

Minutes of the meeting of the Commercial Services Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Tuesday 8 July 2014 at 5.30pm

### **P R E S E N T**

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

### **OTHERS PRESENT**

Julia Cornwell – Partnerships Officer  
John Hill – Chief Executive  
Adrian Scaites-Stokes – Democratic Services Officer  
Jane Thompson – North Ely Project Officer  
Owen Shields - Consultant

#### **4. PUBLIC QUESTION TIME**

There were no public questions.

#### **5. APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Elaine Griffin-Singh and Sheila Friend-Smith MBE.

Councillors James Palmer and Neil Morrison substituted for them respectively, for the duration of this meeting.

#### **6. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **7. MINUTES**

The Chairman noted that the minutes should be amended, in that under minute number 2 the resolution should read “Commercial Services Committee”. This was agreed, thereafter:

It was resolved:

That the minutes of the meeting held on 15<sup>th</sup> May 2014, as amended, be confirmed as a correct record and be signed by the Chairman.

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

The Chairman made the following announcements:

- Thanks were given to those Members who went on the tour before the meeting to the country park. The country park was exceptionally good and a great asset for the Council. This was due to a lot of hard work and the park was now being used by a lot of people.
- The Paradise Pool was an excellent facility, run very well under good management with a very hard working team. Even though it was small, the number of people using it was staggering.
- The Independence Day event, for local traders, had been held on 4<sup>th</sup> July and had been a great success.
- Last week an Active Ely event was held. Thanks were proffered to those who had turned up to take part. This programme had started in Ely but was intended for roll out to the parishes.
- The leisure facility study would be brought back to this Committee at a later date.

## 9. **COMMITTEE TERMS OF REFERENCE**

A revised Terms of Reference document was tabled at the meeting. The Chief Executive explained that they had been revised to reflect the views of the Regulatory and Support Services Committee, which wanted the role of Service Delivery Champions clarified. These Champions would have the same powers as Committee Chairmen and Vice Chairmen when relating to officers' delegated powers.

The revised Terms of Reference, tabled at the meeting, were noted

## 10. **NORTH ELY COUNTRY PARK STUDY STAGE ONE REPORT**

The Committee considered a report, reference P30 previously circulated, that detailed the Concept Design Stage One report for the North Ely Country Park.

The North Ely Project Officer advised the Committee that this was the Phase 1 report and, if agreed, would lead to Phase 2 where greater consultation and a development of the design would take place. The Consultant, Mr Owen Shields, was introduced and asked to give a short presentation. Mr Shields stated that this was the initial set of ideas, which would evolve as the process progressed. The proposed new country park had been considered within the wider context of the geographical location, with thoughts given to linkages via footpaths and cycleways. It was difficult to exactly define the boundaries of the park at this stage. The isle of Ely had been looked at, its characteristics and subtle variations. This was important, as the isle extended beyond the railway line and this line did not define the area. The isle was defined by the droves and catchwater drains and were the key starting point.

Early design concepts had been considered, with the drainage system an important element. Consideration would be given on how to integrate the new drainage systems with the existing, within the historic context. Other ideas included the creation of new wetland areas and landscapes, possible woodland areas and meadows, and views across the fenscape. There could be opportunities to include allotments and orchards and some play and leisure areas. The initial sketch brought these ideas together. These ideas would be worked through during the next stage of the process.

Councillor Tony Goodge stated that surveys had been done on the relevant watercourse to see how to deal with the new developments. The concept put before the Committee was good but what plans were there to maintain the facility? There was concern that it could become neglected, as the Internal Drainage Board (IDB) did not own the relevant catchwater, so there would be a need to have a maintenance agreement for it. The North Ely Project Officer informed the Committee that talks had taken place with the IDB and had progressed well with an agreement close. This was a separate issue to the country park, which would need specialist help and management. The bulk of the country park would need maintenance and this would be explored during Phase 2.

Councillor Neil Morrison was concerned about the depth of the proposed watercourse and its safety. Mr Shields stated that it was expected that the wildlife areas of this would be zoned and the public would not be allowed to access them. It would have to be designed carefully so that everything was safe.

Councillor Richard Hobbs queried the timescale for the next stage and the North Ely Project Officer reckoned Phase 2 would take 5 to 6 months. Phase 2 only related to 4.5 hectares out of an expected total 65 hectares. Further planning applications were expected but there was no idea when these would be received. The North Ely applications were expected to fund the visions for the country park, though there might be a need to seek external funding.

It was resolved:

That the Stage One report be approved in principle.

## 11. **ASSETS OF COMMUNITY VALUE**

The Committee considered a report, reference P31 previously circulated, that set out the requirements of Chapter 3, Part 5 of the Localism Act 2011 relating to Assets of Community Value and sought agreement on the revised relevant Protocol and appendices.

The Partnerships Officer advised the Committee that the Protocol updated delegations following the Council changes. The nominations form and other documentation had also been updated to reflect those changes and to modify and simplify the language used, to make them easier to understand and use. Officer delegations had been agreed by the Chief Executive and reported to Council.

To date eight nominations had been received and the first part of the new process was to check eligibility. Then a panel of other officers would be called to review the nominations and make a decision. This decision could be reviewed by senior officers if required.

Councillor Hazel Williams, in referring to paragraph 7 of the report, noted that any payment that came in was used for land registry therefore no extra staff were needed. The money was not ring-fenced, so where was this money and what would happen if staff became overworked? The Partnerships Officer replied that the money was currently kept in a reserved account in case there was a legal challenge to any decision made. So far the staff had managed with the workload to date.

Councillor James Palmer was concerned that there appeared to be no room for democracy in the process, as there was no Members input in it. The Partnerships Officer explained that this was due to the relevant Act and legislation. There was a requirement for a senior officer to review the process and decisions but officers had the responsibility to make the decisions. It could be possible to include Members views to help shape the wider picture. Councillor Hazel Williams agreed that the process should be more democratic.

Councillor Bill Hunt noted that the money for compensation for owners of nominated properties would run out in 2015, which would not help the situation. He asked after the eight properties that had been nominated and the Partnerships Officer, in listing the properties, noted that most were public houses or village halls. Timescales for claiming compensation were very tight and, in the future, the Council might need to rely on other funding sources to cover this. This made getting the decisions right very important.

It was resolved:

- (i) That the revised Assets of Community Value Protocol, Appendices and associate procedures be approved;
- (ii) That the revised delegations listed in paragraphs 4.5, 5.8 and 6.2 be noted.

## 12. **SERVICE DELIVERY CHAMPIONS**

The Committee considered a report, reference P32 previously circulated, that sought to appoint Service Delivery Champions to the service areas covered by this Committee.

Councillor James Palmer proposed that Councillor Joshua Schumann be appointed Service Delivery Champion for Leisure & Community Services, Councillor Hamish Ross be appointed Service Delivery Champion for Markets & Town Centre Services and Councillor David Brown be appointed Service Delivery Champion for Parks & Open Spaces. These proposals were duly seconded.

Councillor Hazel Williams proposed that Councillor Sheila Friend-Smith be appointed Service Delivery Champion for Parks & Open Spaces. Councillor Friend-Smith was very passionate about this subject and had worked hard on Jubilee Gardens and the country park. This proposal was duly seconded.

The Committee agreed the appointments of Councillors Schumann and Ross and, when put to the vote, of Councillor Brown.

It was resolved:

- (i) That Councillor Joshua Schumann be appointed Service Delivery Champion for Leisure & Community Services;
- (ii) That Councillor Hamish Ross be appointed Service Delivery Champion for Markets & Town Centre Services;
- (iii) That Councillor David Brown be appointed Service Delivery Champion for Parks & Open Spaces.

### 13. **SECTION 106 GRANT PROCESS**

The Committee considered a report, reference P33 previously circulated, that set out the proposed new approach to allocating and approving Section 106 (S106) monies.

The Partnerships Officer reminded the Committee that at previous meetings there had been some discussion about the bureaucracy of the Section 106 grants process and officers had been asked to look at it. This report set out a new proposed approach to the address the points made. It was proposed to remove the £5k cap for officer delegated decisions, as this caused delays in the application process, to ensure that projects were delivered on time. If this was removed Members could be assured that there were robust processes in place to deal properly with applications.

Feedback from applicants had highlighted problems with the questions asked, so these would be re-focussed to make the process simpler to understand and to extract more relevant information. The new approach would help achieve the Council's obligation to use developer contributions to deliver proper infrastructure by re-focussing, as explained in paragraph 4.4 of the report.

The eligibility of any organisation making an application would be looked at, including checking the assets owned. Any application had to have the endorsement of the relevant parish council and evidence of community need. The Council also had to be satisfied that a funding package was in place and provided financial sustainability. S106 money also had to be re-assessed to ensure that it was spent in the right places.

The Committee was asked how it would like to be informed where S106 monies had been allocated.

Councillor Richard Hobbs was happy to support the officer's recommendations, as too often things were held up unnecessarily. If the relevant parish council

agreed with an application this should be acceptable, as it would examine any application closely. A list of what had happened to S106 monies should come back to this Committee.

Councillor Pauline Wilson wanted to see a cap remain in place, as decisions for large sums should be taken by Members. There was a lot of money available for parish councils so there should be a top limit. This would not delay many applications, as very few were above this amount. Therefore a proposal was made to amend the officer's recommendation and approve a cap of £50k. This proposal was duly seconded.

Councillor Bill Hunt thought the officer's arguments were persuasive, however he agreed with Councillor Wilson's view. It was a bit risky to remove the cap and, as there was only usually around one application per year over the cap amount suggested, this would not hold up the vast majority of applications.

Councillor James Palmer understood the views of Councillors Wilson and Hunt but the money was for use in the parishes and it should not be up to this Council to dictate to them. So where this money was spent should be decided by the parish councils. There was enough S106 to spend but the process to access those funds should be as speedy as possible. He thought relevant Ward Members should be informed of any grants made and all Members should be given a monthly list.

Councillor Hazel Williams thought it was absolutely clear that parish councils should decide where the relevant money was spent, although some parish councils were better at this than others. Parish councils would get crucial training via the Chief Executive and the Partnerships Officer. Clear criteria was in place and officers would go through the whole process before allocating the money.

Councillor Lis Every agreed that the Council officers should be supported in this, as they put a lot of hard work in and were very careful with allocations.

The proposal for the cap was then put and, when put to the vote, declared lost.

The Partnerships Officer suggested that Members could be informed of monies spent via the Highlights newsletter, that was emailed to all Members. The Chief Executive thought this would be very useful for other Members. Councillor Richard Hobbs put proposals that the Committee review the allocations every six months and that relevant Ward Members be notified of allocations in their wards. These proposals were duly agreed along with the officer's recommendations.

It was resolved:

- (i) That the officer delegations be increased to allow grant approval (subject to meeting the S106 requirements) for any amount of S106 funding and that the Constitution be updated accordingly;

- (ii) That the proposed amendments to the S106 grant process as set out in Section 4.0, to include notifications to relevant Ward Members, be agreed;
- (iii) That summary reports on where S106 monies have been approved within the financial year be reviewed by Commercial Services Committee on a 6 monthly basis.

14. **COMMUNITY FACILITIES (SECTION 106) GRANT SCHEMES**

The Committee considered a report, reference P34 previously circulated, that noted the approval of a Section 106 (S106) Community Facilities and Small Villages Fund application.

Councillor Bill Hunt thought it important to note the hard work that members of the public undertook to obtain these grants in order to get works done. In this case, they had worked together with their parish council, this Council and the County Council to secure this funding.

It was resolved:

That the S106 project approved under officer delegated powers be noted.

15. **COMMUNITY FUND GRANT SCHEME**

The Committee considered a report, reference P35 previously circulated, that noted the grant offered under delegated powers from the Community Fund Grant Scheme.

It was resolved:

That the grant offered under officer-delegated powers be noted.

16. **ANNUAL REPORTS OF REPRESENTATIVES ON OUTSIDE BODIES**

The Committee considered a report, reference P36 previously circulated, that showed the activities and manner in which funding had been spent by the outside bodies within the responsibility of this Committee.

The Committee was advised that Councillor Tom Kerby had resigned as the representative on the Paradise Centre Management Committee and it was proposed that Councillor Joshua Schumann replace him and this was agreed.

Councillor Neil Morrison queried why Arts Development in East Cambridgeshire (ADeC) had been included in the Outside Bodies list. The Chief Executive explained that outside organisations chose to invite representation from this Council. There was no obvious reason to cease the representation but this could be clarified with ADeC. Councillor Richard Hobbs thought it should be up to ADeC to contact the Council.

Councillor Bill Hunt stated he could not be Council representative for the Rural Cambs Citizens Advice Bureau. Councillor Richard Hobbs volunteered to take his place and this was agreed.

Councillor Hazel Williams was persuaded to become the representative on the Cambridgeshire County Council Health Committee and this was agreed.

Councillor Neil Morrison was concerned that Members had responsibilities as representatives but failed to put in any reports. This matter should be addressed.

It was resolved:

- (i) That the Annual Report from appointed Council representatives on the activities and manner in which funding had been spent by the outside bodies within the responsibility of the Commercial Services Committee;
- (ii) That Councillor Hazel Williams MBE be appointed as a representative to serve on the Cambridgeshire County Council Health Committee;
- (iii) That Councillor Joshua Schumann be appointed as a replacement representative to serve on the Paradise Centre Management Committee, Ely, following the resignation of Councillor Tom Kerby from that post;
- (iv) That Councillor Richard Hobbs be appointed as a replacement representative to serve on the Rural Cambs Citizens Advice Bureau, following the resignation of Councillor Bill Hunt from that post.

**17. URGENT ACTION TAKEN BY CHIEF EXECUTIVE – PLAY PARK, PYMOOR**

The Committee considered a report, reference P37 previously circulated, that noted the action taken on the grounds of urgency by the Chief Executive, in consultation with the Chairman of the Committee, in the allocation of Section 106 monies to ensure the timely delivery of a new play park roundabout in Pymoor.

It was resolved:

That the action taken by the Chief Executive, on the grounds of urgency, be noted.

The meeting concluded at 6:48pm.