



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 4

Minutes of a remote meeting of the Finance & Assets Committee held at 4:30pm on Monday 7th June 2021 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE

PRESENT

Cllr David Brown (Chairman)
Cllr David Ambrose Smith
Cllr Anna Bailey
Cllr Ian Bovingdon (Vice Chairman)
Cllr Lorna Dupré (Substitute for Cllr Charlotte Cane)
Cllr Simon Harries
Cllr Julia Huffer
Cllr Bill Hunt
Cllr Paola Trimarco (Substitute for Cllr Sue Austen)
Cllr Alison Whelan
Cllr Gareth Wilson (Substitute for Cllr John Trapp)

OFFICERS

Emma Grima – Director Commercial
Maggie Camp – Legal Services Manager
Sally Bonnett – Infrastructure & Strategy Manager
Spencer Clark – Open Spaces & Facilities Manager
Tracy Couper – Democratic Services Manager
Caroline Evans – Democratic Services Officer
Nicole Pema – HR Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Nigel Ankers – ECTC Finance Manager

6. **PUBLIC QUESTION TIME**

No questions had been submitted by members of the public.

7. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence had been submitted by Cllr Austen; Cllr Trimarco was attending as her substitute.

Apologies for absence had also been received from Cllrs Cane and Trapp; Cllrs Dupré and Wilson were substituting on their behalf.

8. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

9. **MINUTES**

The Committee received the Minutes of the meetings held on 4th March 2021, 25th March 2021, and following the Annual Meeting of Council on 29th April 2021.

Regarding the meeting on 4th March, Minute 122, a Member asked that the detail of the questions and answers referred to in the penultimate paragraph on page 4 should be recorded in the Minutes. In response, the Chairman asked the Democratic Services Manager to look back at the relevant section of the YouTube stream of the meeting and add to the content, if appropriate.

Replying to a Member's question regarding the two action points in Minute 128 of the 4th March meeting, the Director Commercial stated that she had confirmed with the Chairman and the questioner that monitoring information about Planning appeals was reported to the Planning Committee. She also reminded the Committee that the Strategic Planning Manager had contacted all Members for comment on the National Planning Policy consultation and the Council response had subsequently been submitted.

It was resolved unanimously:

- i) That the record of the questions and answers referred to in the penultimate paragraph of Minute 122 on page 4, commencing "Other Members...", be re-examined and further detail be added to the Minute, if deemed appropriate.
- ii) That subject to completion of (i) above, the Minutes of the meetings held on 4th March 2021, 25th March 2021, and 29th April 2021 each be confirmed as a correct record.

10. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made several announcements:

- He welcomed the three new Committee Members, Cllrs Bailey, Huffer and Trimarco (who was substituting for Cllr Austen), and Cllrs Dupré and Wilson who were attending as substitutes for Cllrs Cane and Trapp.
- He informed the Committee that Suresh Patel, the Council's External Auditor, would be leaving Ernst & Young. Although the audit function had transferred to the new Audit Committee, he wished to record his thanks to Suresh for his work on behalf of the Finance & Assets Committee for the last 5 years.
- The Welcome Back Fund was providing Councils across England with a share of £56m from the European Regional Development Fund (ERDF) to support the safe return to high streets and help build back better from the pandemic. The aim of the Welcome Back Fund was to help Councils boost tourism, improve green spaces, and provide more outdoor seating areas, markets and food stall pop-ups. East Cambs District Council had been allocated £79,895 of the fund. Parish Councils in East Cambs were emailed on 28th May 2021 inviting them to submit projects for consideration for funding. Project proposals needed to include a brief summary of the project, details of how it would be delivered and by when, and information about the cost. Further information could be obtained from the Infrastructure & Strategy Manager and the closing date for submissions was Friday 30th July 2021.
- To date £26.7m had been paid out in COVID-19 business grants to local businesses. Businesses that had not yet applied for the COVID-19 Restart Grant had until 30th June 2021 to submit an application form. The aim of the Restart Grant scheme was to support businesses with a business rates

account in the non-essential retail, hospitality, leisure, personal care, and accommodation sectors, with a one-off grant to reopen safely as COVID-19 restrictions lift. Full criteria and the online application form could be found on the Council's website.

- He reminded Members that a seminar would be held at 6pm on Wednesday 9th June regarding the Council's trading companies, East Cambridgeshire Trading Company (ECTC) and East Cambridgeshire Street Scene (ECSS).
- To aid discussions he had invited Nigel Ankers, Finance Manager at ECTC, to attend the meeting and contribute as appropriate.

11. FINANCE & ASSETS HEARINGS SUB-COMMITTEE – REVIEW OF TERMS OF REFERENCE & PROCEDURE

The Committee considered a report (W16, previously circulated) reviewing the Terms of Reference and Procedure for the Hearings Sub-Committee. The Deputy Monitoring Officer explained that in discussions with other Monitoring Officers and Deputy Monitoring Officers about the new model Code of Conduct, it had become apparent that the current procedures and Terms of Reference for the sub-committee were outdated. They had been drafted six years earlier, during the previous standards regime, and had never been used. Having now been provided with examples from other Monitoring Officers, it was clear that the East Cambs model was more complex, adversarial and bureaucratic. The revised Terms of Reference and Procedure detailed in the report's appendices had been drafted based on the good practice of other Authorities and Members were asked to approve them. Members were also advised that in the Monitoring Officer Protocol, Appendix Ci, paragraph 2.2.5i should be deleted as it was not required.

A Member identified a typographical error and asked for clarification about the phrasing in the central box and the top right box of the flowchart at the end of Appendix Cii. In response, the Monitoring Officer agreed the changes (see footnote on following page) and explained that in the circumstances of a Councillor failing to declare a Disclosable Pecuniary Interest she would refer the matter to the police, whereas if a Councillor was reporting a criminal offence then it would be the Councillor's duty to contact the police.

Two Members requested more details asking what would be meant by "Councillor apologises" and "censure of Councillor". Regarding the apology, the Monitoring Officer explained that no specific sanctions existed but an official apology would be expected and the requirement to do so would carry more weight from a Sub-Committee than from an Officer. Regarding censure, the Deputy Monitoring Officer said that it would be put in writing for the public record with the wording being defined either by the Sub-Committee or by delegation to the Monitoring Officer.

A Member compared the original highly bureaucratic standards regime with the current very weak system that had replaced it and highlighted that the Code of Conduct was being reviewed nationally, with the hope that a new system would be implemented with better sanctions and outcomes. The Member referred to the fact that all Members had signed the Council's Code of Conduct and therefore had a duty to fulfil the obligations in it and to comply with appropriate sanctions if not.

Two Members asked for further explanations regarding the role and appointment of the Independent Person(s). The Monitoring Officer explained that two Independent Persons (IPs) were required by the Localism Act and were recruited

every four years to add another layer of scrutiny totally independent from the Council. Of the current IPs, one had significant experience as an IP for the County Council and the other had a background in police complaints and enquiries. No specific qualifications were required but the recruitment process looked for candidates with relevant experience.

The recommendations in the report were proposed by Cllr Ambrose Smith, subject to the previously-discussed corrections to the flowchart, and seconded by Cllr Bovingdon. Upon being put to the vote the motion was declared to be carried.

It was resolved unanimously:

i) That, subject to the corrections discussed¹, the Terms of Reference and Procedure for the Finance & Assets (Ethical Governance) Sub-Committee detailed in Appendix A and B of the report, and the revisions to the Monitoring Officer Protocol and Flowchart and Independent Person Protocol detailed in Appendix C of the report, be approved.

ii) That the Monitoring Officer be authorised to undertake measures to recruit a replacement non-voting Co-opted Town/Parish Council Member to fill the current vacancy.

12. SOHAM HIGH STREET RENEWAL – CAPITAL GRANT FUND SCHEME

The Committee considered a report (W17, previously circulated) regarding the Capital Grant Funding Scheme for the Soham High Street Renewal. The Infrastructure & Strategy Manager introduced the report and explained that the aim of the scheme was to enable bids to be made for capital funding to enable improvements to the frontage of buildings or the general appearance of Soham Town Centre.

Several Members expressed their support for the principle of the scheme but questioned whether a better outcome for the town would be achieved by considering all of the applications together after the closing date, rather than each one being considered individually upon receipt. They suggested that the first-come first-served consideration of applications could result in a piecemeal approach, rather than a more strategic approach with a better value for money outcome.

Other Members stated that the grants were intended to support small cosmetic improvements, such as painting or signage, and therefore they should not be delayed by undue bureaucracy. Neighbouring businesses would be able to work together on bid applications if they chose to. £1m had been allocated to Soham in total so this project represented a small part of a bigger picture.

The recommendations in the report were proposed by Cllr Bovingdon, seconded by Cllr Huffer, and upon being put to the vote the motion was declared to be carried.

¹ Appendix A, page 1, paragraph 1.1: remove “of”, to read “The Sub-Committee shall comprise 7 Members of the Council...”

Appendix Ci, page 3: remove paragraph 2.2.5i

Appendix Cii Flowchart: bold underlined section in central box to read “to refer complaint back to Town or Parish Council if complainant not done so, to deal with under their complaints procedure”; and repositioning of a curved arrow; and clarification of reference relating to referral to Police in Stage 1 box.

It was resolved unanimously:

- i) That the scheme eligibility criteria and application form for the Soham High Street Renewal Capital Grant Fund Scheme set out at Appendix 1 of the report be approved.
- ii) That the fund be opened on Monday 14 June 2021 and closed on Friday 20 August 2021 and, in the event that the fund is fully utilised before the closing date, the Council reserves the right to close the fund to pending or new applications.²

13. PALACE GREEN HOMES (ECTC) OFFICE ACCOMMODATION FINAL REPORT

The Committee considered a report (W18, previously circulated) detailing the outcome of a review of the future accommodation requirements of Palace Green Homes (ECTC). The Director Commercial informed Members that, for the purposes of this item, she was speaking in her role as East Cambs District Council's Director Commercial. She reminded Members that in December 2018 the Asset Development Committee had approved the relocation of Palace Green Homes subject to a review by 31 December 2020. An interim review had been provided to the Finance & Assets Committee in November 2020 and this latest report contained the final findings and conclusions. East Cambs District Council had not been involved in the review in any way. Members were asked to approve the continuation of ECTC's tenancy at Fordham and to instruct them to seek to reduce future accommodation costs by sub-letting part of the building.

Some Members questioned how the Committee could approve an ECTC decision or instruct ECTC to do anything since it was an independent company and therefore the recommendation in the report was beyond the remit of this relationship. The sole matter on which the Council could comment was whether it could provide accommodation for the trading company within Council-owned buildings. Since it could not do so, then decisions regarding ECTC's office accommodation should not involve the Council. Upon being informed by the Director Commercial that the Council had requested the review as the sole shareholder of ECTC, a Member commented that shareholders should not instruct directors on day-to-day operational business such as premises. The Director Commercial clarified that "request" would be more accurate than "instruct", and that the purpose of the report was to convey the view that the Council did not want to insist that ECTC break their current lease. A Member commented that ECTC had reached a decision regarding its future office accommodation needs and that it was right for them to then report it to the shareholder.

Cllr Whelan proposed a motion, seconded by Cllr Dupré, stating that East Cambs District Council did not have surplus accommodation available to lease to ECTC.

Cllr Bailey proposed an amendment, that the recommendation in the report should be amended to read "Members are requested to approve of the continuation of the

² NB. After the meeting, Members were informed that the email address given in Appendix 1, for those seeking advice regarding the scheme, was incorrect and should read info.ecdcssohamgrants@eastcambs.gov.uk

tenancy at Fordham to 18th December 2024 and ~~instruct~~ **request** ECTC to seek to reduce future accommodation costs by sub-letting part of the building.” Cllr Hunt seconded the amendment and Members continued to debate the appropriateness of the Council instructing or requesting actions from the trading company.

A further amendment was then proposed by Cllr Wilson to simply note the decisions recorded in the report. Cllr Harries seconded the proposal and suggested the following re-wording of the report recommendation, which was subsequently agreed by the proposer: “Members are requested to ~~approve~~ **note** the ~~continuation of the decision~~ by ECTC to continue its tenancy at Fordham to 18th December 2024 and ~~instruct~~ **note** ECTC’s **intention** to seek to reduce future accommodation costs by sub-letting part of the building.”

The Democratic Services Manager clarified that Cllr Whelan’s proposal, as the first proposal, was the motion and that the subsequent proposals were therefore amendments to be considered in reverse order.

5:27pm – 5:32pm the meeting was briefly adjourned for the Director Commercial and the Legal Services Manager to confirm whether the second amendment would satisfy the requirements within the original decision made by the Asset Development Committee.

The Director Commercial informed Members that in December 2018 the Asset Development Committee had required a review of the office accommodation and since that had been completed then the amendment would be a valid resolution. Upon being put to the vote, the second amendment was unanimously agreed and became the substantive motion.

There were no further speakers on the substantive motion and, upon being put to the vote, it was declared to be carried.

It was resolved unanimously:

That the decision of ECTC to continue its tenancy at Fordham to 18th December 2024, and its intention to seek to reduce future accommodation costs by sub-letting part of the building, be noted.

14. ASSETS UPDATE

The Committee received a report (W19, previously circulated) providing an update on three Council-owned assets: 70 Market Street, Ely Country Park, and Newnham Street Car Park. The Open Spaces & Facilities Manager explained that 70 Market Street would not now be required by Cambridgeshire County Council as a rapid flow testing site since a site visit had shown that it would not be wholly suitable and, in addition, policy had shifted towards mobile sites. Further to the summary provided in the report regarding an art installation in Ely Country Park, the suggestion was that the base of the flag pole in Pocket Park would be a suitable location due to its high visibility without intruding on the use of the park. Regarding Newnham Street Car Park, discussions with the Access Group regarding the location of the disabled parking places following the demolition of the swimming pool had informed decisions on relocating the spaces to be closer to the pedestrian exit towards the town centre. In addition to preparing the new spaces, work had also been undertaken to provide extra seating and improve the landscaping in that

area. The work was almost finished and would result in the creation of five additional parking spaces.

The recommendations in the report were proposed by Cllr Hunt and seconded by Cllr Bovingdon.

Members commended the landscaping and improvements at the car park and the prior work with the Access Group to inform it. A Member highlighted Ely's recent inclusion in a recent "Top 10 City Breaks" feature in The Guardian and cited the car park improvements and proposed art installation as examples of the Council trying to support all local communities and be a welcoming city.

In response to questions from Members, the Open Spaces & Facilities Manager confirmed that there was a typographical error in paragraph 3.3 (2008 should read 2018) and that the intention was to secure the rock art display in place using a clear resin bond using local contractors and without cost to the Council. He also explained that the additional parking spaces in the car park had been created by placing some new disabled spaces in a newly resurfaced area near the pedestrian access, thereby freeing up space for standard size bays where some disabled ones had previously been situated, rather than by narrowing existing bays within the site.

Upon being put to the vote the motion was declared to be carried.

It was resolved unanimously:

That the update on Council-owned assets be noted.

15. ANNUAL REPORTS OF REPRESENTATIVES ON OUTSIDE BODIES

The Committee received a report (W20, previously circulated) containing the annual reports from Council representatives on Outside Bodies within the responsibility of this Committee. Attention was drawn to the vacancies on two Internal Drainage Boards, nominations for which had been invited from the relevant Parish Councils and would be brought to a future meeting, and Members were given a copy of Cllr Wilson's report for Haddenham Level IDB that had been received after publication of the Agenda.

A Member questioned why the report for the East of England Local Government Association stated that there had been no meetings when their website indicated one had taken place on 1st July 2020. Cllr Bailey, the relevant representative, responded that she could not recall the details and would need to check her records.

The recommendations in the report were proposed by Cllr Brown, seconded by Cllr Ambrose Smith, and upon being put to the vote the motion was declared to be carried.

It was resolved unanimously:

i) That the annual reports from Council representatives on Outside Bodies within the responsibility of the Finance & Assets Committee be noted.

ii) That the vacancies on two Internal Drainage Boards and the process for seeking nominations be noted.

16. FORWARD AGENDA PLAN

The Committee received the updated Forward Agenda Plan for the following 12 months.

Regarding the inclusion of items relating to the Bus, Cycle, Walk Working Party, a Member expressed disappointment that the planned May meeting had been cancelled at short notice and asked for confirmation that a new date would be set very soon in order to get the work back on track. In the absence of the Infrastructure & Strategy Manager, the Democratic Services Manager informed the Committee that new dates for the Working Party meeting and the related Member Seminar would be determined shortly once there was clarity from the County Council regarding the LCWIP consultation. The Director Commercial committed to sending an update to Members after discussion with the Infrastructure & Strategy Manager.

Cllr Brown proposed that the plan be noted, Cllr Bovingdon seconded the proposal, and upon being put to the vote the motion was declared to be carried.

It was resolved unanimously:

That the Forward Agenda Plan be noted.

17. EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS

It was resolved unanimously:

That the press and public be excluded during the consideration of the remaining items 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 there would be disclosure to them of exempt information of Categories 1, 2 & 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

18. APPOINTMENTS, TRANSFERS AND RESIGNATIONS

The Committee received a report (W21, previously circulated) containing details of recent appointments, transfers and resignations.

It was resolved unanimously:

That the contents of the report be noted.

19. ECTC MANAGEMENT ACCOUNTS (12 MONTHS TO MARCH 2021)

The Committee considered a report (previously circulated) containing the ECTC Management Accounts for the 12 months to 31st March 2021.

It was resolved unanimously:

That the contents of the report be noted.

20. ASSET DISPOSAL MATTER IN THE PARISH OF ELY

The Committee considered a report (W22, previously circulated) regarding an asset disposal matter in the Parish of Ely.

Upon being put to the vote the motion was declared to be carried with 7 votes in favour, 0 against, and 4 abstentions.

It was resolved:

That the recommendations in the report be approved.

21. ASSET MANAGEMENT MATTER 1 IN THE PARISH OF ELY

The Committee considered a report (W23, previously circulated) regarding an asset management matter in the Parish of Ely.

It was resolved unanimously:

That the recommendations in the report be approved.

22. ASSET MANAGEMENT MATTER 2 IN THE PARISH OF ELY

The Committee considered a report (W24, previously circulated) regarding a second asset management matter in the Parish of Ely.

It was resolved unanimously:

That the recommendations in the report be approved.

23. EXEMPT MINUTES

The Committee received the Exempt Minutes from the meeting of the Finance & Assets Committee held on 4th March 2021.

It was resolved unanimously:

That the Exempt Minutes be confirmed as a correct record.

The meeting concluded at 6:34pm.