any inconsistencies and ensure that it facilitated open and transparent debate.

In response, other Members commented that in the case of setting the Council Budget each year, it was important to have sufficient time to consider information fully. Budget Motions and amendments must be legal, so there needed to be sufficient time for them to be checked and verified by the S151 Officer. The proposed Constitutional amendment would allow time for this. A number of dual Members also referred to the practice at the County Council whereby a reserve date was set for the Budget Council meeting, to be used, if necessary.

It was resolved:

That approval be given to the proposed amendment to Council Procedure Rules within the Constitution, as detailed at Appendix 1 to the submitted report, subject to the inclusion of the same wording in 'track changes' in Procedure Rule 11.9 in Procedure Rule 12.10.1, to ensure consistency.

30. **COMBINED AUTHORITY UPDATE REPORT**

Council received a report on the activities of the Combined Authority from the Council's appointees.

It was resolved:

That the report on the activities of the Combined Authority from the Council's appointees be noted.

31. **ACTION TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY**

Council received a report on action taken by the Chief Executive on the grounds of urgency relating to the Local Authority Discretionary Grant Fund.

A Member thanked officers for getting almost £1M in funding from Government out to local businesses during the Covid-19 outbreak.

It was resolved:

That the report be noted.

The meeting concluded at 10.26pm.

Chairman.....

Date



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Agenda Item 4a

Minutes of a remote Extraordinary Meeting of East Cambridgeshire
District on Friday 31 July 2020 at 6.00pm

P R E S E N T

Councillor Christine Ambrose-Smith	Councillor Bill Hunt
Councillor David Ambrose-Smith	Councillor Mark Inskip
Councillor Sue Austen	Councillor Alec Jones
Councillor Anna Bailey	Councillor Daniel Schumann
Councillor Ian Bovingdon	Councillor Joshua Schumann
Councillor David Brown	Councillor Alan Sharp (Vice- Chairman)
Councillor Matthew Downey	Councillor Lisa Stubbs
Councillor Lorna Dupré	Councillor John Trapp
Councillor Lavinia Edwards	Councillor Paola Trimarco
Councillor Lis Every (Chairman)	Councillor Jo Webber
Councillor Simon Harries	Councillor Gareth Wilson
Councillor Julia Huffer	

32. **PUBLIC QUESTION TIME**

No public questions were submitted.

33. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Charlotte Cane, Victoria Charlesworth, Amy Starkey, Alison Whelan and Christine Whelan.

34. **DECLARATIONS OF INTEREST**

No declarations of interests were made by Members.

35. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement:

The Chairman stated that she was delighted to announce the launch of the new 'Explore East Cambridgeshire' visitor website. This unified the entire East Cambridgeshire visitor package on a mobile phone friendly website, with the capability for tailored itineraries and advanced search tools to source attractions, accommodation, eateries, cafes, bars and public houses for the whole of the District. This could be found at www.exploreeastcams.co.uk

36. **EXCLUSION OF THE PRESS AND PUBLIC**

Prior to consideration of the exclusion of the Press and Public, Councillor Inskip proposed a Procedural Motion in accordance with Council Procedure Rule 11.13, to adjourn the meeting to another date to enable the separation of the elements of the report that could be considered in public from those that formed the Exempt business, in the interests of openness and transparency. This was seconded by Councillor Dupré. Speaking in support of his Motion, Councillor Inskip stated that debate on Council matters should be as open and transparent as possible and, whilst the law gave Councils the ability to exclude the Press and Public, this power should be used sparingly. Whilst he was excluded from disclosing details of the issue, it was a matter of great public interest and concern for local residents. Therefore, he felt unable to justify the exclusion of the entire report to his constituents.

In response, the Leader of the Council, Councillor Anna Bailey, stated that she could not accept this proposal for deferral and delay of consideration of the item, as it was impossible to separate the report into public and Exempt elements due to the highly commercially sensitive nature of the contents, which if disclosed would put the whole project at risk.

During debate on the Motion, some Members challenged the requirement for consideration of the report in Exempt session, whilst others expressed their support for the exclusion due to the highly commercially sensitive nature of the entire project.

Upon being put to the vote, the Motion for adjournment of the meeting to another date was declared to be lost.

Councillor Dupré then proposed a further Procedural Motion in accordance with Council Procedure Rule 11.12, to adjourn the debate for 1 hour to enable the separation of the elements of the report that could be considered in public from those that formed the Exempt business.

The meeting was adjourned at 18.35pm due to technical issues with the livestreaming of the meeting and re-convened at 18.56pm.

On re-convening, the Motion was seconded by Councillor Inskip. The Chairman referred to the fact that this Motion was very similar to the preceding one and that she would allow some latitude on this occasion, but Members should not repeat the same arguments in debate. A recorded vote was requested on the Motion, the results of which were as follows:

FOR: (7) – Cllrs Downey, Dupré, Harries, Inskip, Jones, Trapp, Wilson.

AGAINST: (15) – Cllrs C Ambrose Smith, D Ambrose Smith, Austen, Bailey, Bovington, Brown, Edwards, Every, Huffer, Hunt, D Schumann, J Schumann, Sharp, Stubbs and Webber.

ABSTENTIONS: (1) – Cllr Trimarco.

The Motion was declared to be lost.

A Motion to exclude the Press and Public as detailed on the Agenda then was proposed and seconded and a recorded vote again requested. The results of the vote were as follows:

FOR: (15) – Cllrs C Ambrose Smith, D Ambrose Smith, Austen, Bailey, Bovingdon, Brown, Edwards, Every, Huffer, Hunt, D Schumann, J Schumann, Sharp, Stubbs and Webber.

AGAINST: (8) – Cllrs Downey, Dupré, Harries, Inskip, Jones, Trapp, Trimarco, Wilson.

ABSTENTIONS: (0)

The Motion was declared to be carried.

It was resolved:

That the press and public be excluded during consideration of the remaining agenda item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of public were present during the item(s) there would be disclosure to them of exempt information of Category 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

37. **ASSET MANAGEMENT MATTER – PARISH OF MEPAL**

Council considered a report, previously circulated, to approve an Outline Business Case (OBC) and the submission of a Planning application for a crematorium with associated woodland burial and pet cemetery facilities on the former Mepal Outdoor Centre site.

Following detailed consideration and debate of the issues,

It was resolved:

That approval be given to the recommendations detailed in the submitted report.

The meeting concluded at 20.51pm.

Chairman.....

Date

SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES

Committee: Council

Date: 22 October 2020

Author: Democratic Services Manager

[V90]

Member Body	Report No.
<p>1. FINANCE AND ASSETS COMMITTEE – 23 JULY 2020</p> <p><u>Treasury Operations Annual Performance Review</u></p> <p>The Committee considered a report which summarised the Council’s Treasury operations during 2019/20.</p> <p>In the absence of the Finance Manager, the Senior Accountant presented the report, stating that cash investments totalled £10,877 million as at 31st March 2020, an increase of £4,686 million on the previous year.</p> <p>The outstanding value of the Council’s loan to ECTC was £4.22 million at the 31st March 2020.</p> <p>Interest received during the financial year was £332,949, which was £34,949 above the budget of £298,000. This figure was made up of £97,360 from investment in money markets and other short, fixed term investments and £235,589 from the loan to ECTC.</p> <p>Referring to the final sentence on page 4 of the Review document, a Member said that it should read ‘The loan to East Cambridgeshire Trading Company is due to be repaid on or before 31st March 2021.’ They believed there should be a further note added to say that at the time this report was written, the Company was due to pay the loan back, but had since informed the Council it would be unable to make the repayment on the due date.</p> <p>The Member asked if the report would be changed to reflect that, and was advised it would be taken into account. Whereupon,</p>	<p>V41 (attached at Appendix A)</p>

It was resolved:

To note the contents of this report on the Council's Treasury operations during 2019/20, including the prudential and treasury indicators as set out in Appendix 1 to the submitted report; and

It was further resolved:

To recommend to Full Council approval of the report.

2. LICENSING COMMITTEE – 9 SEPTEMBER 2020

Licensing Act 2003 Licensing Authority Statement of Licensing Policy – Five Year Revision

The Committee considered a report that sought approval of the revised version of the Council's Statement of Licensing Policy for recommendation for approval by Council.

V57 (attached at Appendix B)

The Senior Licensing Officer reminded the Committee that it had agreed to put the draft Statement out to public consultation, at its meeting on 24th June 2020. Subsequently, two formal replies to the consultation had been received. Table 1 in the report set out the changes requested by the replies. One related to updating the LAPE website information and the other sought clarification over when free advice ended. These changes were considered by officers and Table 2 set out the suggested amendments to the Statement. The first suggestion was to change the web address where information could be found.

The second was to amend the wording in paragraph 1.99 of the Statement to clarify matters. These changes had been incorporated in the revised Statement on page 18. With regard to the advice that could be offered, it had never been the intention to turn people away but to introduce a charging practice similar to that of other professional bodies. The amended wording would clear up any possible misunderstandings.

In response to the Committee's questions and queries, the Senior Licensing Officer explained that 'community premises' was a phrase taken from the relevant legislation and such premises could apply to have the mandatory condition for a designated supervisor to be cancelled. This only applied to premises designated as 'community premises'.

'Other persons' was also defined in the Regulations but did not include local authority officers. Certain persons could make objections on some types of applications but objections to other applications were limited to responsible authorities.

The County Council, as a responsible authority, received copies of new licence applications so they could assess them. The Public Health Directorate did not provide information to the Licensing department but if there were Police concerns then that information could be brought in. The Licensing department had never applied for that information but they should not be any issues obtaining it. The Environmental Services manager had close liaison with those authorities so might be able to get that information and distribute it to Members if they wished. It was expected that there would be no charge for this.

Although there had only been two responses to the consultation, this was not a concern, because the changes to the Policy had been very minimal. The previous consultation had only elicited one response.

It was resolved TO RECOMMEND TO COUNCIL:

- (i) That the draft Statement of Licensing Policy, including the amendments shown as tracked changes in Appendix 2 in their entirety, be approved;**
- (ii) That the approved Statement of Licensing Policy be recommended for adoption by full Council to come into effect on 7 January 2021.**

3. FINANCE AND ASSETS COMMITTEE – 24 SEPTEMBER 2020

Corporate Risk Management – Policy and Update

The Committee considered a report which sought approval of the updated Risk Management Policy and to provide Members with a copy of the latest Corporate Risk Register and framework.

Ms Ashley-Caunt reminded Members that updates on the Corporate Risk Register were provided on a six monthly basis, and the Committee had last received an update in February 2020. The updates to the Register were facilitated by Internal Audit but remained the responsibility of senior management. The Corporate Risk Register had been

V63(attached at Appendix C)

updated to reflect the latest risks for the Council, including those posed by the Covid-19 pandemic.

It had been three years since the policy had been adopted and a review had therefore been undertaken by senior management, with guidance from Internal Audit to ensure that it remained fit for purpose.

A Member asked when formal management training had last been carried out. Ms Ashley-Caunt said she would have to check this and would confirm with Members.

Another Member believed the document was a really good blend in that it was inclusive in capturing risks but also struck a good balance. This was echoed by a further Member who thought it was a very powerful document; it highlighted the risks and mitigated them. In particular, the score and RAG for Risk No. A4 (Homelessness in the District) was coded green and they considered that this was due to the fantastic work carried out by the Council; it was a reflection of where the Council found itself.

A Member said they could not find risk appetite in the Policy and believed that a definition should be included. The Policy was too two dimensional and officers were being asked to manage a high level of risk.

A Member contended that a number of the scores should be red rather than green, and with reference to A4, queried why the term 'genuine' affordable housing had been used. There was a cumulative effect with one of the Trading Companies posing a financial risk. They felt that there was a flaw in the way that the Register had been put together and this needed to be addressed.

Another Member made the point that with the pandemic likely to last another six months, people were being encouraged to work from home. As Council staff were already doing so, there must surely be an additional risk from them using their own equipment, and there did not seem to be a specific risk description to address this.

With regard to B3 (Failure to plan for and accommodate the impact of Brexit), a Member said they had been told by senior people in the equine industry that there was a quite detailed plan for post-December.

A further Member considered B1 (Inability to balance the Council's budget) to be understated and they could not see

how it was under control. The Medium Term Financial Strategy (MTFS) said there was a high risk and they queried why it had been coded amber. The Finance Manager replied that there was a balanced budget for 2021/22 and there was time to find savings for 2022/23.

The Member continued, highlighting their concerns regarding Risks C2, C4, C6 and D8 and said they would be interested to know what was being done to bring them more into the green score. Ms Ashley-Caunt said the General Data Protection Regulation (GDPR) was an area of concern; she had an action to check progress and would report back to the Committee. With regard to contracts, she wanted consistent advice, but there was not a fundamental concern about contracts.

In connection with affordable housing, a Member made the point that it was governed by the National Planning Policy Framework (NPPF). Whilst the Council would like to see 30 or 40% deliverability, viability had to be a consideration. It was not just affordable housing that was struggling to be built, but also private housing.

A Member responded, saying that the Policy was 30% affordable housing in Ely and 40% in the south of the District. This was not being delivered and there needed to be work to mitigate this. The Register had to be honest and actions must be taken to do this.

It was resolved:

- (i) **To recommend to Full Council that the updated Risk Management Policy, as set out in Appendix 3 of the report, be approved.**
- (ii) That the Corporate Risk Register, as set out in Appendix 2 of the report, be noted.

2019/20 TREASURY OPERATIONS ANNUAL PERFORMANCE REVIEW

Committee: Finance and Assets Committee

Date: 23rd July 2020

Author: Finance Manager

[V41]

1.0 ISSUE

- 1.1 To report on the Council's treasury operations during the 2019/20 financial year.
- 1.2 This report reviews the Treasury Management activity during the financial year 2019/20 and reports on the prudential indicators as required by CIPFA's Treasury Management Code of Practice.

2.0 RECOMMENDATION

- 2.1 Members are asked to note the contents of this report on the Council's treasury operations during 2019/20, including the prudential and treasury indicators as set out in Appendix 1; and
- 2.2 Recommend to Full Council approval of the report.

3.0 BACKGROUND / INTRODUCTION

- 3.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators each year, this is the report for 2019/20. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 3.2 During 2019/20 the minimum reporting requirements were that Full Council should receive the following reports:
- an annual treasury strategy in advance of the year (received by Council on the 21st February 2019);
 - a mid-year treasury update report, (this was reviewed by Finance and Assets Committee on 28th November 2019 and approved by Full Council on the 20th February 2020);
 - an annual review following the end of the year, describing the activity compared to the strategy (this report).

4.0 RESULTS

- 4.1 Cash investments totalled £10,877 million as at 31st March 2020, an increase of £4.686 million on the previous year. The Council's cash investments were all for periods of less than one year.
- 4.2 The large increase in cash is mainly down to three events,

- the Council's overall revenue underspend for the year as reported in the financial outturn report;
- additional CIL receipts;
- the repayment of £1.7 million of the loan previously awarded to East Cambridgeshire Trading Company (ECTC).

4.3 The outstanding value of the Council's loan to ECTC was £4.22 million at the 31st March 2020.

4.4 Interest received during the financial year was £332,949, which was £34,949 above the budget of £298,000. This figure is made up of £97,360 from investment in money markets and other short, fixed term investments and £235,589 from the loan to ECTC.

4.5 The average rate of return on cash investments held during the year (this excludes the loan to ECTC) was 0.775%. This was above the benchmark 7 day LIBID (London Inter-bank Bid Rate) which was 0.534%.

5.0 CONCLUSIONS

5.1 The size of the Council's investment portfolio is relatively small. Meaning that investment decisions have to be made primarily to accommodate cashflow requirements as opposed to optimising investment returns. Despite these pressures, opportunities for some pro-active investment decisions were taken during the year when opportunity arose, with funds being moved to fixed term investments and away from overnight accounts.

5.2 During the financial year the Council operated within its approved treasury limits and prudential indicators.

6.0 APPENDIX

6.1 Annual Treasury Management Review 2019/20

BACKGROUND DOCUMENTS	LOCATION	CONTACT OFFICER
Treasury Management Strategy as approved by Council on 21 st February 2019	Room 104 The Grange Ely	Ian Smith (01353) 616470 E-mail: ian.smith@eastcambs.gov.uk

Annual Treasury Management Review

2019/20

East Cambridgeshire District Council
April 2020

Annual Treasury Management Review 2019/20

1. Introduction

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2019/20. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2019/20 the minimum reporting requirements were that the Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 21/02/2019)
- a mid-year (minimum) treasury update report (Council 20/02/2020)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports, this was done by the Finance and Assets Committee, before they were reported to the Full Council.

Member training on the function of the audit committee was undertaken on 14th October 2019 as part of the overall training suite for members, following the elections in May, this in order to support the role of members' with regard to scrutiny.

2. The Council's Capital Expenditure and Financing

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

£000	2018/19 Actual	2019/20 Budget	2019/20 Actual
Capital expenditure	3,479	11,135	2,364
Financed in year	2,417	9,255	2,896
Unfinanced capital expenditure	1,062	1,880	-532

The unusual negative unfinanced capital expenditure position is the result of CIL funding being retrospectively applied to the Leisure Centre project in 2019/20, therefore reducing the amount of borrowing needed.

3. The Council's Overall Borrowing Need

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2019/20) plus the estimates of any additional capital financing requirement for the current (2020/21) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2019/20. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

£000	31 March 2019 Actual	31 March 2020 Budget	31 March 2020 Actual
CFR General Fund (£m)	14,487	16,637	11,761
Gross external borrowing position	0	8,000	0
Under / over funding of CFR	14,487	8,637	11,761

The authorised limit - the authorised limit is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2019/20 the Council has maintained gross external borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream.

	2019/20
Authorised limit	£15.0m
Maximum gross external borrowing position during the year	£0.0m
Operational boundary	£17.488m
Average gross external borrowing position	£0.0m
Financing costs as a proportion of net revenue stream	0%

4. Treasury Position as at 31 March 2020

At the beginning and the end of 2019/20 the Council's treasury position was as follows:

INVESTMENT PORTFOLIO	Actual 31.3.19 £000	Actual 31.3.19 %	Actual 31.3.20 £000	Actual 31.3.20 %
Treasury investments				
Banks	261	4.2	3,094	28.4
Local Authorities	0	0	1,000	9.2
Money Market Funds	5,930	95.8	6,783	62.4
TOTAL TREASURY INVESTMENTS	6,191	100	10,877	100

Non Treasury investments				
Loan to East Cambs Trading Company	4,620	100	4,220	100
TOTAL NON TREASURY INVESTMENTS	4,620	100	4,220	100

Treasury investments	6,191	57.3	10,877	72.0
Non Treasury investments	4,620	42.7	4,220	28.0
TOTAL OF ALL INVESTMENTS	10,811	100	15,097	100

The maturity structure of the investment portfolio was as follows:

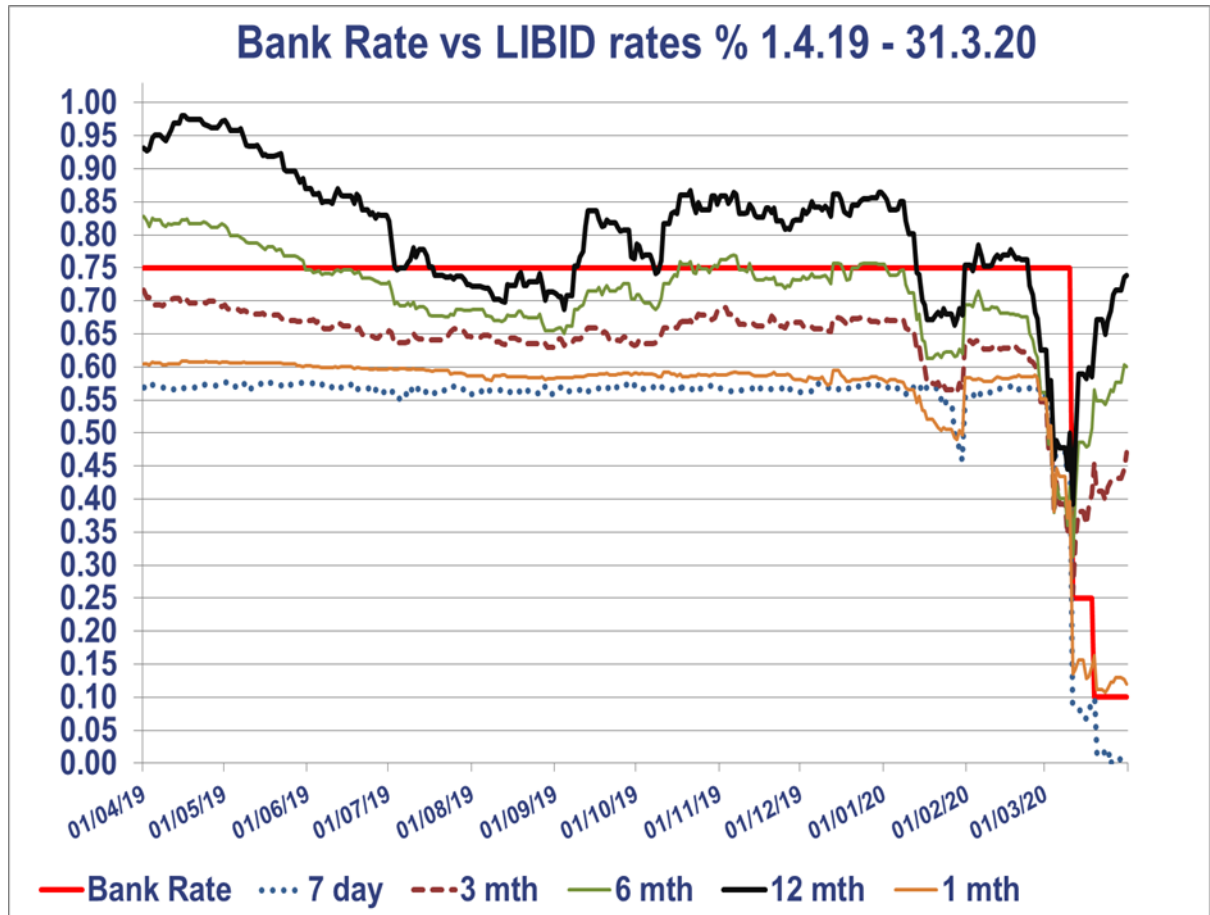
All Money Market investments are in cash and as such we have instant access to them.

The loan to Blackpool Borough Council was due back on the 26th May [post report date note: this has since been received back].

The loan to East Cambridgeshire Trading Company is due to be repaid on or before 31st March 2021 [post report date note: as a consequence of the Covid-19 pandemic and the implications of this on the cashflow of ECTC, the Council determined at its meeting on the 16th July, that while this loan will be repaid to schedule, a further loan facility will be made available to provide the Company with loan funding for an additional defined period].

5. The strategy for 2019/20

5.1 Investment strategy and control of interest rate risk



Investment returns remained low during 2019/20. The expectation for interest rates within the treasury management strategy for 2019/20 was that Bank Rate would stay at 0.75% during the year as it was not expected that the MPC would be able to deliver on an increase in Bank Rate until the Brexit issue was finally settled. However, there was an expectation that Bank Rate would rise after that issue was settled, but would only rise to 1.0% during 2020.

Rising concerns over the possibility that the UK could leave the EU at the end of October 2019 caused longer term investment rates to be on a falling trend for most of April to September. They then rose after the end of October deadline was rejected by the Commons but fell back again in January before recovering again after the 31 January departure of the UK from the EU. When the coronavirus outbreak hit the UK in February/March, rates initially plunged but then rose sharply back up again due to a shortage of liquidity in financial markets.

While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

5.2 Borrowing strategy and control of interest rate risk

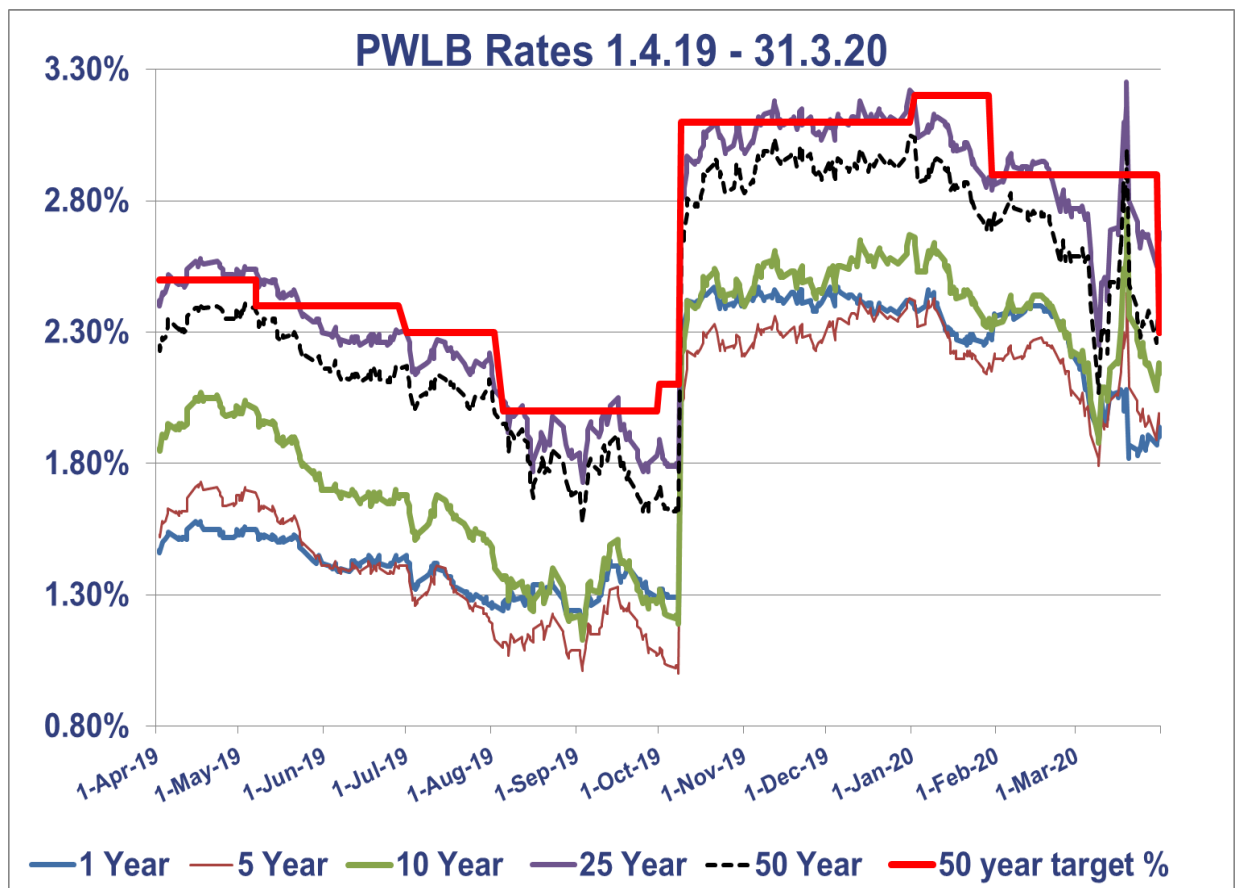
During 2019-20, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

The policy of avoiding new borrowing by running down spare cash balances, has served well over the past few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure.

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Finance Manager therefore monitored interest rates in financial markets and adopted a pragmatic strategy.

Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2019/20 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.

Link Asset Services Interest Rate View 31.1.20													
	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.25	1.25	1.25	1.25
3 Month LIBID	0.70	0.70	0.80	0.80	0.90	1.00	1.00	1.10	1.20	1.30	1.30	1.30	1.30
6 Month LIBID	0.80	0.80	0.90	1.00	1.00	1.10	1.20	1.30	1.40	1.50	1.50	1.50	1.50
12 Month LIBID	0.90	0.90	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.70	1.70	1.70
5yr PWLB Rate	2.30	2.30	2.40	2.40	2.50	2.60	2.70	2.80	2.50	2.60	2.70	2.80	3.10
10yr PWLB Rate	2.50	2.50	2.60	2.60	2.70	2.80	2.90	3.00	2.70	2.80	2.90	3.00	3.30
25yr PWLB Rate	3.00	3.00	3.10	3.20	3.30	3.40	3.50	3.60	3.30	3.40	3.50	3.60	3.90
50yr PWLB Rate	2.90	2.90	3.00	3.10	3.20	3.30	3.40	3.50	3.20	3.30	3.40	3.50	3.80



PWLB rates are based on, and are determined by, gilt (UK Government bonds) yields through H.M. Treasury determining a specified margin to add to gilt yields. There was much speculation during the second half of 2019 that bond markets were in a bubble which was driving bond prices up and yields down to historically very low levels. The context for that was heightened expectations that the US could have been heading for a recession in 2020, and a general background of a downturn in world economic growth, especially due to fears around the impact of the trade war between the US and China, together with inflation generally at low levels in most countries and expected to remain subdued; these conditions were conducive to very low bond yields. While inflation targeting by the major central banks has been successful over the past 30 years in lowering inflation expectations, the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the past 30 years. We have therefore seen, over the past year, many bond yields up to 10 years in the Eurozone turn negative. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. The other side of this coin is that bond prices are elevated as investors would be expected to be moving out of riskier assets i.e. shares, in anticipation of a downturn in corporate earnings and so selling out of equities.

Gilt yields were on a generally falling trend during the past year up until the coronavirus crisis hit western economies. Since then, gilt yields have fallen sharply to unprecedented lows as investors have panicked in selling shares in anticipation of impending recessions in western economies, and moved cash into safe haven assets i.e. government bonds. However, major western central banks also started quantitative easing purchases of government bonds which will act to maintain downward pressure on government bond yields at a time when there is going to be a huge and quick expansion of government expenditure financed by issuing government bonds; (this would

normally cause bond yields to rise). At the close of the day on 31 March, all gilt yields from 1 to 5 years were between 0.12 – 0.20% while even 25-year yields were at only 0.83%.

However, HM Treasury has imposed **two changes in the margins over gilt yields for PWLB rates** in 2019-20 without any prior warning; the first on 9 October 2019, added an additional 1% margin over gilts to all PWLB rates. That increase was then partially reversed for some forms of borrowing on 11 March 2020, at the same time as the Government announced in the Budget a programme of increased spending on infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; this was supposed to end on 4 June. It is clear that the Treasury intends to put a stop to local authorities borrowing money from the PWLB to purchase commercial property if the aim is solely to generate an income stream.

Following the changes on 11 March 2020 in margins over gilt yields, the current situation is as follows: -

- **PWLB Standard Rate** is gilt plus 200 basis points (G+200bps)
- **PWLB Certainty Rate** is gilt plus 180 basis points (G+180bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

There is likely to be little upward movement in PWLB rates over the next two years as it will take national economies a prolonged period to recover all the momentum they will lose in the sharp recession that will be caused during the coronavirus shut down period. Inflation is also likely to be very low during this period and could even turn negative in some major western economies during 2020-21.

6. Investment Outturn

Investment Policy – the Council’s investment policy is governed by MHCLG investment guidance, which has been implemented in the annual investment strategy approved by the Council on 21st February 2019. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources – the Council’s cash balances comprise revenue and capital resources and cash flow monies. The Council’s core cash resources comprised as follows:

Balance Sheet Resources (£000)	31 March 2019	31 March 2020
Earmarked reserves	9,358	9,625
CIL / Section 106	4,083	5,486
Provisions	1,362	1,385
Usable capital receipts	1,102	1,449
Cash / Debtors	4,772	4,693
Internal Borrowing	-14,486	-11,761
Total	6,191	10,877

Investments held by the Council

- The Council maintained an average balance of £12.559 million of internally managed funds.
 - Interest of £97,360 was earned on the Council's investments during 2019/20, this compares favourably to the budget of £13,000. (This excludes interest earned on the loan to ECTC.)
 - The internally managed funds earned an average rate of return of 0.775%.
 - The comparable performance indicator is the average 7-day LIBID rate, which was 0.534%.
-

LICENSING ACT 2003 LICENSING AUTHORITY STATEMENT OF LICENSING POLICY – FIVE YEAR REVISION

COMMITTEE: LICENSING COMMITTEE

DATE: 9 SEPTEMBER 2020

AUTHOR: SENIOR LICENSING OFFICER

[V57]

1.0 ISSUE

1.1 To approve the revised version of the Council's Statement of Licensing Policy, and recommend it for approval by Council.

2.0 RECOMMENDATION(S)

2.1 That Members consider the information contained in this report and determine to approve the draft Statement of Licensing Policy, as consulted upon, or determine to approve the draft Statement of Licensing Policy to include the suggested amendments shown as tracked changes in Appendix 2 in their entirety, or in part.

2.2 That Members recommend the approved Statement of Licensing Policy to full Council for adoption to come into effect on 7 January 2021.

3.0 BACKGROUND

3.1 The draft Statement of Licensing Policy was presented to the Licensing Committee on 24 June 2020 and formal consultation took place between 27 June 2020 and 14 August 2020

3.2 During the consultation period, the Licensing Authority received two formal responses. The first was from a premises licence holder, and the second was from the Cambridgeshire County Council Director of Public Health (the "DPH").

The following table provides a summary of the points raised. The full content of the responses can be found attached as **Appendix 1**.

Table 1

Responder	Section	Change requested
DPH	Section 1.70 (Page16)	Updating of the LAPE website address for alcohol information
Licence Holder	Paragraph 1.99 (Page 20)	Seeks clarification regarding when free advice ends and paid for advice becomes necessary

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 Officers have considered the content of the submissions made by the two responders to the consultation, and have the following suggestions for Members consideration:

Table 2

Paragraph	Suggested amendments
1.70	Replace www.lape.org.uk with https://fingertips.phe.org.uk/profile/local-alcohol-profiles
1.99	<ul style="list-style-type: none">• Insert, “general” before “advice” on the 9th line.• Replace, “If additional assistance is required” at the end of the 9th line with, “If following the receipt of this guidance an application needs to be submitted, and additional assistance is required,”

- 4.2 Approving the amendments in Table 2 above will reflect the change requested by the DPH, and it will clarify when freely available advice will end and chargeable advice may commence. It is considered that these minor amendments will answer the points raised by those who took the time to respond to the consultation.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no cost implications over and above the normal costs of administering the 2003 Act.
- 5.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

6.0 APPENDICES

- 6.1 Appendix 1 Consultee responses
- 6.2 Appendix 2 Amended draft Statement of Licensing Policy
- 6.3 Appendix 3 Equality Impact Assessment (EIA)

Background Documents

The Licensing Act 2003

Revised Guidance issued under Section 182 of the Licensing Act 2003, April 2018

Location

Room SF208
The Grange,
Ely

Contact Officer

Stewart Broome
Senior Licensing Officer
(01353) 616477

14th August 2020

Public Health Directorate
Box SH1108
Shire Hall
Castle Hill
Cambridge
CB3 0AP

Dear Stewart,

I would like to thank you for the opportunity to consult on the East Cambridgeshire Statement of Licensing Policy. I have reviewed the document note that only relatively minor changes are being made at this time.

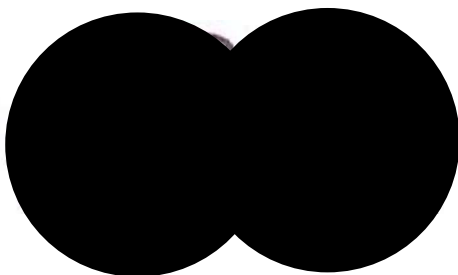
It was encouraging to see following areas are included in the Licensing Policy:

- The Licensing Authority acknowledges that the Director of Public Health (the "DPH") will be useful in providing evidence of alcohol related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders, and will therefore ensure that the DPH is consulted on such matters.
- The response also recognises the availability of health data including data on local alcohol related admissions, alcohol specific hospital admissions and alcohol related deaths and treatment data on the numbers in alcohol structured treatment service in the local area

I would like to highlight that the route for accessing Local Alcohol Related Profiles has changed since the Policy was last updated in 2015. I would suggest in the revised policy the link to LAPE is replaced with the following link <https://fingertips.phe.org.uk/profile/local-alcohol-profiles> which gives information on 26 different alcohol related hospital measures.

I also note in your policy there are no plans to put in place any Cumulative Impact Policies in the East Cambs area at this time. CIP's can be an effective tool for strengthening measures to mitigate the impact of excessive alcohol sales on the local community. I would like to highlight that sometimes the cumulative impact of alcohol sales is felt on smaller localities but is masked from view by looking at data from the district level. Whilst alcohol related hospital admissions are at or below national average for East Cambridgeshire some areas for example within the Ely North PCN are statistically worse than England. I would like to highlight that the Public Health Intelligence team are able to pull off alcohol related hospital data at a ward level if needed to give greater granular detail. Please get in touch if you like more detailed data to inform you work at a local level.

Yours sincerely



Dr Liz Robin (Director of Public Health)

Dear Stewart,

As requested, I have looked through the changes to the LA03 document.

I have no comments on any of the changes, with the exception of paragraph 1.99 (and the related 1.100).

Paragraph 1.99 can be broken down into 3 parts. The first part is simply introduction and gives no useful information:

"The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide, and welcomes the diversity of activities that are provided by licence holders."

The second part states that pre-application help will be provided "as resources permit":

*"... pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities of the Council will offer as much advice and guidance to applicants **as resources permit.**"*

The third part then gives some information on what will happen in the cases where resources do not permit sufficient guidance.

My concern is that there is a conflict between parts 2 & 3. Who has the authority to decide that sufficient resources have been provided to solving a problem, before the applicant is encouraged to pay **the same people** for further help? My experience recently with Trading Standards suggests that little-to-no help is given freely, as my question was immediately deemed to be one requiring payment before I would receive an answer.

Therefore, if it is the case that (for example) 30 minutes of consultation is the maximum that will be provided freely, or (again, for example), certain questions will always require payment before being answered, then I think that this should be stated clearly. This will help to avoid the "judge and jury" situation that may occur deciding when further assistance will incur payment.

Best regards,

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East Cambridgeshire District Council

Licensing Act 2003

STATEMENT OF LICENSING POLICY



Published: TBC
Effective: 7 January 2021

PREFACE

This is the fifth Statement of Licensing Policy produced by East Cambridgeshire District Council under the Licensing Act 2003, having been approved by the Council on 22 October 2020. It will be the basis for all licensing decisions taken by the Council as the Licensing Authority over the next five years commencing on 7 January 2021.

The Statement of Licensing Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important the entertainment industry is within the district and well-run businesses will get the support of the Council. New licensing related developments that are well planned and can demonstrate initiatives that uphold the four licensing objectives of the Licensing Act 2003 are welcomed. However, the Council will not hesitate in dealing firmly where problems relating to crime and disorder and anti-social behaviour or nuisance exist.

The Statement of Licensing Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

In reviewing this policy statement, the Licensing Authority has taken account of new revised Guidance issued by the Home Office.

This revised Statement of Licensing Policy was offered for consultation between 27 June 2020 and 14 August 2020 to statutory consultees, responsible authorities, interested parties and the public at large. Notice of the consultation process was advertised on the Council's website and copies were placed at the Council's Reception at The Grange, Nutholt Lane, Ely, CB6 4EE and in each of the libraries within the East Cambridgeshire district.

Formal responses to the process were requested to be made in writing to:

Licensing Section
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
CB6 4EE

or by email to licensing@eastcambs.gov.uk

East Cambridgeshire District Council is one of five district authorities and one unitary authority that make up the County of Cambridgeshire. It has a population of approximately 85,500 (mid 2014 est.) and covers an area of almost 65,500 hectares.

The district is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East.

The district has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. Close to Cambridge, the district enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

East Cambridgeshire district offers a wide and developing variety of culture, history, businesses, recreation and dwellings with transport infrastructure provided by the mainline railway to London, Peterborough, Cambridge and Stansted Airport, and local bus services.



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1.0 INTRODUCTION

Foreword

- 1.1 East Cambridgeshire District Council is the “Licensing Authority” under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, personal licences and authorising temporary event notices in the East Cambridgeshire district in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 The Licensing Authority is required to discharge its licensing function through a committee of between 10 and 15 members – the Licensing Committee. The Council has appointed a Licensing Committee compatible with this requirement, and a Licensing Sub-Committee (drawn from Members of this Committee) has been established to determine applications. The quorum of the Sub-Committee is three.
- 1.3 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant’s operating schedule aim to achieve the four licensing objectives. Bold type in this policy refers to matters that the Licensing Authority expects to see addressed in the applicant’s operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.4 However, it should be recognised that this policy covers a wide variety of premises and activities undertaken therein, including theatres, cinemas, restaurants, pubs, nightclubs, private members’ clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 23:00 hours. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives, nor can it detail all the control measures that may be appropriate.

Licensing Objectives

- 1.5 The 2003 Act requires the Licensing Authority to undertake its various licensing functions in a manner that promotes the four licensing objectives. These are
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.

These objectives are the only matters to be taken into account in determining the application and any conditions to be attached must be appropriate to achieve the licensing objectives.

- 1.6 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**

Statement of Licensing Policy

- 1.7 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.8 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to Home Office Guidance issued under Section 182 of the Act.
- 1.9 The 2003 Act further requires the Licensing Authority to monitor, review, and, where appropriate, amend its Statement of Licensing Policy. The Licensing Authority will consult with those groups mentioned in paragraph 1.13 below prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future five-year period.
- 1.10 This Statement of Licensing Policy was reviewed in June 2020, circulated for consultation between 27 June 2020 and 14 August 2020 prior to being ratified by Council on 22 October 2020. It has effect until 6 January 2026.

Disclaimer

- 1.11 Advice and guidance contained in the Statement of Licensing Policy is intended only to assist readers and should not be interpreted as legal advice. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Licensing Act 2003 or of the Guidance or Regulations issued under the Act.

Consultation

- 1.12 There are a number of groups that have a stake in the leisure industry, including providers, customers, residents and enforcers, all of which have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.13 In developing this policy statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Responsible Authorities), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

- 1.14 The Licensing Authority acknowledges that the Director of Public Health (the “DPH”) will be useful in providing evidence of alcohol- related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders, and will therefore ensure that the DPH is consulted on such matters.

Links to other Strategies

- 1.15 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in East Cambridgeshire District Council’s local strategies on crime prevention, planning, transport, culture, tourism, community, eGovernment, health and wellbeing, and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact upon this Statement of Licensing Policy.
- 1.16 Where appropriate, the Licensing Authority will co-ordinate and liaise with the Planning Authority and will provide information regarding licensed premises in the area, including evidenced alcohol related crime and disorder information, to enable the Planning Committee to have regard to such matters when making decisions. .
- 1.17 The Licensing Authority recognises its responsibilities under the Equality Act 2010, and the Human Rights Act 1998, and in particular Article 6 (right to a fair public hearing), Article 8 (right to respect for home, private, and family life) and Article 1 of the first protocol (right to peaceful enjoyment of property and possessions). The Licensing Authority also recognises its responsibilities under the Data Protection Act 2018, and the General Data Protection Regulation (GDPR) when it comes to handling and storing personal data, and has created a data retention and sharing policy which is available via the Council’s website.

Regulated Entertainment

- 1.18 Regulated entertainment has been subject to a number of changes since the first licensing statement of policy was produced in 2005 due to the 2003 Act being amended by other legislation. Applicants should be aware that the Licensing Authority will apply the rules applicable to the provision of regulated entertainment at the time of application. Full information on regulated entertainment is available on the Council’s website.
- 1.19 The Licensing Authority will look to balance the natural concerns of parties likely to be affected by regulated entertainment with the wider cultural benefits, particularly the cultural benefits for children of holding events.

Licensing Process

- 1.20 When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003 and the licensing objectives
 - Government Guidance issued under Section 182 of the Licensing Act 2003
 - any supporting regulations
 - this Statement of Licensing Policy.
- 1.21 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.22 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of night-time economies that are important for investment, employment and tourism.
- 1.23 When determining applications by the Licensing Committee, the Licensing Authority will seek to balance those factors against its duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 1.24 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.
- 1.25 There may be occasion where East Cambridgeshire District Council seeks a premises licence from the Licensing Authority for one or its properties or promoted events. The Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 1.26 In all cases, the Council will observe the rights of appeal afforded by the Licensing Act 2003.
- 1.27 It should be noted that incomplete applications will not be accepted, but will be returned with an explanation of why it is incomplete.
- 1.28 The Licensing Authority welcomes applications made via East Cambridgeshire District Council's electronic application facility.

Planning and Building Control

- 1.29 The Licensing Authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.

- 1.30 **The Licensing Authority would normally expect that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** However, the Licensing Authority acknowledges that applications for premises licences or club premises certificates may be made prior to any relevant planning permission having been sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained where necessary.
- 1.31 The Licensing Authority recognises that licensing applications should not be a re-run of a planning application nor should they cut across decisions taken by the planning committee or following appeals against decisions taken by the Council's planning committee. The Licensing Authority's licensing committee will not be bound by decisions made by the Council's planning committee and vice versa.
- 1.32 Where the granting of any variation to a premises licence or club premises certificate involves a material alteration to a premise, the Licensing Authority would expect the applicant to apply for relevant planning permission or building control consent where appropriate.
- 1.33 **The Licensing Authority recognises that when, as a condition of planning permission a terminal hour has been set for the use of the premises for commercial purposes, and where these hours are different from the licensing hours, the applicant must observe the earlier closing time.** Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Applications

- 1.34 Where licensable activities are to take place an application for a premises licence, or a club premises certificate must be made, or a Temporary Event Notice must be served on the relevant parties.
- 1.35 Premises licence and club premises certificate holders can apply to vary their permission providing the variation is not considered to be a substantial change to their existing licence or certificate. Substantial changes would require a new application to be submitted. Substantial is not defined, and although each application will be considered on its own merits, applicants are advised that the Licensing Authority considers the addition of alcohol as a licensable activity, or the increase in premises footprint or licensable area by more than 30% as being a substantial change.
- 1.36 A simplified process minor variations process was introduced in 2009 allowing for certain minor amendments which are unlikely to have a detrimental impact on the licensing objectives to be determined by Officers. Officers will consult with relevant responsible authorities where there is any doubt of possible impact on the licensing objectives. There is no right to a hearing, or appeal with such applications although any comments made by other persons or responsible authorities must be taken into account before any decision is made.

- 1.37 Where the proposed variation to a premises licence or club premises certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in addition to the existing premises licence or club premises certificate and the plan to which it relates.
- 1.38 Administrative amendments can be made without applying for a full application. The process the applicant will undertake will depend on the nature of the change. Examples of such changes are below.
- change of name and address of a person named in the licence;
 - variation of the licence to specify a new individual as designated premises supervisor;
 - transfer of a licence
 - request to be removed as designated premises supervisor;
 - request of a community premises to disapply the mandatory condition concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence.

Temporary Event Notices

- 1.39 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the Police, and Environmental Health, and the Licensing Authority. When giving a temporary event notice (TEN), consideration shall be given to the four licensing objectives. The Police or Environmental Health may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, if they believe an objective will be undermined. In some cases this could result in the Licensing Authority imposing conditions on a temporary event notice (TEN). The Licensing Authority only intervenes if the statutory permitted limits on temporary event notices would be exceeded, or the minimum notice periods are not observed.
- 1.40 The Licensing Authority recommends providing at least one month's notice, but the statutory minimum notification period is ten clear working days for a 'standard' TEN, and no less than 5 clear working days for a 'late' TEN not including the day of the event or the day the TEN is received.

Responsible Authorities and Authorised Persons

- 1.41 The Licensing Authority recognises the Responsible Authorities and Authorised Persons contained in section 13 of the 2003 Act (as amended), and will consult with them when required, and accept applications from them when submitted.

- 1.42 East Cambridgeshire District Council will make the full list of Responsible Authorities available on its website. This list will include the full contact details of these bodies to enable an applicant or licence holder to fulfil their obligations under the 2003 Act.
- 1.43 The Licensing Authority also considers that the DPH will also be useful in providing evidence such as alcohol related A & E admissions or ambulance service data that might be directly relevant to an application being made under the 2003 Act.'

Other Persons

- 1.44 Other persons can make representations about licensing applications or apply for a review of an existing licence or club premises certificate.
- 1.45 An “other person” is defined as any person who lives or is involved in a business in the relevant authority’s area, who is likely to be affected by the application.
- 1.46 The principles that the Licensing Authority will apply to determine whether an individual is an “other person” are that:
- each case will be decided upon its merits;
 - the Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Guidance to the Act;
 - the Licensing Authority will also consider the term ‘involved in any business’ in its widest possible context, which might include partnerships, charities, faith groups and medical practices;
 - the Licensing Authority recognises that any individual or group may specifically request a representative to act on their behalf, i.e. legal representatives, ward, district or town/parish councillors and MPs.
- 1.47 The Licensing Authority acknowledges that local councillors can make representations as an “other person” in their own right if they live, or are involved in a business in authorities area, or in their capacity as a local councillor if they have concerns about any premises regardless of whether they live or are involved in a business in the authorities area.
- 1.48 The Licensing Authority considers that Trade Associations, Trade Unions and residents and Tenants’ Associations qualify as “other persons” where they can demonstrate that they represent persons in paragraph 1.41.
- 1.49 The Licensing Authority will not generally view these bodies as an “other person” unless they have a member who can be classed as an “other person”.

- 1.50 The Licensing Authority will generally require written evidence that a person is authorised to represent an “other person” in any case other than that mentioned in paragraph 1.47 above.

Representations

- 1.51 Any Responsible Authority or “other person” may make relevant representations on applications for the grant or variation or minor variation of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.52 A representation will only be ‘relevant’ if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, in the case of a representation submitted by an “other person”, the representation must not be frivolous or vexatious.
- 1.53 The licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made, including the name and address of the person who submitted it. Unless a person making a representation can satisfy the licensing authority that there are exceptional reasons as to why their name and address should not be made public (in which case some or all of their details may be withheld), these details will be released. Due to this “other persons” may wish to approach a responsible authority or ward councillor with their concerns.
- 1.54 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates’ Court against the decision of the committee.
- 1.55 Where the Responsible Authorities or an “other person” does not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Conditions

- 1.56 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.57 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations, or in the case of a temporary event notice relating to an event being held on a licensed premises where an objection notice is received, and it has been satisfied at a hearing that it’s appropriate to impose conditions due to the representations/ objection notice raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of consideration of the representations/ objection notice.

- 1.58 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and thereby achieves the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.
- 1.59 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 1.60 Where relevant representations are made, the Licensing Authority will weigh up all the evidence and determine the application with the requirement to uphold the licensing objectives at the front of their minds.
- 1.61 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
- 1.62 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These could include
- planning controls
 - positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport **operators, etc.**
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - police enforcement of the general law concerning disorder, anti-social behaviour and ASBOs, including the issuing of fixed penalty notices for disorder, making dispersal orders, etc.
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - the confiscation of alcohol from children and adults in designated areas

- police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

- 1.63 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such. The Licensing Authority reserves the legal right to amend the wording of offered prohibitions or restrictions to ensure they are clear and enforceable, but will ensure that the amended wording does not go beyond the original offering.
- 1.64 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be appropriate for promotion of the licensing objectives.

Delegation of Functions

- 1.65 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 1.66 The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance.
- 1.67 In determining applications where the Licensing Authority has acted as a responsible authority, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating distinct functions to different Officers within the authority, so the Officer presenting the report to the Sub-Committee and advising the Members will be a different individual to the Officer who is acting as the responsible authority. The Officer acting as the responsible authority will not be involved in the decision making process.

Need for Licensed Premises

- 1.68 There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a

matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

Special Policies

- 1.69 The Licensing Act 2003 permits a Licensing Authority to introduce a number of special policies within its Statement of Licensing Policy where evidence exists to support the introduction of such a special policy.
- 1.70 Sections 1.71 to 1.96 explains these special policies in more detail. However, when considering whether to adopt a special policy the following will be considered amongst other relevant data, or information:
- Health Data including the wider public health and local alcohol profiles for England (LAPE) data [https: www.lape.org.uk](https://www.lape.org.uk) <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>
 - Data on alcohol related hospital admissions, alcohol specific hospital admissions and alcohol related deaths in the local area
 - Treatment data on the number of people in the area in a structured alcohol treatment service
 - The identification of concerns about crime and disorder, public safety, public nuisance, or the protection of children from harm;
 - Consideration as to whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
 - If such problems are occurring, to identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - Identification of the boundaries of the area where problems are occurring;
 - Consultation with those specified in the Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Cumulative Impact

- 1.71 “Cumulative impact” means the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.
- 1.72 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.

- 1.73 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting, or are likely to result, in unacceptable levels of crime and disorder or public nuisance. Section 5A of the Licensing Act 2003 will be observed.
- 1.74 At the time of publishing this policy the Licensing Authority, having regard to the evidence available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.
- 1.75 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents, or businesses, or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be upon the objectors to provide evidence that additional licences or the variation of existing licences would produce the cumulative impact claimed. Such approaches will be considered by the Licensing Sub-Committee.

Early Morning Restriction Order

- 1.76 Whilst the Licensing Act 2003 introduced a single integrated scheme for licensing premises used for the sale or supply of alcohol, regulated entertainment and late night refreshment, one of its primary purposes has been to tackle problems associated with misuse of alcohol.
- 1.77 It has now been recognised by Government, through statutory guidance, that longer hours were not necessarily an answer to all problems. As a result licensing authorities have been given greater discretion in their approach to the management of licensed premises in their areas. On 31st October 2012 amendments to the 2003 Act, by virtue of the Police Reform and Social Responsibility Act were commenced, which allows licensing authorities to adopt new measures for the management of their night time economies.
- 1.78 One of these measures is an Early Morning Restriction Order (EMRO), which allows local authorities to look at restricting the sale of alcohol at a specified time between the hours of midnight and 6:00am.
- 1.79 EMROs are intended to deal with alcohol-related crime & disorder, anti-social behaviour, and serious public nuisance, which is not directly attributable to licensed premises. LAs are encouraged to look at the relationship between their existing cumulative impact area, if one is in place, and a proposed EMRO area.
- 1.80 An EMRO restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 0000-0600 and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices. There are no exceptions save that which authorise supply of alcohol to residents with overnight accommodation via mini-bars and room service.

- 1.81 An EMRO can apply to a specific area or even single street – it does not need to be district-wide. It can apply to specific days of the week, can specify different times for different days of the week, and can apply to limited periods of the year or for an unlimited period. But it cannot apply on New Year’s Eve/New Year’s Day.
- 1.82 EMROs do not affect authorised hours for regulated entertainment or late night refreshment.
- 1.83 The adoption of an EMRO is subject to a process involving the collection and analysis of relevant evidence and a consultation exercise with the public and holders of licences and/or club premises certificates. A representation from residents or businesses or a responsible authority may trigger the consideration of implementing an EMRO. The decision to adopt an EMRO has to be taken by a meeting of the Council.
- 1.84 EMROS must be periodically reviewed to ensure they remain appropriate to promote the licensing objectives and can be varied or revoked via the same process as adoption.
- 1.85 Alcohol supply during the time when an EMRO is in force is treated as a Section 136 offence under LA03 (unauthorised licensable activity).
- 1.86 At the time of publishing this policy the Licensing Authority, having regard to the evidence available, considers that there is no particular part of the district that requires an EMRO.

Late Night Levy

- 1.87 A Late Night Levy (LNL) is an optional power, introduced by the Police Reform and Social Responsibility Act which allows Licensing Authorities (LAs) to raise a contribution towards the costs of policing the night time economy (NTE) by charging a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole borough and also applies to all on- and off-licences. TENS are not included.
- 1.88 A LNL would require that a levy be paid by those persons who are authorised to sell alcohol between the periods specified in the LNL (the ‘late night supply period’) regardless of whether they are actually open during that period. This can be no earlier than 0000hrs and no later than 0600hrs, and must be the same period every day.
- 1.89 At least 70% of the Levy must be paid to the Police and Crime Commissioner.
- 1.90 There are no restrictions on what the police portion can be used for. The Local Authority portion can be used to tackle alcohol-related crime and disorder and to support management of the NTE in line with the: reduction

of crime and disorder; promotion of public safety; prevention of public nuisance; street cleansing.

- 1.91 The implementation of a LNL is subject to public consultation and, if it is to be introduced, must be adopted at a meeting of the Council.
- 1.92 The Licensing Authority may deduct the costs of preparing, publicising & administrating the levy (subject to regulations) before paying the police proportion; however an estimate of these costs must be published on the website.
- 1.93 Licensing Authority's should consider the potential financial risk (e.g. lower than expected revenue – the police portion must be paid regardless of whether the levy has been collected in full) prior to implementation.
- 1.94 Holders of authorisations affected by the levy may make a free variation application such that they may avoid being affected by the levy. The Licensing Authority should allow at least two months to holders to make such applications.
- 1.95 The levy will apply indefinitely however it must be reviewed at regular intervals and may be ceased at the end of a levy year.
- 1.96 The council have not adopted this provision and before doing so would conduct a full consultation.

Public Space Protection Orders (PSPO)

- 1.97 Public Space Protection Orders (PSPO's) replaced Designated Public Place Orders (DPPO's) when the Anti-social Behaviour Crime and Policing Act 2014 came into effect.
- 1.98 East Cambridgeshire District Council's Community Safety Partnership is responsible for the introduction and management of PSPO's within the district.

Advice and Guidance

- 1.99 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide, and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities of the Council will offer as much [general](#) advice and guidance to applicants as resources permit. ~~If additional assistance is required~~ [If following the receipt of this guidance an application needs to be submitted, and additional assistance is required,](#) the Licensing Authority provides a paid for licensing pre-application advice service for all applicants. Full details are available on the Council's website.

- 1.100 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that he/she discusses his/her proposal with the Licensing Section and those from who they think representations are likely prior to submitting an application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Reviews of Licences

- 1.101 At any stage following the grant of a premises licence a responsible authority (including the licensing authority) or another person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with one of the four licensing objectives. In addition, a review of the licence will normally follow any action to close the premises (for up to 24 hours) on the grounds of disorder or noise nuisance or as a result of a Magistrates' Court determination.
- 1.102 Where the Licensing Authority has applied to review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest.
- 1.103 Under the Violent Crime Reduction Act 2006, following an application from the chief officer of police, the Authority can attach interim steps to licences pending a full review. The Act also introduced a new offence in relation to persistent alcohol sales to minors.
- 1.104 Any application for review must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of one or more of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Applications will not be accepted if they are considered to be frivolous, vexatious or repetitive. Government Guidance suggests that more than one request originating from an "other person" or Responsible Authority for a particular premise within a reasonable interval may be considered as repetitious.
- 1.105 Prior to the hearing, the licence holder will be made fully aware of the representations, the evidence supporting the request and will be given the opportunity to prepare a response.
- 1.106 The licensing authority views particularly seriously applications for the review of any premises licence where there has been evidence of the following:
- a) use of licensed premises for the sale and distribution of drugs and/or the laundering of the proceeds of drug crimes;
 - b) use of licensed premises for the sale and/or distribution of firearms;
 - c) evasion of copyright in respect of pirated films and music;
 - d) underage purchase and consumption of alcohol;

- e) use of licensed premises for prostitution or the sale of unlawful pornography;
- f) use of licensed premises for unlawful gaming;
- g) use of licensed premises as a base for criminal activity;
- h) use of licensed premises for the organisation of for example, racist, homophobic or sexual abuse or attacks;
- i) use of the licensed premises for the sale or supply of illegal goods;
- j) use of the licensed premises for the sale or supply of illicit or counterfeit tobacco and/or alcohol and/or consumer goods;
- k) the use of licensed premises for the sale of stolen goods;
- l) where the police are frequently called to attend to incidents of disorder;
- m) prolonged and/or repeated instances of public nuisance;
- n) where serious risks to public safety have been identified and the management is unable or unwilling to correct those
- o) where serious risks to children have been identified.

Enforcement

- 2.00 The licensing authority has an established enforcement policy, based around the principles of consistency, targeting, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat. Due regard will also be given to the Regulator's Compliance Code issued by the Department for Business Enterprise and Regulatory Reform and the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 2.01 The licensing policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been breached. An isolated administrative offence, such as failing to maintain certain records, may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety, such as failing to maintain fire extinguishers properly, may result in a referral for prosecution.
- 2.02 The licensing authority will seek to work actively with the police, and other statutory authorities in enforcing licensing legislation. It expects the agencies to share information about licence holders and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the licensing authority when any enforcement action may be required.
- 2.03 The licensing authority will investigate allegations of unlicensed activities and to ensure that licence conditions are complied with.

Inspection of Premises

- 2.04 Any inspection regime will be targeted at those premises that pose the greatest risk and are known to cause the greatest problems.

- 2.05 The licensing authority will aim to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers as appropriate.

Annual Fees for Premises Licences, and Club Premises Certificates

- 2.06 The Police Reform and Social Responsibility Act 2011 introduced a requirement for Licensing Authorities to suspend Premises Licences and Club Premises Certificates when the annual fee is not paid by the due date.
- 2.07 Where a licence or certificate holder disputes the presented fee, or claims an administrative error prior to the annual fee due date, the suspension will start after the 21 day permitted grace period has expired.

3.0 LICENSING OBJECTIVES

- 3.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 3.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 3.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 3.4 **The selection of control measures, referred to in 3.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

- 3.5 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 3.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 3.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 3.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could include
- the nature of the premises or event
 - the availability of alcohol treatment services to the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the age of the customers
 - the attendance by customers with disabilities or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation
 - nature and provision of facilities for ventilation
 - provision of seating
 - retention of room divisions to minimise the effect of any disorderly activity
 - use of separate areas in single-room pubs to minimise the effect of any disorderly activity.
- 3.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as**

on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

4.0 PREVENTION OF CRIME AND DISORDER

4.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.

4.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

4.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

4.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include

- under-age drinking
- drunkenness on premises
- public drunkenness
- drugs
- violent behaviour
- anti-social behaviour.
- alcohol pricing, and marketing

4.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID

- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- employment of Security Industry Authority licensed door supervisors
- provision of toughened or plastic drinking vessels
- provision of secure, deposit boxes for confiscated items ('sin bins')
- provision of security measures, such as lighting outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

- 4.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 4.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.
- 4.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten clear working days, or five clear working days (Late TENs) minimum statutory notice, to enable the police, and environmental health to consider them. The Licensing Authority acknowledges that 'working days notice' means working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

5.0 PUBLIC SAFETY

5.1 East Cambridgeshire District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

5.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered. These could include

- the occupancy capacity of the premises
- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

5.3 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

6.0 PREVENTION OF PUBLIC NUISANCE

- 6.1 Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. East Cambridgeshire District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 6.2 **The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.**
- 6.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance may be suitable for 24-hour opening.
- 6.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.
- 6.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 6.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and, in particular, the presence of noise-limiting features
 - the occupancy capacity of the premises
 - the availability of public transport
 - ‘wind down period’ between the end of the licensable activities and closure of the premises
 - last admission time.

6.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting
- management arrangements for collection and disposal of litter
- effective ventilation systems to prevent nuisance from odour.

7.0 PROTECTION OF CHILDREN FROM HARM

7.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

7.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

7.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm. Potential harm can come from interactions with other persons, and from the broadcast of media such as, the exhibition of films, or the transmission of live broadcast programmes or social media whilst on licensed premises.

7.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is appropriate, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice, subject to compliance with the general provisions of the 2003 Act.

7.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be

implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

7.6 Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- where there's a known association with drug taking or dealing
- where there's a known association with the provision of illicit goods
- where the premises or event supplying alcohol is in close proximity to services where young and/or vulnerable persons may frequent
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- avoiding alcohol branding that is targeted at young persons, such as alcopops
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol
- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

- 7.8 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or East Cambridgeshire District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if appropriate.**
- 7.9 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.
- 7.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate.

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	Licensing Act 2003 – Statement of Licensing Policy
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date EIA Completed:	18/8/2020

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

It is a requirement under section 5 of the Licensing Act 2003 to have and review a statement of licensing policy at least every 5 years. It provides the framework for determining applications.

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Persons wishing to conduct licensable activities

- (c) **Is the EIA informed by any information or background data (quantitative or qualitative)?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Yes – a full consultation took place between 27 June 2020 and 14 August 2020, and no adverse comments were received.

- (d) **Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics?** (please tick all that apply)

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

No

(e) Does the policy have a differential impact on different groups?	NO
(f) Is the impact <i>adverse</i> (i.e. less favourable)?	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	NO

(h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.

No. Policy amendments purely legislative. Public consultation was held between 27 June 2020 and 14 August 2020

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders.

(i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

The updates are due to legislative changes, and do not introduce anything outside of this. Due to this I am happy that no person will be placed at a disadvantage.

(j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

None

(k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	X
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

- (I) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified?** Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

Completing Officer:	Stewart Broome	Date:	18/8/2020
	_____		_____
Head of Service:	Liz Knox	Date:	18/8/2020
	_____		_____

CORPORATE RISK MANAGEMENT – POLICY AND UPDATE

To: Finance & Assets Committee

Date: 24th September 2020

From: Head of Internal Audit, LGSS

[V63]

1. **ISSUE**

- 1.1. To seek approval of the updated Risk Management policy and provide Members with a copy of the latest Corporate Risk Register and framework.

2. **RECOMMENDATION**

- 2.1. Members are requested to:

- i. Recommend to Full Council to approve the updated Risk Management Policy as set out in Appendix 3, and
- ii. Note the Corporate Risk Register as set out in Appendix 2.

3. **BACKGROUND/OPTIONS**

- 3.1. Finance and Assets Committee is responsible for overseeing the Council's Corporate Risk Register and recommending revisions to the Council's Risk Management policy.
- 3.2. Updates on the Corporate Risk Register are provided on a six monthly basis. The Finance & Assets Committee last received an update in February 2020. The updates to the Register are facilitated and collated by Internal Audit but remain the responsibility of senior management.
- 3.3. The Corporate Risk Register (Appendix 2) has been updated to reflect the latest risks for the Council, including those posed by the Covid-19 pandemic.

4. **ARGUMENTS/CONCLUSIONS**

- 4.1. Appendix 1 of this report provides Members with some background information on Corporate Risk Management. It has been three years since the policy was adopted and therefore a review has been undertaken by senior management, with guidance from Internal Audit to ensure the policy remains fit-for-purpose.
- 4.2. The review concluded that there is no need to change the structure of the policy other than minor amendments to reflect the Corporate Plan and the Governance Structure.
- 4.3. Appendix 2 provides the updated Corporate Risk Register.
- 4.4. Appendix 3 sets out the updated policy arising from the review referred to in Appendix 1

4.5 Appendix 4 is provided to Members as a background document which provides detail on how risks are assessed and managed in the organisation.

5. FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

There are no additional financial implications arising from this report. An Equality Impact Assessment is not required.

6. APPENDICES

Appendix 1 – Corporate Risk Management Report – September 2020

Appendix 2 – Corporate Risk Register

Appendix 3 – Risk Management policy

Appendix 4 – Risk Management framework

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	LGSS, Room 207 The Grange Ely	Duncan Wilkinson, Chief Internal Auditor duncan.wilkinson@milton-keynes.gov.uk Rachel Ashley-Caunt Head of Internal Audit RAshley-Caunt@rutland.gov.uk

Appendix 1 – Corporate Risk Management Report – September 2020

Background

1. Risk management is a key element of East Cambridgeshire District Council's Code of Governance. The Council has experience in Risk Management and has prepared Risk Registers which have been reviewed and approved by the senior management, the former Corporate Resources & Finance Committee, and full Council.
2. The Finance and Assets Committee is now responsible for overseeing the Council's Corporate Risk Register and recommend revisions to the Council's Risk Management Strategy.
3. The format of the Corporate Risk Register and revised approach to Risk Management was approved by the Resources and Finance Committee on 20th July 2017. At this meeting the Committee also recommended to Council that the proposed amendments to the Corporate Risk Register and Risk Management Policy were adopted. Full Council approved the amendments on 5th October 2017.
4. Six monthly updates on the Corporate Risk Register have since been presented to the Resources and Finance Committee / Finance and Assets Committee.

Corporate Risk Management policy update

5. The Code of Governance is published on the Council's website. A key element of the Code, which is based on a prescribed best practice format, is to establish and maintain a systematic strategy, framework and process for managing risk.
6. The Council has a Risk Management Policy which sets out the strategic direction for risk management at the Council. Supporting this is a Risk Management Framework which sets out the procedures for risk management.
7. The policy has now been in place since October 2017 and it is recommended that this be reviewed at least every three years to ensure it remains current and fit for purpose. As such, the policy has been reviewed by senior management and is provided for approval by the Finance and Assets Committee. There are no material changes proposed to the updated policy and the key updates relate to reflecting the latest Corporate Plan and structure.
8. The Risk Management Framework is also updated to reflect any changes in structure or approach, in line with the policy. The latest version of the framework is provided for the Committee's information.

Corporate risk register updates

9. The Corporate Risk Register has been updated, and is attached at **Appendix 2**.
10. The register includes scores for **inherent** risks (before any mitigating controls are considered) and **residual** risk (after taking account of key controls, which are listed). Any planned actions to further mitigate risks are also shown.

11. The risk appetite is illustrated in the scoring matrix, which is also used to highlight the significance of the residual risks in a “heat map”, which accompanies the Corporate Risk Register.
12. The Corporate Risk Register is reported to the Committee at least twice per year. Changes to the risk register, and relevant updates, are reported to the Committee for awareness. Current developments are detailed below:

Risk	Description
<p>A6</p> <p>Council unable to manage impact of Coronavirus (Covid-19) on Council services</p>	<p>This risk has been added to the register. This reflects the risk posed to the Council during the pandemic and reflects the controls in place to support ongoing service delivery.</p> <p>There are specific risk assessments/registers in place across the Council and the management of this risk is dependent upon their effective application in practice and reflects the overall corporate impact.</p>
<p>A7</p> <p>Impact of Coronavirus (Covid-19) on the business and communities of East Cambridgeshire</p>	<p>This risk has been added to the register. This reflects the risk posed to the community during the pandemic and reflects the controls in place to support local business and vulnerable groups.</p> <p>Actions have been underway throughout the pandemic to engage with partners, local groups and the community – these are reflected in the controls and ongoing actions.</p>
<p>B2</p> <p>Failure to achieve expected levels of development and planning income</p>	<p>The scoring of the inherent likelihood has been increased from 3 to 4, to reflect the impact of delays in payments due to Covid-19.</p>
<p>C2</p> <p>Loss of data or access to ICT systems due to a breach of information security or weaknesses in the IT infrastructure.</p>	<p>Since the last update, the Council’s ICT Security policy has been approved and is now reflected in the controls.</p> <p>The outstanding actions have also been updated to reflect the latest progress made and the timeframes for completion.</p>

Corporate residual risk heat map

13. An updated risk heat map is included at **Appendix 2** which shows the residual risk level for each of the risks. This gives a quick view of where each risk sits in relation to the Council's risk appetite, i.e. there should be no risks with a residual score greater than 15, unless there are exceptional circumstances.

Conclusion

14. Risk management processes follow good practice, and are proportionate. These are documented in a Risk Management Policy, with a supporting framework.
15. The Risk Management Group continue to review the Risk Register on a quarterly basis to ensure all risks are recognised and up to date.
16. The Council has a Corporate Risk Register and each risk shows the owner and the key controls, both in place or planned, designed to minimise any impact on the Council and its provision of services to stakeholders.
17. The Risk Management Policy requires managers to keep all risks under review, and the Corporate Risk Register has been updated accordingly.

Appendix 2 - Corporate Risk Register

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
CUSTOMER PERSPECTIVE															
A2	East Cambridgeshire Trading Company and East Cambridgeshire Street Scene Ltd fail to deliver upon business plans and expected levels of performance.	Poor performance by the companies with a lack of challenge and oversight. Failure to embed effective governance arrangements and segregation of duty.	Failing to achieve corporate priorities and Medium Term Financial Strategy. Reputational risk.	D-CS	3	5	15 (A)	Business Plans, Articles of Association and Shareholder Agreements. Established Shareholder Committee arrangements. ECTC- Regular reporting to Finance and Assets Committee (in remit as Shareholder committee) and full Council (if required). ECSS- Regular reporting to Operational Services Committee (in remit as Shareholder committee) and full Council (if required) Independent Chairperson. Independent external audit review of accounts, and opportunity to commission ad-hoc advice if required. S151 officer and Monitoring Officer present as non-voting members at Board meeting.	2	4	8 (A)				
A3	Failure to deliver the housing strategy, and provide affordable housing to residents within the district.	Challenges to future supply due to housing market and Government policy.	Failure to deliver the Council's commitment to 'genuine affordable' housing.	D-O D-CS	3	4	12 (A)	Council Support Programme to Community Land Trusts. Community Led Development SPD.	2	3	6 (A)				
A4	Homelessness in the district.	Increase in homelessness driven by external factors such as Universal Credit and the Homelessness Reduction Act.	Impact on the Council finance and resources.	D-O	4	5	20 (R)	Frontline resources focussed on preventing homelessness. Council retained hostels.	2	2	4 (G)				

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
A5	Council unable to manage impact of Coronavirus (Covid-19) on Council services.	Lack of capacity to cope with the increase in community needs as well as business as usual tasks as a result of the virus. This will be caused by increased needs from the community as well as reduced staffing availability due to staff becoming ill themselves or needing to self isolate or being unable to work due to caring for others. Technology constraints may also limit the amount of work able to be undertaken remotely. Availability of workforce from contractors as well as Council will have a negative impact on continuing the compliance related work.	Work will need to be prioritised resulting in some services either being scaled back or not delivered at all.	CM T	3	3	9 (A)	<p>Regular meetings of multi-agency groups and internal business continuity groups.</p> <p>Reviewing approach and making preparations for increased homeworking.</p> <p>Regular communication with all stakeholders, including contractors.</p> <p>Risk assessment produced to comply with the Government guidance document <i>Offices and Contact Centres – Working Safely During Coronavirus (COVID-19)</i> and the associated Council building risk assessments.</p> <p>Corporate buildings are now 'COVID-19 Secure' in line with Government guidance control measures.</p> <p>Reviewed business continuity plans to ensure priority services are correctly assessed and continue to prioritise based on emerging needs and capacity.</p>	2	3	6 (A)	<p>Continue to ensure staff, members and the community are kept informed as the situation develops.</p> <p>Ongoing monitoring of 'Working Safely in East Cambridgeshire District Council Buildings' risk assessments.</p>	CM T DV	Ongoing Ongoing	G G

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
A6	Impact of Coronavirus (Covid-19) on the business and communities of East Cambridgeshire.	In the three months since the lockdown the economy has shrunk by 20%. Whilst the Furlough scheme has helped protect jobs in the short term there is an expectation that unemployment and dependency on welfare and support will increase over the coming months. This in turn may create greater financial, physical and mental health challenges and put pressure on housing. Whilst the Council has provided support to businesses in East Cambridgeshire through government grant schemes, there is a risk that some businesses do not survive. Further risk of local lockdowns increases uncertainty and dent consumer confidence.	Higher unemployment, greater dependency on welfare, impacts on physical and mental health, impacts on business survival rates, increased homelessness	CM T	4	4	16 (R)	<p>The Council continues to work closely with partner agencies in the Local Resilience Forum (LRF) to ensure response are co-ordinated and as effective as possible.</p> <p>The Council has established recovery structures to fully assess impacts and identify appropriate responses. These have been discussed with Members and with partners.</p> <p>Resources are being diverted to those areas where the Council anticipates greater demand but to an extent the Council, and the sector more generally, will require ongoing government support to mitigate the substantial impacts there will be.</p> <p>Fraud risk assessments completed in relation to business grants.</p>	3	3	9 (A)	<p>Continued involvement, leadership and engagement within the LRF and support to local partners and businesses as required.</p> <p>Recovery plan booklet to be distributed to all councillors, including details of working party, communication with community groups and a dedicated risk register.</p> <p>Review of Corporate Strategy to incorporate key recovery actions.</p>	CM T	Ongoing	G
FINANCE AND RESOURCES															
B1	Inability to balance the Council's budget.	<p>Reductions in public sector funding.</p> <p>Uncertainty and changes in Government funding such as, the Spending Round 2019 (to be implemented April 2020) and the Spending Review 2020, fair funding review and 75% retention of business rates, all planned to be introduced on 1st April 2021.</p> <p>Lack of opportunity to make further savings.</p> <p>Not maximising the opportunities from the Combined Authority deal and other income opportunities.</p>	Failure to achieve budgets savings leading up to 2020/21 and undermining the revised Medium Term Financial Strategy.	FM	3	5	15 (A)	<p>Agree Medium Term Financial Strategy (MTFS) each February as part of budget setting process.</p> <p>The draft MTFS was reported to Full Council in February 2019. Budget Monitoring through Management Team and relevant Committees.</p> <p>Partnership working (principally with the Combined Authority) and ongoing consideration of potential opportunities linked to the key ambitions.</p> <p>Strong leadership from members and officers.</p>	3	4	12 (A)				

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
B2	Failure to achieve expected levels of development and planning income.	The viability and delivery of residential and commercial development. Delay in payments due to COVID-19. Changes in legislation such as the Planning for the Future White Paper.	Council failing to deliver its growth trajectory and not generating projected s106 and CIL income.	D-CS	4	4	16 (R)	Ongoing Service Plan reviews CIL Implementation CLT support programme Business Plan (Property)	3	4	12 (A)	Monitor and respond to the outcomes of the Planning for the Future White Paper	IS M	Ongoing	G
B3	Failure to plan for and accommodate the impact of Brexit.	The UK leaving the EU with impacts on regulations and the economy.	The Council suffers from consequences of leaving the EU with impacts on procurement and employment through changes in EU/UK regulation, income and public services.	CEX	2	3	6 (A)	Engagement in local forums and networks, including the local resilience partnership. Participation in workshops with other public sector partners and forward planning.	2	3	6 (A)				
PROCESSES AND SYSTEMS															
C1	Failure to maintain service delivery and support the community in the event of an unforeseen emergency or loss of resources.	Major civil emergency potentially due to: <ul style="list-style-type: none"> • Loss of access to premises • Severe weather events • Fuel shortages • Communications failure • Pandemics • Loss of power • Terrorist events • Supply chain failure 	Inability to access key staff or resources resulting in reduced ability to deliver services. Increased requests for Council resources and services Health and safety impact on staff and vulnerable residents Damage to Council property and impact on residents Reputation damage	CEX	3	5	15 (A)	Business Continuity Plan (BCP) updated. Business Continuity Training and exercises. Member's handbook. Emergency Management Plan with supporting plans for specific activities e.g. rest centres. Rest Centre plans reviewed by National Resilience Forum. Registration process and template forms aligned to other Councils so they can mutually assist each other as responders. Note – specific risk on Covid-19 pandemic added to risk register.	3	2	6 (A)				

C2	Loss of data or access to ICT systems due to a breach of information security or weaknesses in the IT infrastructure.	<p>ICT systems abuse, intrusion or failure.</p> <p>Under investment in IT infrastructure and lack resource to implement change.</p> <p>Employees not having the right tools for the job to work efficiently.</p>	<p>Business interruption resulting in reduced ability to deliver services.</p> <p>Not prepared for disaster recovery.</p> <p>Non-compliance with legislation, resulting in financial penalties up to £0.5m and reputational risk.</p> <p>Inefficient working.</p>	D-O	3	4	12 (A)	<p>ICT Disaster Recovery Plan.</p> <p>System and Penetration testing regime.</p> <p>ICT Security Policy.</p> <p>Government Connect and Public Sector Network compliance.</p>	3	4	12 (A)	<p>The hardware build for equipment at The Grange, Ely commenced in March 2020. Unfortunately, due to issues of late delivery by the Supplier and then subsequent issues with the goods supplied not being fit-for-purpose (supplier error), further delay occurred whilst waiting for replacement parts.</p> <p>The hardware has now been installed at The Grange, Ely and the hardware that is needed for eSpace North has been configured and is ready for installation. The installation was delayed due to COVID-19 as priority was given to remote working access and ensuring that staff were able to work from home.</p> <p>The installation and setup of the Disaster Recovery system is scheduled to take place during September 2020. The Disaster Recovery Plan will be updated and reviewed following this work and completion of the plan is anticipated in October 2020. The updated plan will reflect the improvements the Council has made</p>	D-O	October 2020	A
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Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
												to the physical infrastructure and will include the enhanced remote access system for working away from the office.			
C3	Non-compliance with legislative and regulatory requirements.	Changes in legislation from Central Government, Europe, or Professional bodies can impact many areas, for example: <ul style="list-style-type: none"> • health and safety, • equalities, • safeguarding, • environmental legislation, • employment law. 	Financial penalties for non-compliance. Reputational risk.	MT	4	3	12 (A)	Monitoring changes to legislation that impacts the Council. Topical examples include H&S sentencing guidelines, and earlier closedown of accounts. Procedural changes and training is delivered as required. Safeguarding policy in place and refreshed in 2017/18. Safeguarding leads nominated and all staff have received safeguarding training. Health and safety risk assessment programme.	2	3	6 (A)				
C4	Failure to achieve compliance with the General Data Protection Regulations (GDPR) and Data Protection Act.	New legislation from Central Government and Europe.	ICO warnings, bans on processing data, fines. Compensation claims and reputational damage.	LSM	3	5	15 (A)	Information Officer post created and filled. All Council staff briefed. Key (public facing) stages completed for GDPR introduction in May 2018, continued compliance in place via action plan. Staff e-learning and Member briefing.	2	4	8 (A)	Continue working towards full compliance via action plan.	LS M	May 2020	G
C5	Payroll and HR system not meeting the needs of the whole organisation.	Midland HR do not meet our service requirements.	Salaries are not paid correctly to employees Pensions and subsequent pension reports are not completed properly for HMRC and LGSS	FM	3	5	15 (A)	Regular communication with Midland HR Effective communication between HR and payroll Service Level Agreement to be adhered to	2	5	10 (A)				

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
C6	Failure of corporate governance and counter fraud and corruption controls.	Attempts at fraud and corruption from internal or external sources are successful due to inadequate corporate governance and counter fraud controls.	Financial losses and reputational damage. Impact on service delivery.	MT	3	3	9 (A)	Counter fraud training for officers as part of induction process. Gifts and hospitality registers. Counter fraud and ethical governance policies and procedures. Anti-money laundering policy added to Constitution. Internal control framework including segregation of duties and authorisations. Reviewed annually for Annual Governance Statement. Participation in National Fraud Initiative. Fraud awareness promotion in February 2019 and November 2019. Fraud reporting tool introduced in November 2019.	2	3	6 (A)				
LEARNING AND GROWTH															
D2	Failure to deliver upon strategic development plans and requirements.	The Council not being able to demonstrate a five-year land supply for housing or an up-to-date Local Plan. However, on 21 st April 2020 the Council did regain its five year land supply, though developers are challenging this. Lack of up to date Local Plan. Lack of delivery of permitted schemes by developers.	Planning applications can only be refused if the adverse impacts significantly and demonstrably outweigh the benefits of the proposal, in accordance with the presumption in favour of the sustainable development. More speculative development Not delivering quantity of housing/employment to meet needs of the district	D-CS	3	4	12 (A)	Development Management to manage speculative applications when submitted. Work with developers to help delivery of sites. Robustly defend appeals in order to maximise chances of success (note: ultimately, it will be a planning inspector, in reaching a decision on an appeal, that will determine whether the inherent risk materialises).	3	4	12 (A)	Members to determine whether to commence work on a new Local Plan	D-CS	October 2020	

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Actions	Owner	Target Date	Action RAG
D8	Difficulties with staff recruitment, absence and retention – leading to lack of resources.	Lack of staff resources in terms of numbers due to high turnover or failed recruitment exercises. Lack of staff resources in terms of knowledge, skills and behaviours due to poor staff retention.	A shortage of staff in roles across the Council and Trading Companies and a loss of knowledge and skills, could lead to service failure, which could result in an increased level of complaints, poor reputation and financial penalties from breaches in legislation or failure to follow rules, procedures and meet deadlines.	MT	4	3	12 (A)	Pay Review exercise linked to revised Job description questionnaires (JDQ) implemented in December 2019, this should ensure that all staff are being paid an appropriate salary for the job they are undertaking. Investment in training and up-skilling existing staff. Absence Management policy. Effective implementation of Service Delivery Plans and performance management Management Development training has been delivered to all Service Leads and team leaders.	4	2	8 (A)				

Corporate Priorities:

- 1 Sound financial management
- 2 Improving transport
- 3 Housing
- 4 Cleaner, greener East Cambridgeshire
- 5 Social and community infrastructure

Key to risk owners (above):

- CEX Chief Executive
D-O Director, Operations
D-CS Director, Commercial Services
FM Finance Manager and S151 Officer
LSM Legal Services Manager and Monitoring Officer
ISM Infrastructure and Strategy Manager
HSM Health & Safety Manager
HRM Human Resources Manager
MT Management Team

Appendix 3 - Corporate Risk Register Heat Map

Summary of Residual Scores for Corporate Risks

Impact	Very High	5		C5			
	High	4		A2, C4	B1, B2, D2, C2		
	Medium	3		A3, A5, B3, C3, C6	A6		
	Low	2		A4	C1	D8	
	Negligible	1					
			1	2	3	4	5
			Very rare	Unlikely	Possible	Likely	Very Likely
			Likelihood				

Red scores – in excess of the Council's risk appetite. Action is needed to redress, with regular monitoring. In exceptional circumstances residual risk in excess of the risk appetite can be approved if it is agreed that it is impractical or impossible to reduce the risk level below 16. Such risks should be escalated through the management reporting line to Corporate Management Team, Resources and Finance Committee and Council.

Amber scores – likely to cause the Council some difficulties (risk score 5 to 15) – six monthly monitoring.

Green scores (risk score 1 to 4) – low risk, monitor as necessary.

Code	Title
A2	East Cambridgeshire Trading Company and East Cambridgeshire Street Scene Ltd fail to deliver upon business plans and expected levels of performance.
A3	Failure to deliver the housing strategy, and provide affordable housing to residents within the district.
A4	Homelessness in the district.
A5	Council unable to manage impact of Coronavirus (Covid-19) on Council services.
A6	Impact of Coronavirus (Covid-19) on the business and communities of East Cambridgeshire.
B1	Inability to balance budget.
B2	Failure to achieve expected levels of development and planning income.
B3	Failure to plan for and accommodate the impact of Brexit.
C1	Failure to maintain service delivery and support the community in the event of an unforeseen emergency or loss of resources.
C2	Loss of data or access to ICT systems due to a breach of information security or weaknesses in the IT infrastructure.
C3	Non-compliance with legislative and regulatory requirements.
C4	Failure to achieve compliance with the General Data Protection Regulations & Data Protection Act.
C5	Payroll and HR system not meeting the needs of the whole organisation.
C6	Failure of corporate governance and counter fraud and corruption controls

D2	Failure to deliver upon strategic development plans and requirements.
D8	Difficulties with staff recruitment, absence and retention – leading to lack of resources.

Risk Management Policy

Document control

Version	Author	Date	Summary of changes
V1.0	Jonathan Tully	14/03/17	First draft following CMT review. Formally approved by Full Council in October 2017.
V1.1	Rachel Ashley-Caunt	24/07/20	References to latest corporate plan and structure

1. Introduction by Chief Executive

East Cambridgeshire District Council seeks to ensure that services, delivered either directly or through others, are of a high quality, provide value for money and meet evidenced need. We are a complex organisation that works with a wide variety of other organisations in different and varying ways. As a result we need to ensure that the way we act, plan and deliver is carefully thought through both on an individual and a corporate basis.

We have a clear set of objectives which demonstrate our commitment to ensuring that the District remains one of the best places to live in the country. These are:

- To be financially self-sufficient and provide services driven by and built around the needs of our customers.
- To enable and deliver commercial and economic growth to ensure that East Cambridgeshire continues to be a place where people want to live, work, invest and visit.

The Council has five Priorities¹ which set out the main areas where we will concentrate our work using a four year Corporate Plan, which is supported through service and team plans.

There are many factors which might prevent the Council achieving its plans, therefore we seek to use a risk management approach in all of our key business processes with the aim of identifying, assessing and managing any key risks we might face. This approach is a fundamental element of the Council's Code of Governance.

The Accounts and Audit Regulations 2015 state:

A relevant authority must ensure that it has a sound system of internal control which

(a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;

(b) ensures that the financial and operational management of the authority is effective; and

(c) includes effective arrangements for the management of risk.

This Risk Management Policy is fully supported by Members, the Chief Executive and the Corporate Management Team (CMT) who are accountable for the effective management of risk within the Council. On a daily basis all officers of the Council have a responsibility to recognise and manage risk in accordance with this policy.

Risk management is about improving our ability to deliver our strategic objectives by managing our threats, enhancing our opportunities and creating an environment that adds value to ongoing operational activities.

I am committed to the effective management of risk at all levels of this Council. This policy, together with the Risk Management Framework, is an important part of ensuring that effective risk management takes place.

John Hill
Chief Executive

¹ <https://www.eastcamb.gov.uk/sites/default/files/agendas/171019%20Corporate%20Plan%202019-2023%20App%201.pdf>

2. What is risk?

The Council's definition of risk is:

“Factors, events or circumstances that may prevent or detract from the achievement of the Council’s corporate priorities and objectives.”

3. Risk Management Objective

Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the Council's governance framework.

The Council will operate an effective system of risk management which will seek to ensure that risks which might prevent the Council achieving its plans are identified and managed on a timely basis in a proportionate manner. In practice, this means that the Council has taken steps to ensure that risks do not prevent the Council achieving its corporate priorities or objectives.

4. Risk Management Principles

- The risk management process should be consistent across the Council, clear and straightforward and result in timely information that helps informed decision making
- Risk management should operate within a culture of transparency and openness where risk identification is encouraged and risks are escalated where necessary to the level of management best placed to manage them effectively
- Risk management arrangements should be dynamic, flexible and responsive to changes in the risk environment
- The response to risk should be mindful of risk level and the relationship between the cost of risk reduction and the benefit accruing, i.e. the concept of proportionality
- Risk management should be embedded in everyday business processes
- Officers of the Council should be aware of and operate the Council's risk management approach where appropriate
- Members should be aware of the Council's risk management approach and of the need for the decision making process to be informed by robust risk assessment, with Council Members being involved in the identification of risk on an annual basis.

5. Appetite for Risk

As an organisation with limited resources it is inappropriate for the Council to seek to mitigate all of the risk it faces. The Council therefore aims to manage risk in a manner which is proportionate to the risk faced, based on the experience and expertise of its senior managers.

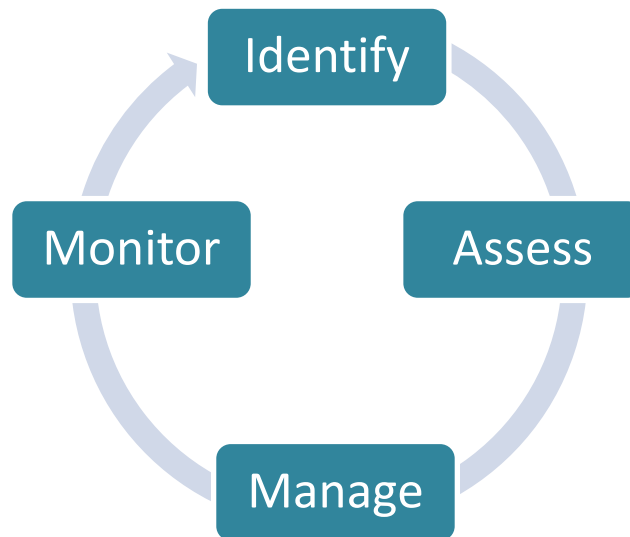
The Council has defined the maximum level of residual risk which it is prepared to accept as a maximum risk score of 15 in line with the scoring matrix attached at **appendix 1** (for corporate priority risks).

6. Benefits of Risk Management

- Alerts members and officers to the key risks which might prevent the achievement of the Council's plans, in order that timely mitigation can be developed to either prevent the risks occurring or to manage them effectively if they do occur.
- Risk management at the point of decision making should ensure that members and officers are fully aware of any key risk issues associated with proposals being considered.
- Leads to greater risk awareness and an improved and cost effective control environment, which should mean fewer incidents and other control failures and better service outcomes.
- Provides assurance to members and officers on the adequacy of arrangements for the conduct of business. It demonstrates openness and accountability to various regulatory bodies and stakeholders more widely.
- Allows the Council to take informed decisions about exploiting opportunities and innovation, ensuring that we get the right balance between rewards and risks.

7. Risk Management Approach

The risk management approach adopted by the Council is based on identifying, assessing, managing and monitoring risks at all levels across the Council:



The detailed stages of the Council’s risk management approach are recorded in the Risk Management Framework, which is regularly reviewed by Corporate Management Team (CMT). The Framework provides managers with detailed guidance on the application of the risk management process.

The Framework can be located on the intranet [[insert link here](#)].

Additionally individual business processes, such as decision making, project management will provide guidance on the management of risk within those processes.

8. Awareness and development

The Council recognises that the effectiveness of its risk management approach will be dependent upon the degree of knowledge of the approach and its application by officers and members.

The Council is committed to ensuring that all members, officers, and partners where appropriate, have sufficient knowledge of the Council’s risk management approach to fulfil their responsibilities for managing risk. This will be delivered through formal training programmes, risk workshops, briefings, and internal communication channels.

9. Conclusion

The Council will face risks to the achievement of its plans. The risk management approach detailed in this policy should ensure that the key risks faced are recognised, and effective measures are taken to manage them in accordance with the defined risk appetite.

Appendix 1

The table illustrates how risks are scored and the Council's risk appetite:

Further guidance is documented in the Risk Management Framework:

Impact	Very High	5	5	10	15	20	25
	High	4	4	8	12	16	20
	Medium	3	3	6	9	12	15
	Low	2	2	4	6	8	10
	Negligible	1	1	2	3	4	5
			1	2	3	4	5
			Very rare	Unlikely	Possible	Likely	Very Likely
Likelihood							

Colour	Score	Detail
Red	16 and above	This is in excess of the Council's risk appetite. Action is needed to redress, with regular monitoring. In exceptional circumstances residual risk in excess of the risk appetite can be approved if it is agreed that it is impractical or impossible to reduce the risk level below 16. Such risks should be escalated through the management reporting line to Corporate Management Team, Finance and Assets Committee and Council.
Amber	5 to 15	Likely to cause the Council some difficulties – six monthly monitoring
Green	1 to 4	Low risk. Monitor as necessary

Appendix 4

Risk Management Framework

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1. Introduction

East Cambridgeshire District Council seeks to ensure that services, delivered either directly or through others, are of a high quality and provide value for money and meet evidenced need. We are a complex organisation that works with a wide variety of other organisations in different and varying ways. As a result we need to ensure that the way we act, plan and deliver is carefully thought through both on an individual and a corporate basis.

However there are many factors which might prevent the council achieving its plans, therefore we seek to use a risk management approach in all of our key business processes with the aim of identifying, assessing and managing any key risks which might be faced. This approach is a fundamental element of the council's code of governance and is explained in the following extract from council's annual governance statement:

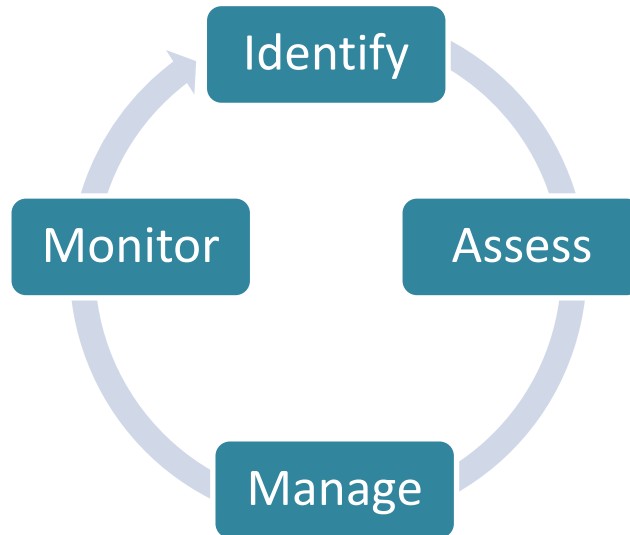
'The system of internal control is a significant part of that [governance] framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised, and to manage them efficiently, effectively and economically.'

It is important to recognise that the Council is not seeking to 'factor out' all risk, as this would not be a cost effective use of scarce resources, but instead to manage risk in a proportionate manner relative to the severity of the risk. It is also important to remember that risks must be managed, but not avoided to the extent that innovation and opportunities are stifled.

The definition of risk is:

“Factors, events or circumstances that may prevent or detract from the achievement of the Council’s corporate priorities and service plan objectives”.

The risk management approach is based upon the standard management cycle of:



This document details the Council’s risk management approach and the practices required to make it work.

Risk management is a dynamic tool which should be used from the point at which a risk is first identified until such time as it no longer represents a significant risk to the Council.

2. Benefits of Risk Management

There are many benefits to risk management:

- It alerts members and officers to the key risks which might prevent the achievement of the Council's plans, in order that timely mitigation can be developed to either prevent the risks occurring or to manage them effectively if they do occur.
- Risk management at the point of decision making should ensure that members and officers are fully aware of any key risk issues associated with proposals being considered.
- It leads to greater risk awareness and an improved and cost effective control environment, which should mean fewer incidents and other control failures and better service outcomes.
- It provides assurance to members and officers on the adequacy of arrangements for the conduct of business. It demonstrates openness and accountability to various regulatory bodies and stakeholders more widely.
- It allows the Council to take informed decisions about exploiting opportunities and innovation, ensuring that we get the right balance between rewards and risks.

3. Risk Management Processes

3.1 Risk Recording

It is important that all stages of the risk management process are recorded to allow risks to be managed effectively on a dynamic basis. A standard risk register template is shown at Appendix 3.

3.2 Risk Identification

The identification of risk is the most difficult aspect of risk management, as once a risk is identified the structured process of risk management should mean that the risk is fully evaluated and managed appropriately. Employees are therefore encouraged to devote sufficient time to it such that all key risks are recognised and appropriately managed.

Risk identification should include consideration of any risks associated with missed opportunities, e.g. failure to take advantage of external funding opportunities.

A good way to identify risk is through a risk workshop at Service Leads level, where each team member is able to identify their perspective of risk without influence from other team members. The outputs from this process can then be subject to full team review to give a consensus on the main risks faced by the Council. Other simpler risk identification approaches can also be effective, e.g. open discussion at team meetings.

Significant risks will be recorded in a corporate register.

Further guidance and support on the risk identification process, including facilitation of workshops, can be obtained from the LGSS Chief Internal Auditor, or Directors and Service Leads who act as risk champions. The detailed responsibilities of these support roles can be found in [Appendix 1](#):

Roles & Responsibilities.

To assist risk identification, [Appendix 2](#): Risk Identification lists the types of risks which might be faced. This list is simply a guide, and other factors could be considered.

Risks should be clearly articulated to ensure there is a clear understanding of the risk.

3.3 Trigger and Result

At the point of risk identification the possible causes of the risk and the likely effects, if the risk were to occur, should be identified to give a good understanding of the dynamics of the risk.

“Trigger” naturally leads to the identification of the mitigating actions necessary to either prevent the risk occurring, or to recover quickly from the risk should it occur;

“Result” assists in understanding the impact of the risk and hence its scoring (see 3.6 below).

3.4 Risk Ownership

The effective management of risk requires that each risk should have a named owner (post title). Ownership should be assigned to an individual post and not team level.

3.5 Escalation of Risk

In the interests of empowerment each risk should be managed at the lowest appropriate level of management. However, if it is considered that a risk identified at one management level cannot be effectively managed at that level, the risk should be escalated up the management chain until it reaches the level at which it can be effectively dealt with.

3.6 Scoring of Risk

In order to assess the impact of risk in a consistent manner a scoring methodology has been adopted which takes account of the two distinct aspects of risk:

- The likelihood of the risk occurring;
- The impact if it does occur.

The scoring methodology is expressed in the corporate 5x5 scoring matrix as attached at [Appendix 4](#):

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Action	Owner	Target Date	Action RAG

Risk Scoring Matrix

The matrix itself is supported by descriptors, over various elements, for the impact element of the risk. The impact score selected will be the highest score for any of the descriptor elements (not all may apply).

The risk will be scored in two stages:

- At inherent risk level, i.e. an initial base level which ignores any controls which might already be in place.
- A residual level which will take account of any controls already in place.

The identification of inherent risk provides the benefits of:

- Providing a listing of all major risks faced regardless of how well they are being managed in practice.
- Recording the key control framework for all major risks, which risk owners are responsible for ensuring are operating effectively in practice.

3.7 Risk Mitigation

Risk mitigation is the term used to show that the impact of a risk has been reduced.

The following examples illustrate how risks can be mitigated:

Transfer	Transfer the risk to someone else – i.e. insurance
Reduce	Introduce checks and balances – i.e. checks built into our everyday business processes which are the main source of risk mitigation
Recovery	These are the plans we have in place to recover business critical systems on a timely basis when business disruption occurs. The council’s approach to business continuity management is a key aspect of effective risk management.

When the above mitigating activities have been applied to the inherent risk the Council is left with the level of exposure which it is prepared to accept, or has to accept in the circumstances. This is known as the residual risk.

However, it is not appropriate for the council to attempt to manage all the risks which it faces – sometimes it is more effective to **terminate** the risk. This may mean ceasing the activity likely to trigger the risk or simply doing something in a different way that eliminates the original risk.

3.8 Action Planning

The residual risk score should be evaluated and an assessment made if this level of risk is appropriate, i.e. not too high, not too low.

The Council has defined its maximum risk appetite as not accepting a residual risk score of 16 or more unless actions are planned to reduce the score to below this level on a timely basis. In exceptional circumstances Council can approve a residual risk in excess of the risk appetite, if it is agreed that it is impractical or impossible to reduce the risk level below 16. Such risks should be escalated through the management reporting line to the Corporate Management Team and Finance and Assets Committee.

Otherwise the appropriate level of residual risk should be based on the experience of the manager responsible for managing the risk. Advice can be sought from risk champions (typically service leads) or from the LGSS Chief Internal Auditor.

In determining the mitigation required to manage a risk, think about the proportionality of the cost of the mitigation to the cost impact if the risk occurs. It would make no sense if the cost of the control exceeded the cost of the impact.

If the risk score is deemed to require adjustment, i.e. either reduction or increase, actions should be designed accordingly which must be assigned to a named owner and set an achievable specified target completion date. Target dates should not be set as 'ongoing', as this does not enable the effective management of action delivery.

3.9 Risk Monitoring

A full review of risk should be undertaken on a six-monthly basis at CMT. Directors and service leads should be reviewing their elements of the register on a regular basis and reporting issues to CMT on an exception basis to ascertain:

- If all relevant risks are included;
- If any risks can be closed;
- The progress in implementing agreed actions.
- If residual risk scores should be re-evaluated, e.g. to reflect completed actions.

Action progress will be identified through a RAG rating, with red rated actions requiring written explanation from the action owner.

Managers should have regard to potential risks at all times and should use this risk management approach to help them analyse and manage such risks at the point they are identified. Managers should not wait for the next formal review.

3.10 Risk Reporting

Corporate Management Team, on a half-yearly basis, will review the Council's risk profile at both corporate and business area / team levels, and will review details of business areas' team residual risks in excess of the risk appetite (red risks).

The Finance and Assets Committee are responsible for overseeing the Corporate Risk Register and recommending revisions to the Risk Management Policy¹. They will receive a regular report to support them in delivering their responsibilities.

3.11 Annual Assurance

Directors and Service Leads will provide annual assurance in respect of the development, maintenance and operation of effective control systems for the risks under their control. This will provide a key assurance source for the Annual Governance Statement which is prepared by the council as part of the annual Statement of Accounts.

3.12 Risk Management in other business processes

The risk management approach defined in other business processes should be complied with. These include:

¹ <https://www.eastcambs.gov.uk/sites/default/files/190916%20Part%203%20-%20Responsibility%20for%20Functions%20-%20B.%20Policy%20Committees%20%282%29.pdf>

Member decision making	It is critical for effective decision making that the decision makers are provided with details of the risks associated with each proposal being considered.
Council and service planning	<p>As with member decision making it is critical that senior managers and ultimately members understand the risks associated with the plans being designed by the council at the point of design.</p> <p>Service plans have a risk section and require the service to identify risks and how they will be managed.</p> <p>Service plans are signed off by directors and service leads along with their portfolio holders.</p> <p>Presentations to members on budget proposals will highlight key risk issues.</p> <p>As with ‘Member decision making’ above, reports requesting approval of annual/medium term plans will detail the key risks associated with the decision being requested.</p>
Project management	Risk (and issue) management is a key element in delivering an effective project management methodology. Guidance is included in the Project Management Toolkit . A 5 by 5 matrix is used and any risks scoring above 15 are escalated to the Project Board.
Contracts, joint ventures and shared services	<p>The Council aims to influence strategy and deliver outcomes for the city through a range of different collaborative relationships, and alternative delivery models, in addition to direct contracts.</p> <p>As a result, effective contract and relationship management is of vital importance. Business relationship and contract management tools are used to minimise risks.</p>
Health and safety	The Council’s health and safety policy is also a key component of the council’s structure of controls contributing to the management and effective control of risks affecting staff, contractors and the general public.
Partnerships	<p>Councils increasingly deliver their services through partnerships with other local authorities, third sector groups and statutory bodies such as the police authority. Assurance will be taken from joint registers where possible – e.g. Anglia Revenue Partnership.</p> <p>Risk management for the council considers corporate risks relating to and/or arising from partnership activity, as well as risks within the partnership itself. The council needs to be able to understand and manage both types of risks by including partnership risk in the organisational risk management process.</p>
Business continuity planning	The Civil Contingencies Act 2004 places a statutory duty on local authorities to establish business continuity management arrangements to ensure that they can continue to deliver business critical services if business disruption occurs.

3.13 Risk Management Awareness

The Council is committed to ensuring that all members, officers and partners where appropriate, have sufficient knowledge of the Council's risk management approach to fulfil their responsibilities for managing risk.

This will be delivered through formal training programmes, risk workshops, briefings, and internal communication channels.

3.14 Risk Management Group

The Council has a Risk Management Group, which convenes periodically to assess corporate risks and consider emerging threats. They review risk registers, the Risk Framework, and recommend updates to the Corporate Management Team.

The group is facilitated by LGSS Internal Audit, and comprises professional officers with specific advisory roles. This helps to efficiently conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control. The group includes the following people:

- Ian Smith – Finance Manager
- Sally Bonnet – Infrastructure and Strategy Manager
- David Vincent – Health & Safety / Emergency Planning Manager
- Jo Brooks – Director, Operations
- Maggie Camp – Monitoring Officer

Appendices

Roles & Responsibilities

Who	Risk Management Role
Elected Members	Ensure that risks are taken into consideration for Committee and Council decisions.
Finance and Assets Committee	<p>To oversee the Council's Corporate Risk Register and recommend revisions to the Council's Risk Management Policy.² This includes:</p> <ul style="list-style-type: none"> Ensuring corporate risks are identified and effectively managed across the council. Reviewing the Corporate Risk Register half-yearly. Receiving updates on significant risk issues Reviewing reports on the Council's risk management processes in order to provide independent assurance of the adequacy of the risk management framework and the associated control environment
Council	. Notification of residual risks which exceed the Council's risk appetite.
Chief Executive	Overall responsibility and accountability for leading the delivery of an effective Council-wide risk management approach.
Chief Finance Officer	<p>Championing and taking overall responsibility for seeking to ensure that effective risk management processes operate throughout the Council. Direct the Risk Management Group as required.</p> <p>Provide awareness and training on risk management to Members, employees and partners as appropriate.</p>
Corporate Management Team	<p>Owning and leading the corporate risk management process</p> <p>Reviewing corporate risks half-yearly</p> <p>Ensuring that risk is given due consideration in all management processes</p>

² <https://www.eastcambs.gov.uk/council-and-democracy/councils-constitution>

Who	Risk Management Role
Risk Management Group	<p>Provide support for the delivery of the Risk Management Framework across the Council.</p> <p>Promote and advise upon risk management practices across all services of the Council. Help to develop a consistent and effective approach to risk management, which is adopted within relevant Council management functions.</p> <p>Meet quarterly to review team and corporate risk registers. Suggest updates to Corporate Management Team for approval.</p>
LGSS Internal Audit	<p>Providing guidance, advice & support on the Council's risk management approach</p> <p>Facilitate risk workshops</p> <p>Maintain the Corporate Risk Register, based on input/requests from the Risk Management Group</p> <p>Arranging risk management awareness, support and training for managers, staff and members, as requested</p> <p>Prepare reports for the Corporate Management Team, and the Finance and Assets Committee</p> <p>Provide independent assurance on the risk management process</p>
All Service Leads	<p>Ensuring that risk is given due consideration in all management processes</p> <p>Ensuring that risks identified within their service are managed at an appropriate level, including escalation to a corporate register where appropriate</p> <p>Provide an annual assurance statement as to how risk is being managed, to help produce the annual governance statement</p> <p>Drive the development and embedding of effective risk management across their service</p> <p>Contributing to the development of the Council's risk management processes.</p>
All staff	<p>Understand their accountability for individual risks</p> <p>Reporting systematically and promptly to their manager any perceived new risks or failures of existing control measures</p> <p>Completing any risk management training relevant to the post, including e-learning</p>

4. Risk Identification

The checklist below is an aid to managers in risk identification. However the checklist cannot be exhaustive and you may identify other areas where you foresee there might be risks or opportunities.

Risks are grouped into categories, to help monitor them. The use of the “right” category is not critical, it is simply an aid to assist the identification of a risk. The critical factor is that all key risks are identified and then managed effectively.

The first stage of risk identification is making sure that the objectives of the area being assessed are clearly understood in accordance with the council’s risk definition:

“Factors, events or circumstances that may prevent or detract from the achievement of the council’s corporate priorities and objectives”.

A risk may relate to the non-achievement of all or a number of corporate or service priorities or a single corporate or service priority.

Depending on how a risk is worded, you may wish to reflect the areas detailed below as the trigger of a risk rather than a risk in its own right, e.g. ‘Changes in demography’ may be recorded as a trigger of ‘Customers are not provided with the services they need’.

Risk category	When thinking about possible risks that could affect the different categories you might like to consider the following areas:
Customer Perspective	<p>Customers:</p> <ul style="list-style-type: none"> • Customers are not provided with the services they need
	<p>Citizens:</p> <ul style="list-style-type: none"> • Changes in demographic, residential or socio-economic trends, e.g. an increase in demand for council services from a specific group of citizens • Effects on social wellbeing, e.g. changes in economic conditions • Environmental issues, e.g. the effects of climate change, progressing the council’s strategic objectives e.g. the disposal of waste
	<p>Councillors:</p> <ul style="list-style-type: none"> • Difficult political issues, lack of member support or disapproval • Election changes and new political arrangements

Risk category	When thinking about possible risks that could affect the different categories you might like to consider the following areas:
Finance and Resources	<ul style="list-style-type: none"> • Ineffective financial planning including budget preparation • Weaknesses in workforce planning • Ineffective budget management • Loss or reduction in funding • Missed opportunities for obtaining additional funding • Failure to manage the council's cash assets effectively, i.e. treasury management function • Failure to manage non-cash assets effectively
Processes and Systems	<p>Regulators:</p> <ul style="list-style-type: none"> • Non-compliance with regulatory expectations • Non-compliance with legislative requirements, e.g. health and safety, equalities, data protection, environmental legislation, employment law, etc. • The council does not act within its statutory/legal powers, i.e. it acts ultra vires <p>Partners/Suppliers:</p> <ul style="list-style-type: none"> • Poor partnership agreements/arrangements/relationships • Suppliers/partners do not provide effective, efficient and economic services to the council, e.g. a major contract fails <p>General</p> <ul style="list-style-type: none"> • Weakness in procedures/systems that could lead to breakdown in service • Criminal or corrupt activity • Incorrect/unreliable/untimely information
Learning and Growth	<ul style="list-style-type: none"> • Not having staff with the right skills and experience • Failure of key projects and programmes

Note: Further guidance on risk identification can be obtained from your Service Lead or Director, or LGSS Internal Audit.

5. Template register

Inherent Risk								Residual Risk				Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Action	Owner	Target Date	Action RAG

6. Risk Scoring Matrix

The following table illustrates how risks are scored:

Impact	Very High	5	5	10	15	20	25
	High	4	4	8	12	16	20
	Medium	3	3	6	9	12	15
	Low	2	2	4	6	8	10
	Negligible	1	1	2	3	4	5
			1	2	3	4	5
			Very rare	Unlikely	Possible	Likely	Very Likely
Likelihood							

Colour	Score	Detail
Red	16 and above	This is in excess of the Council's risk appetite. Action is needed to redress, with regular monitoring. In exceptional circumstances residual risk in excess of the risk appetite can be approved if it is agreed that it is impractical or impossible to reduce the risk level below 16. Such risks should be escalated through the management reporting line to Corporate Management Team, Finance and Assets Committee and Council.
Amber	5 to 15	Likely to cause the Council some difficulties – six monthly monitoring
Green	1 to 4	Low risk. Monitor as necessary

7. Impact guidance

The following table provides examples for the scoring of the impact of a risk:

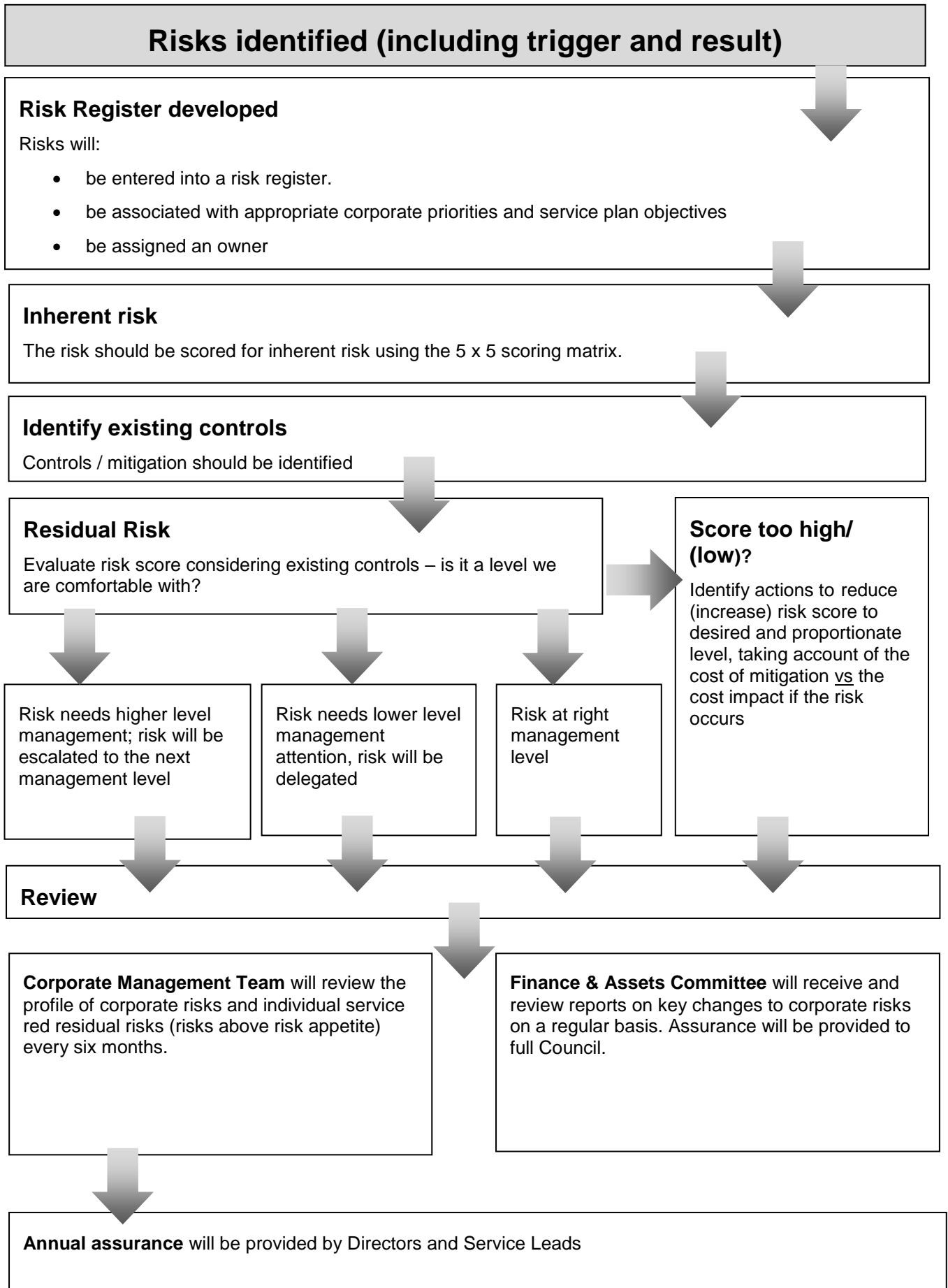
	Negligible 1	Low 2	Medium 3	High 4	Very High 5
Legal and Regulatory	Minor civil litigation or regulatory criticism	Minor regulatory enforcement	Major civil litigation and/ or local public enquiry	Major civil litigation setting precedent and/ or national public enquiry	Section 151 or government intervention or criminal charges
Financial	<£25k	<£50k	<£100k	<£500k	>£500k
Service provision	Insignificant disruption to service delivery	Minor disruption to service delivery	Moderate direct effect on service delivery	Major disruption to service delivery	Critical long term disruption to service delivery
People and Safeguarding	Slight injury or illness	Low level of minor injuries	Significant level of minor injuries of employees and/or instances of mistreatment or abuse of individuals for whom the council has a responsibility	Serious injury of an employee and/or serious mistreatment or abuse of an individual for whom the council has a responsibility	Death of an employee or individual for whom the council has a responsibility or serious mistreatment or abuse resulting in criminal charges
Reputation	No reputational impact	Minimal negative local media reporting	Significant negative front page reports/ editorial comment in the local media	Sustained negative coverage in local media or negative reporting in the national media	Significant and sustained local opposition to the council's policies and/or sustained negative media reporting in national media
Project	Minimal effect on budget or overrun	Project overruns or over budget	Project overruns or over budget affecting service delivery	Project significantly overruns or over budget	Project failure
Sustainability and Environment	Minimal or no impact on the environment or sustainability targets	Minor impact on the environment or sustainability targets	Moderate impact on the environment or sustainability targets	Serious impact on the environment or sustainability targets	Very serious impact on the environment or sustainability targets

8. Likelihood guidance

Likelihood scoring is left to the discretion of managers as it is very subjective, but should be based on their experience of the risk. As a guide, the following may be useful:

Likelihood	Score	Guidance
Very rare	1	Highly unlikely, but it may occur in exceptional circumstances. It could happen, but probably never will
Unlikely	2	Not expected, but there's a slight possibility it may occur at some time
Possible	3	The event might occur at some time as there is a history of occasional occurrence at the council
Likely	4	There is a strong possibility the event will occur as there is a history of frequent occurrence at the council
Very likely	5	The event is expected to occur in most circumstances as there is a history of regular occurrence at the council

9. Diagram of the Risk Management Process



EAST CAMBRIDGESHIRE LOCAL PLAN AND THE 'PLANNING FOR THE FUTURE' WHITE PAPER

Committee: Full Council

Date: 22 October 2020

Author: Richard Kay – Strategic Planning Manager

[V91]

1.0 **ISSUE**

1.1 To update Members on a wide range of planning policy matters, and seek an agreed way forward on such matters.

2.0 **RECOMMENDATION(S)**

2.1 That Council:

- I. Notes the publication of the Planning White Paper, and delegates to Director, Commercial, in consultation with the Leader, to respond to the White Paper in line with the principles set out in the agenda report;
- II. Agrees to commence preparation of a partial update to the 2015 Local Plan (a 'Single Issue Review'), in accordance with the principles set out in the agenda report and to a timetable (the 'Local Development Scheme') as set out at Appendix 1; and
- III. Endorses the updated work programme for the preparation of Supplementary Planning Documents over the coming 12 months.
- IV. Continues to support Parish Councils on planning matters, including those that have identified an interest in progressing Neighbourhood Plans in their area, and further resolves that Officers should write to each Parish Council with a thorough update on planning policy matters, in line with the content of this agenda report, and explain what it means for them at a local parish level.

3.0 **BACKGROUND/OPTIONS**

Introduction

3.1 Previous reports to Full Council (such as in February and October 2019) provided detailed background as to Council's position in respect of planning policy, but in short, the current main 'framework' of planning policy in the district is as follows:

- East Cambridgeshire Local Plan – April 2015
- Adopted Neighbourhood Plans for Fordham, Sutton and Witchford
- A collection of Supplementary Planning Documents (SPDs) covering a variety of thematic areas

- 3.2 In addition to above, there are several Neighbourhood Plans, and also an SPD, at what are known as an 'emerging' stage, and could progress to adoption over the next 1-3 years. Also, as a reminder, the Council operates a 'Community Infrastructure Levy' (CIL) system, whereby all applicable development must pay a levy, based on floorspace created, with such funds pooled by the Council and ringfenced for spend on infrastructure (with a minority element of the pool also passed to Parish Councils for the Parish Council to spend on infrastructure).
- 3.3 The purpose of this agenda item is to establish a programme for progressing updates to the current framework described above.
- 3.4 In considering that question, Council also needs to consider the recent Government proposals to fundamentally amend the planning system, both planning policy and development management.
- 3.5 This agenda item therefore covers a number of strands, but it is considered important to consider them all, in the round, in order to establish the most appropriate way forward for each aspect. This report therefore provides commentary, in turn, on the following areas, before drawing together conclusions and recommendations on each:
- Planning White Paper
 - Progressing any review of the East Cambridgeshire Local Plan
 - Issues in relation to Neighbourhood Planning
 - An update on progressing Supplementary Planning Documents

Planning White Paper

- 3.6 In introducing the White Paper, the Prime Minister describes the current "*outdated and ineffective planning system*" as "*a relic from the middle of the 20th Century*". He says that he wants to "*tear it down and start again*", and create a new system which "*is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades*".
- 3.7 To achieve that new system, he wants:
- "Not more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations and building, from the ground up, a whole new planning system for England."*
- 3.8 It is a reasonable position to take that the White Paper proposes what the Prime Minister seeks – it is proposing the most radical shake-up of the planning system since its modern day inception in 1947.
- 3.9 Such is the scale of change proposed in the 84-page document (available here: <https://www.gov.uk/government/news/launch-of-planning-for-the-future-consultation-to-reform-the-planning-system>), that it is hard to summarise in an agenda report such as this the true extent of it, but as a flavour the following bullet points attempt to capture some of the headlines:

- Local Plans would be slimmed down to (more or less) just map-based plans, allocating 'zones' for development or protection.
- The National Planning Policy Framework (NPPF), not Local Plans, would be the place for setting development management policies.
- Housing requirements to be set by Government for each district which are "binding requirements" that each Council "would have to deliver through their Local Plans". They will be fixed numbers based on a fixed national formula.

(separately, Government has consulted on this formula, and for East Cambs it would result in a slightly lower housing requirement than the present method, reducing from around 600 dwellings per annum (dpa), to around 550 dpa. Most other places have gone up (Fenland by 50%, to 850 dpa, for example), though others have gone down, including some surprising ones such as S Cambs (down 30% to 773 dpa which, on a pro-rata basis means Fenland will have to deliver approaching twice as many homes compared with the much larger, less affordable, more buoyant S Cambs, which appears on the face of it a flaw in the method).

- Whilst planning policies will predominantly no longer be set locally, Government wants a much greater emphasis on a district council (and a parish council) setting 'design codes' for its area, especially for specific 'growth zones'; and for planning departments to have far greater skills available on testing design quality (including a new statutory "Chief Officer for Design and Place Making").
- Local Plans must be produced in a maximum 30 months, with "sanctions for those who fail to do so", and with an expectation that all districts will have a new style adopted Local Plan "in place by the end of the Parliament" (i.e. December 2024).
- Despite this fixed maximum preparation time, community involvement in planning will, it appears, shift away from the planning application stage to the Local Plan/Design Code preparation stage.
- That community consultation shift forms part of a wider set of proposals to speed up decision making on planning applications. In zones identified for 'growth' in the Local Plan, 'permission in principle' (similar to outline permission) will be granted automatically without any need for an application or community consultation. Thereafter, if the proposals for that site fit the design code and national policies, the presumption is that proposals will be approved.
- Underpinning all this 'speed' (policy preparation and planning applications) is a desire to massively improve the 'digitisation' of planning, with far improved, and standardised, use of data and digital tools to make decisions and inform people. To a degree, it could be argued that the White Paper is attempting to automate the planning system as much as possible, in order to speed it up.

- Part of that ‘speeding up’ is the determining of applications within set timeframes and if this is not met then the fee will be refunded. ECDC Members are very keen for officers to work with applicants to try and get an appropriate scheme, but this will, it appears, be reduced to the extent which we do at present because we will not be able to extend the time period and must determine within those set time frames. This could fundamentally alter how we work, with much greater emphasis on pre-application advice, and potentially implications for committee due to timing.
- Where councils refuse an application, but go on to lose at appeal, all fees paid by the applicant will, it is proposed, be returned by the council to the applicant, likely meaning many councils could not afford to take the risk of refusing many, if any, applications, unless it was certain of winning the appeal – the financial implications of losing an appeal could be considerable.
- Turning to the environment, the White Paper comments that “*we want the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability. In doing so, it needs to play a strong part in our efforts to mitigate and adapt to climate change and reduce pollution as well as making our towns and cities more liveable through enabling more and better green spaces and tree cover.*” But, as with much else, there is little detail on what is proposed, and the merits of the proposal “*to design a quicker, simpler framework for assessing environmental impacts*” depends on what that new framework is: the risk, of course, is that a ‘quicker, simpler’ approach fails to properly consider environmental impacts.
- Another major announcement, again primarily focussed at speeding the system up by eliminating areas of debate and negotiation, is the abolition of developer contributions via S106 and CIL. Instead, it is proposed that there will be a centralised, nationally fixed ‘tariff’, based on development value.

3.10 Overall, a fundamental element of the proposed reforms is one of centralising elements of the planning system nationally (for example generic national policies, nationally set housing requirements for local areas, and a national formula for developer contribution tariffs).

3.11 Also, as part of centralising the system, it does not appear that community involvement in the planning process will, overall, be enhanced by the reforms, and indeed could be significantly reduced. Much of the decision making is proposed to be taken away from local authorities (or, at the very least, the time for decision making) and, consequently, local communities will have less say (or, at the very least, less time to say). That said, the White Paper claims the opposite, and believes the new approach will ‘enhance’ community engagement (such as through the use of data and design codes). Of course, until we see the detailed proposals, it is not certain what will be the case.

3.12 Turning specifically to an issue of importance to East Cambridgeshire, there is considerable uncertainty as to the impact of the proposals on the ability to further our ambitions to deliver community-led development, such as Community Land Trust (or similar) development schemes. As it stands, it appears a local authority could no longer set planning policies which support, in principle, CLT schemes. However, the White Paper (at page 29) does say that in ‘growth zones’:

“we would also want to allow sub-areas to be created specifically for self and custom-build homes, and community-led housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities.”

That stated ambition may well be useful, and could be supported, but CLT schemes traditionally come forward on exception sites, rather than sites allocated (or ‘zoned’) for development. They do this on the simple basis that land values on allocated sites more often than not prevent the full ambitions of a CLT scheme to be realised. Put another way, CLT schemes on exception sites typically extract greater community benefit, including financial benefit, than ‘normal’ development sites.

3.13 More widely, there appears a lack of any real underlying thought in the White Paper in relation to the planning system in more rural areas such as East Cambridgeshire. To illustrate the point, the word ‘rural’ features only once in 84 pages, and ‘countryside’ is only used three times. Neighbourhood Planning, which traditionally, national and locally, tends to come forward in smaller rural settlements, similarly appears to be ‘watered down’ under the proposed system (a view shared by Locality, perhaps the leading organisation nationally on community participation, including on neighbourhood planning. Locality’s published view is that the White Paper “*may mean that neighbourhood plans will have a much more slimmed down scope*”)

3.14 But, undoubtedly, the reforms will likely achieve one of its stated primary aims: speed.

3.15 The big question, of course, is whether, in the round, achieving such speed is not outweighed by the potential negative effects of the proposals. Government, of course, will argue that the package as a whole is not only better because of its speed, but will deliver on its other stated objectives, as summarised by the Prime Minister in its introduction. He states that the new system will be one:

“That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.

That makes it harder for developers to dodge their obligations to improve infrastructure and opens up housebuilding to more than just the current handful of massive corporations.

That gives you a greater say over what gets built in your community.

That makes sure start-ups have a place to put down roots and that businesses great and small have the space they need to grow and create jobs.

And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.”

3.16 Overall, it is recommended that the Council responds to the White Paper, with such a response capturing these broad themes:

- The greater emphasis on design quality is supported (albeit the resources to achieve that could be considerable).
- The greater use of digital and interactive material in the planning system is welcome (albeit, again, the resources to achieve that could be considerable).
- The principle of speeding up the system is also welcomed, but we are nervous about some aspects of achieving that speed, including proposals relating to community consultation and the proposal to reduce site-specific investigations.
- Some of the centralisation of the planning system is, in principle, supported, including the setting of housing targets, infrastructure tariff and some development management policies. But, the detailed method and outcome of such centralisation of targets/levies/policies needs to work and be effective for all places, including East Cambs, and we will need to see the details before endorsing this principle further.
- In principle support for the commitment that the reformed system will play a proactive role in promoting environmental recovery and long-term sustainability, but, again, the detail is lacking on this point, and any revised ‘quicker, simpler’ system of environmental assessment must continue to address environmental issues robustly.
- Concern that the White Paper is considerably lacking on content in terms of approach and implications for rural areas and the countryside.
- Linked to the above, concern in relation to the implications for community-led / CLT development schemes, which risk being marginalised by the ‘zoning’ approach proposed (albeit this is not certain; the White Paper is simply not clear on this point).
- Concern in respect of fixed time decision making for planning applications. The risk with such a blunt instrument is that local authorities will have no ability (time) to work with developers to resolve problems, meaning it could lead to more refusals simply because fixed deadlines have to be met.
- Financially penalising planning authorities when they lose appeals appears counter-productive and this is not supported; poor proposals will not be refused, and/or, where appeals are lost, money will be lost from already strained council budgets, meaning even less resource spent on scrutinising proposals or drawing up Local Plans in the first place.
- There is a lack of clarity on what is happening to Neighbourhood Plans. Whilst in passing it refers to such Plans being retained, there seems little fit with them and the new system proposed, and the general consensus in the

planning press is that the scope and power of Neighbourhood Plans will be much reduced.

- Once again, the 'blame' for past perceived failures in the system is largely placed, unfairly, on local planning authorities; and the 'sticks' proposed are again one-sided against local planning authorities ('sanctions' and 'fees' are all aimed at local planning authorities if they do not meet the requirements of the proposed new system, with very little emphasis placed on penalising poor performing or non-delivering developers and no provision of levers to councils to secure implementation of development schemes by developers).

3.17 With Full Council approval, it is proposed that the above set of bullet points will form the basis for the Council's response to the White Paper, which closes for consultation on 29 October 2020.

3.18 Before moving on to other matters, it is worth noting that this is a White Paper. Much could change, and it will require substantial primary and secondary legislation. It could take year(s) for the new system to be enacted, and there is much uncertainty as to precisely what that 'new system' will be. But, the tone of the document is very much along the lines of 'this will happen' and 'will happen quickly' with an ambition for every district to have a 'new style' Local Plan by the end of this Parliament (i.e. Dec 2024).

3.19 In the short term, therefore, the direct implications for the Council are zero. It is merely a White Paper with no 'weight' in the planning system. However, the Council will need to assess the direction of travel indicated in the White Paper, and determine to what degree the Council seeks to move with that direction now (especially in terms of plan making), rather than waiting for the legislation to emerge, and this is relevant to the section below on the East Cambs Local Plan.

East Cambridgeshire Local Plan

3.20 The Council's Local Plan remains its 2015 version, having reluctantly withdrawn its emerging replacement one in 2019.

3.21 Being greater than five years old, it is necessary (by law) to regularly review its content to determine how 'up to date' it is, and the Council undertook, and published, its last formal Review in April 2020. That Review, in summary, concluded that the:

"...Local Plan 2015 does require to be revised, but only partially and only in respect of its strategic housing policies. Of those policies, Policy GROWTH1 needs to be revised, because it has an out of date housing requirement. Other strategic housing policies may also be updated during the course of updating GROWTH1, should that be necessary.

The rest of the Local Plan is considered to not, at the present time, be in need of updating, therefore a full update of the Local Plan is not considered necessary.

However, whilst only one policy has been identified in need of updating, this does not prevent the council from commencing preparation of a new Local Plan, in whole or part, on matters as it sees fit.”

- 3.22 Having reached the above conclusion, Full Council now needs to formally decide how to proceed with any such update to the Local Plan. The options are as follows:
- Option 1:** Do as the Review in April concluded, and limit any update of the Local Plan to the matters identified in the Review, namely GROWTH1 and its housing requirement, and possibly, consequentially, other policies if strictly necessary. To use planning terminology, this type of plan update is often referred to as a ‘Single Issue Review’; or
- Option 2:** Go beyond what the Review in April concluded, and do a more comprehensive or full new Local Plan; or
- Option 3:** Do nothing at present, and await further progression of the White Paper to see whether to progress Option 1, Option 2 or, instead, simply wait for the new system to commence and start a new Local Plan on that basis.
- 3.23 For Options 1 and 2, such work would be undertaken under the current system, not what the White Paper proposes.
- 3.24 On that basis, there appears no strong case to proceed with Option 2. There is no identified need for it, it would take longer than Option 1, and cost far more. It may well never reach the finishing line before the new system kicks in, even if the legislation allows for a transitional arrangement between systems.
- 3.25 Option 3 has merits, and might be the cheapest in the short term. But it is with considerable risk. There is no certainty as to the outcome of the White Paper, either in terms of content or timing. In time, Option 3 will cast doubt on the legitimacy of the Council’s April 2020 Review, where it said a partial update of the Local Plan was needed. If that April 2020 Review was deemed itself to be ‘out of date’ because it was not being acted upon, then consequentially the Council’s published Five Year Land Supply Report would be questioned, because it relies on the conclusion of the Review that an update was necessary. If a Local Plan update was not necessary, or not commenced, then there is considerable risk (to the point of almost certainty) that the Council would lose its Five Year Land Supply position, for technical methodological reasons of how a Five Year Land Supply is calculated. Option 3 is not, therefore, recommended.
- 3.26 Option 1 is recommended. This is because it will achieve what is necessary, at a limited cost (probably within existing budgets, or perhaps only slightly over). It will progress on the basis of the new housing requirement figures, which is likely to result in no new allocations being required. By using the new figures, it also sets the basis for the new ‘White Paper’ system. In effect, a partial update of the 2015 Local Plan under the present system, would be very similar to what is required under the new proposed system, which means the Council should be able to quickly jump from one system to the other, without any loss of work or resource. If the White Paper does not proceed, nothing would be lost. If the White Paper

proceeds very quickly, then work on a partial review under the present system would end but all such work would simply transfer to the new system. Option 1, therefore, has the least risk, a low (but possibly not quite lowest) cost, and is the most advantageous in terms of getting a good start on a possible new system.

- 3.27 If Members agree to proceed with Option 1, then attached at appendix 1 is a Local Development Scheme (LDS) recommended for approval, which sets the formal (and legally required) timetable for such a Local Plan ‘Single Issue Review’ update.

Neighbourhood Planning

- 3.28 There continues to be a high degree of interest in Neighbourhood Planning in the district, with 10 parish councils at least taking the first step (becoming a designated neighbourhood area) and three of which have already reached the final adoption stage.

- 3.29 The White Paper certainly adds some uncertainty to the future of Neighbourhood Planning, despite its commitment for them to be retained. It states:

“we think Neighbourhood Plans should be retained in the reformed planning system, but we will want to consider whether their content should become more focused to reflect our proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making it easier to develop Neighbourhood Plans we wish to encourage their continued use and indeed to help spread their use further, particularly in towns and cities. We are also interested in whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.”

- 3.30 Officers’ interpretation of the above is that Neighbourhood Plans will be stripped of their ability to allocate most, if not all, things, and be stripped of their ability to set development management policies. Instead, they will be asked to focus on design quality.

- 3.31 Nevertheless, in the meantime, Neighbourhood Plans continue to progress under the present system, and we are constantly learning about, and subsequently advising parish councils, of best practice. This includes providing advice in relation to housing need and how to allocate sites, learning in particular from the examination of the Witchford Neighbourhood Plan (which itself, at the time of writing, is still subject to one legal challenge which we anticipate concluding this month or in early November, though a second legal challenge has been rejected by the Courts).

- 3.32 Overall, and in line with Council policy, Officers continue to support Parish Councils in whatever way we can, and have established strong relationships with a large number of parish councils in that respect. In that regard, Officers believe it would be helpful to Parish Councils if we write to each of them, to update them on the

contents of this agenda item (as agreed), with a specific emphasis on what it may mean for them, as Parish Councils.

Supplementary Planning Documents

3.33 This part of the report updates on Supplementary Planning Documents (SPDs) prepared / being prepared recently, and seeks agreement as to how these should continue to be progressed.

3.34 As a reminder, the NPPF defines an SPD as follows:

*“**Supplementary planning documents:** Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”*

3.35 The Council currently has a number of adopted SPDs. Some of these are policy thematic based (e.g. Community-led Development SPD), some are site specific (e.g. Bell Road, Bottisham Masterplan) and one is about how we will seek Developer Contributions. Full details are available here:

<https://www.eastcambs.gov.uk/local-development-framework/supplementary-planning-documents>

3.36 Over the past year, Council has drafted, consulted and adopted (24 September 2020) two new SPDs:

- **Self and Custom Build SPD:** this short SPD sets out greater detail on what the Council expects from development proposals which fall under this type of development, and the relationship to CIL liabilities (Self and Custom Build homes being exempt from CIL, under national legislation).
- **Natural Environment SPD:** this SPD, amongst other matters, sets out advice and detailed policy requirements relating to the natural environment, tackling issues such as: ‘net gain’ in biodiversity via development proposals; technical advice in terms of discharging Habitat Regulation Assessments (HRA) obligations, especially in relation to swan and goose foraging in designated protection zones around the Ouse Washes; and setting out the Council’s position in relation to the recently adopted Local Nature Partnership vision to ‘double land for nature’ by 2050 across Cambridgeshire (a vision also endorsed by the Combined Authority in July 2019).

3.37 On 24 September 2020, a draft SPD was also approved, for the purpose of consultation, on **Climate Change**, providing updated guidance on what the Council expects developers to do to contribute to mitigating climate change.

3.38 Two further SPDs were also originally proposed to be commenced in the second half of 2020. However, there is now considerable doubt in the value of

progressing these two matters further, as a consequence of the White Paper and other recent Government announcements.

- 3.39 The first was to update our existing **Developer Contributions SPD**. The aim was to bring it up to date on matters such as affordable housing, education and open space contributions. However, several matters are indicating that such an update would no longer be a sensible measure to expend resources on. First, because we must remember that an SPD cannot amend or contradict policy as set out in the adopted Local Plan: it can only provide additional guidance or detailed complementary policy. Second, Government issued advice in late 2019 stating such SPDs must no longer set out 'formulaic' contribution asks, which considerably limits what such a Developer Contributions SPD can do. More fundamental than that, of course, is the White Paper proposal to completely scrap developer contributions. There is a real risk, therefore, that updating such an SPD now could result not only in confusion but, by the time it is prepared, consulted upon, and adopted, its shelf life could be very limited indeed. It is therefore proposed that the existing SPD, whilst not perfect, remains functional, and should be retained until clarity on Government reforms are reached.
- 3.40 The second was to update our **Design Guide SPD**. However, for very similar reasons to the Developer Contributions SPD, there appears very limited value in updating it now due to the fundamental shift proposed by Government towards 'design codes' for specific areas. In addition, Government has recently issued its own National Design Guide, which to a significant degree achieves what an updated Design Guide SPD had in mind. Once again, therefore, it is proposed that the existing SPD, whilst not perfect (though it remains functional, especially when combined with the National Guide), be retained until clarity on Government reforms are reached.
- 3.41 Resources saved by not undertaking those two tasks will be redirected to finalising the Climate Change SPD (where we presently have no such SPD) and on commencing the update of the Local Plan (assuming Members agree to that recommendation).

4.1 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 If the recommendations in this report are approved, then there are no financial implications arising, and actions can be covered by existing budgets, at least for the next 12-18 months. Thereafter, there may be some additional cost relating to the final stages of examining and adopting the updated Local Plan, perhaps a one-off cost of around £50,000. However, that cost will be a matter for Council to determine as and when the Local Plan progresses.

- 4.2 A Carbon Impact Assessment (CIA) concluded the following:

Directly, the recommendations in the agenda report will have a neutral effect. This is because the recommendations do not directly make decisions which subsequently have a carbon impact. Future decisions which flow from the recommendations (either by Government on a Planning Act or by this Council on the contents of a Local Plan / SPD) could have a negative or positive effect, but that will be a matter to assess and determine at the point of making those decisions.

4.3 An Equality Impact Assessment (INRA) is not required, for the same reasons as above.

5.0 APPENDICES

Appendix 1 – Local Development Scheme

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
East Cambridgeshire Local Plan, April 2015	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambs.gov.uk

East Cambridgeshire District Council



This document is for the meeting of Full Council on 22 October 2020. It does not take effect until, and if, it is approved at that meeting.

East Cambridgeshire Local Development Scheme

October 2020

This East Cambridgeshire Local Development Scheme (LDS) was approved by East Cambridgeshire District Council at a meeting of its Council on 22 October 2020 and came into effect immediately. This LDS replaces the previous LDS, dated 17 October 2019.

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Preface

This East Cambridgeshire Local Development Scheme (LDS) was approved by East Cambridgeshire District Council at a meeting of its Council on 22 October 2020 and came into effect immediately. It replaces the previous LDS, dated October 2019.

If you require any further information regarding the Scheme, please contact a planning policy officer of Strategic Planning Team on (01353) 665555 or by email to planningpolicy@eastcambs.gov.uk

This LDS is produced under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

East Cambridgeshire Local Development Scheme 2020 to 2023

1. Introduction

- 1.1 The Local Development Scheme (LDS) is a timetable which sets out the Development Plan Document(s) (DPDs) that a local planning authority intends to produce over the next few years. Such DPDs are also often more commonly known as Local Plan(s) for an area.
- 1.2 This East Cambridgeshire LDS sets out the timetable for East Cambridgeshire for the period 2020 to 2023. It explains when the Council intends to reach key stages in the preparation of a new Local Plan. This LDS replaces the East Cambridgeshire LDS which was adopted in October 2020.

The Local Plan and Supporting Documents

- 1.3 National planning policy is headlined by the 'National Planning Policy Framework' (NPPF). Locally, the East Cambridgeshire planning policy framework comprises more than just DPDs (Local Plan).
- 1.4 In summary, the local set of documents comprises the following:
 - **Development Plan Documents (DPDs):** These are documents (often referred to as 'Local Plans') that form part of the statutory development plan for the area. They are prepared by the relevant plan-making authority and are subject to independent examination by a planning inspector appointed by the Secretary of State. For East Cambridgeshire, as at October 2020, they are the East Cambridgeshire Local Plan (April 2015), and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and the Minerals and Waste Site Specific Proposals DPDs (Note: these two minerals and waste plans, prepared by the County Council, are at an advanced stage of being replaced, with a likely adoption of a new Plan in early 2021). This LDS explains that the East Cambridgeshire Local Plan (2015) is in the process of being partially updated.
 - **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the development plan apply. The Policies Map may include inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a relevant document (i.e. a DPD or a Neighbourhood Plan) is adopted.
 - **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its DPDs (Local Plan). They do not form part of the statutory development plan and are not subject to independent examination. The District Council can decide to produce an SPD on any appropriate subject whenever the need arises. There is no requirement for this LDS to set out a timetable for the production of any SPDs.
 - **Neighbourhood Plans:** Local communities, including Parish and Town Councils, can now prepare Neighbourhood Plans (NPs) putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in DPDs (Local Plan) and with national policy. NPs are not able to propose lower levels of development than those set out in up to date Local Plans but could propose higher levels, or offer other detailed policy proposals. It is up to local communities to decide if it wants to produce a Neighbourhood Plan and

so it is not appropriate for this LDS to specify when, or for where, they will be produced. Any NP, if adopted, has the same status as a DPD. At the time of writing, three Neighbourhood Plans have been completed in East Cambridgeshire.

- **Statement of Community Involvement (SCI):** This is a document that explains how the local planning authority will engage the community in the preparation, alteration and review of planning documents, and in development control decisions. It is required to specify how and at what stages people will have the opportunity to be involved in planning for their area. A refresh of East Cambridgeshire's SCI was published in July 2018.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

1.5 Further details on the adopted East Cambridgeshire documents can be found in Table 2 and Table 3 in this LDS, and on our website.

Joint Working Arrangements and Joint Local Plans

1.6 The District Council has a good track record of joint working with other authorities, and has especially close ties with other Cambridgeshire districts.

1.7 However, there are no plans to establish formal joint working arrangements or a joint committee (under section 29 of the Planning and Compulsory Purchase Act 2004) with any other local planning authority, but the District Council will fulfil its responsibilities under the duty to co-operate requirements of s33A of the Planning and Compulsory Purchase Act, and be open to the possible production of joint evidence studies, and, if appropriate, the preparation of a joint plan or SPDs.

2.0 Local Plan Timetable

2.1 There are a number of stages involved in producing a DPD (Local Plan). This process allows for opportunities for the public to be involved, early resolution of conflicts/objections, and an Independent Examination. The stages in producing a Local Plan, and the intended time of those stages for the new Local Plan, are set out in Table 1.

3.0 Subject Matter and Geographical area of the emerging Single Issue Review of the East Cambridgeshire Local Plan (DPD)

3.1 To meet the requirements of section 15 (2)(b) of the Planning and Compulsory Purchase Act 2004, it is confirmed that the subject matter of the emerging Single Issue Review of the 2015 Local Plan (DPD) for East Cambridgeshire will cover:

- An update to Policy GROWTH1
- Consequential update to the supporting text associated with GROWTH1
- Updated explanatory text to explain the Single Issue Review
- If necessary, consequential update to other policies in the Local Plan which arise from the updating of Policy GROWTH1

3.2 Whilst not forming part of the Local Plan, there will also likely be consequential amendments to the Policies Map, to reflect the amendments arising from above.

3.3 The Local Plan (as amended by the Single Issue Review) will continue to cover the whole administrative area of East Cambridgeshire.

Table 1: Timetable for Production of a new Development Plan Document

	2020				2021								2022								2023																		
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N
East Cambridgeshire Local Plan				1			2									2							3				4	5*								6*			

No.	Stage	Description	Dates each stage is proposed to take place
1	Consult on a sustainability appraisal (SA) scoping report	The SA scoping report sets out the sustainability objectives proposed to be used to appraise the economic, social and environmental effects of the emerging Local Plan policies. The SA scoping report is subject to consultation.	Dec 2020
2	Public participation (Regulation 18)	Opportunity for interested parties and statutory consultees to consider the options for the plan before the final document is produced. This stage may involve one or more public consultation rounds, each for a minimum 6 weeks. We intend two rounds for the forthcoming Single Issue Review Local Plan.	March-April 2021 January-February 2022
3	Proposed-Submission Publication (Regulation 19)	The Council publishes the draft Local Plan which is followed with a 6 week period when formal representations can be made on the Local Plan (or, in the forthcoming case, representations can be made in relation to the elements being proposed for change in the Single Issue Review).	July – August 2022
4	Submission (Regulation 22)	The Council submits the Local Plan to the Secretary of State together with the representations received at Regulation 19 stage.	November 2022
5	Independent Examination (including likely Hearing sessions) and Inspector's Report	Held by a Planning Inspector into objections raised on the Local Plan. The Inspector's Report will determine whether the Plan is 'sound' or 'not sound'. The Inspector may make recommendations (including recommended modifications) to make the plan 'sound'	From date of Submission to August 2023 (*estimate: dates set by Inspector)
6	Adoption of DPD (Local Plan)	Final stage, the Council will formally need to adopt the Local Plan and it will then be used in making planning decisions.	October 2023 (*estimate: date depends on completion of stage 5)

Table 2: Adopted Development Plan Documents in force in East Cambridgeshire (as at October 2020)

Document title	Status	Geographical area	Role and content	Adoption Date
East Cambridgeshire Local Plan	DPD	Administrative area of East Cambridgeshire	Sets out the vision, objectives and overall strategy for the spatial development of East Cambridgeshire up to 2026, together with detailed planning policies and site allocations	Adopted April 2015
Minerals and Waste Core Strategy (including development control policies)*	DPD	Administrative areas of Cambridgeshire and Peterborough	Document setting out the strategic vision, objectives and core development control policies to guide minerals and waste development over the period to 2026	Adopted July 2011
Minerals and Waste Site Specific Proposals*	DPD	Administrative areas of Cambridgeshire and Peterborough	Document setting out site specific proposals for minerals and waste development over the period to 2026 and supporting site specific policies	Adopted February 2012

*Note: the two above minerals and waste related plans are currently at an advanced stage of being replaced by a single new Minerals and Waste Local Plan, with adoption scheduled, at the time of writing, for early 2021.

Table 3: Adopted ('Made') Neighbourhood Plan Documents in force in East Cambridgeshire (as at October 2020)

Document title	Status	Geographical area	Role and content	Adoption Date
Fordham Neighbourhood Plan	NP	Fordham parish council area	The Fordham Neighbourhood Plan sets out a local blueprint for how Fordham should develop sustainably in the best interest of the village, in the context of the wider Local Plan. Detailed policies and allocations in the neighbourhood plan will help to deliver this.	'Made' on 18 December 2018
Sutton Neighbourhood Plan	NP	Sutton parish council area	Sutton Neighbourhood Plan has a vision for the parish where its unique character is appreciated and cherished, the quality of the environment is maintained and continues to improve, the opportunities presented to all, young and old, to live and prosper continue to be enhanced, and the life led by its residents remains a healthy and happy one. Detailed policies and allocations in the neighbourhood plan will help to deliver this.	'Made' on 30 May 2019
Witchford Neighbourhood Plan	NP	Witchford parish council area	The Witchford Neighbourhood Plan sets out a local blueprint for how Witchford should develop sustainably in the best interest of the village, in the context of the wider Local Plan. Detailed policies and identification of sites in the neighbourhood plan, such as Local Green Spaces, will help to deliver this.	'Made' on 21 May 2020



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

JAMES PALMER
CAMBRIDGESHIRE &
PETERBOROUGH MAYOR

Cambridgeshire & Peterborough Combined Authority Reports from Constituent Council Representatives on the Combined Authority

Audit and Governance Committee

31st July 2020

24th September 2020

Councillor David Brown (Substitute: Councillor David Ambrose-Smith)

Overview and Scrutiny Committee

22nd June 2020

29th July 2020

28th September 2020

**Councillors Lorna Dupré and Alan Sharp
(Substitutes: Councillors Charlotte Cane and David Ambrose-Smith)**

Combined Authority Board

5th August 2020

30th September 2020

**Councillor Anna Bailey
(Substitute: Councillor Joshua Schumann)**

The above meetings have taken place in June, July, August and September 2020

Audit and Governance Committee – 31st July and 24th September 2020

The Audit and Governance Committee met on 31st July 2020, the decision summary is attached as Appendices 1 and 2.

Overview and Scrutiny Committee – 22nd June, 29th July and 28th September 2020

The Overview and Scrutiny Committee met on 22nd June, 29th July and 28th September 2020, the decision summaries are attached as Appendices 3, 4 and 5.

Combined Authority Board – 5th August and 30th September 2020

The Combined Authority Board met on 5th August and 30th September 2020, the decision summaries are attached as Appendices 6 and 7.

The agendas and minutes of the meetings are on the Combined Authority's website – Link in the appendices

Audit and Governance Committee Decision Summary

Meeting: 31 July 2020

Agenda/Minutes: [Audit and Governance Committee - 31 July 2020](#)

Chair: John Pye (Chair and Independent Person)

Summary of decisions taken at this meeting

Item	Topic	Decision [None of the decisions below are key decisions]
1.	Apologies and Declarations of Interests	Apologies were received from Cllr Mike Davey (Cambridge City Council). There were no declarations of interest.
2.	Confirmation of Membership of the Audit & Governance Committee for Municipal Year 2020/21 and Election of Vice-Chair	<ol style="list-style-type: none"> 1. Cllr Graham Bull had replaced Cllr Mac McGuire as the representative of Huntingdonshire District Council on the Committee. 2. Cllr David Brown was nominated and seconded as Vice-Chair and duly elected.
3.	Chairs Announcement's	<ol style="list-style-type: none"> 1. Lancaster Way: At the May Audit and Governance Committee meeting, following a referral by the Transport and Infrastructure Committee, it was agreed to commission an independent review of the costs and timetable associated with the programme delivery of the Lancaster Way project against terms of reference agreed at that meeting. The Combined Authority approached a number of potential suppliers and, in consultation with Cambridgeshire County Council, have agreed to appoint a suitably qualified auditor to perform the review. An inception meeting to agree the process, timeline and requirements for carrying out the work is scheduled for 3rd August. The supplier has been asked to provide a report to the Committee on

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>their findings at the 2 October Committee meeting, or at an Extraordinary Committee meeting.</p> <ol style="list-style-type: none"> 2. Register of Interest Forms: The Chair reminded members of the Committee to complete the Register of Interest forms recently forwarded to them via their respective constituent councils. 3. MHCLG Correspondence: The Chair informed members of the Committee that he had spoken to the external auditors and was satisfied the issues referred to in the local press were a matter for the Overview & Scrutiny Committee – the only governance issues were related to an error in the Constitution and a single recruitment issue. The Chair has requested an update on these two issues at the next meeting on 2 October. The Chair proposed the correspondence between the Mayor and the Minister be shared with the Committee together with an analysis from the Chief Executive of the issues raised by the Minister in the correspondence. <p>Resolved:</p> <ol style="list-style-type: none"> 1. The Lancaster Way independent review would be received at an extraordinary meeting or at the next meeting on 2 October, depending upon timescales. 2. The Mayor of the Combined Authority be invited to the 2 October meeting to update the Committee on the MHCLG correspondence relating to governance issues. 3. The MHCLG/Mayoral correspondence be circulated to the Committee together with an analysis of the issues raised by the Minister.

Item	Topic	Decision [None of the decisions below are key decisions]
4.	Minutes of the last meeting	<ol style="list-style-type: none"> 1. The minutes of the last meeting held on 26 May 2020 were agreed as an accurate record. 2. The Chair requested that 'open actions' be reverted to the top of the Action Sheet at future meetings.
5.	Draft Financial Statements 2019/20	<ol style="list-style-type: none"> 1. S.73 Officer highlighted that the final publication date for the accounts is 30 November 2020 with the final version brought to the Committee on 2 October. 2. With any amendments suggested by the Committee the version presented would be uploaded onto the CA website and public consultation will commence on the first Monday in September. 3. Following a suggestion, a note should be incorporated into the accounts to fully explain the adjustment on the LEP/Business Board accountability. 4. A note should be incorporated into the accounts stating no bonuses are paid to senior staff and salaries are base pay – any reference to bonuses should, therefore, be removed. The narrative should also reflect expenses not subject to tax are not included. 5. The financial statements should reflect the risk register in future. 6. The Committee to receive the redrafted version of the financial statement following revisions prior to the period of public consultation. <p>Resolved:</p> <ol style="list-style-type: none"> 1. The final statement of accounts to be presented at the 2 October 2020 meeting of the Committee.

Item	Topic	Decision [None of the decisions below are key decisions]
6.	External Audit Update 2020/21	<p>1. The audit has not, as yet, been completed to the ambitious deadline of the end of July 2020. It will be, in the most part, completed by the end of August. However, owing to complexities related to the Cambridgeshire Pension Fund it will be the end of September when complete and be presented to the 2 October meeting of the Committee.</p> <p>2. Ernst & Young were made aware of the MHCLG correspondence and are satisfied there are no significant issues that impact on the audit. If anything comes to light this will be reported at the next meeting.</p> <p>Resolved:</p> <p>1. The final audit and opinion be presented at the 2 October 2020 meeting of the Committee.</p>
7.	Internal Audit and Opinion 2019/20	<p>1. There were no significant issues to be reported and this is reflected in the Annual Governance Statement.</p> <p>2. There has been significant improvement of governance across all levels of the organisation.</p> <p>3. There will be a future report to the Committee on information security and governance.</p> <p>Resolved:</p> <p>1. A report on information security and governance to be submitted to the Committee. This to be included in the work programme at an agreed date.</p>

Item	Topic	Decision [None of the decisions below are key decisions]
8.	Internal Audit 2020/21	<p>1. There had been six expressions of interest to take forward the Internal Audit function following the cessation of the SLA with Peterborough City Council. Of these, three bids had been evaluated as compliant.</p> <p>2. The assessment will be complete, and an appointment made by week ending 14 August and the internal audit plan will be presented at the 2 October meeting of the Committee</p> <p>3. The Chair will be present at the presentations and he requested the Vice-Chair be involved also, if available.</p> <p>Resolved:</p> <p>1. Subject to availability the Vice-Chair be invited to the evaluation presentations.</p> <p>2. The Internal Audit Plan 2020/21 to be presented at the 2 October 2020 meeting of the Committee.</p>
9.	Annual Governance Statement	<p>1. A typographical error was pointed out on page 125 of the Committee papers – the year referenced should be 2019/20.</p> <p>2. The Monitoring Officer drew Committee attention to the current review of the Constitution and that there would be a workshop session on this for Members in mid-September. Members requested that, if possible, this be held on the same date as any extraordinary meeting related to Lancaster Way.</p> <p>3. There was a request for consistency on the acronyms used for the Cambridgeshire & Peterborough Combined Authority in documentation.</p> <p>Resolved:</p>

Item	Topic	Decision [None of the decisions below are key decisions]
		<ol style="list-style-type: none"> 1. That a date for the workshop session for the Constitution review be forwarded to the Committee members as soon as possible.
10.	Combined Authority Board Update	<ol style="list-style-type: none"> 1. The Chief Executive provided an update on the Combined Authority. 2. Since the last meeting of the Committee there had only been one CA Board meeting at which the Complaints Policy was agreed and adopted. This had been approved at the last Audit & Governance Committee meeting. 3. The Chief Executive updated the Committee on measures being undertaken to mitigate the economic impact of Covid-19. 4. A positive announcement on Wisbech Rail is expected shortly. This has formed part of the Gateway Review currently ongoing which has a number of positive messages being reported back to MHCLG. 5. The University of Peterborough HE Partner has been appointed. Anglia Ruskin University will be the provider with the intention that there will be a fully independent University in due course.
11.	Independent Commission on Climate Change	<ol style="list-style-type: none"> 1. The inaugural meeting of the Commission was on the morning of this meeting. 2. A request for the names of those on the Commission was made. 3. Any contributions from Members of the Committee would be welcomed, as the Commission wishes to have as wide an engagement as possible and should be sent directly to Adrian Cannard. 4. There was some concern expressed with regard to the Commission appointments and whether it was an open appointment process. The Chair's comments with regard to this were noted. As a non-remunerated Commission, the group was selected based upon expertise – had it been a

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>remunerated Commission there would have been an open appointment process.</p> <p>5. As part of the Constitution review there will be a section on working groups which will elaborate upon the internal controls for the appointments to Boards, Commissions and Working Groups.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. The names of all on the Independent Commission on Climate Change will be provided to the Committee. 2. The Constitution review should include protocols for appointments to Boards, Commissions and Working Groups. 3. A further report to the Committee be programmed for December 2020 to explain the process for formulating recommendations.
12.	Corporate Risk Register	<ol style="list-style-type: none"> 1. As requested at the previous meeting the risks were presented in order of RAG rating from highest to lowest. The only 'red' risk being the impact of Covid-19. 2. A request to include climate change as a discrete risk was raised once more. The Chief Executive explained climate change is considered in how it manifests itself in the delivery of all infrastructure projects. There was a level of disquiet from the Committee regarding this. The CA will consider advice from the Independent Commission on Climate Change to see whether climate change ought to be reflected as an individual risk on the register. Members of the Committee requested that climate change is considered a discrete risk

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>3. Covid-19 appears as a single risk due to the immediate financial risk it poses to the Combined Authority area.</p> <p>4. Cllr Mason undertook to forward a document highlighting the sort of questions an organisation would be required to answer as part of the new Task Force on Climate Related Financial Disclosure (TCFD) from 2022. It was suggested this in turn be forwarded to the co-ordinators of the Independent Commission on Climate Change.</p> <p>Resolved:</p> <ol style="list-style-type: none"> 1. Climate change to appear on future risk register reports to the Committee as a discrete risk. 2. A further update on the Corporate Risk Register will be received at the 2 October 2020 meeting of the Committee.
13.	Work Programme	<ol style="list-style-type: none"> 1. The revised format was welcomed, and the Scrutiny Officer requested any further feedback on work programme presentation be forwarded to him. 2. Revisions to the work programme based on this meeting would be reflected in a revision to be published with the minutes of the meeting. 3. A typographical error will be corrected, and the date of the April 2020 meeting amended following the confirmation of dates at the last CA Board meeting in June 2020. <p>Resolved:</p> <ol style="list-style-type: none"> 1. The work programme revisions to be published alongside the minutes of the meeting

Item	Topic	Decision [None of the decisions below are key decisions]
14.	Date of Next Meeting	The next meeting will be held virtually on the Zoom platform on 2 October 2020 at 10.00 a.m.

Appendix 2

Audit and Governance Committee Decision Summary

Meeting: 24th September 2020

Agenda/Minutes: [Audit and Government Committee - 24 September 2020](#)

Chair: John Pye (Chair and Independent Person)

Summary of decisions taken at this meeting

Item	Topic	Decision [None of the decisions below are key decisions]
1	Apologies and Declarations of Interests	There were no apologies. There were no declarations of interest.
2	Chair's Announcements	<ol style="list-style-type: none">1. Anne Gardiner was welcomed back to the CPCA.2. Members were reminded of the Value for Money Workshop following the Committee meeting on 2 October 2020.
4	The Cambridgeshire and Peterborough Combined Authority Constitution Review	<ol style="list-style-type: none">1. The Assurance Framework was not being addressed at this meeting and would instead be referred to the meeting of the Committee on 27 November 2020. Committee members were requested to send any comments on the Assurance Framework directly to Rochelle.white@cambridgeshirepeterborough-ca.gov.uk2. The revisions were presented in order and members discussed each in turn and the Committee was requested to approve, and recommend the revisions to the Constitution which were detailed in the report to the Combined Authority Board meeting of 30 September 2020. The following recommendations were agreed:

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>Recommended:</p> <ol style="list-style-type: none"> 1. The Code of Conduct was agreed and recommended to the CA Board 2. With the addition of a reference to the officer Gifts and Hospitality policy the Gifts and Hospitality Protocol was agreed and recommended to the CA Board 3. The Members use of Resources and Code of Recommended Practice on Publicity, which supplements the recommended revised Code of Conduct, was agreed and recommended to the CA Board 4. That reference be made to the requirement for the participation of the Mayor in any majority decision within the Officer Employment Procedure Rules. With such an addition the revision was agreed and recommended to the CA Board. The protocol on appointments within the Mayoral Office (Annex to the OEPRs) was also agreed and recommended to the CA Board 5. A note to the CA Board that the Employment Committee may wish to reserve to themselves second and third-tier appointments which would otherwise fall to the Head of Paid Service. With this the revision to the Employment Committee section within the Constitution was agreed and recommended to the CA Board 6. With the amendment to a typographical error, and the addition of a reference to participation via telephone, the protocol on Virtual/Hybrid meetings was agreed and recommended to the CA Board. 7. The Webcasting protocol was agreed and recommended to the CA Board

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>8. With the amendment of a typographical error the Contract Procedure Rules was agreed and recommended to the CA Board</p> <p>9. The consequential and minor amendments to the Constitution were noted and agreed</p> <p>The following recommendations were also agreed:</p> <ol style="list-style-type: none"> 1. The Monitoring Officer to be requested to develop a Member/Officer protocol to be brought back to the Audit and Governance Committee 2. The Constitution should include an introduction and pre-amble which refers to mandatory and optional content within the Constitution 3. The Monitoring Officer to be requested to develop a protocol on the appointment of third-parties to CA Boards, Committees, Commissions and Working Groups 4. The Committee would recommend to the CA Board that a letter is sent to Whitehall which expresses concern with the quoracy rules (which require two thirds of the members) of Combined Authority Committees
5	Date of next meeting	Friday, 2 October 2020 from 10.00 a.m. via the Zoom platform.

Appendix 3

Overview and Scrutiny Committee Decision Summary

Meeting: 22nd June 2020

Agenda/Minutes: [Overview and Scrutiny Committee - 22nd June 2020](#)

Chair: Cllr Lorna Dupré

Summary of decisions taken at this meeting

Item	Topic	Decision [None of the decisions below are key decisions]
1.	Apologies	Apologies were received from: Cllr P Heylings (substituted by Cllr P Fane), Cllr A Hay and Cllr G Chamberlain.
2.	Confirmation of Membership	
3.	Declarations of Interest	There were no declarations of interest.
4.	Minutes of the Previous Meeting	The minutes of the last meeting held on 29 May 2020 were agreed as an accurate record.
5.	Public Questions	There were no public questions received
6.	Co-option of an Independent Member from a Constituent Authority	<p>The Chair stated it was for the Committee to consider whether to appoint an Independent member to the Committee; however, such a member would have no voting rights or be counted towards the quoracy of the Committee.</p> <p>Agreed:</p> <p>i) That an Independent member is not co-opted onto the Committee.</p>

Item	Topic	Decision [None of the decisions below are key decisions]
		ii) That the Monitoring Officer enquire of the Combined Authority Board what representations, if any, have been made at government level to reconsider the legislative barrier to the inclusion of Independent members when considering political proportionality for Combined Authorities.
7.	Lead Member Appointment	There was full Committee support for a Lead Member to shadow the Business Board. Interested members should contact the Scrutiny Officer by the end of June 2020.
8.	Overview & Scrutiny Work Programme	Agreed: <ul style="list-style-type: none"> <li data-bbox="846 683 1928 791">i) The Chairs of the Executive Committees, the Mayor of the Combined Authority and the Combined Authority Directors be timetabled into the work programme. <li data-bbox="846 831 1704 1011">ii) The following be scheduled into the work programme: <ul style="list-style-type: none"> <li data-bbox="1010 906 1211 938">• A10 Dualling <li data-bbox="1010 943 1435 975">• Ely Capacity Enhancements <li data-bbox="1010 979 1301 1011">• Digital Connectivity <li data-bbox="846 1051 1951 1123">iii) That the updated work programme be presented to the next Committee meeting. <li data-bbox="846 1163 1973 1235">iv) That a further horizon scanning item be scheduled for December 2020 to consider the work programme to April 2021.
9.	CPCA Project Register	The report was noted and an update to the Committee was requested for September 2020, and quarterly thereafter.

Item	Topic	Decision [None of the decisions below are key decisions]
10.	Combined Authority Forward Plan	The CA Forward Plan was noted.
11.	Date of Next Meeting	The next meeting of the Committee will be at 11.00 a.m. on Monday, 27 July 2020 via the Zoom platform.

Appendix 4

Overview and Scrutiny Committee Decision Summary

Meeting: 29th July 2020

Agenda/Minutes: [Overview and Scrutiny Committee - 29th July 2020](#)

Chair: Cllr Lorna Dupré

Summary of decisions taken at this meeting

Item	Topic	Decision [None of the decisions below are key decisions]
1.	Apologies	Apologies were received from: Cllr Markus Gehring (Cambridge City Council) substituted by Cllr Dan Summerbell; Cllr Patricia Jordan (Huntingdonshire District Council); and Cllr Kevin Price (Cambridge City Council).
2.	Declarations of Interest	There were no declarations of interest.
3.	Minutes of the Previous Meeting	Cllr Alex Miscandlon (Fenland District Council) was not in attendance – Cllr David Mason was the representative of FDC. With this amendment the minutes of the last meeting were agreed as an accurate record.
4.	Public Questions	There were no public questions received
5.	The Mayor of the Combined Authority	It was Agreed: The Monitoring Officer would provide legal advice as to whether the following could be made available to the Committee:

Item	Topic	Decision [None of the decisions below are key decisions]
		<ul style="list-style-type: none"> i) The legal advice, including that from James Goudie QC, behind the appointment of a political assistant and subsequent Chief of Staff; ii) The letter from MHCLG to the Co-Chief Executives in June 'outlining our differing view on the total additional starts on site delivered to date and confirming that further evidence of progress would be required before the Department could make further funding available'; iii) The letter being written to The Minister of State at the MHCLG at the end of July/early August.
6.	University of Peterborough	The PowerPoint presentation to be circulated to the Committee and published on the CA meetings website.
7.	Lead Member Appointment to Shadow the Business Board	<p>Agreed:</p> <ul style="list-style-type: none"> i) Cllr Ed Murphy confirmed as Lead Member for the Business Board. ii) Cllr Jocelyne Scutt confirmed as Lead Member for Housing replacing Cllr Ed Murphy

8.	<p>Combined Authority Board Agenda: Wednesday, 5 August 2020</p>	<p>The following questions to the Board were agreed:</p> <p>Item 2.1 Budget Monitor Update: Building upon cycle schemes he has funded recently is the mayor able to consider reviewing budgets and move funding towards promoting safe walking and particularly cycling?</p> <p>Item 3.1 £100m Affordable Housing Programme Proposed Variations to Schemes that form investments from the £40m revolving fund: The report to the Board states that “The lost interest by granting interest free periods will not impact on other areas of the Combined Authority. i.e. the revenue budget does not rely on these funds, but as mentioned earlier in the paper, any interest earned on these loans would be recycled and re-invested into new housing projects. i.e. the loss of interest just impacts on future funds available to support the £100m affordable housing programme.” What—in financial and housing unit terms—is the opportunity cost of this lost interest?</p> <p>Item 3.2 Proposal for a Corporate Vehicle to bring forward the Cambridgeshire Autonomous Metro (CAM): The report to the Board states that “CAM will potentially increase social mobility to Peterborough and the Fens, therefore ‘levelling up’ the region”. Which parts of the Fens will have access to CAM, and when?</p> <p>Item 3.3 A10 Junctions and Dualling: The report to the Board states that “there was a spread of opinion about the options”. Will the Combined Authority publish the public feedback received in response to the virtual public exhibition?</p> <p>Item 3.5 Market Town Masterplans: A frequent comment during the development of the Market Town Masterplans was that local councillors and communities had not been consulted in their development, or their comments had been ignored. As funds are about to be allocated to the Market Towns to implement the Masterplans, what flexibility will be shown in granting funds to</p>
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		<p>Market Towns for local priorities which are not in the Masterplans created for them, but which have greater local support and in some cases, greater feasibility?</p> <p>Item 5.2 Integrated Economic, Business and Skills Insight Programme: How is the Combined Authority balancing the need for urgent action this summer and autumn to address the short-term implications of COVID-19 on business and the economy, with the wish to redesign its medium term COVID-19 recovery focus?</p>
9.	Combined Authority Forward Plan	The Committee work programme was noted.
10.	Lead Member Questions to Executive Committees	Cllr Andy Coles confirmed the questions provided to the Skills Committee had been answered. There were no questions to the last meetings of either the Transport or Housing Committees.
11.	Combined Authority Forward Plan	The CA Forward Plan was noted
12.	Date of Next Meeting	Monday, 28 September 2020 at 11.00 a.m.

Appendix 5

Overview and Scrutiny Committee Decision Summary

Meeting: 28th September 2020

Agenda/Minutes: [Overview and Scrutiny Committee - 28 September 2020](#)

Chair: Cllr Lorna Dupré

Summary of decisions taken at this meeting

Item	Topic	Decision [None of the decisions below are key decisions]
1.	Apologies	Apologies were received from: Cllr Grenville Chamberlain (South Cambridgeshire County Council) substituted by Cllr Heather Williams; and Cllr Kevin Price (Cambridge City Council).
2.	Declarations of Interest	Cllr Ed Murphy declared an interest on item 6 (Wisbech Rail Project Update) due to work he has conducted on behalf of ASLEF in the rail sector.
3.	Minutes of the Previous Meeting	The minutes of the last meeting were agreed as an accurate record. The responses to the questions the Committee asked at the last CA Board meeting would be added as an appendix to the minutes on the Combined Authority meetings website.
4.	Public Questions	There were no public questions received.
5.	The Chair of the Independent Commission on Climate Change	Baroness of Brown of Cambridge was in attendance. The Chair of the Commission highlighted the progress made by the Commission in its three meetings to date and confirmed the membership of the Commission. Members of the Committee asked questions of the Chair of the Commission.

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>An interim report from the Commission is scheduled for February 2021 with the final report with recommendations expected in the early summer of 2021.</p> <p>The Commission will have a web presence and a logo has been agreed.</p> <p>The Chair of the Commission stated she would be happy to return to the Committee when the interim report has been published.</p>
6.	Wisbech Rail Project Update	<p>The update was noted and it was suggested that a further update for the Committee would be available between November 2020 and January 2021 (to be confirmed).</p> <p>A link to the Network Rail consultation on Ely capacity area enhancements would be shared with Committee members.</p>
7.	CAM Metro Task and Finish Group Update	<p>The Chair of the Task and Finish Group was not in attendance at the meeting. Therefore, other Task and Finish Group members updated the Committee. There had been good progress on the work in the spring; however, the Task and Finish Group has had difficulty in obtaining data related to consultations that have taken place.</p> <p>There was an overall concern about transparency expressed and the publication of papers for the CA Board meeting on 30 September is the first time the Task and Finish Group has seen relevant documentation. It is hoped now documentation has been published the Task and Finish Group can make further progress and a meeting will be scheduled for early October with a report forthcoming to the next meeting of the Committee.</p>
8.	Combined Authority Board Agenda: Wednesday, 30 September	The following questions to the Board were agreed:

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>Item 1.6 Cambridgeshire and Peterborough Combined Authority Constitution What representations has the Combined Authority made to central government on the long-standing issue of the quoracy of Combined Authority Committees, and what has been the response? In line with the seven Nolan Principles of Public Life, is there a commitment for the Business Board to be more transparent and to hold meetings in public session?</p> <p>Item 3.1 Cambridgeshire Autonomous Metro Special Purpose Vehicle Shareholder Agreement The Combined Authority Overview and Scrutiny Committee would wish to place on record its concerns about the transparency of the CAM Special Purpose Vehicle, and about the lack of timely access to information regarding the CAM scheme in general. Will the Combined Authority give the Committee the assurance that members of the Committee will be provided with information and access to officers in a timely manner, and that the Special Purpose Vehicle will operate openly and transparently? This would include the provision of exempt information to members of the Committee on a 'need-to-know' basis.</p> <p>Item 3.2 A10 Junctions and Dualling If the Department of Transport funding decision on dualling is negative will the whole £2m for the Outline Business Case still be required? And in that situation, would the Combined Authority proceed with a junctions-only option, and in what timescale?</p> <p>Item 3.3 Market Towns Programme Investment Prospectus It appears that there is nothing in the proposals which affect Chatteris. Is this a timing issue and, if so, when is it envisaged that funding applications for Chatteris will be considered?</p>

Item	Topic	Decision [None of the decisions below are key decisions]
		<p>Have there been any project proposals that when independently appraised did not reach the pass mark, and, if so, what were these proposals?</p> <p>Can the projects be economically justified in the current climate? What is the process for developing these applications? Who is involved and how can residents and local organisations be involved and contribute to the development of proposals?</p> <p>Item 4.3 Bus Reform As with our question for Item 3.1, will the Combined Authority Board give an assurance of transparency to the Overview and Scrutiny Committee as this programme continues? The Committee has a Task and Finish Group which provided a series of recommendations last year and is committed to reporting back to the Committee at the end of this municipal year.</p> <p>Items 5.1 and 5.2 How can it be ensured that there will be no duplication of work with that being undertaken by the Greater Cambridge Partnership on these measures?</p> <p>With that in mind will the Board commit to ensuring the most productive use of collaboration between the Combined Authority, the GCP, Cambridgeshire County and Peterborough City Councils, and district councils?</p> <p>Can the Combined Authority update the committee on the virement of resources to Covid-19 and its effectiveness?</p>

Item	Topic	Decision [None of the decisions below are key decisions]
9.	CPCA Project Register	The Project Register was noted. Resolved: i) That future quarterly reports include an additional columns to indicate a) expected end date of project ; b) the future dates detail of the project are going to Executive Committees or the CA Board; and c) a RAG rating indicating that project are proceeding as expected (or not).
10.	Lead Member Questions to Executive Committees	Cllr Andy Coles confirmed the questions he was content with the answers to the questions he had provided to the last Skills Committee. It was agreed that a meeting of Lead Members, the Chair of the Committee and the Scrutiny Officer take place prior to the next round of Executive Committees in order to consider questions to those Committees. This meeting is proposed for 2 November at 10.00 a.m.
11.	Combined Authority Forward Plan	The CA Forward Plan was noted
12.	Overview and Scrutiny Committee Work Programme	The Work Programme was noted. Resolved: i) The next appearance by the Chair of the Independent Commission on Climate Change be initially scheduled for February 2021. ii) A further update on the CAM Metro Task and Finish Group will be presented to the October 2020 meeting of the Committee.
13.	Date of Next Meeting	Monday, 26 October 2020 at 11.00 a.m. with a pre-meeting for Members at 10.00 a.m.

Cambridgeshire & Peterborough Combined Authority Board - Decision Summary

Meeting: 5th August 2020

Agenda/Minutes: [Cambridgeshire and Peterborough Combined Authority Board - 5th August 2020](#)

Item	Topic	Decision
Part 1 – Governance Items		
1.1	Announcements, Apologies and Declarations of Interest	<p>No apologies were received.</p> <p>Councillor Bailey made a declaration of interest in relation to Item 3.1: £100m Affordable Housing Programme Proposed Variations to Schemes that form investments from the £40m revolving fund in relation to loans to the East Cambridgeshire Trading Company, a wholly owned company of East Cambridgeshire District Council. he had taken advice from the Monitoring Officer and confirmed that it would be in order for her to remain in the meeting for consideration of this item and vote.</p> <p>Kim Sawyer, Chief Executive, made a declaration of interest in relation to Item 3.2: Proposal for a Corporate Vehicle to bring forward the Cambridgeshire Autonomous Metro (CAM). The Board was being recommended to appoint Ms Sawyer as one of three interim directors of the CAM Special Purpose Vehicle until the confirmed appointment of the members of the Board, following an external recruitment process. Ms Sawyer had taken advice from the Monitoring Officer and confirmed that it would be in order for her to present the report to the Board.</p>

		Councillor Holdich made a declaration of interest in relation to Item 5.1: University of Peterborough Full Business Case. He had taken advice from the Monitoring Officer and confirmed that it would be in order for him to remain in the meeting for consideration of this item and vote.
1.2	Minutes of the Combined Authority Board meeting 3 June 2020	The minutes of the meeting on 3 June 2020 were approved as an accurate record, subject to a minor amendment to minute 536: Complaints Policy.
1.3	Petitions	None received
1.4	Public Questions	One question was received from Mr Michael Page on Item 3.2: Proposal for a Corporate Vehicle to bring forward the Cambridgeshire Autonomous Metro (CAM) and one from Councillor Tim Wotherspoon on Phase 2 of the Non-Statutory Strategic Spatial Framework. The questions can be viewed in full at: Public Questions
1.5	Forward Plan	It was resolved to: Approve the Forward Plan.
1.6	Membership of the Combined Authority Board and Committees 2020-21 - Update	The Board reviewed the membership of the Combined Authority Board, Executive Committees, Business Board, Overview & Scrutiny Committee and Audit & Governance Committee for the 2020/21 municipal year. It was resolved to: a) appoint the Members and substitute Members nominated by constituent councils to the Combined Authority Board, Executive Committees, Business Board, Overview & Scrutiny Committee and Audit & Governance Committee for the municipal year 2020/2021 (Appendix 1);

		b) Note the named representative and substitute representative for each organisation as set out in the report.
1.7	Registered Office Change - Cambridgeshire and Peterborough Combined Authority Companies	<p>The Board considered a report informing them of the recent change to the registered office of the Combined Authority and its companies.</p> <p>It was resolved to:</p> <p>Note the change of the registered office of the Cambridgeshire and Peterborough Combined Authority and its subsidiary companies.</p>
1.8	Annual Report of the Chair of Audit and Governance 2019-20	<p>The Board reviewed the Audit and Governance Committee Annual Report for 2019/20</p> <p>It was resolved to:</p> <p>Note the Annual Report of the Chair of Audit and Governance Committee for 2019/20 (Appendix 1) and provide any feedback to the Committee.</p>

1.9	Overview and Scrutiny Committee Annual Report 2019-20	<p>The Board reviewed the Overview and Scrutiny Committee Annual Report for 2019/20</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Note the Annual Report of the Chair of the Overview and Scrutiny Audit and Governance Committee for 2019/20 (Appendix 1) and provide any feedback to the Committee. b) Consider the recommendations of the Bus Review Task & Finish Group approved by the Overview & Scrutiny Committee at its meeting on 24 April 2020 and provide a response within two months of receipts of the these recommendations as per the Constitution of the Combined Authority. The response should indicate what (if any) action the Combined Authority or the Mayor proposes to take and publish such response. c) Note the recommendations of the CAM Task & Finish Group to the Overview & Scrutiny Committee.
Part 2 – Finance		
2.1	Budget Monitor Update	<p>The Board considered a report providing an updated budget position for 2020-21.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Note the revised budget for the 2020-21 financial year. b) Note the reduction in expected costs for the Garden Villages project in 2020-21 per paragraph 3.7.

Part 3 - Combined Authority Decisions

3.1 £100m Affordable Housing Programme Proposed Variations to Schemes that form investments from the £40m revolving fund

The Board considered a report seeking approval to restructure the profile of the five loans already agreed from the £40m revolving fund.

It was resolved to:

Approve variations to schemes that form investment from the £40m revolving fund, specifically approval of changes to the terms and conditions of pre-existing loans in response to the impacts of COVID 19 as shown in a) to d) below;

a) Approve extensions to the duration of the existing facility agreements with Laragh Homes and The East Cambridgeshire Trading Company as shown in the table below:

Scheme Name	Borrower	Proposed extension to facility agreement in months
Haddenham CLT (Loan)	ECTC	24
Ely MOD Site (Loan)	ECTC	20
Alexander House Ely (Loan)	Laragh Developments	4
Linton Road, Great Abingdon (Loan)	Laragh Developments	6
Histon Road (Loan)	Laragh Developments	7

b) Approve the grant of interest free periods with Laragh Homes and The East Cambridgeshire trading company as shown in the table below:

Scheme Name	Provider / Lead Partner	Interest free period in months	Starting from
Haddenham CLT (Loan)	ECTC	24	01/04/2020
Ely MOD Site (L, Cambridge loan)	ECTC	6	01/08/2020
Alexander House Ely (Loan)	Laragh Developments	2	01/08/2020
Linton Road, Great Abingdon (Loan)	Laragh Developments	3	01/08/2020
Histon Road, Cambridge (Loan)	Laragh Developments	5	01/08/2020

- c) Interest free periods referred in b) above will be subject to a 'clawback' provision. Upon a final project reconciliation between the borrower and CPCA, the interest forgone through the interest free period will be recovered on a sliding scale if at the end of the project the actual profit is above the revised profit now being forecast for each project as a result of the Covid-19 impact.
- d) Increase the permitted number of drawdowns in each facility agreement to reflect the longer term of each loan facility.
- e) The Director of Housing and Development to be given authority to document the variations to the facility agreements as outlined in a)- d)

		above and undertake the end of project reconciliation/s assessing the potential recovery of the benefit of the interest free period against final project profit outcome for each project.
3.2	Proposal for a Corporate Vehicle to bring forward the Cambridgeshire Autonomous Metro (CAM)	<p>The Board considered a report outlining the proposal for a corporate special purpose vehicle which would act as a lead entity in the further development of the CAM Programme.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve the incorporation of the CAM SPV. b) Appoint the following interim directors until the confirmed appointment of the members of the Board, following an external recruitment process: <ul style="list-style-type: none"> Kim Sawyer, Chief Executive John Hill, Chief Executive Jon Alsop, Chief Finance Officer c) Approve the company Articles. d) Approve the proposed process for recruitment of the Board members, at Appendix 7, and note the expected levels of remuneration as set out in paragraph 6.9. e) Note the corporate support to be provided by the CPCA to the SPV. f) Approve the Mayor as representative of the CPCA as non-voting shareholder director to attend the interim and substantive Board. g) Note and approve the proposed governance structures and committees of the CAM SPV at Appendix 4.

		<p>h) Approve the draft initial Business Plan in the confidential Appendix 6, and request that a further report be brought back to the September meeting of the Combined Authority Board seeking approval for:</p> <ul style="list-style-type: none"> a. The initial Business Plan b. The initial equity investment c. The proposed board members and chair d. The Shareholder and SPV Agreement <p>i) Note and approve the mobilisation expenditure and approve the drawdown of £1,400,000 from the Medium-Term Revenue Financial Plan to progress the consultancy work set out in section 5.</p> <p>j) To approve the £1m Equity Investment in the CAM SPV from Capital Gainshare as set out in the Medium Term Financial Plan.</p> <p>k) Subject to the approval of the Local Growth Fund application for £1m, to approve the use this to take an equity subscription of shares in the CAM SPV.</p>
3.3	A10 Junctions and Dualling	<p>The Board considered a report seeking approval for the Strategic Outline Business Case for dualling the A10 between Cambridge and Ely and upgrading junctions on that section of the route.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve the Strategic Outline Business Case and agree in principle to proceed to Outline Business Case, subject to the outcome of funding discussions with the Department for Transport;

		b) Note the views of residents and businesses in response to the Virtual Public Exhibition.
3.4	A141 Huntingdon Capacity Study and Third River Crossing	<p>The Board considered a report summarising the outcome of the A141 and Huntingdon Third River Crossing study.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Note the outcomes of the A141 and Huntingdon Third River Crossing Study. b) Approve the drawdown of budget of £350,000 for undertaking a Strategic Outline Business Case for the A141. c) Approve the drawdown of budget of £500,000 from the Subject to Approval budget within the Medium-term Financial Plan for undertaking a Strategic Outline Business Case and further develop a package of Quick Wins.
3.5	Market Towns Programme - Approval of Masterplans for East Cambridgeshire (Ely, Soham and Littleport)	<p>The Board considered a report seeking approval for the East Cambridgeshire Market Town Masterplan Action Plans produced for Ely, Soham and Littleport.</p> <p>It was resolved to:</p> <p style="padding-left: 40px;">Approve the East Cambridgeshire Market Town Masterplan Action Plans produced for Ely, Soham, and Littleport.</p>
3.6	Ox-Cam Arc Representation	<p>The Board considered a report presenting proposals for the Combined Authority's representation on the governance groups of the Oxford to Cambridge Arc (Ox-Cam).</p> <p>It was resolved to:</p>

		<p>a) Note the Combined Authority’s status as the Arc Growth Board for Cambridgeshire and Peterborough.</p> <p>b) To nominate the Leaders and substitutes listed at paragraph 4.2 to the Arc Leadership Executive:</p> <ul style="list-style-type: none"> • The Mayor • Leader of Cambridgeshire County Council (substitute Cllr Roger Hickford) • Leader of South Cambridgeshire District Council (substitute Cllr Lewis Herbert)
<p>By Recommendation to the Combined Authority</p> <p>Part 4 – Transport and Infrastructure Committee Recommendations to the Combined Authority Board</p>		
4.1	A1260 Junction 15 Transport Study - Outcomes of Outline Business Case	<p>The Board considered a report seeking approval to proceed with producing the Full Business Case and detailed design for the A1260 Junction 15 project.</p> <p>It was resolved to:</p> <p style="padding-left: 40px;">Approve for the drawdown of £470,000 from the Medium-Term Financial Plan to produce the Full Business Case and detailed design.</p>
4.2	A1260 Junction 32 33 Transport Study - Outcomes of the Outline Business Case	<p>The Board considered a report seeking approval to proceed with producing the Full Business Case and detailed design for the A1260 Junction 32-33 project.</p> <p>It was resolved to:</p> <p style="padding-left: 40px;">Approve the drawdown of £500,000, from the Medium-Term Financial Plan to produce the Full Business Case and detailed design.</p>

4.3	March Area Transport Strategy Progress Report	<p>The Board considered a report requesting approval to commence the Outline Business Case and preliminary design.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve commencement of the Outline Business Case and preliminary design. b) Approve the drawdown of £1.0m for production of the Outline Business Case and preliminary design.
<p>By Recommendation to the Combined Authority</p> <p>Part 5 – Skills Committee Recommendations to the Combined Authority Board</p>		
5.1	University of Peterborough Full Business Case	<p>The Board considered a report requesting approval for the adoption of the Full Business Case to mobilise the creation of Phase 1 of the new University of Peterborough Project.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve and adopt the Full Business Case to mobilise the creation of Phase 1 of the new University of Peterborough project. b) Delegate authority to the Director of Business and Skills, in consultation with the Lead Member for Economic Growth, the Monitoring Officer and the Chief Financial Officer (Section 73), to develop the following key documents for the Special Purpose Joint Vehicle: <ul style="list-style-type: none"> 1) Prop Co Articles of Association. 2) Collaboration Agreement.

		<p>3) Cambridgeshire and Peterborough Combined Authority Services Agreement.</p> <p>4) Shareholder's agreement.</p>
5.2	Integrated Economic, Business and Skills Insight Programme	<p>The Board considered a report recommending to resource the commissioning exercise through existing MTFP budgets and seek authorisation to consolidate these.</p> <p>It was resolved to:</p> <p>a) Approve the consolidation of the Small and Medium Sized Enterprises (SME) Observatory budget and the Local Growth Fund (LGF) Top Slice and Department for Business, Energy and Industrial Strategy Support Funding as detailed in Table 1, to resource the commissioning.</p> <p>b) Approve the consolidation of the Adult Education Budget Programme costs, National Retraining scheme and Apprenticeships as detailed in Table 2, to resource the commissioning.</p>
5.3	Careers and Enterprise Company Review	<p>The Board considered a report providing an annual review of the decisions made by the Combined Authority Board on 29th May 2019 to retain the Careers and Enterprise Company contract that was due to be terminated on 31 March 2019.</p> <p>It was resolved to:</p> <p>Note the Annual Review report.</p>
5.4	Growth Company Corporate Governance	<p>The Board considered a report seeking approval of the corporate governance arrangements for the Growth Company (Growth Co).</p> <p>It was resolved to:</p>

		<p>a) Approve the business case in Appendix 1.</p> <p>b) Approve the business plan in Appendix 2.</p> <p>c) Approve the composition of Growth Co Board of Directors to include an independent director.</p> <p>d) Delegate authority to the Director of Business and Skills to approve the appointment of the Independent Director for the Growth Co, following an open and transparent recruitment process.</p> <p>e) Delegate authority to the Director of Business and Skills, in consultation with the Lead Member for Economic Growth, the Section 73 Officer and the Monitoring Officer, to develop the necessary legal documentation for the Growth Co.</p> <p>f) Approve the execution of the deed adherence and accession, contained within the shareholder agreement for Angle Holdings Ltd.</p>
By Recommendation to the Combined Authority		
Part 6 – Business Board Recommendations to the Combined Authority Board		
6.1	Accelerated 2021 Local Growth Funding Allocated to the Cambridgeshire and Peterborough Combined Authority Business Board	<p>The Board considered a report providing more information on the Accelerated 2021 Local Growth Funding allocated to the Cambridgeshire and Peterborough Combined Authority Business Board.</p> <p>It was resolved to:</p> <p>a) Note the Mayoral Decision on 15 July 2020, on the recommendation of the Business Board, to formally accept the allocation of £14.6million accelerated Local Growth Funding from the Cities and Local Government Unit on behalf of the Combined Authority;</p>

		<p>b) Note the plan to deploy the awarded accelerated Local Growth Funding to the Business Board's No1 ranked priority project: Greater Peterborough Innovation Ecosystem, subject to it successfully completing the Local Assurance Framework application process including ratification by the Combined Authority Board.</p>
6.2	Growth Deal Project Proposals July 2020	<p>The Board considered a report requesting approval for the applications that had been submitted for the remainder of the Local Growth Fund.</p> <p>It was resolved to:</p> <p>a) Approve funding for the project numbered 1, in table 2.11 based on the project achieving the highest scoring criteria and external evaluation recommendation.</p> <p>b) Approve a revised grant funding offer of £2,500,000, for the project numbered 2 in table 2.11 based on the project achieving the second highest scoring criteria and external evaluation recommendation.</p> <p>c) Decline project numbered 3 in table 2.11 based on the scoring criteria and this being the lowest scoring project.</p>
6.3	Local Growth Fund Programme Management July 2020	<p>The Board considered a report providing an update on the Local Growth Fund programme's performance since April 2015.</p> <p>It was resolved to:</p> <p>a) Note all of the programme updates contained in the report to the Business Board on 27 July 2020.</p> <p>b) Approve the change request for the Wisbech Access Strategy Project.</p>

6.4	Eastern Agri-Tech Growth Initiative Funding Review - July 2020	<p>The Board considered a report requesting approval for a change in the criteria for the Eastern Agri-Tech Growth Initiative scheme.</p> <p>It was resolved to:</p> <ul style="list-style-type: none">a) Approve a change in the criteria for the Eastern Agri-Tech Growth Initiative scheme, raising the grant intervention rate from 25% to 50% on the Growth Grant part of the scheme.b) Delegate authority to the Director of Business and Skills, in consultation with the Lead Member for Economic Growth, to make any further changes in criteria or operation of the scheme to ensure all funds are awarded by end of March 2021.
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Cambridgeshire & Peterborough Combined Authority Board - Decision Summary

Meeting: 30th September 2020

Agenda/Minutes: [Cambridgeshire and Peterborough Combined Authority Board - 30th September 2020](#)

Part 1 – Governance Items		
1.1	Announcements, Apologies and Declarations of Interest	<p>Apologies were received from Councillor Ray Bisby, Acting Police and Crime Commissioner and Jessica Bawden, Director of Primary Care at the Cambridgeshire and Peterborough Clinical Commissioning Group.</p> <p>Councillor Smith declared an interest in Item 1.6: Cambridgeshire and Peterborough Combined Authority Constitution as a member of the Local Government Association's Executive Board in relation to the LGA's model Code of Conduct and Constitution.</p>
1.2	Minutes of the Combined Authority Board meeting 5 August 2020	The minutes of the meeting on 5 August 2020 were approved as an accurate record, subject to clarification of Councillor Bailey's comments in relation to Item 3.3: A10 Junctions and Dualling.
1.3	Petitions	None received
1.4	Public Questions	None received
1.5	Forward Plan	It was resolved to approve the Forward Plan.
1.6	Cambridgeshire and Peterborough Combined Authority Constitution	<p>It was resolved to:</p> <p>a) approve, and adopt the revisions to the Constitution detailed in this report with effect from 1 November 2020, subject to the following change:</p>

That the proposed Officer Employment Procedure Rules be amended so as to:

(1) Delete paragraphs 3.2, 3.3 and 3.4

~~3.2 Where it is proposed to appoint a Monitoring Officer, Section 73 Officer (Chief Finance Officer) or Chief Officer on an interim basis and such an appointment is to last for a period of less than nine months pending the appointment of a permanent Monitoring Officer, Section 73 Officer (Chief Finance Officer) or Chief Officer, the Chief Executive will make all necessary arrangements in connection with the appointment subject to the designation of any officer as the Monitoring Officer or Section 73 Officer on an interim basis being reserved to the Combined Authority Board.~~

~~3.3 Where it is proposed to appoint a Head of Paid Service [Chief Executive] on an interim basis and such an appointment is to last for a period of less than nine months pending the appointment of a permanent Head of Paid Service, the Mayor will make all necessary arrangements in connection with the appointment subject to an such appointment being reported to the next meeting of the Combined Authority Board for ratification. No appointment of an Interim Head of Paid Service shall take effect until it has been ratified by the Combined Authority Board.~~

~~3.4 Where it is proposed to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, Section 73 Officer (Chief Finance Officer) or Chief Officer on an interim basis and such an appointment is to last for a period of more than nine months or such an appointment was originally made under paragraphs 3.2 or 3.3 above~~

		<p>but is to extend beyond nine months, the Employment Committee will make all necessary arrangements in connection with the appointment or the extension of the appointment as the case may be. Any such decision as to the appointment or the extension of the appointment of an interim Head of Paid Service (Chief Executive), Monitoring Officer or Section 73 Officer (Chief Finance Officer) shall be by way of recommendation to the Combined Authority Board.</p> <p>(2) Insert new paragraph 3.2:</p> <p>3.2 Where it is necessary to appoint an interim Head of Paid Service [Chief Executive], Monitoring Officer, or Section 73 Officer [Chief Finance Officer] on an urgent basis that appointment shall be made by the Employment Committee.</p> <p>(3) Renumber section 3 accordingly.</p> <p>(b) authorise the Monitoring Officer to update the Constitution with the recommended revisions and to make any consequential amendments.</p>
1.7	Business Plan Update	It was resolved to approve the 2020/21 Business Plan mid-year update.
1.8	Performance Report	It was resolved to note the September Delivery Dashboard.

Part 2 – Finance

2.1	Budget Monitor Report September 2020	<p>It was resolved to:</p> <p>a) note the updated financial position of the Combined Authority for the year.</p>
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		b) approve the 2020-21 'subject to approval' budget of £1,040k for the Digital Connectivity Infrastructure Programme, in line with the Business Case presented in March 2018.
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Part 3 – Combined Authority Decisions

3.1	Cambridgeshire Autonomous Metro Special Purpose Vehicle Shareholder Agreement	<p>It was resolved to:</p> <ul style="list-style-type: none"> a) Agree to enter into a Shareholder and SPV Agreement on the Heads of Terms accompanying this report. b) Approve the appointment of Lord Robert Mair as Chair of the SPV. c) Agree the annual remuneration for the role of Chair as £80,000. d) Agree to enter into a Service Level Agreement between the Combined Authority and SPV, to provide the SPV with operational resources and support. e) Approve the drawdown of £2,706,905 for the Delivery and Strategy Writing and a further £1,516,823 for Client Side Advisory from the Medium Term Financial Plan.
3.2	A10 Dualling and Junctions	<p>It was resolved to:</p> <ul style="list-style-type: none"> a) Note progress since the August board report; b) Approve the release of the capital budget of £2 million allocated as “subject to approval” within the MTFP; c) Delegate authority to the Director of Delivery and Strategy, in consultation with the Chair of the Transport and Infrastructure Committee, to develop and

Part 3 – Combined Authority Decisions

		procure OBC stage suppliers following a Major Route Network (MRN)/ Large Local Majors (LLM) funding decision by Department for Transport (DfT).
3.3	Market Towns Programme Investment Prospectus: Approval of the First Tranche of Recommended Projects	<p>It was resolved to:</p> <ul style="list-style-type: none"> • Approve the first tranche of project proposals received for Huntingdonshire and Fenland under the Market Towns Programme Investment Prospectus.

By recommendation to the Combined Authority Board

Part 4 – Transport and Infrastructure Committee Recommendations to the Combined Authority Board

4.1	CAM Outline business Case Non-Statutory Consultation (Central Tunnel Section) Summary Report	It was resolved to note the findings of the summary report.
4.2	Response to England’s Economic Heartlands Transport Strategy Consultation	<p>It was resolved to:</p> <p>Approve the public consultation response to the England Economic Heartland’s (EEH) Transport Strategy and proposal for a sub-national transport body.</p>
4.3	Bus Reform	<p>It was resolved to:</p> <p>Approve the remaining £1.2 million budget provision set out in the Medium Term Financial Plan, to be used to fund short-term innovation trials to inform subsequent reform proposals, and to delegate the detailed allocation of the</p>

Part 4 – Transport and Infrastructure Committee Recommendations to the Combined Authority Board		
		budget to trials to the Director of Delivery and Strategy in consultation with the Chair of the Committee, subject to reporting the detail back to future Transport and Infrastructure Committee meetings.

Part 5 – Skills Committee Recommendations to the Combined Authority Board		
5.1	Sector-Based Work Academy and High Value Courses	<p>It was resolved to:</p> <p>(a) Allocate the £486,297, once received, from the Department for Education (DfE) to the Adult Education Budget (AEB).</p> <p>(b) Delegate authority to the Skills Committee for the spend allocation of the £486,297 including:</p> <ul style="list-style-type: none"> • the spend of the funding of £241,361 across the 20/21 and 21/22 financial years for the creation of sector-based work academies • the spend of funding of £244,936 to offer an enhanced one-year classroom based course for those students who have left school or college with no job, apprenticeship, placement, university or course to go to across the 20/21 and 21/22 financial years • the spend on Sector-Based Work Academies and High Value Courses
5.2	Business Growth Service Full Business Case	It was resolved to:

		<ul style="list-style-type: none"> a) Approve and adopt the Full Business Case (FBC) to mobilise the delivery of the Business Growth Service. b) Agree that the conditions for FBC approval set at Outline Business Case have been met, specifically: <ul style="list-style-type: none"> i. Confirmation of EU funding, and the conditions set out in item 4.2 for contracting only upon further correspondence from the Ministry of Housing, Communities and Local Government. ii. Appointment of a delivery partner iii. Submission of 3-year cash flow forecast; monthly for year 1 and annual thereafter. iv. Contact / Involvement of HMRC to upskill Growth Hub staff v. Discussions with local authority partners on availability of in-kind support via use of local authority office space, provision of secretariat and officer time vi. Submission of an independent state aid report covering: <ul style="list-style-type: none"> i. ESF and ERDF application and utilisation; ii. allocation of £2.335m of the authority's revenue budget to Growth Service Management Company Ltd; iii. Management of Capital Growth Fund vii. Submission of Sustainability and Environmental policy for the Growth Service Management Company Ltd
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		<p>viii. Submission of evidence to support the claim of delivering 2.8 new jobs per firm receiving supported in-depth coaching</p> <p>(c) Agree that additional conditions, to be considered post-Covid-19, have been met, specifically:</p> <p>ix. That the Service has been appropriately adapted to support the Local Covid-19 Economic Recovery Strategy</p> <p>x. That the impacts of Covid-19 on contributing funding from Enterprise Zone, business rates receipts, have been appropriately considered.</p> <p>(d) Delegate authority to the Director of Business and Skills, in consultation with the Lead Member for Economic Growth, the Monitoring Officer and the Chief Financial Officer (Section 73), to contract the preferred bidder to commence the Service during October 2020.</p>
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Part 6 – Business Board Recommendations to the Combined Authority Board

6.1	Local Growth Fund Programme Management September 2020	<p>It was resolved to:</p> <p>(a) Approve the project change request for the Photocentric Local Growth Fund project;</p> <p>(b) Note the programme updates contained in the report to the Business Board meeting on 15 September 2020;</p> <p>(c) Note the funding position and forecast for Local Growth Fund Projects in delivery.</p>
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Part 6 – Business Board Recommendations to the Combined Authority Board

6.2	Growth Deal Project Proposals September 2020	<p>It was resolved to:</p> <ul style="list-style-type: none"> (a) Approve funding for the project ranked 1 (Peterborough City Centre project) in table 2.9 of the report to the Business Board based on the project scoring criteria and external evaluation recommendation; and (b) Decline approval of funding at this time for the project ranked 2 (Cambridge Market Place Project) in the table at 2.9 of the report to the Business Board based on the project not meeting the scoring criteria.
6.3	Covid-19 Economic Recovery Strategy	<p>It was resolved to:</p> <ul style="list-style-type: none"> (a) approve the first draft of the Local Economic Recovery Strategy (LERS) for Cambridgeshire & Peterborough. (b) Note that the final draft of the Economic Recovery Strategy (LERS) for Cambridgeshire & Peterborough will be brought back in November 2020 for final approval.
6.4	Covid-19 Evidence Base and Insight Report	This report was withdrawn.