



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## Minutes of the remote Meeting of East Cambridgeshire District Council held on Thursday 29<sup>th</sup> April 2021 at 6.00pm

### PRESENT

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 (Chairman)
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	Councillor Jo Webber
Councillor Simon Harries	Councillor Christine Whelan
Councillor Julia Huffer	Councillor Gareth Wilson

Prior to the commencement of the meeting, the Chairman delivered a tribute, and a minute's silence was held, as a mark of respect following the passing of HRH Prince Philip, Duke of Edinburgh.

*"Tomorrow will mark three weeks since the passing of HRH Prince Philip, Duke of Edinburgh. As this is the first meeting of Council since this sad news, I wanted to say a few words as Chairman and I hope Members won't mind me also addressing this matter on behalf of the Council as a whole.*

*Prince Philip, Duke of Edinburgh, performed a remarkable lifetime of service and his striking achievements transformed the lives of many people. The Duke of Edinburgh Award Scheme and Prince Philip's patronage of organisations focused on the environment, industry, sport and education. These have been particularly significant to the residents of East Cambridgeshire. The District had the great pleasure of witnessing first-hand the Duke of Edinburgh's interest and engagement with people of all ages and from all backgrounds. He last visited the region on 19<sup>th</sup> November 2009 with Her Majesty The Queen to mark the 900<sup>th</sup> anniversary of the Ely Diocese. He also opened Jubilee Gardens on 11<sup>th</sup> February 2002.*

*On behalf of the Council, I have sent a letter to Her Majesty The Queen expressing the Council's deepest sympathies, and some of the contents I have shared with you this evening. I have received a thank you letter from The Palace. I would like to request that this Council holds a 1 minute silence following the end of this Chairman's Announcement to remember HRH Prince Philip, Duke of Edinburgh."*

**1. PUBLIC QUESTION TIME**

No public questions had been received.

**2. ELECTION OF CHAIRMAN 2021/22**

Cllr Alan Sharp was duly nominated as Council Chairman by Cllr David Brown and seconded by Cllr Amy Starkey. The nominator and seconder referred to Cllr Sharp's experience in many roles within the District and beyond, including his position as Vice Chairman of Council for 2020/21, together with his high integrity, making him an ideal Chairman of Council.

Cllr Gareth Wilson was duly nominated as Council Chairman by Cllr Charlotte Cane and seconded by Cllr Mark Inskip. The nominator and seconder highlighted Cllr Wilson's 15 years of service on the District Council and 18 years of Parish Council service, as well as his activity in community groups and his integrity, as their reasons for nominating him.

A secret ballot was held in accordance with Council Procedure Rule 9.2.1, resulting in Cllr Sharp being elected.

It was resolved:

That Cllr Alan Sharp be elected as Chairman of East Cambridgeshire District Council for the municipal year 2021/22.

Cllr Sharp then read out the Declaration of Office for Chairman of Council.

**3. VOTE OF THANKS TO OUTGOING CHAIRMAN AND PRESENTATION OF PAST CHAIRMAN'S MEDALLION AND SCROLL**

The new Chairman, Cllr Alan Sharp, thanked the outgoing Chairman, Cllr Lis Every, for her work and in particular for the way she had handled the virtual meetings during a challenging year.

The Leader of Council placed on record her thanks to Cllr Every for her time as Chairman. She acknowledged the support that Cllr Every had given to Officers and to Members and thanked her for always being well-prepared and for presiding fairly.

**4. APOLOGIES FOR ABSENCE**

Apologies had been received from Cllr Victoria Charlesworth and Cllr Alison Whelan.

**5. DECLARATIONS OF INTEREST**

Declarations of Interest were made by Cllrs Bailey and Stubbs for Agenda Items 18 & 19: Loan Facility to East Cambs Community Land Trust (ECCLT). As

Trustees of ECCLT, both Members declared a Prejudicial Interest and stated that they would each exercise their public speaking right before leaving the meeting for the remainder of the item(s).

## **6. MINUTES – 23 FEBRUARY 2021**

It was resolved:

That the Minutes of the meeting held on 23 February 2021 be confirmed as a correct record and signed by the Chairman.

## **7. ELECTION OF VICE-CHAIRMAN 2021/22**

Cllr Daniel Schumann was duly nominated as Council Vice-Chairman by Cllr Alan Sharp and seconded by Cllr Julia Huffer. The nominator and seconder commented that as a younger Member of Council, and with extensive experience of community work for arts projects in Soham, they were confident he would fulfil the role with dignity and humour.

There being no other nominations:

It was resolved:

That Cllr Daniel Schumann be elected as Vice-Chairman of East Cambridgeshire District Council for the municipal year 2021/22.

Cllr D Schumann then read out the Declaration of Office for Vice-Chairman of Council.

## **8. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement:

“Councillors will be aware of the announcement made yesterday that the application to the High Court made by ADSO, LLG and Hertfordshire County Council in relation to virtual meeting provisions for local authorities has been dismissed. This means that the legislative provision that currently enables local authorities to conduct remote meetings will expire on 6 May 2021. You will note that there is a Motion and a report later on the Agenda to consider the implications of this.”

## **9. PETITIONS**

No petitions had been received.

## 10. MOTIONS

### a) Endorsement of the Fenland Flag

The following Motion was proposed by Cllr Bailey and seconded by Cllr Huffer:

Inspired by the success of the Black Country flag, adopted in 2012, and aware of the strong sense of identity in the people of the Fens, East Cambridgeshire resident and vexillographer Mr James Bowman embarked on the design and promotion of a flag for the Fenland area in 2016.

The area that Mr Bowman intends the flag to cover is that defined by Natural England as the National Character of the Fens, stretching north to the fens of Lincolnshire, taking in Fenland and most of East Cambridgeshire to the south.

Mr Bowman writes that the symbol of the Fens is the Fen Tiger and that this designation derives from the sometimes violent opposition of the local population to the fen drainage schemes of the 17th century. 'Fen Tiger' is a well known and well used nickname for someone from the Fens; many associations and businesses in the area use the term, sometimes with logos that feature tigers.



Mr Bowman, aided by a number of people, has run a successful campaign since 2018 to encourage take up and usage of the flag, with the ultimate aim of having the flag officially recognised through inclusion in the registry of the Flag Institute. The flag is promoted online on social media and via direct canvassing for support and has steadily increased in visibility with flags being displayed in a number of locations as well as through the use of supporting materials such as postcards, stickers, keyrings and other items.

Businesses and organisations supporting the flag campaign include those from the travel and tourism sector, food manufacturing, catering, and boating, as well as community clubs, the private boating community,

FACT Community Transport, and Ely Tourist Information Centre. There is good evidence of widespread use of the flag and it is included on the British County Flags website.

This Council:

- Thanks and congratulates Mr Bowman and his colleagues on the success to date of the promotion of a flag for Fenland.
- Encourages and endorses the inclusion of the flag in the registry of the Flag Institute.
- Wishes Mr Bowman the best of luck in his efforts to have the flag recognised by the Flag Institute.

Speaking as proposer of the Motion, Cllr Bailey expressed her delight at being able to support the new flag. She thanked vexillographer Mr James Bowman for his creation and congratulated him and his colleagues on their success to date. She explained that the central yellow field depicted the agricultural prosperity of the region and the blue fields to either side of it represented the natural and manmade waterways. On behalf of Mr Bowman, the Leader thanked Dawn Barlow, Lisa Dodge, Benjamin Di-Guilio, David Goode, Terry Munnerly, Antty Roberts, Time Starkiss, Bob Todd, John Turton and Graham Vaughn, and most of all Mark Elvin and Cheryl Wright, who had all helped him in promoting and encouraging the use of the flag.

A Member spoke in support of the Motion and requested that the flag should be flown on the Council's flagpole, since East Cambs covered a large part of Fenland.

In summing up as the seconder of the Motion, Cllr Huffer commented that East Cambs contained a wonderful vibrant community which embodied the spirit of the Fen Tiger.

The Motion was carried unanimously.

**b) Virtual Council Meetings**

The following Motion was proposed by Cllr Inskip and seconded by Cllr Cane:

During the period of the COVID-19 restrictions this Council has successfully held meetings virtually using Zoom. It was one of the first councils to introduce virtual or online meetings, initially for Planning Committee meetings, before being used for all committee and full Council meetings.

The government is not currently planning to extend the temporary power to hold virtual meetings beyond 7 May 2021. This Council notes there have been occasions where face to face meetings would have been preferred, but this Council notes the advantages of being able to hold remote meetings.

1. Many of East Cambridgeshire's district councillors live quite a distance from Ely. For some it is an hour round trip to attend a committee meeting. It isn't always easy, particularly during winter time, to attend all the meetings because of inclement weather and work commitments. Often there are meetings in the morning, afternoon and evening with some time in-between. That time is not wasted if members are able to attend remotely from home.

2. East Cambridgeshire District Council has declared a climate emergency and by attending meetings via Teams or Zoom we are not driving and using non-renewal resources but are cutting down on our carbon footprint – a priority of this Council.

3. Virtual meetings have saved the council money during the past financial year as, for example, travel expenses have been very much reduced. As we are facing a significant shortfall in funding for the foreseeable future any saving is helpful.

4. Councillors wish to attend the East Cambridgeshire District Council committees but are also keen to attend meetings of the Parish Councils within their wards. Some are also County Councillors and inevitably there is often a clash of dates. This means that councillors have to choose which to attend. The result is less engagement with the District Council, or the County Council or the Parish Councils. Having remote meetings means that councillors can more easily attend most of the meetings, to the advantage of all the councils.

5. The engagement of the public and press has also generally increased. The level of reporting about council business has increased as face to face or physical meetings often no longer attracted the local press due to cutbacks in their staff.

6. For some councillors who have work commitments, mobility issues or are carers remote meetings have been easier for them to attend. This may well help to attract a wider age range of potential councillors in future elections.

This Council would like to have the flexibility to hold remote or virtual, and physical or face to face meetings. We recognise that some meetings are better dealt with face to face and we also recognise that a hybrid model could also work successfully.

This Council therefore resolves to:

1. Write to the Ministry of Housing, Communities and Local Government (MHCLG) urging that the temporary change to the meeting rules set out in the Local Government Act 1972 be made permanent so that after 7 May we have the flexibility to hold

meetings remotely or physically or by using a combination of the two.

2. Write to our two MPs, the County Council and Parish Councils asking for support for this flexible approach to council meetings.

3. If our request is successful to explore the use of technology to develop remote meetings even more in order to attract a wider audience.

Speaking as proposer of the Motion, Cllr Inskip reminded Members that, due to the imminent expiry of the legislation permitting virtual meetings, the meeting of Full Council had needed to be brought forward. Restrictions had prevented face-to-face meetings since March 2020 but the use of virtual meetings had enabled local democracy to continue to function effectively. In recognising the success of virtual meetings, he suggested it would be advantageous to have the flexibility of virtual or face-to-face meetings since the technology was now readily available and made it easy for the general public to view. Whilst face-to-face meetings would sometimes be preferable there were many occasions, particularly in a large rural district with many people living far from the Council offices, when remote meetings had significant advantages.

The Leader of Council responded that whilst she agreed with many of the points raised, the Motion did not add anything to the actions that Council had already taken. She reminded Members that all Group Leaders had been consulted about the Government's Call for Evidence regarding remote meetings, and that their responses had informed the Council's submission to the Call for Evidence. She informed Members that both local MPs had been written to with details of the MHCLG submission, and both had acknowledged the letter and indicated that they would support the Council. The County Council and Parish Councils would need to formulate their own views and responses in line with their own needs. She invited Cllr Inskip to withdraw the Motion now that he had more information regarding how the Council had already addressed the issue.

A Member commented that the information provided by the Leader was already well known. However, approving the Motion would mean that the Council Minutes recorded Members' support for remote meetings and their desire to maximise their use across the District. Unanimity in the Minutes would be a positive action in support of the other actions that had already been taken.

As seconder of the Motion, Cllr Cane explained that she had heard positive comments from many local residents regarding remote meetings, particularly for Planning Committee. Although virtual meetings had been forced upon the Council, they had been shown to be very useful and would be important to continue. The Motion included a resolution to write to the MHCLG; whilst noting that the Council had responded to the Government's Call for Evidence, she commented that a letter stating that the Council had met and unanimously agreed the advantages of being able to hold remote meetings would be both useful and timely following the recent High Court judgement. Writing to local

MPs to emphasise that this Council wanted a law change would also be a strong message, and combining forces with the County Council and Parish Councils had frequently been done for other matters so would also give a strong approach in this instance. The technology for remote meetings also needed to be explored further in order to ensure that those who currently struggled with it would be able to access future meetings. She concluded that the Motion provided an opportunity for all Members to unite and send the Government a clear message that the Council wanted to continue using remote meetings as and when appropriate.

On being put to the vote, the Motion was lost with 11 votes in favour and 15 against with 0 abstentions.

## **11. QUESTIONS FROM MEMBERS**

Questions were received and responses given as follows:

### **i) Question to the Chairman of the Finance & Assets Committee from Cllr Mark Inskip:**

“In March, the government announced the awarding of the £56 million Welcome Back Fund to principal councils including East Cambridgeshire. These funds are intended to help boost tourism, improve green spaces and provide more outdoor seating areas, markets and food stall pop-ups – giving people more safer options to reunite with friends and relatives.

Robert Jenrick, the Secretary of state for Housing, Communities and Local Government, in a letter to councillor Sue Baxter, the Chair of the National Association of Local Councils (NALC), confirmed that the government is strongly encouraging principal authorities in England to work with parish and town councils to pass on funding from the Welcome Back Fund.

What steps has East Cambridgeshire District Council taken to identify opportunities to pass on funding from the Welcome Back Fund to parish and town councils? What proportion of the funding received by the district council is expected to be passed to parish and town councils?”

### **Response from the Chairman of the Finance & Assets Committee, Cllr David Brown:**

“Thank you for your question Cllr Inskip. The Guidance Notes and the supporting Frequently Asked Questions document have only recently been published (16<sup>th</sup> April and 23<sup>rd</sup> April) and indeed Officers attended a webinar only yesterday. Now Officers have all the information available relating to the scheme and its eligibility criteria, they will be able to prepare an action plan that must be submitted to MHCLG before we begin to incur expenditure. In a nutshell, watch this space.”



**ii) Question to the Chairman of the Finance & Assets Committee from Cllr Lorna Dupré:**

“Prior to the full council meeting held on 31 July 2020, a total of £71,487 was spent on the Mepal Crematorium project. Following that meeting and through to February of this year an additional £91,451 had been spent, bringing the total expenditure on the project to £162,938. I understand that further expenditure on the project has taken place since February.

Can the Chairman of the Finance & Assets Committee confirm the total expenditure to date on the Mepal Crematorium Project, i.e. the total of the £71,487 spent before 31 July 2020 and all subsequent expenditure to date?

Further, can the Chairman of the Finance & Assets Committee confirm the forecast additional expenditure expected to be needed before the work to submit the planning application for the Mepal Crematorium project can be completed?”

**Response from the Chairman of the Finance & Assets Committee, Cllr David Brown:**

“Thank you for your question Cllr Dupré. I can confirm that the total spent on the crematorium project during 2020-21 was £213,535.75. From April 2021 to date there has been additional expenditure of £5,400. Therefore, the total amount spent since April 2020 is £218,935.75.

With regards to your second question I can advise that the forecast of additional expenditure prior to work undertaken for any planning application will be approximately £18,025.”

**iii): Question to Cllr Lisa Stubbs from Cllr Simon Harries:**

“In the 12 months between 29th April 2020 and 29th April 2021, how many meetings of the East Cambs CLT have taken place, and how many of these did you personally attend?”

**Response from Cllr Lisa Stubbs:**

“Thank you Cllr Harries for the question. There have been 12 meetings of the East Cambs CLT for the period stated and I have attended all 12 of those meetings”

**iv) Question to the Chairman of the Finance & Assets Committee from Cllr John Trapp:**

“The Greater Cambridge Partnership is having an extensive review, with public consultation, of access to Cambridge City from places outside the city. This includes the idea of stopping cars going down Newmarket Road. The overwhelming majority of the traffic going west into Cambridge along the Newmarket Road is from our district: Bottisham, Woodditton, Burwell, Fordham and Isleham, and both Soham wards will be affected.

What consultative relationship has ECDC had with GCP in this matter?"

**Response from the Chairman of the Finance & Assets Committee, Cllr David Brown:**

"Thank you for your question Cllr Trapp. A draft response to the Greater Cambridge Partnership Cambridge Eastern Access Consultation was circulated to all members for comment by Sally Bonnett on 14th December 2020. The final consultation response, taking into account comments received, was submitted to GCP on 18<sup>th</sup> December 2020. In addition to this I represented ECDC, as a substitute member, at the Cambridgeshire and Peterborough Combined Authority Transport and Infrastructure Committee meeting on 6th January 2021. I used the ECDC response to inform the consultation response from the CPCA to GCP."

**12. LEADER AND DEPUTY LEADER OF THE COUNCIL, GROUP LEADERS AND DEPUTY GROUP LEADERS**

Council received a report (W1, previously circulated) containing details of the Leader and Deputy Leader of the Council, the Political Groups, and the Group Leaders and Deputy Group Leaders for 2021/22.

The Chairman introduced the report and stated that no changes had been made since the previous year.

There were no comments or questions from Members.

It was unanimously resolved:

That the details of the Leader and Deputy Leader of the Council; Political Groups; and Group Leaders and Deputies for the forthcoming municipal year, as shown in paragraph 3.1 of the report, be noted.

**13. POLITICAL PROPORTIONALITY**

Council considered a report (W2, previously circulated) detailing the political balance of the Council and the implications for the allocation of seats on Committees, Sub-Committees and other Member bodies.

The Democratic Services Manager introduced the report and explained that the proportionality calculations were shown in Appendix 1. The Group Leaders had been advised of the calculations, and the allocation of seats on the various Committees, Sub-Committees and other Member bodies were shown in Appendix 2.

Cllr Bailey commented on the political balance and moved the recommendation in the report. Cllr J Schumann seconded the proposal.

A Member commented that in some other administrations the audit and/or scrutiny committees had a majority of members from the opposition party or

parties and the Chairman also was appointed from the opposition. The Leader of Council responded that many such administrations were operating under a Cabinet system whereas in a Committee system, such as that adopted by this Council, the committees self-scrutinise and she felt this to be a strength of the Committee system.

As seconder of the proposal, Cllr J Schumann clarified that the Audit Committee was not an Overview & Scrutiny Committee and it was therefore reasonable for the administration to have the majority position.

It was unanimously resolved:

That the details of the political balance of the Council, as set out in Appendix 1 of the report, be noted and the allocation of seats on Committees, Sub-Committees and other Member Bodies, as set out in Appendix 2 of the report, be approved.

**14. MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES (INCLUDING SUBSTITUTES) AND OTHER MEMBER BODIES 2021/22**

Council considered a report (W3, previously circulated) regarding the memberships of Committees, Sub-Committees and other Member bodies for 2021/22.

The Democratic Services Manager introduced the report and explained that the Group Leaders had been invited to give nominations for the Committees, Sub-Committees and Member bodies following receipt of the new proportionality calculations as discussed in the previous Agenda item. The nominations were detailed in Appendix 1.

Cllr Bailey moved the recommendation in the report and thanked all Members for their service on Committees. Cllr J Schumann seconded the motion to approve the memberships in the report. Cllr Harries commented that he had also been willing to second the proposal in the spirit of cross-party agreement.

It was unanimously resolved:

That the membership of Committees, Sub-Committees and other Member Bodies, as set out in Appendix 1 of the report, be approved.

**15. CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY**

**a) Appointments to Combined Authority**

Council considered a report, previously circulated, requesting Council to make appointments to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2021/22.

The Democratic Services Manager introduced the report by explaining that the rescheduling of the Council meeting, in order to be able to meet remotely, meant that it fell before the local elections to be held on 6<sup>th</sup> May. The proportionality calculations for the Cambridgeshire and Peterborough Combined Authority would not be able to be performed until after these elections and therefore the recommendation in the report was the most expedient way to make this Council's nominations to the Combined Authority.

The Chairman moved the recommendation in the report since it was a procedural matter and the Vice Chairman seconded the proposal for the same reason.

There were no comments or questions from Members.

It was unanimously resolved:

That the Chief Executive be authorised to appoint the Leader of Council to act as the Council's appointee to the Combined Authority and the Deputy Leader to act as the substitute member, and to make appointments to the Overview and Scrutiny Committee and the Audit and Governance Committee, in consultation with the Political Group Leaders, in accordance with the political balance calculations to be provided by the Combined Authority.

#### **b) Update Report**

Council received reports (previously circulated) from the meetings of the Audit & Governance Committee (5 March 2021) and the Overview & Scrutiny Committee (22 February 2021) of the Cambridgeshire and Peterborough Combined Authority.

There were no questions or comments from Members to the representatives on the aforementioned committees.

It was unanimously resolved:

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

#### **16. THE FUTURE OF REMOTE MEETINGS**

Council considered a report (W4, previously circulated) concerning the future of remote meetings for East Cambridgeshire District Council and its Committees.

The Chief Executive introduced the report by explaining that it had been prepared in case the outcome of the High Court proceedings outlined in paragraph 3.3 was not known or, as had proven to be the case (Minute 69), the challenge had been unsuccessful. The response to the Call for Evidence

regarding remote meetings had shown a cross-party support for their merits. Option 1, summarised in paragraph 4.2 of the report, provided Council with a temporary solution for retaining remote meetings and he recommended that, if approved, it should be reviewed by September 2021. He clarified that “in consultation with Members” referred to consultation with the relevant Committees or Council and that appropriate changes to the Constitution would be needed to permit this. Counsel’s opinion had been sought regarding the legality of Option 1, both prior to the report preparation and again since receiving the High Court judgement. Other Councils were also known to be seeking legal advice and some had received different opinions, he therefore suggested that it could be pertinent to authorise the Monitoring Officer to bring forward the review period, if she so recommended.

Cllr Bailey moved the recommendation in the report, with an addition at the end of recommendation (iv) so that it would read “review these arrangements by September 2021, *or earlier on the advice of the Monitoring Officer.*” Her proposal was seconded by Cllr J Schumann. The Leader of Council thanked the Chief Executive, the Monitoring Officer, and the Director Commercial for their hard work in this area over recent weeks, including seeking Counsel’s advice. She commented that some Members and staff had been isolating for many months in order to protect themselves or family members, or due to caring responsibilities, and that, although the vaccine programme was progressing well, the Government advice to work from home whenever possible remained. She therefore supported the pragmatic approach of Option 1, was reassured by Counsel’s advice, and looked forward to a time when meetings could safely be held face to face once more.

A Member commented that none of the proposed options were risk-free. Option 3 represented an abdication of democratic responsibility and was therefore rightly not being pursued. Option 2 posed a risk to public health since it required face to face meetings before lockdown restrictions allowed such gatherings. Option 1 was the preferred option in the report but nonetheless posed a legal risk, despite having Counsel’s advice, since the likelihood was that it would be challenged at some future point, for example regarding a Planning decision or an award of a contract. There was a lack of detail in the report regarding how Option 1 would work in practice, specifically:

- Would “in consultation with Members” mean in consultation with all Members who would normally take part in the decision;
- Would meetings take place in accordance with the Council’s usual Rules of Procedure (including Covid-related additions and amendments);
- Would meetings have written papers as currently provided, including online publication within the legally required timeframes;
- Would meetings be open for public participation via questions and petitions, and streamed on YouTube for public viewing?

The Member asked the Chief Executive to place on record the assurance that all those procedures would be in place under Option 1. At the invitation of the Chairman, the Chief Executive confirmed that they would.

A Member commented that Option 1 was clearly the best of the available options but none were without risk and the situation should have been averted, as it had been in Scotland and Wales, where the devolved Governments had secured the required legislation for remote meetings to continue.

Speaking as the seconder of the Motion, Cllr J Schumann stated that he was not surprised by the Court's decision due to parliamentary supremacy regarding legislation, but he was pleased to see that there was an ongoing consultation on the issue which suggested that the Government recognised its importance. He felt that the Council had found a good solution in Option 1 and, although he echoed the comments that all options had accompanying risks, the risk to people's health by meeting in person was the greater risk.

In summing up, the Leader of the Council agreed that, whilst not ideal, the situation was a temporary one and Option 1 was the best solution in difficult circumstances. Counsel had recommended a very careful re-drafting of the relevant parts of the Council's Constitution and, with the amended recommendations, the arrangements could be reviewed sooner than September if necessary.

It was unanimously resolved:

- i) That the update by the Chief Executive on the High Court Proceedings in relation to remote meetings be noted.
- ii) That Option 1, as detailed in paragraph 4.2 of the report, be implemented for Council and all Committees.
- iii) That the Monitoring Officer be authorised to make necessary amendments to the Constitution to implement the Council's resolution.
- iv) That the arrangements be reviewed by September 2021, or earlier on the advice of the Monitoring Officer.

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

Council received a report (W5, previously circulated) outlining the action taken by the Chief Executive on the grounds of urgency regarding the Anglia Revenues Partnership.

It was unanimously resolved:

That the action taken by the Chief Executive on the grounds of urgency relating to Anglia Revenue Partnerships, as detailed in the report, be noted.

## **18. LOAN FACILITY TO EAST CAMBS COMMUNITY LAND TRUST**

Council considered a report (W6, previously circulated) detailing a proposed loan to the East Cambs Community Land Trust (ECCLT) from the District Council.

The Finance Manager and S151 Officer introduced the report and explained that the loan would enable the ECCLT to purchase 15 affordable homes on the former MOD site in Ely and would provide the Council with a higher level of interest than was currently received from other investments. He had reviewed the financial business model and was satisfied that the loan provided very limited risk to the Council.

Exercising her public speaking right, Cllr Bailey thanked the Finance Manager for this report and noted that he had specified there to be “very limited risk”. She hoped that Members would support the transfer of 15 homes to the ECCLT because it was good for local residents trying to purchase their own homes. 8 properties would be finished the following day and there were people waiting to complete their purchases and move in. The financial modelling was robust and the ECCLT had received independent financial advice. Cllr Stubbs echoed the view that approval of the loan would support hardworking local people who wanted to get onto the housing ladder.

*7:36pm Cllrs Bailey and Stubbs left the meeting due to their previously-declared Prejudicial Interests.*

The Chairman reminded Members that Appendix 3 contained Exempt Information under Category 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended), therefore Council would have to go into exempt session (Agenda Item 19) if Members wished to discuss anything in that document.

Cllr J Schumann moved the recommendation in the report, seconded by Cllr Hunt. He recommended approving the loan in order to support the CLT because absolute assurance had been given that the CLT had the ability to repay the loan, it was of financial benefit to the Council due to the interest that would be received, and it was of wider benefit because it would unlock affordable housing.

Under Procedure Rule 11.4 Cllr Dupré moved that the item should be referred to an extraordinary meeting of the Finance & Assets Committee for the report to be considered alongside further information including a valuation, affordability calculations, a detailed cashflow of the ECCLT to illustrate how the interest and loans would be repaid, a risk assessment, a robust loan agreement, a draft of the proposed charge, and clarity regarding whether the properties would be leasehold or freehold.

On the invitation of the Chairman, Cllr Dupré outlined her reasons for the proposal. She stated that the report contained insufficient detail for a request

to lend nearly £400k, and in particular contained no analysis of risks. Due diligence was needed with regard to public money and more information was required in order to do that. There had been two meetings of the Finance & Assets Committee in March 2021 at either of which, she suggested, the matter could have been explored in depth. She specified that her proposal was to convene an extraordinary meeting of the Finance & Assets Committee in order to avoid undue delay in the decision-making by waiting for the next scheduled meeting. Cllr Cane seconded the proposal.

A Member commented that Officers could be asked for further information at any point, therefore that should have been done upon publication of the report rather than waiting until this meeting to propose a referral, and consequently delay the provision of affordable housing. The Member was content that the risks had already been assessed by capable Officers.

Another Member stated that, although affordability calculations had been requested, Officers had responded that they were not available. The request had been made in order to determine whether the houses were truly affordable, as per the Government's criteria for affordable shared ownership homes, since the paper referred to an 80% valuation by the Ecology Building Society but also to the CLT selling shares based on each property's full market value.

A Member discussed general concerns regarding the scrutiny of East Cambs Trading Company (ECTC) loans and the overall viability of the trading company, as minuted at various Finance & Assets Committee meetings, and questioned whether the houses that would be funded by the proposed loan would truly be affordable. The Member asserted that the manner in which the loan request had been presented, and the way in which the ECCLT's business was conducted, was designed to avoid scrutiny. Another Member interjected with a Point of Order regarding the Member's comments about the validity of the ECCLT and asked the Monitoring Officer to comment on whether the ECCLT was governed by Section 79 of the Housing and Regeneration Act 2008 which would legally oblige them to provide the benefit of local community housing.

*7:54-7:57pm the meeting was briefly adjourned.*

The Monitoring Officer informed Members that she was not familiar with all the details of the ECCLT but, having looked into it during the adjournment, she could confirm that it was a Charitable Trust formed to deliver affordable housing, and that it would therefore have to comply with its Objects to deliver affordable housing.

A Member raised a Point of Order and quoted from Procedure Rule 17.1 to suggest that the previous Point of Order was not valid. The Member whose contribution had been interrupted by the first Point of Order then gave a Point of Explanation to clarify that his issue had been with the way that information about the ECCLT had been provided, rather than with the constitution of the ECCLT which he knew nothing about. The Member who had raised the initial



Point of Order then raised a Point of Explanation to state that it had been valid since it had concerned the Members' Code of Conduct in Part 5 of the Constitution, which required Members to be honest and he had not considered some comments regarding the ECCLT to be honest since they could be considered to mislead the public.

Several Members commented that CLTs were effective ways to provide affordable housing, and the proposed referral to the Finance & Assets Committee would unnecessarily delay a decision since it was appropriate for Full Council to decide on loans such as this. A Member stated that the 15 homes should be considered sufficient security on a £390k loan and that the Objects clause of a CLT gave the Council security in dealing with them.

Other Members reiterated concerns about the ECCLT's ability to cover the interest payments, and the view that there was insufficient information in the report for Council to be able to make a decision.

Speaking as the seconder of the proposal to refer the matter to the Finance & Assets Committee, Cllr Cane highlighted concerns that the total value of the Building Society loan and the proposed loan from the Council was greater than the Building Society valuation stated in the report. Should the value of the asset need to be realised there would also be transactional costs to consider. In determining whether to agree a loan of this size, she argued that several checks should be made. Firstly, whether it would deliver affordable housing; Officers had stated that it would be affordable because it was shared ownership, however affordability calculations should be provided to compare salaries with the sum of the mortgage, rent and service charges. Secondly, a formal risk assessment should be conducted and made available to Members. Thirdly, a detailed cashflow should be provided to illustrate how the monthly interest payments would be made. Finally, a more detailed loan agreement should be prepared, more in line with that in place between ECCLT and Ecology Building Society.

Following a request by Cllr Cane under Procedure Rule 9.1.3, a recorded vote was taken on the motion to refer the matter to an extraordinary meeting of the Finance & Assets Committee:

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

AGAINST: (15) Cllrs C Ambrose Smith, D Ambrose Smith, Austen, Bovingdon, Brown, Edwards, Every, Huffer, Hunt, D Schumann, J Schumann, Sharp, Starkey, Trimarco, Webber

ABSTENTIONS: (0)

The Motion was declared to be lost.

Debate then returned to the original Motion to approve the recommendations in the report.

Several Members spoke about the people who were waiting to purchase the 15 homes on the ex-MOD site, stating their support for the provision of the homes and the importance that they should not be unnecessarily delayed. Nonetheless, proper consideration needed to be given to decisions involving public money.

A Member reiterated concerns about the way the ECCLT appeared to operate, which differed from other local CLTs such as Haddenham CLT, and expressed disappointment that all of the homes would be sold rather than being retained to rent to East Cambs residents who could not afford to purchase a property. Another Member expressed concern regarding conflicts of interest regarding the Council, the Combined Authority, East Cambs Trading Company (ECTC), and the CLT, since there were Members and Officers involved with all of these bodies. Several Members referred to the fact that the Finance & Assets Committee had recently approved a loan to ECTC without knowing that the proposed purchaser of 15 of their properties would not be able to complete the purchase without a loan of £390k from the Council. Therefore, if the loan to the ECCLT was not approved, then there would be a delay in the repayment of the Combined Authority and District Council's loans to ECTC. In addition, the CLT appeared to retain the full discount on the purchase price from ECTC and therefore the buyers would effectively be subsidising the CLT.

Speaking as the seconder of the Motion, Cllr Hunt talked about the importance of affordable housing in general and specifically that this project had regenerated a site that had been empty for several years. He reminded Members that an independent consultant and the S151 Officer both considered the loan to be safe, that the Council would benefit from a greater level of interest than it would receive from other investments, and that it would provide the wider benefit of homes for people in need of them.

In summing up, Cllr J Schumann stated that voting against the Motion, or abstaining, would put the 15 homes at risk and he reminded Members that buying a house was very hard for many people but schemes such as this one which allowed up to 100% ownership over time enabled people to eventually own their own home.

It was resolved, with 15 votes in favour, 0 votes against, and 9 abstentions:

- i) That the loan of £390,000 based on the draft heads of terms detailed in Appendix 1 of the report be approved.
- ii) That the Section 151 Officer be authorised to execute the loan agreement in accordance with the above resolution and Appendix 1 of the report.

The meeting concluded at 9:00pm  
Chairman.....  
Date.....