



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of the meeting of the Commercial Services  
Committee held in the Council Chamber,  
The Grange, Nutholt Lane, Ely on Tuesday,  
3<sup>rd</sup> March 2015 at 5.30pm

### **PRESENT**

Councillor Richard Hobbs (Chairman)  
Councillor Christine Ambrose Smith (Substitute for Councillor  
Allen Alderson)  
Councillor Lavinia Edwards  
Councillor Lis Every  
Councillor Sheila Friend-Smith, MBE  
Councillor Tony Goodge  
Councillor Elaine Griffin-Singh  
Councillor Bill Hunt  
Councillor James Palmer (Substitute for Councillor Tom Kerby)  
Councillor Hazel Williams, MBE  
Councillor Pauline Wilson

### **OFFICERS**

Sally Bonnett – Infrastructure & Projects Officer  
Allison Conder – Principal Community & Leisure Services  
Officer  
Julie Cornwell – Partnerships Officer  
Martin Grey – Sport & Health Development Officer  
Liz Knox – Environmental Services Manager  
John Hill – Chief Executive  
Janis Murfet – Democratic Services Officer

### **IN ATTENDANCE**

Councillor Joshua Schumann  
2 members of the public

#### 71. **PUBLIC QUESTION TIME**

There were no public questions.

#### 72. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Allen Alderson  
and Tom Kerby.

It was noted that Councillor Ambrose Smith would substitute for  
Councillor Alderson, and Councillor Palmer (who had been delayed), for  
Councillor Kerby for the duration of this meeting.

73. **DECLARATIONS OF INTEREST**

Councillor Griffin-Singh declared a personal interest in Agenda Item No 7, being a Board Member of the Paradise Sports Centre.

74. **MINUTES**

It was resolved:

That subject to the correction of a typographical error in the penultimate paragraph on page 9, the Minutes of the meeting held on 13<sup>th</sup> January 2015 be confirmed as a correct record and signed by the Chairman.

75. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements.

76. **STAGE II SERVICE REVIEW – SPORTS & HEALTH DEVELOPMENT SERVICES**

The Committee received a report, P196, previously circulated, from which Members were asked to note and endorse the findings of the Service Review Group who had completed a review of the Council's Sports & Health development service functions.

The Principal Community & Leisure Services Officer said she did not propose to talk Members through the report in great detail, but she reminded them of the background to the instigation of the review, and said that three key pieces of work had been carried out:

- An appraisal of the services currently provided by the Council under the remit of sport development and health development. The appraisal looked at what the Council did, why we did it, how it contributed to delivering the corporate objectives and priorities, the current resource requirements, the likely impact of no longer providing the current services, and who else could deliver them if the Council no longer did. It was noted that pages 6 – 7 of the review document set out the baseline reviews of the Sport Development function, the Sports Facility service provision and the Health & Wellbeing service delivery function;
- The Service Review Group also considered the outcome of a benchmarking exercise with local authorities of an equivalent size. A questionnaire was sent out to Forest Heath (FHDC), Huntingdonshire (HDC), and East Northamptonshire (ENDC) District Councils. Only the latter failed to respond to the questionnaire, but the Review Group was able to draw conclusions from the responses received; these were set out in paragraphs 4.2.1 – 4.2.7 of the report;

- The Sports Consultancy were appointed by Council in July 2014 to complete an audit and assessment of indoor sports facilities, and to use the information to produce an indoor sports facility strategy and action plan for East Cambridgeshire; paragraphs 4.4.1 – 4.4.5 of the report detailed the findings.

It was considered that the existing Sports & Health Development Officer's post would not have the technical skills or expertise to focus on improving the sustainability of sport facilities and services in the District.

The Service Review Group had also recommended that a Corporate Health & Wellbeing Strategy be developed for the District, which would identify the key challenges and ensure the alignment of public services to agreed priorities. This would require input from the other departments within the Council, and from the Strategy, a Health & Wellbeing action plan would be developed and taken to the Regulatory & Support Services Committee for endorsement.

The Chairman commented that this had been a huge piece of cross-party work, and he wished to express his thanks and that of the Committee, to everyone who had been involved.

It was proposed by Councillor Every and seconded by Councillor Hunt that the recommendations, as set out in the Officer's report be approved.

Councillor Friend-Smith noted that according to the Equality Impact Assessment, the Youth Games were being dropped. She asked whether the schools had been consulted about this because the Games were a useful way to encourage good health through sports. The Principal Community & Leisure Services Officer said that these are led and organised by the County Sports Partnership and not the District Council and assured her that the school sports partnership would still be organising the games.. The Chairman added that the parish councils would be asked to contribute towards the costs.

Councillor Williams believed the Business Development Officer post would be very important because while the sports centres were able to deliver sports, governance was a different matter. Having someone who had the skills to be able to offer help and advice would be invaluable.

The recommendations having already been proposed and seconded, the Committee moved to the vote, whereupon

It was resolved unanimously:

- 1) To approve the Stage II Sport & Health Development Service Review Report and draft Improvement Plan;
- 2) To agree the recommendation that the Council no longer provides sports development services as defined within the Sport & Physical Activity Strategy 2013/17 and the Stage II report at Appendix 1 of the report;
- 3) To instruct the Chief Executive to delete the vacant post of Sports & Health Development Officer (DFE58), and to proceed with recruiting a

new post “Business Development Officer – Leisure”, based on the job description and terms set out within the Improvement Plan;

- 4) To note the budgetary implications of the Service Review Group’s recommendations and implementation of the Improvement Plan. Agree that the £7,119 savings identified within the Improvement Plan will be ring fenced for either re-recruitment of the post if required, or to contribute to a £10k Local health & Wellbeing Action Plan implementation budget from 1<sup>st</sup> April 2015;
- 5) To agree that the Environmental Services Manager coordinates the development of an East Cambs Health & Wellbeing Strategy, to be approved by Regulatory & Support Services Committee.

77. **LEISURE CENTRE & SPORT FACILITIES SERVICE LEVEL AGREEMENT FUNDING 2015/16**

The Committee considered a report, reference P197, previously circulated from which Members were asked to agree grant funding allocations for leisure centres and sport facilities for 2015/16.

The Principal Community & Leisure Services Officer reminded Members that at the previous meeting, they had agreed to a revised motion deferring consideration of grant funding to leisure centres until Officers had been able to assess the implications of the East Cambridgeshire Indoor Sports Facility Strategy and Action Plan, and to ensure that funding is supporting the centres who are most in need. Officers had therefore written to the leisure centres inviting them to submit a request (by 6<sup>th</sup> February) for Service Level Agreement (SLA) funding through an application form process, and to justify their requested level of funding.

Members’ attention was drawn to the table in paragraph 3.3 of the report which set out the current funding allocation for 2014/15; the amount leisure centres applied for in 2015/16, and the proposed funding allocation for 2015/6.

It was noted that five of the centres had requested additional funding, but the Paradise Centre had declined the need for grant funding in 2015/16.

From the information provided by the centres, it was very difficult to assess which ones were in greatest need of grant funding support from the Council. However, it was evident from the application process that many centres could benefit from more business planning support to help develop their priorities and their justification for additional funding to improve their viability.

Officers therefore proposed that, with the exception of the Paradise Sports Centre, SLA grant funding should be kept the same for 2015/15 for all centres. The new Business Development Officer – Leisure, once appointed, would help the centres with their business plans.

The Chairman commented that the Paradise Sports Centre was to be congratulated; it was a great credit to them that they had not asked for grant funding because they did not need it.

Councillor Wilson asked why there was no further paper regarding the Littleport Leisure Centre. The Chief Executive reminded the Committee of the background to the issue and said that many more discussions were going on with the Parish and County Councils. Members would be kept updated of the situation.

Councillor Williams expressed her delight that the Paradise Centre no longer needed grant funding from the Council, saying that the staff had turned it around into something really good. While she was not unhappy regarding the outcome, she still believed that the process had been a total waste of time. Criteria were already in place, but still it had been decided to change things. Councillor Every disagreed, saying that it had shown the pitfalls where no business plans were in place and it had been a really good exercise in forward planning. Councillor Hunt concurred, adding that it would be important to give help where it was the most needed. A professional officer would be able to deliver better results. Councillor Williams responded by saying that all the leisure centres had business plans otherwise they would not have been able to get grant funding.

The Chairman brought the discussion to a close by congratulating Officers and saying that he looked forward to working with the new Business Development Officer.

It was resolved unanimously:

That the annual grant contributions for the 2015/16 Service Level Agreements (SLA's), as set out in the proposed funding allocation column in the table in paragraph 3.3 of the report, be approved.

## 78. **FACILITIES IMPROVEMENT GRANT**

The Committee received a report, reference P198, previously circulated, which set out the proposed application process for the new Facilities Improvement Grant Fund, to replace the S106 Small Villages Grant Fund.

In summarising the main points of her report, the Partnerships Officer reminded Members of the background to the new fund being set up. The aim of the scheme was to help communities to develop and improve village halls, community centres, sport and leisure centres, play facilities and public open spaces, thereby protecting and enhancing the quality of life for residents within East Cambridgeshire.

It was noted that awards of up to a maximum of £10,000 were available. However, it had been requested that the minimum level of match funding be raised from 10% to 15%. This had been accommodated and projects with less than 15% match funding would be refused.

Recognising the recent changes to the allocation of S106 grants approved by Members on 8<sup>th</sup> July 2014, to reduce the bureaucracy surrounding the process, it was proposed that a similar assessment procedure be adopted for the allocation of Facilities Improvement Grant

funds. This would involve an Officer assessing a proposed project against a set of criteria and presenting it to another Officer for approval. The focus of the assessment was set out in paragraph 4.4 of the report.

Officers would aim to let applicants know the decision within 3 weeks of receipt of all the necessary information required to make the assessment, by means of a formal grant offer letter. The Commercial Services Committee would receive an update on approvals on a six monthly cycle forming part of a joint report that would also cover S106 projects.

It was resolved unanimously:

To approve the Facilities Improvement Grant fund application process to be aligned to the S106 application process.

## 79. **MANAGEMENT OF THE COUNCIL'S MOORINGS AT ELY RIVERSIDE**

The Committee received a report, reference P199, previously circulated, regarding the implementation of an effective management solution for the moorings owned by the District Council along the Ely riverside, which would allow the area to be enjoyed by visitors and residents, and would support the local economy.

The Partnerships Officer commenced by asking Members to note two changes to the published report.

The first was a revised recommendation to paragraph 2.1(iii), which read as follows:

*"In light of the recommendation set out in paragraph 2.1(ii,) that delegated authority is given to the Partnerships Officer and Chairman of the Commercial Services Committee, to negotiate revised terms for leasing the Environment Agency moorings at a peppercorn rent or hand back to the Environment Agency, at a saving of up to £4,000 per annum. This saving is to be reinvested into managing the moorings, to ensure a cost neutral service."*

The second change was a revision to the wording of paragraph 5.7 of the report:

*"It is proposed that the area currently allocated for rowing boats remains set aside for rowing boats and that further consideration is given at review as to whether this should be incorporated into the "contract law" management scheme or individual moorings be leased to boat owners."*

Members were reminded that at their meeting on 12<sup>th</sup> November 2014, they had approved the principal of introducing a cost neutral visitor mooring management system which would take a proactive approach to dealing with boaters who overstayed a specified time for mooring.

Officers were also authorised to consult key stakeholders and the wider community on the options for the effective management of the moorings

managed by the District Council. They were instructed to report the findings back to the Commercial Services Committee, along with an options appraisal and recommendation on the preferred management option for the moorings.

The Partnerships Officer said there was a clear message that whatever was brought in must be enforceable. The consultation and feedback from key stakeholders suggested that the Council should introduce visitor moorings that encouraged a stay for 48 hours, with no return for 48 hours.

It was noted that there were no criminal options open to the Council to regulate the moorings. However, the alternative would be to use a civil enforcement option, by taking a contractual approach which set out licence terms that were a contract for the non exclusive use of a space for a period of time. This approach had been successfully trialled by the Environment Agency in Oxford, and had now been adopted by Spelthorne District Council, using a specialist Mooring Enforcement Company to enforce the contract.

Under contract law, the Council would be required to publish its terms, both on the ECDC website and on signs along the stretch of its moorings. By way of an example, Appendix D to the report showed a photograph of the sign setting out the mooring conditions at the Oxford Moorings.

The Partnerships Officer reiterated that if the Council wished to set a mooring condition that allowed the first 48 hours of mooring to be free, the enforcement process would have to be undertaken in-house, as there would be no income generated from charging immediately upon arrival to offset the costs of outsourcing the enforcement of the scheme.

Any management regime would need to be monitored to be effective and regulating the moorings through the contract law approach would require consistent, frequent monitoring. Failure to provide sufficient evidence that a boater had overstayed might mean that the County Court would not award judgement to the District Council, and that in turn might mean that the unpaid debt could not be pursued.

With regard to the issue of rowing boats, the Partnerships Officer said that there was still more work to be done. It was proposed that the area currently allocated for rowing boats remained set aside for them and that further consideration be given at review as to whether this should be incorporated into the contract law management scheme, or individual moorings be leased to boat owners. Further details would be brought back to Committee.

The Chairman said he was very pleased that paragraph 5.7 of the report had been revised because he thought that rowing boats needed to be sorted out, but in a sensitive manner.

Councillor Goodge asked when the monitoring period would start and how it would be controlled. The Partnerships Officer replied that an Officer would patrol the area each day and make a record of the boats moored at the riverside. From this they would be able to see who had overstayed and

a charge notice could be issued; they would keep a note of the time and take a photograph of the boat. This method had been found to be very effective elsewhere, and it was thought it would be equally so for this Authority.

Councillor Hunt felt that the use of the term “...*officers understand* ...” to be very unsatisfactory, because to presume that the area in front of the Old Boathouse would be committed to rowing boats would be incorrect and unwise. The Chairman reminded him that a further report would be coming back to Committee in three months.

It was resolved unanimously:

- i. To approve a mechanism that enables the provision of a free 48 hour mooring period, with no return for 48 hours and charge thereafter, for the Ely Riverside moorings owned by the District Council;
- ii To instruct Officers to establish a management regime based on civil “contract law” that allows the moorings to be monitored and enforced within the existing resources of the Council;
- iii In the light of the recommendation set out in paragraph 2.1 (ii), that delegated authority is given to the Partnerships Officer in consultation with the Chairman of the Commercial Services Committee to negotiate revised terms for leasing the Environment Agency moorings at a peppercorn rent or hand back to the Environment Agency, at a saving of up to £4,000 per annum. This saving is to be reinvested into managing the moorings to ensure a cost neutral service;
- iv To instruct the Partnerships Officer to review the scheme in 12 months time, setting out the effectiveness of the management regime and any future funding requirements – or earlier, in consultation with the Chairman of the Commercial Services Committee;
- v To instruct Officers to test the market for a new commercial operator, but if there is no interest, to offer this area instead as 48 hours visitor moorings, re-testing the market every 3 years or sooner, if approached by a potentially interested commercial party.

The Chairman said he wished to place on record his thanks to Officers, especially the Partnerships Officer, for all the hard work that had gone into this matter. It had been a mammoth task, having started six years ago, and at times it had proved very frustrating for Officers.

80. **EAST CAMBRIDGESHIRE DISTRICT COUNCIL OWNED LOCAL AUTHORITY TRADING COMPANY**

The Committee considered a report, reference P200, previously circulated, regarding the establishment of an East Cambridgeshire District Council wholly owned Local authority Trading Company (LATC).

The Chief Executive introduced his report by reiterating that commercialisation was a key part of the Council’s transformation agenda to meet the future budget challenges beyond 2016/17.



Members noted that the Council was legally able to establish a wholly owned trading company where it would retain full control over the direction of the LATC, and manage its risks and receive the benefits in full. The Council would be the sole shareholder.

Initially, the company (once established) would enable the Authority to act as developer in the commercial development of Council owned sites. There were a number of advantages to acting as direct developers including:

- Significantly higher receipt from the sale of land assets;
- A greater likelihood of being able to work in partnership with local builders;
- Acting as a direct developer;
- Having control over the quality of any development;
- The Asset Development Sub-Committee would be allowed to take decisions on key developments.

The Chief Executive said that if Members were minded to agree the principle of establishing a LATC, he would develop a business plan setting the vision, objectives and financial profile, with support from EELGA under the existing interim finance arrangements. This would go to Full Council for approval.

Councillor Goodge expressed concern about how the process would work, if the Authority was buying land and then submitting an application to its own Planning Committee. Councillor Schumann, in his capacity as Chairman of the Planning Committee, explained that Members of the Committee would have to declare an interest, but they would remain non-political and the application would be considered in the same way as any other application.

The Chief Executive added that the LATC would offer much more flexibility; Councillor Hunt agreed, saying that if “sensitive” land was to be developed it would be done to the highest possible standards and sympathetically in keeping with the locality.

It was duly proposed and seconded that the recommendations, as set out in the report, be approved. Whereupon,

It was resolved unanimously:

- i. To agree, in principle, the establishment of a LATC as outlined below;;
- ii. To instruct the Chief Executive to bring forward detailed proposals to Full Council, specifically:
  - Key objectives of the LATC;
  - Business plan to inform the financial profile of the LATC and implications on the Council;
  - The governance arrangements for the LATC;

- The provision of support services.

## 81. **NORTH ELY PARK STAGE TWO REPORT**

The Committee considered a report, reference P201, previously circulated, from which Members were asked to consider the North Ely Park Landscape Vision Stage Two Report.

The Infrastructure & Projects Officer summarised the main points of her report, and informed Members that as a result of the consultation responses, a number of specific revisions had been incorporated into the Landscape Vision for the Park including:

- Definition of a hierarchy of access routes, including specific cycleways and links to the city centre and railways station;
- Inclusion of natural/wild play as a fundamental ingredient of the park;
- Identification of a potential area for performances and events;
- Inclusion of a viewing mound, possibly using soil generated by excavation of the attenuation ponds;
- Identification of a potential location for an “activity building”; and
- Provision of more information on the potential habitats to be created.

The second phase of the study had included a review of possible management and governance options leading towards a strategy for the implementation and long term sustainable management and maintenance of the Park.

The report also explored how revenue funds might be secured to guarantee the long term future of the Park. This included the option of a local service charge to home and property owners, to help with the ongoing maintenance costs.

Councillor Goodge raised a query regarding the ponded areas, saying that the Landscape Vision document suggested that the Authority take them over and take over the liability for the run-off. The Infrastructure & Projects Officer replied that this would remain the responsibility of the developers; the Authority would be responsible for the layout. Councillor Goodge said he did not understand how this would work and wished to know how the developer could be responsible for something owned by the Council.

The Chairman reminded the Committee that Councillor Goodge, having been a drainage engineer, was very knowledgeable about such matters. He suggested that Councillor Goodge might wish to go and raise his concerns with Officers and then answers could be provided to all Members at the next Committee meeting in April.

It was resolved:

- i. To approve the final Stage Two report, provided at Appendix 1 of the report, as the Council’s vision for North Ely Park;

- ii. To instruct the Infrastructure & Projects Officer to explore the next steps detailed in paragraphs 3.11 and 3.12 of this report.

82. **NEW DISTRICT WIDE INDOOR LEISURE CENTRE FACILITY**

The Committee received a report, reference P202, previously circulated, which provided Members with an update on progress with the new indoor leisure centre facility in Ely.

In summarising the main points of her report, the Principal Community & Leisure Services Officer reminded the Committee of the key issues on which progress had been sought:

- Potential income generation projections from the new leisure centre;
- The level of Sport England funding; and
- Capital cost estimates.

With regard to market testing for the procurement of an operator, the Council had received eight replies from ten invitations, and qualitative analysis of the responses indicated that there were a number of options to be considered. These were set out in paragraph 3.4.1 of the Officer's report.

Sport England confirmed on 26<sup>th</sup> January 2015 that the Council's expression of interest for Strategic Facilities funding for the leisure centre had been approved, and a full application was now invited.

*(Councillor James Palmer joined the meeting at 6.35pm.)*

At the meeting of Full Council in January 2015, Members approved amendment of the Community Infrastructure Levy (CIL) Annual Delivery Plan 2014/15 to provide a formal allocation to the leisure centre. It was currently proposed that, following a recommendation from Planning Committee and subject to consultation with the Joint East Cambridgeshire & Cambridgeshire County Council Member and Officer Steering Group, £2,500,000 of (CIL) funds raised from the North Ely development were formally allocated to the leisure centre. The Annual Delivery Plan 2015/16 would be an item on the agenda for Full Council in April 2015.

It was resolved:

- i. To note progress with the new indoor leisure centre since the 12<sup>th</sup> November 2014 Commercial Services Committee meeting;
- ii. To note the timetable for completing RIBA Stage C works.

83. **FORWARD AGENDA PLAN**

The Committee considered the previously circulated Commercial Services Forward Agenda Plan.

It was resolved;

That the Forward Agenda Plan be noted.

84. **ASSET DEVELOPMENT SUB-COMMITTEE – MINUTES**

The Committee received the Minutes of the meeting of the Asset Development Sub-Committee held on 21<sup>st</sup> January 2015.

It was resolved:

That the Minutes of the meeting of the Asset Development Sub-Committee held on 21<sup>st</sup> January 2015 be received and noted.

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

It was resolved:

That the press and public be excluded during the consideration of the remaining item no's 16 - 18 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 Category 3 Part 1 Schedule 12A to the Local Government Act 1972 (as Amended).

86. **MANAGEMENT OF THE COUNCIL'S MOORINGS AT ELY RIVERSIDE – EXEMPT APPENDIX**

It was resolved:

That the exempt appendix to Report No. P199 be noted.

87. **NEW DISTRICT WIDE INDOOR LEISURE CENTRE FACILITY – UPDATE – EXEMPT APPENDIX**

It was resolved:

That the exempt appendix to Report No. P202 be noted.

88. **ASSET DEVELOPMENT SUB-COMMITTEE – EXEMPT MINUTES**

The Committee received the Exempt Minutes of the meeting of the Asset Development Sub-Committee held on 21<sup>st</sup> January 2015.

It was resolved:

That the exempt Minutes of the meeting of the Asset Development Sub-Committee held on 21<sup>st</sup> January 2015 be received and noted.

The meeting closed at 6.40pm.