



SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

COUNCIL MEETING
THURSDAY, 26 SEPTEMBER 2013

AGENDA AND REPORTS

South Cambridgeshire Hall
Cambourne Business Park
Cambourne, Cambridge
CB23 6EA

OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focusing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act (as amended)."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

TO: The Chairman and Members of the
South Cambridgeshire District Council

NOTICE IS HEREBY GIVEN that the next meeting of the **COUNCIL** will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at **2.00 P.M.** on

THURSDAY, 26 SEPTEMBER 2013

and I am, therefore to summon you to attend accordingly for the transaction of the business specified below.

DATED 18 September 2013

JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

- 1. APOLOGIES**
To receive any apologies for absence.

 - 2. DECLARATIONS OF INTEREST**
To receive any declarations of interest for items on this agenda.

 - 3. REGISTER OF INTERESTS**
Members are requested to inform Democratic Services of any changes in their Register of Members' Financial and Other Interests form.

 - 4. MINUTES**
To authorise the Chairman to sign the Minutes of the meeting held on the 25 July 2013 as a correct record.
- (Pages 1 - 12)**
- 5. ANNOUNCEMENTS**
To receive any announcements from the Chairman, Leader, the Executive or the Head of Paid Service.

 - 6. QUESTIONS FROM THE PUBLIC**
To note that no public questions have been received.

 - 7. PETITIONS**
To note that no petitions have been received.

Democratic Services Contact Officer: Graham Aisthorpe-Watts 03450 450 500

8. **TO CONSIDER THE FOLLOWING RECOMMENDATIONS:**

9. **ASSET MANAGEMENT POLICY (HOUSING PORTFOLIO HOLDER MEETING, 1 AUGUST 2013) (Key)**

The report considered at the Housing Portfolio Holder Meeting held on 1 August 2013 is attached to this agenda.

The Housing Portfolio Holder **RECOMMENDED** the adoption of the new Housing Revenue Account Asset Sustainability Policy (Disposals and Acquisitions), as set out in Appendix A of the report.

(Pages 13 - 40)

10. **FILMING OF PUBLIC MEETINGS (CIVIC AFFAIRS COMMITTEE, 20 SEPTEMBER 2013)**

The Civic Affairs Committee is scheduled to consider the reported attached to this agenda at its meeting on 20 September 2013. Any recommendations to the Council from that meeting will be published and circulated in due course.

(Pages 41 - 76)

11. **LOCALISED COUNCIL TAX SUPPORT SCHEME 2013/14: REVIEW OF OPERATION (CABINET, 12 SEPTEMBER 2013) (Key)**

The report considered by Cabinet on 12 September 2013 is attached to this agenda.

Cabinet **RECOMMENDED** that the Council continues with the current Localised Council Tax Support Scheme for 2014/15.

(Pages 77 - 80)

12. **MILTON AND WHADDON: IMPROVING EXISTING GYPSY AND TRAVELLER ACCOMMODATION (CABINET, 12 SEPTEMBER 2013) (Key)**

The report considered by Cabinet on 12 September 2013 is attached to this agenda.

Cabinet: -

(a) **APPROVED** in principle: -

- (i) the acquisition of the sites at Fen Road and Blackwell, Milton and New Farm, Whaddon;
- (ii) the allocation of funds to refurbish the site at New Farm, Whaddon, to include the addition of two further pitches;
- (iii) the purchase of the site at Fen Road, Milton.

(b) **RECOMMENDED** to Full Council that an initial financial contribution of up to £900,000 be established to achieve these transactions, on a business case, with the Council investment being recovered through the income collected from the sites.

(c) **RECOMMENDED** to Full Council the delegation on the final decision to the Section 151 Officer in consultation with the Finance and Staffing Portfolio Holder pending the completion of a full detailed business case that demonstrates financial viability.

13. QUESTIONS ON JOINT MEETINGS

To note that no formal joint meetings have been held since the last meeting of the Council.

14. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

To receive any updates from Members appointed to Outside Bodies.

Report from Councillor Bridget Smith on the meeting of the Adult Wellbeing and Health Overview and Scrutiny Committee meeting on 12 September 2013 attached.

(Pages 87 - 88)

15. QUESTIONS FROM COUNCILLORS

15 (a) From Councillor Charles Nightingale

“Could the Leader please inform this Council of any planning applications or licences that have been applied for to carry out Fracking in South Cambridgeshire?”

Could he also tell us if this Council will ever support any possible future applications for Fracking or Hydraulic Fracturing in South Cambridgeshire?”

15 (b) From Councillor Ben Shelton

“Would the Portfolio Holder please update Members on any recent property purchases made by the Council?”

15 (c) From Councillor Tumi Hawkins

“Several residents have noted that the marketing information being put out to the public by the Council in relation to the on-going local development plan consultation, is worded in such a way as to imply that the selection of the new settlements, in particular, Bourn Airfield, is a done deal.

As such a lot of them felt that there was no point in giving their response or an opinion as it would not make any difference.

Will the Leader or Planning Policy Portfolio Holder please tell us if this indeed was the intention of the council to mislead the general public about the sites selected and the local plan process, and what the council will do before the consultation ends, to correct this ‘misinformation’?”

16. NOTICES OF MOTION

To note that no Notices of Motion have been received.

17. CHAIRMAN'S ENGAGEMENTS

To note the following engagements undertaken by the Chairman and Vice-Chairman since the last Council meeting: -

Chairman

31 July 2013	Iceni Homes site ceremony, Melbourn
4 August 2013	Parklife event
6 August 2013	Formal opening of children's play area, West Wickham
16 – 17 August 2013	Mayor of Huntingdon 24hr Charity Boxathon
1 September 2013	Mayor's charity garden party, Godmanchester
5 September 2013	Opening of the Chitra Sethia Autism Centre, Fulbourn Hospital
9 September 2013	Miller Sands prize draw, 120 th anniversary, Impington
12 September 2013	Rounder-about unveiling and re-naming, Shelford Bottom

Vice-Chairman

14 September 2013	People's Hall extension official opening, Toft
15 September 2013	Mayor of Haverhill Civic Service, Haverhill Methodist Church

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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Emergency and Evacuation

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- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

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Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on
Thursday, 25 July 2013 at 2.00 p.m.

PRESENT: Councillor David Bard – Chairman
Councillor Sue Ellington – Vice-Chairman

Councillors: Richard Barrett, Trisha Bear, Brian Burling, Tom Bygott, Nigel Cathcart, Pippa Corney, Kevin Cuffley, Simon Edwards, Alison Elcox, Andrew Fraser, Jose Hales, Roger Hall, Lynda Harford, Tumi Hawkins, Mark Hersom, Roger Hickford, James Hockney, Mark Howell, Clayton Hudson, Caroline Hunt, Peter Johnson, Sebastian Kindersley, Douglas de Lacey, Janet Lockwood, Mervyn Loynes, Ray Manning, Mick Martin, Raymond Matthews, Cicely Murfitt, Charles Nightingale, Tony Orgee, Robin Page, Alex Riley, Deborah Roberts, Neil Scarr, Ben Shelton, Hazel Smith, Jim Stewart, Edd Stonham, Peter Topping, Robert Turner, Susan van de Ven, Bunty Waters, Aidan Van de Weyer, David Whiteman-Downes, Tim Wotherspoon and Nick Wright

Officers:	Alex Colyer	Executive Director, Corporate Services
	Jean Hunter	Chief Executive
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer
	Graham Aisthorpe-Watts	Democratic Services Team Leader
	Keith Miles	Planning Policy Manager

Apologies for absence were received from Councillor Val Barrett, Francis Burkitt, Jonathan Chatfield, Neil Davies, Steve Harangozo, David McCraith, Bridget Smith and John Williams.

20. DECLARATIONS OF INTEREST

Councillors Roger Hickford, Sebastian Kindersley, Mervyn Loynes, Ray Manning, Tony Orgee, Peter Topping and Susan van de Ven declared non-pecuniary interests in minute number 33(a) as Members of Cambridgeshire County Council.

Councillor Sue Ellington declared a non-disclosable pecuniary interest in minute number 33(b) as she owned a pest control business.

21. REGISTER OF INTERESTS

No changes were reported by Members with regard to their Register of Members' Financial and Other Interests forms.

22. MINUTES

The minutes of the previous meeting of Council held on 23 May 2013 were confirmed and signed by the Chairman as a correct record, subject to the amendment of a typographical error under minute number seven on page four.

23. ANNOUNCEMENTS

Councillor David Bard, Chairman of the Council, reported the death of former Councillor Paul Rayment, who passed away on 15 June 2013 aged 80. Paul Rayment represented the Histon ward from 1995 to 1999.

Councillor Bard also reported the resignation of Sally Hatton as a District Councillor for the Sawston ward, which had been received on 3 June 2013, and took this opportunity to thank her for her contributions in her time with the Council.

Jean Hunter, Chief Executive, provided Members with the results of the District Council by-election for the Sawston ward held on 18 July 2013. The Council congratulated Councillor Kevin Cuffley on being elected and welcomed him to his first meeting.

Councillor Bard informed Council that the Parklife event would be held on Sunday 4 August 2013 and called for any volunteers to assist in stewarding on the day.

24. QUESTIONS FROM THE PUBLIC

No questions from the public had been received.

25. PETITIONS

Councillor David Bard, Chairman of the Council, reported that an e-petition of 306 signatures had been received, which met the trigger for a petition to be debated at a meeting of the Council, entitled 'Proposed Submission Local Plan'.

Fiona McMillan, the Legal and Democratic Services Manager, advised Members that the legislation governing petitions specifically excluded making a decision on a development plan document as the Government did not wish to duplicate where established procedures already existed for local communities to have their say, via the local plan consultation process. However the council's procedures for how the local plan process was delivered were within the scope of a valid petition according to guidance, but Council was informed that it should restrict its consideration of the matter to whether it believed due process had been followed rather than considering any particular site."

Keith Miles, Planning Policy Manager, was invited to provide the Council with a brief presentation on the background and process that had been followed to date with regard to the Local Plan.

Mr Miles referred to the National Planning Policy Framework published by the Government last year, which said that in circumstances where a Council did not have a five year supply of deliverable housing land, policies for housing within adopted plans should be treated as out of date. As a result, it stated that planning applications for housing development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed either against specific policies or the National Planning Policy Framework taken as a whole. Mr Miles stated that there had already been a spate of appeals allowed across the country for varying scales of development. He also reported that the Proposed Submission Local Plan was based on more up to date evidence of the Council's housing needs over the next 20 years, as required by the National Planning Policy Framework. Cabinet decided at its meeting on 27 June 2013 that the draft Local Plan housing target and plan period should be used to calculate the Council's five year supply and on that basis it had a five and a half year supply.

Mr Miles reminded Members that the Council was over two years into the process of producing its Local Plan and public consultation on the draft version began on 19 July 2013, running for just over ten weeks to end on 30 September 2013. Much of the first year involved evidence gathering, including undertaking a Strategic Housing Land Availability Assessment to identify candidate housing sites that were available and deliverable for inclusion in the Plan. Over 300 sites were submitted for assessment and a further 58 sites were submitted and tested during 'Issues and Options 1'. Another 40 sites were tested on the edge of Cambridge. Over the last 12 months two rounds of consultation had been undertaken on the issues and options for the draft Local Plan, including 62 possible housing site options. Reports on the results of the two rounds of consultation, which consisted of over 30,000 responses, were considered by Cabinet and the Portfolio Holder for Planning Policy and Localism, further to which 13 new housing proposals had been included in the draft Local Plan having originally been identified in the Issues and Options consultations.

The consultation process that had recently commenced on the draft Local Plan provided a final 'health check' that the Plan's proposals were sound before submission to the Secretary of State. The consultation specifically asked whether the Plan was legally compliant and soundly based. All representations received would be reported to Council early in 2014 and if no significant issues were raised that meant changes should be made to the Local Plan, the Plan and all of the evidence underpinning it, including all of the representations, would be sent to the Secretary of State. An Inspector would then be appointed to hold an examination to determine whether the Plan was sound, which in accordance with the current programme would commence in summer 2014.

The Chairman invited Des O'Brien to present his e-petition.

Mr O'Brien informed Council that he represented the views of thousands of people who had come forward to support this campaign, including the Member of Parliament for Cambridgeshire South, Andrew Lansley, who had specifically called for a review of the strategy.

Mr O'Brien and the signatories to his petition were dismayed at the lack of vision in the South Cambridgeshire Submission Local Plan and contended that the consultation processes undertaken to date were little more than public relations exercises designed to obfuscate rather than clarify. He asked, for example, why Bourn Airfield and West Cambourne were clearly described in the original consultation documents as sites with limited development potential.

Supporters of the petition strongly contended that the Council had acted passively by letting landowners and developers submit sites for consideration, showing that the Plan was not positively prepared which Mr O'Brien felt was a key test of soundness. He was also opposed to the concept of waiting for sites to be delivered to the Council, immediately abrogating any responsibility for devising a planning vision and asked why a site that had been refused planning permission three times in the recent past and had not appeared on either the 2004 or 2007 Local Plans had suddenly been considered as a suitable candidate for the list.

Focussing on justification as a key test for soundness, Mr O'Brien referred to a map of the district and asked whether anyone had observed that the whole of South Cambridgeshire's rail infrastructure, most of its road infrastructure and its nearest airport were all located towards the south of the district. He also observed that Bar Hill, Cambourne, Northstowe, Waterbeach, West Cambourne and Bourn Airfield were all clustered in an area little more than a quarter the size of the whole district. Stating that 37% of houses built in South Cambridgeshire between 2002 and 2012 were in the two

wards of Bourn and Caldecote, Mr O'Brien claimed that this was unfair and unjustifiable. By including Bourn and West Cambourne as new settlements, he was of the view that the Plan failed to meet basic planning principles on the separation of settlements and would lead to the coalescence of existing villages into a ribbon of development.

In closing, Mr O'Brien said that the Plan showed a lack of meaningful consultation, a lack of strategic vision and too much influence from developers and landowners, making it flawed.

Councillor Pippa Corney, Portfolio Holder for Planning Policy and Localism, was given an opportunity to respond to the petition.

Councillor Corney reiterated the process followed so far to get to this stage of the Local Plan's production and stated that the Council had undertaken an extensive and detailed assessment of available sites through the Strategic Housing Land Availability Assessment. She reported that over 400 sites had been assessed by the Council, each covering a range of sizes, types and locations. 62 sites remained, having gone through the same assessment process, but the 62 sites would have delivered many more houses than were required. In responding to a comment in the petition accusing the Council of being passive, Councillor Corney reminded Members that the Strategic Housing Land Availability Assessment process followed was best practice amongst local authorities nationwide. The 62 sites were finally whittled down to 13 sites across the district and Councillor Corney stated that the National Planning Policy Framework guidelines advised that all sites must be viable and deliverable, emphasising that they must include a willing land owner and a willing developer. She confirmed that all sites included in the draft Local Plan adhered to these requirements and was confident that the Plan would meet the test of soundness when it was presented to the Inspector next year.

Councillor Corney took this opportunity to praise the Council's very experienced team of officers who had worked extremely hard over the last two years to get the Plan to its current stage. She urged anyone who had concerns about any proposal in the Local Plan to attend one of the many exhibitions across South Cambridgeshire or make a representation online to ensure that they had their say.

In closing, Councillor Corney reminded Members that this draft Local Plan had been through four workshops for District Councillors, numerous parish workshops, three public Portfolio Holder meetings and a meeting of Cabinet and not once had any question been raised as to the Plan's soundness.

The Chairman invited Members to debate the petition, during which the following comments were noted: -

- the Plan lacked direction and failed to outline links to transport infrastructure;
- there was too much emphasis in the Plan on new settlements;
- a new 'super town' in a ribbon development would change the rural aspect of the district;
- any new significant development needed to be located close to employment opportunities and the transport infrastructure. The south of the district had good road and rail links, but the majority of the sites included in the Plan were proposed for the north of the district;
- demand for housing in South Cambridgeshire was high, so the Council had a difficult balance to strike;

- sites had to be allocated in the Plan where the land was available and where there was willing from the land owner and a developer. If these sites were not included in the Local Plan the land may never come forward, which would leave the Council extremely vulnerable to opportunist developers;
- small amounts of development in the district's villages was not practical and would cause considerable problems to communities across the district who already experienced difficulties with traffic congestion and a lack of places at schools. Splitting up development in this fashion would also make Section 106 Agreements or Community Infrastructure Levy entitlements too small to take things forward;
- if the Council significantly changed the Plan at this late stage it would mean starting the process again, which would leave every village in the district in a very vulnerable position from the perspective of additional development;
- the Council could lose control if it did not demonstrate a five year supply of land for housing development in the Local Plan, resulting in successful appeals by developers;
- there was no support in the workshops for a development at Bourn Airfield;
- it was unclear where the drainage and run-off would go to in respect of the proposed Bourn Airfield development, as well as the other large developments identified in the Plan;
- the building of new settlements in South Cambridgeshire had been successful and were working well;
- the selection of Bourn Airfield as a site for housing development went against the Council's Cambridge and South Cambridgeshire Sustainable Development Strategy Review (November 2012). It was not a sustainable proposal and should not have been selected as part of this process;
- in terms of other new developments in South Cambridgeshire, Cambourne had not worked and Northstowe had been on-going for ten years with nothing yet to show for it. Bourn Airfield should be withdrawn from the Local Plan as a housing development site, with 3,000 additional houses being reallocated to the Northstowe development;
- the Local Plan lacked strategic initiative and was inconsistent with national policy. It should have been recommending additional houses as part of the Northstowe development;
- in terms of new development sites, the developments at Cambourne and Bar Hill could not be replicated as they were built in a different time and a different 'planning world';
- 3,000 homes as a starting point for new developments would not create sustainable communities;
- The Local Plan public consultation process should continue, allowing the Inspector to make a decision at the appropriate time having seen all of the arguments presented.

Councillor Pippa Corney acknowledged the comments put forward and specifically made reference to the proposal to add 3,000 houses to the Northstowe development. She highlighted that the Local Plan identified 20,000 houses for development in South Cambridgeshire and 6,000 of those had already been allocated to Northstowe. Adding more houses to Northstowe, in her opinion, would not ensure the houses were built any quicker.

Councillor Corney urged people to now make representations as part of the consultation process online or at the public exhibitions scheduled to be held over the next couple of months and gave an assurance that the Council would be listening to any views put forward, which she said at this stage of the process were very important. She agreed

that further public exhibitions would be arranged for the villages of Bourn and Caxton as requested by the petitioners.

Council **NOTED** the petition.

26. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:

(Councillors James Hockney and Peter Johnson left the meeting at this stage of proceedings)

26 (a) Amendments to the Council's Constitution (Civic Affairs Committee 20 June 2013, Scrutiny and Overview Committee 4 July 2013 and Partnerships Review Committee 11 July 2013)

Council considered a report setting out proposed amendments to its Constitution following the decision at the Annual General Meeting to introduce the Partnerships Review Committee as a second scrutiny and overview committee and abolish the Sustainable Energy Committee.

Councillor Ben Shelton proposed the recommendations set out in the report, which was seconded by Councillor Ray Manning, Leader of the Council, and with 30 votes in favour, 12 against, 3 abstentions and 2 not voting Council **APPROVED**: -

- (a) The revised version of Article 6 of the Constitution, as set out in Appendix A to the report, incorporating the amendment outlined in Appendix C.
- (b) The revised version of the Scrutiny and Overview Procedure Rules, as set out in Appendix B to the report, incorporating the amendment outlined in Appendix C.
- (c) The amendment of those sections of the Constitution referred to in paragraph 10.1 of the report to reflect the establishment of the Partnerships Review Committee as a second scrutiny and overview committee.
- (d) The amendment of the Member role descriptions under Part 5 of the Constitution relating to the Scrutiny and Overview Committee so that they apply to both the Partnerships Review Committee and the Scrutiny and Overview Committee.
- (e) The allocation of the Partnerships Review Committee as the authority's Crime and Disorder Committee.

27. REVIEW OF POLITICAL BALANCE AND THE ALLOCATION OF SEATS TO COMMITTEES

A report was considered which provided Council with an opportunity to review the authority's political balance and reconsider the allocation of seats to committees following the election of a Conservative Councillor to a seat previously held by an Independent Councillor at the Sawston by-election held on 18 July 2013.

Councillor Ray Manning proposed the recommendations set out in the report. Councillor Sebastian Kindersley seconded the proposal, subject to Councillor Jose Hales being appointed to the Civic Affairs Committee. Councillor Manning accepted this amendment as part of his motion and Council unanimously: -

a) **APPROVED** the allocation of seats on committees as follows: -

	No. of seats	Conservatives	Liberal Democrats	Independents
Civic Affairs	13	8	4	1
Corporate Governance	8	5	2	1
Employment	8	5	2	1
Licensing	15	9	4	2
Planning	13	9	3	1
Partnerships Review	9	5	3	1
Scrutiny and Overview	9	6	2	1
Total	75	47	20	8

b) **APPROVED** the nominations of political groups to seats on committees, as set out in Appendix B to the report, subject to Councillor Jose Hales being appointed to the Civic Affairs Committee.

28. **APPOINTMENT OF A MEMBER AND SUBSTITUTE MEMBER TO CAMBRIDGESHIRE COUNTY COUNCIL'S ADULTS, WELLBEING AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

Council considered an invitation from Cambridgeshire County Council to appoint a representative and substitute member to sit on its Adults, Wellbeing and Health Overview and Scrutiny Committee.

Councillor Ray Manning nominated Councillor Roger Hall as the Council's representative, which was seconded by Councillor Simon Edwards.

Councillor Sebastian Kindersley nominated Councillor Bridget Smith as the Council's representative, which was seconded by Councillor Deborah Roberts.

Councillor Hall left the Council Chamber during the undertaking of a vote and Councillor Bridget Smith, having submitted an apology for absence for this meeting, was also not present in the Chamber. With 21 votes for each candidate, 1 abstention and 3 not voting the Council was required to hold a second vote in accordance with Standing Order 16.7 due to the result being a tie. In voting for the second time, with 23 votes compared to 21, Council **APPOINTED** Councillor Bridget Smith as the authority's representative on Cambridgeshire County Council's Adults, Wellbeing and Health Overview and Scrutiny Committee.

Councillor Ray Manning nominated Councillor Andrew Fraser as the Council's substitute member, which was seconded by Councillor Richard Barrett.

Councillor Douglas de Lacey nominated Councillor Roger Hall as the Council's substitute member, which was seconded by Councillor Tumi Hawkins.

Both nominees left the Council Chamber during the undertaking of a ballot and, with 23 votes compared to 18, Council **APPOINTED** Councillor Andrew Fraser as the authority's substitute member on the Cambridgeshire County Council's Adults, Wellbeing and Health Overview and Scrutiny Committee.

29. **APPOINTMENT TO THE INDEPENDENT REMUNERATION PANEL**

Council considered a report which provided Members with an opportunity to agree the membership of the Independent Remuneration Panel.

Council unanimously: -

- (a) **RE-APPOINTED** Mr Graham Jagger as a member of the Independent Remuneration Panel for a three year term of office, with an expiry date of 31 July 2016.
- (b) **CONFIRMED** that the level of expenses paid to the individual members of the Independent Remuneration Panel be no more than £200 each per financial year, with the final amount payable to be agreed by the Executive Director, Corporate Services in consultation with the Leader of the Council.

30. **RISK MANAGEMENT STRATEGY**

Consideration was given to a report which provided Council with an opportunity to review the authority's Risk Management Strategy and Strategic Risk Register.

Council **NOTED** the report.

31. **QUESTIONS ON JOINT MEETINGS**

No questions on joint meetings were received.

32. **UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES**

32 (a) **Health and Wellbeing update by Councillor Sue Ellington**

Council **NOTED** an update report on the Cambridgeshire Health and Wellbeing Board by Councillor Sue Ellington in her capacity as Health and Wellbeing Champion.

33. **QUESTIONS FROM COUNCILLORS**

33 (a) **From Councillor Tumi Hawkins**

Councillor Tumi Hawkins asked the Portfolio Holder for Planning Policy and Localism the following question: -

"The Cambridgeshire Future Transport project was supposed to be working with communities to come up with alternatives to replace subsidised buses in the district. Unfortunately, that work came to a screeching halt in May, and is currently in limbo because the County Council officer leading the project left and has not been replaced. During the months before it stopped, a lot of effort had been put in by our officer working in partnership with the County Council lead officer, to use the Demand Responsive Transport scheme proposed by this authority, as a basis for alternative solutions. That work, particularly in Area C, is now in jeopardy and residents are in despair due to the

uncertainty of the situation. What is this authority doing to encourage its “partner” the County Council to restart the project and what help is being offered to our officer to keep the project alive?”

Councillor Pippa Corney, Portfolio Holder for Planning Policy and Localism, informed Members that the County Council had lost key staff with regard to this project at the same time as the elections in May 2013, which, she reminded Members, had brought significant changes to the political makeup of the authority. Councillor Corney was much more confident, however, that this piece of work would pick up the pace over the coming months following a meeting she had recently attended and emphasised that things had not stopped from the District Council’s perspective. She reported that the new County Council officer should be in post by September 2013 and that the County Council’s team had been invited to use officers from South Cambridgeshire District Council and Huntingdonshire District Council in the interim period to keep the projects moving.

As a supplementary question, Councillor Hawkins asked: -

“Given that the project is now behind schedule for completion by September 2014, can I get an assurance that the project will be finished by that date?”

Councillor Corney was not in a position to give that assurance, but stated that she had heard nothing to suggest that the original completion date would not be achieved. She added that the project was making progress and had been able to deliver successful programmes already.

33 (b) From Councillor Hazel Smith

Councillor Hazel Smith asked the Leader of the Council the following question: -

“I note that the capital estimate for the Environmental Health portfolio shows a reduction of £139,000 between 2012-13 and 2013-14, so reductions in service are inevitable. While regretting the loss of a council service that is very important in this rural area - Pest Control - can the Leader tell us how the council will ensure that council properties that need this service will be treated as quickly and cost-effectively by private contractors, and how are we fulfilling the specific duty to the public under The Prevention of Damage by Pests Act 1949 to deal with rats and mice?”

Councillor Mick Martin, Portfolio Holder for Environmental Services, answered the question on behalf of the Leader of the Council and clarified that the £139,000 was nothing to do with stopping the Pest Control service. When the Council started charging for its Pest Control service, which it was entitled to do, people tended to prefer using private providers instead of the Council’s service. There was a capital cost to take into consideration when subsidised against commercial competition and this was the main reason why a notice to cease the service had recently been issued.

Councillor Martin stated that the Council had a responsibility to survey any buildings or land that it owned and ensure adequate pest control measures were applied when necessary, which it would continue to do. He added that the Council’s Environmental Services section had undergone a significant re-structure, saving the Council £150,000 per annum, resulting in more effective and efficient service delivery and invited any Member of the Council to visit teams within the service should they need any convincing.

As a supplementary question, Councillor Smith asked: -

“Is the Council on track to make its required reductions or are there further cuts in the pipeline?”

Councillor Martin said that no specific solutions had been identified within his Portfolio at this stage and that this was a corporate-wide issue.

33 (c) From Councillor Susan van de Ven

Councillor Susan van de Ven asked the Portfolio Holder for Housing the following question: -

“Can the Portfolio Holder for Housing please clarify the council's policy on self-build housing, as a potentially useful tool in the quest to bring more affordable housing to residents of all South Cambridgeshire villages, and including eco homes which may or may not comply with traditionally accepted standards of appearance?”

Councillor Nick Wright, Portfolio Holder for Planning and Economic Development, answered the question on behalf of the Portfolio Holder for Housing and stated that the Council was very supportive of self-build housing in the district, which was referred to in the draft Local Plan currently out for public consultation. Proposals for eco homes were also welcomed and the first three had already come forward. He informed Members that a project was currently on-going for 40 self-build properties at Orchard Park and the Council was also exploring the prospect of including some as part of the Northstowe development.

As a supplementary question, Councillor van de Ven recommended the encouragement of take-up by including an article in the Council's magazine and asked: -

“What can we all do to bring this forward, not just in terms of new development sites but for everyone?”

Councillor Wright, whilst agreeing with the need for encouragement, reminded Members that delivery was not always as straightforward as it seemed and cited Peterborough as an example where plots were still empty after ten years. In closing he referred to the fact that Ministers were promoting self-build development, which also had Government support, and that the Council would take it forward through its Local Plan.

33 (d) From Councillor Aidan Van De Weyer

Councillor Aidan Van De Weyer asked the Portfolio Holder for Housing the following question: -

“Can you provide a detailed presentation of the data that you hold on complaints to this Council and to Mears relating to repairs and maintenance of council houses, including numbers of complaints, the nature and severity of the issue, outcomes whether positive or unresolved, the time between complaint and resolution, and who handled the complaint?”

Councillor Mark Howell, Portfolio Holder for Housing, reported that 40 complaints had been forwarded to Mears in the first 12 months of its contract with the Council, with 39 being resolved and one currently with Mears' insurers which involved a minor injury. He reported that these complaints had all been investigated and resolved within the ten day limit for stage one complaints and confirmed that complaints were handled by Mears and

by the Council's housing staff.

As a supplementary question, Councillor Van De Weyer asked: -

“Are there particular measures in place to encourage complaints or feedback?”

Councillor Howell said that feedback was encouraged, with operatives provided with feedback forms which tenants were asked to complete either in writing, online or via the telephone. The information from these forms, together with any complaints submitted, were very well received by Mears and the Council's Housing team.

34. NOTICES OF MOTION

No Notices of Motion had been received.

35. CHAIRMAN'S ENGAGEMENTS

Engagements undertaken by the Chairman and Vice-Chairman since the previous meeting, as set out on the agenda, were noted.

The Meeting ended at 3.43 p.m.

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Agenda Item 9

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

1 August 2013

AUTHOR/S: Director of Housing

HRA ASSET SUSTAINABILITY POLICY (DISPOSAL AND ACQUISITIONS)

Purpose

1. To seek the approval of the Housing Portfolio Holder for the adoption of a new HRA (Housing Revenue Account) Asset Sustainability Policy.
2. This is a key decision as it may result in the authority incurring expenditure which is, or the making of savings/income, which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates, and it was first published in the February 2011 Forward Plan.

Recommendations

3. That the Housing Portfolio Holder recommends to Full Council the adoption of the new HRA Asset Sustainability Policy (Disposals and Acquisitions) attached as Appendix A.

Reasons for Recommendations

4. The new policy is necessary to ensure that the Council is able to operate an efficient asset management approach with regard to the Housing Revenue Account and in particular support the development of new homes in a commercial environment.
5. The Policy will need Full Council approval as it forms part of the Council's 'policy framework'.

Background

6. The Asset Management Strategy was adopted by the Housing Portfolio Holder in February 2011 and the New Build (HRA) Strategy by the Cabinet in November 2012. These strategies require the Affordable Homes team to act in a more commercial way.
7. The Action Plan of this Asset Management Strategy identified the need for an Asset Sustainability Policy (previously known as an Asset Utilisation Policy) to ensure clarity on the decision making process for how Housing Revenue Account properties are either acquired or disposed of by the Council.
8. Existing protocols for these processes were adopted at a time when the HRA portfolio was not subject to the same commercial demands that now apply since the self financing reforms which came into effect on 1/4/12. The existing Housing Consultation Protocol required lengthy consultation with parish councils which did not always permit timely business decisions to be made. Parish Councils will still be kept informed and consulted upon through the planning process where new development proposals are submitted.

Considerations

9. The decision to dispose of a Council owned asset is not driven purely by financial considerations. The proposed policy acknowledges the need to consider social impacts alongside the financial data.
10. Acquiring and building new homes are activities carried out in a commercial environment where decisions need to be taken quickly and with commercial confidentiality.
11. Appendix B sets out a summary table showing the key changes proposed and the current policy position for comparison. This same table appears within the Policy (Appendix A) but without the comparative column.

Options

12. The Housing Portfolio Holder may wish to approve this policy for recommendation to Full Council as it appears in Appendix A.
13. The Housing Portfolio holder may wish to approve the policy for recommendation to Full Council with identified changes to be included.
14. The Housing Portfolio Holder may wish to reject the policy and retain the current arrangements. Appendix B sets out a comparison of the proposed new policy with the existing policy arrangements.

Implications

15.	Financial	This policy relates to individual property transactions that will sometimes total many hundreds of thousands of pounds. Expenditure will always be within the planned expenditure for the capital programme and will be subject to a number of corporate controls and a robust business plan that demonstrates value for money in terms of financial, social and economic benefits. The income derived from sales and the subsequent savings to the HRA repairs budget will all be recycled in the HRA accounts to support service delivery and the building of new homes. There is no extra expenditure required by this policy.
	Legal	This policy forms part of the Council's policy framework within the Housing Investment Programme and will therefore need Full Council approval.

Staffing	There are no staffing implications arising from this proposal.
Risk Management	The activities covered by the policy are already undertaken on a largely ad hoc basis. The adoption of this policy would provide a more measured protocol for disposing of and acquiring properties which should allow risks to be better controlled.
Equality and Diversity	n/a
Equality Impact Assessment completed	n/a
Climate Change	The disposal of poorly performing homes and their subsequent replacement with new energy efficient homes will overall have a beneficial impact upon climate change factors.

Consultations

16. Discussions have been held with the Legal & Democratic Services Manager, Executive Director and the Head of Finance, Policy & Performance.

Consultation with Children and Young People

17. None

Effect on Strategic Aims

18. We will make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents. This policy is intended to ensure that the Council owned homes are of the highest quality and that the process for acquiring new homes is efficient and business-like.

Conclusions / Summary

19. The Council's HRA housing stock is a multi million pound portfolio. It is important that the processes for managing this asset including the decision making processes for disposal and acquisitions are efficient and suitable for a commercial environment.
20. The Housing Portfolio Holder is asked to endorse the attached policy for approval by Full Council which seeks to achieve these aims.

Background Papers: the following background papers were used in the preparation of this report:

Asset Management Strategy
New Build Strategy

Contact Officers:

Schuyler Newstead Head of Housing Strategy and Development 01954 71 3332
Julie Fletcher – Housing Performance Improvement Team Leader 01954 713352

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HRA Asset Sustainability Policy (Disposals and Acquisitions)

[Supplementary document to the Asset Management Strategy]

Dated: August 2013

1. Introduction

- 1.1 The HRA Asset Sustainability Policy has been developed to complement the HRA Asset Management Strategy and the overriding HRA Business Plan to ensure we are making best use of our existing stock and providing value for money to our tenants. In a changing political and economic climate the Council needs to invest in its assets now and plan for the future to be able to meet the needs of residents. This policy will help the Council in meeting its vision for the housing service:

To be the best housing service by providing good quality housing across all tenures that is accessible to all – that enhances residents' quality of life, their health and wellbeing, that supports economic growth and social opportunities, alongside improved energy security and reduced carbon footprints.

- 1.2 The changes to the HRA self-financing regime implemented in April 2012 has fundamentally transformed the way in which the housing function operates by freeing up local authorities to plan investment for the long term based on their income rental stream. This places a strong reliance on being able to accurately forward plan the maintenance of our existing stock as well as looking at options for increasing the supply of affordable housing that residents need within the resources available to us. This requires more detailed consideration of a number of options including asset management, service delivery standards and demographic changes, as well as debt profiling. The Council will therefore need to operate in a much more commercially sensitive environment than has previously been the case, with the need for greater scrutiny of both income and expenditure and a robust decision making process that enables the Council to operate effectively within the new framework.

2. Purpose

- 2.1 The purpose of this Policy is to:
- Set out the operational protocol for the decision-making process relating to the disposal and acquisition of land/property to enable the Council to operate within its business framework.
 - Identify opportunities for the purchase of properties/land to increase the supply of affordable housing.
 - Set out the criteria and considerations for disposing of HRA assets that are no longer considered to be fit for purpose and not able to be re-modelled, representing poor value for money in financial terms and/or negative social benefits to our tenants and the wider public.

3. Links to other Strategies and Policies

- 3.1 The HRA Business Plan includes options over a 30 year period for investment into its housing stock to ensure it can meet the Decent Homes Standard as a minimum, as well as addressing some tenant led priorities such as disabled adaptations and fuel poverty measures. This Policy therefore forms a key part of that plan to support its delivery and help to maintain the viability of the housing stock, as well as linking to other strategies/policies as identified below:

- HRA 30-Year Business Plan
- HRA 5-year maintenance Plan
- Asset Management Strategy
- Garage Strategy
- Housing Strategy
- Warm Homes Strategy
- Empty Homes Strategy
- New Build Strategy
- Resident Involvement Strategy
- Under-occupation Policy

4. Disposals

4.1 Legal Context

Local authorities have the freedom to dispose of their land in any manner that they wish subject to certain provisos prescribed within the following major Acts, other Acts and General Consents:

4.1.1 S123 of the Local Government Act 1972

Under this Act, the Council has wide powers for the disposal of its property assets. The overriding requirement is to obtain the best consideration that can be reasonably obtained. Where the Council wishes to dispose of land below market value specific consent from the Secretary of State may be required where the difference between the market value and the 'sale' price is £2M or less unless there is deemed consent under one of the general disposal consents.

4.1.2 The General Disposal Consent 2003 (Circular 06/03)

The terms of the 2003 Consent mean that specific consent is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. There are caveats. For example -

- we should have regard to our community strategy
- disposal at less than best consideration is subject to the condition that the undervalue does not exceed £2,000,000 (two million pounds).
- we must be satisfied that the land is held under powers which permit it to be disposed of under the terms of the 1972 Act.
- consent does not apply to disposals of land held under section 233 of the Town and Country Planning Act 1990 (land held for planning purposes).
- nor does this general consent apply to land held for housing purposes under the Housing Act 1995.
- we must also carry out any further procedures which may be necessary to enable us to dispose of the land before making a final decision and seeking consent, e.g advertising before selling former Public Open Space
- all disposals need to comply with the EC's state aid rules. A disposal at less than best consideration constitutes the provision of a subsidy to one or more of the parties depending on the nature of the development. The nature and

amount of the subsidy must comply with state aid rules, particularly if there is no element of competition in the disposal process. The benefit of unlawful aid is recoverable from the recipient.

- we are recommended on all disposals to obtain a realistic valuation so that we can determine whether the proposed price is the best consideration reasonably obtainable, whether the Consent applies or whether a specific consent is needed. This should be done irrespective of the method of disposal.

4.1.3 The General Housing Consents 2013 - Section 32 of the Housing Act 1985

Under S32 the local authority has the power to dispose of land and dwellings held for housing purposes. Secretary of State consent will be required unless the disposal is covered under this general consent and relates to the disposal of:

- Vacant dwellings except to a body owned or partly owned by the local authority (dwellings must remain as social housing where sold to a social provider);
- Occupied dwelling houses to secure tenants (and individuals assessed as needing help accessing home ownership);
- Dwellings to tenants who have the right to buy acquiring with non qualifying tenants;
- Dwellings on shared ownership terms;
- Housing authority land (including assets that are not dwellings (eg. garages); and
- Reversionary interest in houses and flats.

Disposals are to be at market value but discounts may be applicable to qualifying applicants.

4.1.4 Section 25 Local Government Act 1988

The General Consent under section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) 2010 provides that a local authority may provide a registered provider with any financial assistance or gratuitous benefit of land for development as housing accommodation.

The aggregate value of financial assistance or gratuitous benefit provided by the disposal or grant shall not exceed £10 million.

4.2 Strategic Overview

4.2.1 South Cambridgeshire District Council owns and manages 5663 dwellings, including sheltered housing with communal facilities, flats with leaseholders and equity share properties. The majority of stock is of generally sound structure and well maintained, but there are individual properties that require greater investment, such as those of non-traditional construction or are of solid wall construction, that may not be financially sustainable in the long term and are often of a low standard either by design, type, energy efficiency or location. In these instances it may be financially prudent to dispose of the property and the capital reinvested for the provision of affordable housing.

4.2.2 There may also be opportunities for wider redevelopment for groups of properties that would provide better quality housing and additional homes. The following schemes have already been identified as potential redevelopment/regeneration and will be taken forward as part of the Council's Newbuild Strategy, with the exception of

Fairview, Longstanton where agreement has been given to transfer the property to a registered provider for the provision of affordable housing.

- Chalklands, Linton
- Robinson Court, Gamlingay
- Wilford Furlong, Willingham
- Fairview, Longstanton

4.2.3 In addition to houses, there are also garages and areas of land that have the potential for development or where the Council could maximise its income through sale on the open market.

4.3 Types of Disposals

The four types of disposal to be considered within the policy are:

- 1) Individual properties of poor design that require high levels of investment compared to the overall stock or where properties are identified as low demand or where serious management issues are being experienced.
- 2) Estates or groups of properties that are of a low standard that may provide wider redevelopment opportunities for additional affordable homes and/or better quality homes that enhances the surrounding environment.
- 3) Garage sites identified as high voids/low demand.
- 4) Land disposals:
 - a) small areas of land with no potential for development, i.e. garden land
 - b) land where there is development potential or ransom strips that would unlock a development site.

4.4 Criteria for Properties [1) and 2) above]

4.4.1 The Council's asset management system, Keystone, holds the stock information and will be able to indicate when a property or blocks of property types are failing. These will be coded red or amber within the system.

The Keystone Sustainability Modelling is carried out on all properties within the Council's housing stock. Considerations within the modelling include:

<p>Financial Considerations</p> <ul style="list-style-type: none"> • Cost of catch-up repairs • Cost of planned maintenance • Cyclical maintenance costs • Design and remodelling costs • Thermal efficiency • Response repair cost • Void cost • Void loss • Rental income • Service charge income (if applicable)
<p>Economic</p>

<ul style="list-style-type: none"> • Debt charge on the property • Construction type and prognosis over time • Development potential • Income from solar PVs (if applicable) • Income from RHI (if applicable)
<p>Social</p> <ul style="list-style-type: none"> • Demand for the property and overall housing needs • Turnover of the property • Rural location • Housing Management issues • Environmental Impact

The modelling provides a score for each component, based on a value judgement made at the time that the modelling is carried out. For example, properties with low planned maintenance costs will score high, while those with high forecast costs will score lower. The assumptions made are that the debt on each property is the same and that key components will have the same life span. The parameters set within the modelling will be based on the technical considerations as well as taking into account the economic and social aspects of the property. The parameters to be approved by the Head of Housing and Property Services, in conjunction with input from the Accountancy Team within the Finance, Policy & Performance Service. The modelling will be carried out annually to help prioritise and target those properties identified red and amber.

4.4.2 Options

Where the Keystone Sustainability Modelling identifies that it is not sustainable to retain the property in its current form, the following alternative options should be considered:

- Refurbishment
- Change of use
- Redevelopment by the Council
- Sale at below market value to another social housing provider
- Sale at below market value to a local organisation, such as a parish council, for the wider benefit of the community
- Sale on the open market
- Shared Ownership and Equity/Homesteading type schemes

It will be necessary to obtain an independent valuation to enable a full assessment if the option to dispose through sale or redevelopment is considered. An independent valuer must be appointed in accordance with the Council's procurement procedures. Pocock & Shaw currently act as the Council's independent valuer following a procurement exercise in 2012. The contract is awarded up to 2015 with the option to extend for a further 3 years.

A full financial appraisal will be undertaken by the Development/Housing Accountant as part of the consideration of the options available, using an approved template. A decision as to the best option to be taken forward, taking into account the housing, community and financial aspects, will be agreed by the Director of Housing, in conjunction with the Accountancy Team.

4.4.3 Refurbishment

Overriding considerations such as location, demand, type etc. may make it more attractive to refurbish some properties even though they score low on the technical considerations. Where it is unlikely that the cost of refurbishment can be recovered

through its rental stream over a 30-year period, generally refurbishment would not be considered an option unless there are extenuating circumstances.

Decision Process: Head of Housing and Property Services

Consultation: None required

4.4.4 Change of Use

There may be occasions where the property can be better utilised through change of use, such as community use for tenants, district-based offices, etc. Properties will be considered on an individual basis where there is an identified need for alternative provision.

Decision Process: The Director of Housing has authority to approve change of use subject to Housing Portfolio Holder approval and any planning requirements.

Consultation: Development Control, Planning & New Communities and the Local Member(s). The parish council will be notified following the decision. Where planning permission is required, consultation will follow the normal planning process for consultation.

4.4.5 Redevelopment by the Council

Generally this option will be considered where there are opportunities for making better use of land available to provide additional affordable homes and/or better quality homes that enhance the surrounding environment.

Where the Council has the capacity and resources, redevelopment will be undertaken through the Council's Newbuild Strategy and overseen by the Head of Housing Strategy and Development. Redevelopment will be subject to planning permission and initial discussions with Development Control, Planning & New Communities will be held at an early stage.

Decision Process: The Director of Housing has authority to approve making land/property available for redevelopment by the Council subject to Housing Portfolio Holder approval.

Consultation: Development Control, Planning & New Communities and the Local Member(s). Following approval to make the land available, each scheme identified will be individually project managed by the Council's HRA Design Team. Full consultation with affected residents, the parish council and Local Members will be undertaken during the project.

4.4.6 Sale at below market value

Generally, the Council will seek to dispose of property at the best price reasonably obtainable in order to generate investment to support the delivery of the HRA Business Plan. However there are exceptions to this where the Council will consider gifting the land/property to a social housing provider or other organisation at a discounted rate as follows:

- Where development of land/redevelopment of existing stock will provide additional affordable good quality housing.
- Where land forms part of a wider regeneration scheme and includes an element of affordable housing for sale and complements the regeneration activity.
- Where there is a corporate or service desire to sell at an undervalue to support a particular project or partner organisation.

Consideration will be given on a case-by-case basis as to whether the property/land sold will be freehold or long-term lease and may be subject to uplifts or restrictive covenants. The discounted rate for the sale of the land/property will be agreed taking into account the overall valuation, weighted against the provision of affordable housing and the financial viability of the scheme.

Decision Process: The Director of Housing has authority to approve making land/property available at less than market value for affordable housing schemes, subject to:

- The approval of the Housing Portfolio Holder.
- An annual limit of £1 million for land/property made available at below market value, without reference to Cabinet; and
- Compliance with current planning policies and the available General Consent for disposal of land to Registered Social landlords under Section 25 of the Local Government Act 1988.

Consultation: Local Member(s). The Parish Council will be informed following the decision to transfer the land at less than its value. Wider consultation on proposals for the site will be the responsibility of the social housing provider or other organisation.

4.4.7 Sale on the Open Market

This option will be primarily used where individual properties are identified as failing through the Keystone Sustainability Modelling and are void. The property will be marketed by the Council's contracted estate agent. Monies received will be redistributed within the HRA for the improvement and/or addition of affordable homes.

Decision Process: The Director of Housing has authority to approve individual properties for sale on the open market; subject to approval of the Housing Portfolio Holder and not exceeding an annual limit of £2M without reference to the Cabinet.

Consultation: Local Member(s)

4.4.8 Shared Ownership and Equity/Homesteading type schemes

As with properties identified to be sold on the open market, where it is financially viable, consideration should be given to marketing the property on a shared ownership basis or equity/homesteading type scheme. This will ensure that the property remains affordable as well as receiving capital investment for the HRA Business Plan.

Decision Process: as above for - 'sale on the open market' (to count towards the annual limit of £2M)

Consultation: Local Member(s)

4.5 Criteria for Garages

- 4.5.1 The Council's Garage Strategy was approved by the Housing Portfolio Holder in 2011 and identifies garage sites that have the highest percentage of voids and are low demand. These sites are subject to a cost benefit analysis based on future income and expenditure over the long term, as well as taking into consideration community sustainability, ASB, vandalism and parking availability.

4.5.2 Options

Where it is identified not to retain a garage site in its current form, alternative options available include:

- Change of use
- Redevelopment by the Council
- Sale at below market value to another social housing provider
- Sale at below market value to a local organisation, such as a parish council, for the wider benefit of the community
- Sale on the open market as development land (sold without planning permission)

Decision Process: see 4.4 above.

Consultation: With local residents, local community groups, parish council and elected members prior to a decision being made on its future.

4.6 Criteria for Land Disposals

4.6.1 Small areas of land with no potential for development, i.e. garden land

Requests to purchase small areas of land that have no development potential will be looked at on an individual basis, with the aim of maximising income without losing any community benefit.

Generally requests will be looked at favourably unless there are circumstances where it would make good business sense to retain the land under the ownership of the Council.

Best price must be sought following an independent valuation.

Decision Process: The Director of Housing has authority to approve or refuse the disposal of housing land for public amenity use or for use as garden land or otherwise improve the access or amenity of a dwelling where the value does not exceed Level 2 (£25,000); subject to the confirmation from Planning & New Communities that the land is not capable of development which will significantly increase its value. [Where there is potential development by another party point 4.6.2 below applies].

Consultation: Development Control, Planning & New Communities and the Local Member(s).

4.6.2 Land where there is development potential or Ransom Strips that would unlock a development site

The principle for considering such requests will be to maximise income on land that would otherwise generate little or no income for the HRA. Consideration will need to be given to the loss of any community benefit, but this must be weighted against the financial benefit and the wider benefit of additional affordable housing (where applicable).

Planning considerations should not be taken into account at the initial stage of negotiation to dispose of land. An 'in principle' decision to dispose will be made on a commercial basis through negotiation between the developer, Director of Housing and the Housing Portfolio Holder. An independent valuation must be obtained and an indicative price to be agreed based on conditional options, such as a higher

contribution of affordable housing, which will be subject to the final planning decision. Issues with regards to the proposed development will be considered as part of the planning process.

Decision Process: The Director of Housing has authority to approve 'in principle' the sale of land ahead of any planning consent based on conditional options, such as a higher contribution of affordable housing. A non binding indicative value will be agreed at this stage but will be subject to the final scheme approved by planning, taking into account the provision of affordable housing, type and tenure.

Following planning approval, the Director of Housing has authority to approve the sale of land; subject to approval of the Housing Portfolio Holder and not exceeding an annual limit of £1M without reference to the Cabinet.

Consultation: Local Member(s). Consultation of development will be through the planning process.

5. Acquisitions

5.1 Strategic Overview

- 5.1.1 Following the self-financing regime for the housing revenue account in April 2012, the Council is now in a position to invest not only in its existing stock but also in providing additional affordable housing.
- 5.1.2 South Cambridgeshire is in an area of high demand for all types of housing. Affordability is an acute issue for residents in the District, with average property prices above £300,000 and around a third of all households earning below the level needed to afford a market entry (lower quartile) private rent. There is also further pressure through the availability of private rented homes in the District of which there are virtually none that are within the Local Housing Allowance rates.
- 5.2.3 The demand for affordable housing far outstrips the supply. Projections within the Strategic Housing Market Assessment identifies a need for an additional 1474 affordable homes per annum for at least the next 5 years to help meet current housing need. Although figures on the housing register have drastically decreased since April 2013 following a review of the housing register, it is anticipated that the register will reach pre-2013 figures again of around 3,500.
- 5.2.4 There are further pressures on the housing service following changes to welfare reform, with the Council seeing an increase in homelessness applications and the need to use bed & breakfast as temporary accommodation. There are also increased demands on the Council's existing stock for smaller accommodation where households are affected by a reduction in housing benefit as they are considered to be under-occupying following benefit changes introduced in April 2012.

5.3 New Build Strategy

The Council has published its New Build Strategy that aims to provide 200 new affordable homes within the next 10 years. Its delivery programme identifies the following schemes to be taken forward over the next four years up to 2015.

- Chalklands, Linton – Council owned garage site providing 4 x 1 bed houses

- Gamlingay – redevelopment site owned by SCDC providing 11 good quality affordable homes
- Wilford Furlong, Willingham – large scale redevelopment/regeneration of existing site owned by SCDC
- Foxton – rural exception site providing 15 new affordable homes for local people
- Bourn – rural exception site providing 11 new affordable homes for local people
- Northstowe (phase 1) – S.106 development of strategic growth site with an affordable housing contribution

All developments of both new sites and redevelopment of existing council stock that are to remain within the Council's ownership will be assessed using a viability toolkit and in consultation with the appointed HRA Design Team to ensure the scheme is viable and sustainable in the future. All decisions will be evidenced by means of a robust business case that demonstrates value for money in terms of financial, social and economic benefits.

Decision Process: For the purchase of land not already owned by the Council, the Director of Housing has authority to approve purchase of land not exceeding £250,000. This will be in accordance with the Council's budget framework and approval by the Housing Portfolio Holder. For land purchase exceeding £250,000, agreement must be sought from the Executive Director, acting as the S.151 Officer and subject to the approval of the Housing Portfolio Holder. All land purchases will be made on a conditional offer subject to planning approval.

Consultation: Local Member(s). Wider consultation of the proposed scheme will form an important aspect to the redevelopment of existing sites and also new developments within the New Build Strategy, which will involve the local community, local members and the parish council to help shape the future schemes.

5.4 Purchase of individual Empty Properties

One of the Council's objectives is to bring empty homes back into use. With the need to increase the supply of good quality temporary accommodation the Council will purchase empty properties that can be used as temporary accommodation, with the proviso that the property can be resold at a later date either on the open market or through equity share and the capital recycled to bring further empty properties back into use. Rents will be charged in accordance with target rents for social housing.

To purchase properties under this scheme, a business case will be submitted in accordance with the criteria set out for the scheme demonstrating value for money in terms of financial, social and economic benefits.

Decision Process: The Director of Housing has authority to approve the purchase of individual properties within the set budget, subject to approval of the Housing Portfolio Holder. All offers made are subject to contract.

Consultation: Local Member(s).

5.5 Purchase of 'off the shelf' Properties

Where there are opportunities for the Council to negotiate a deal with a private developer/agent to purchase homes, either on an individual basis or as a 'package deal', consideration will be given to the demand for such housing, taking into account their location, long term viability both in maintenance costs and rental income. Properties to be purchased within the HRA to provide additional affordable homes, with rents charged in accordance with target rents for social housing. Approval will

be subject to a robust business case that demonstrates value for money in terms of financial, social and economic benefits.

Decision Process: The Director of Housing has authority to approve the purchase of 'off the shelf' properties within the set budget, subject to approval of the Housing Portfolio Holder. For 'package deals' that exceed £1M, agreement must be sought from the Executive Director, acting as the S.151 Officer. All offers made are subject to contract.

Consultation: Local Member(s).

5.6 Sale to South Cambs Ltd

There is an acute lack of affordable private rented accommodation in the District. Through South Cambs Ltd, the Council is well placed to become a key contributor to the supply of good quality affordable private rented accommodation. Through this policy, the Council may identify opportunities where there is a robust business case to sell properties at best price to the company to enable properties to be let at a private market rate. For example, properties purchased under the Empty Homes Scheme but no longer required for temporary accommodation or where the decision has been made to sell Council property on the open market.

Decision Process: The Director of Housing has authority to approve sale of properties to South Cambs Ltd with the agreement of the Executive Director acting as the S.151 Officer; subject to the approval by the Housing Portfolio Holder and the Finance & Staffing Portfolio Holder.

Consultation: Local Member(s)

6. Summary

Decision Making/Consultation Process

Decisions taken by the Housing Portfolio Holder on the disposal/acquisition of property/land can be taken via decision notice and published through the Members Weekly Bulletin which is subject to call in procedures. The Housing Portfolio Holder may choose to take a decision through the formal Housing Portfolio Holder meeting where it is felt a decision is likely to require greater consultation and discussion.

DISPOSALS			
Ref	Options	Decision Making	Consultation
4.4.3	Refurbishment	Head of Housing and Property Services	None required
4.4.4	Change of Use	The Director of Housing has authority to approve change of use subject to Housing Portfolio Holder and any planning requirements.	Development Control, Planning & New Communities and the Local Member(s). The parish council will be notified following the decision. Where planning permission is required, consultation will follow the normal planning process for consultation.
4.4.5	Redevelopment by the Council	The Director of Housing has authority to approve making land/property available for redevelopment by the Council subject to Housing Portfolio Holder approval.	Development Control, Planning & New Communities and the Local Member(s). Following approval to make the land available, each scheme identified will be individually project managed by the Council's HRA Design Team. Full consultation with affected residents, the parish council and Local Members will be undertaken during the project.
4.4.6	Sale at below market value	The Director of Housing has authority to approve making land/property available at less than market value for affordable housing schemes, subject to: <ul style="list-style-type: none"> ▪ The approval of the Housing Portfolio Holder. ▪ An annual limit of £1 million for land/property made available at below market value, without reference to Cabinet; and ▪ Compliance with current planning policies and the available General Consent for disposal of land to Registered Social landlords under Section 25 of the Local Government Act 1988. 	Local Member(s). The parish council will be informed following the decision to transfer the land at less than its value. Wider consultation on proposals for the site will be the responsibility of the social housing provider or other organisation.

DISPOSALS			
Ref	Options	Decision Making	Consultation
4.4.7	Sale on the Open Market	The Director of Housing has authority to approve individual properties for sale on the open market; subject to approval of the Housing Portfolio Holder and not exceeding an annual limit of £2M without reference to the Cabinet.	Local Member(s)
4.4.8	Shared Ownership and Equity/ Homesteading type schemes	See 4.4.7 above (to count towards the annual limit of £2M)	Local Member(s)
4.5	Garage Sites	See 4.4 above.	With local residents, local community groups, parish council and elected members prior to a decision being made on its future.
4.6.1	Small areas of land with no potential for development, i.e. garden land	The Director of Housing has authority to approve or refuse the disposal of housing land for public amenity use or for use as garden land or otherwise improve the access or amenity of a dwelling where the value does not exceed Level 2 £25,000; subject to the confirmation from Planning & New Communities that the land is not capable of development which will significantly increase its value. [Where there is potential development by another party – point 4.6.2 below applies].	Development Control, Planning & New Communities and the Local Member(s)
4.6.2	Land where there is development potential or Ransom Strips that would unlock a development site	The Director of Housing has authority to approve 'in principle' the sale of land ahead of any planning consent based on conditional options, such as a higher contribution of affordable housing. A non binding indicative value will be agreed at this stage but will be subject to the final scheme approved by planning, taking into account the provision of affordable housing, type and tenure. Following planning approval, the Director of Housing has authority to approve the sale of land; subject to approval of the Housing Portfolio Holder and not exceeding an annual limit of £1M without reference to the Cabinet.	Local Member(s). Consultation of development will be through the planning process.

ACQUISITIONS

		Decision Making	Consultation
5.3	New Build	For the purchase of land not already owned by the Council, the Director of Housing has authority to approve purchase of land not exceeding £250,000. This will be in accordance with the Council's budget framework and approval by the Housing Portfolio Holder. For land purchase exceeding £250,000, agreement must be sought from the Executive Director, acting as the S.151 Officer and subject to the approval of the Housing Portfolio Holder. All land purchases will be made on a conditional offer subject to planning approval.	Local Member(s). Wider consultation of the proposed scheme will form an important aspect to the redevelopment of existing sites and also new developments within the New Build Strategy, which will involve the local community, local members and the parish council to help shape the future schemes.
5.4	Purchase of individual Empty Properties	The Director of Housing has authority to approve the purchase of individual properties within the set budget, subject to approval of the Housing Portfolio Holder. All offers made are subject to contract.	Local Member(s).
5.5	Purchase of 'off the shelf' Properties	The Director of Housing has authority to approve the purchase of 'off the shelf' properties within the set budget, subject to approval of the Housing Portfolio Holder. For 'package deals' that exceed £1M, agreement must be sought from the Executive Director, acting as the S.151 Officer. All offers made are subject to contract.	Local Member(s)
5.6	Sale to South Cambs Ltd	The Director of Housing has authority to approve sale of properties to South Cambs Ltd with the agreement of the Executive Director acting as the S.151 Officer; subject to the approval by the Housing Portfolio Holder and the Finance & Staffing Portfolio Holder.	Local Member(s)

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Decision Making & Consultation Comparator

DISPOSALS		
Options	Decision Making	Consultation
Refurbishment		
Proposed	Head of Housing and Property Services	None
Current	Head of Housing and Property Services	None
Change of Use		
Proposed	The Director of Housing has authority to approve change of use subject to Housing Portfolio Holder approval and any planning requirements	Development Control, Planning & New Communities and the Local Member(s). The parish council will be notified following the decision. Where planning permission is required, consultation will follow the normal planning process for consultation.
Current	No formal procedure	Protocol for consultation on housing issues (April 2007). Applicable to Parish Councils and Local Members Options appraisal for an individual or a group of Council-owned properties within a parish – 42 days.
Redevelopment by the Council		
Proposed	The Director of Housing has authority to approve making land/property available for redevelopment by the Council subject to Housing Portfolio Holder approval.	Development Control, Planning & New Communities and the Local Member(s). Following approval to make the land available, each scheme identified will be individually project managed by the Council's HRA Design Team. Full consultation with affected residents, the parish council and Local Members will be undertaken during the project.
Current	Not applicable as no previous Council new build programme	

DISPOSALS

Options	Decision Making	Consultation
Sale at below market value		
Proposed	<p>The Director of Housing has authority to approve making land/property available at less than market value for affordable housing schemes, subject to:</p> <ul style="list-style-type: none"> ▪ The approval of the Housing Portfolio Holder. ▪ An annual limit of £1 million for land/property made available at below market value, without reference to Cabinet; and ▪ Compliance with current planning policies and the available General Consent for disposal of land to Registered Social landlords under Section 25 of the Local Government Act 1988. 	<p>Local Member(s). The parish council will be informed following the decision to transfer the land at less than its value. Wider consultation on proposals for the site will be the responsibility of the social housing provider or other organisation.</p>
Current	<p>[para 3.6.2 Delegation Rules] Chief Officers shall have full delegated power to approve the acquisition and disposal of any interest in property by the Council where the value does not exceed Level 2 (£25,000) provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council.</p> <p>The Affordable Homes Director has authority to approve making land/property available at nil cost for affordable housing schemes, using the following mechanisms:</p> <ul style="list-style-type: none"> ▪ Accepting a higher level of shared ownership on appropriate affordable housing sites in order to cross-subsidise social rented housing; ▪ Accepting that some housing on affordable sites may need to be sold at full market value in order to cross-subsidise rented housing; ▪ Accepting a lower percentage of built units on S106 sites; and ▪ Accepting a financial contribution in lieu of on-site provision of affordable housing on S106 sites <p>The above mechanisms to be subject to:</p> <ul style="list-style-type: none"> ▪ The approval of the Portfolio Holders for Housing and Planning & Economic Development and appropriate local member(s); ▪ An annual limit of £1 million for land/property made available at nil cost, without reference to Cabinet; and ▪ Compliance with current planning policies and the available General Consent for disposal of land to Registered Social landlords under Section 	<p>Protocol for consultation on housing issues (April 2007). Applicable to Parish Councils and Local Members</p> <p>Disposal of Council land/property for development purposes (including affordable housing) – 42 days</p>

DISPOSALS

Options	Decision Making	Consultation
	<p>25 of the Local Government Act 1988.</p> <p>For decision by Housing Portfolio Holder Disposal of Council interest in land or property where the value exceeds Level 2 (£25,000) up to and including Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p> <p>For decision by Cabinet Disposal of Council interest in land or property where the value exceeds Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p>	
Sale on the Open Market		
Proposed	The Director of Housing has authority to approve individual properties for sale on the open market; subject to approval of the Housing Portfolio Holder and not exceeding an annual limit of £2M without reference to the Cabinet.	Local Member(s).
Current	<p>For decision by Housing Portfolio Holder Disposal of Council interest in land or property where the value exceeds Level 2 (£25,000) up to and including Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p> <p>For decision by Cabinet Disposal of Council interest in land or property where the value exceeds Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p>	<p>Not specific but could be considered as an 'issue' within the protocol for consultation on housing issues (April 2007) (applicable to Parish Councils and Local Members):</p> <p>For most issues/proposals a period of 42 days consultation is required.</p>
Shared Ownership and Equity/ Homesteading type schemes		
Proposed	See 'Sale on the Open Market' above (to count towards the annual limit of £2M)	Local Member(s).
Current	No formal procedure.	None. Unlikely to be considered under the Housing Consultation Protocol.

DISPOSALS

Options	Decision Making	Consultation
Garage Sites		
Proposed	Same decision process as for disposal of properties	No change proposed.
Current	<p>Chief Officers shall have full delegated power to approve the acquisition and disposal of any interest in property by the Council where the value does not exceed Level 2 (£25,000) provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council</p> <p>For decision by Housing Portfolio Holder Disposal of Council interest in land or property where the value exceeds Level 2 (£25,000) up to and including Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p> <p>For decision by Cabinet Disposal of Council interest in land or property where the value exceeds Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p>	As set out in the Garage Strategy 2011: With local residents, local community groups, parish council and elected members prior to a decision being made on its future.
Small areas of land with no potential for development, i.e. garden land		
Proposed	The Director of Housing has authority to approve or refuse the disposal of housing land for public amenity use or for use as garden land or otherwise improve the access or amenity of a dwelling where the value does not exceed Level 2 (£25,000); subject to the confirmation from Planning & New Communities that the land is not capable of development which will significantly increase its value. [Where there is potential development by another party – point 4.6.2 below applies].	Development Control, Planning & New Communities and the Local Member(s).
Current	<p>[para 3.6.2 Delegation Rules] Chief Officers shall have full delegated power to approve the acquisition and disposal of any interest in property by the Council where the value does not exceed Level 2 (£25,000) provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council.</p> <p>The Affordable Homes Director has authority to approve or refuse the disposal</p>	<p>Protocol for consultation on housing issues (April 2007). Applicable to Parish Councils and Local Members</p> <p>Disposal of Council owned amenity or garden land to individuals - 42 days</p>

DISPOSALS

Options	Decision Making	Consultation
	<p>of housing land for public amenity use or for use as garden land or otherwise improve the access or amenity of a dwelling, subject to the approval of the local member(s) and (in the case of a proposed disposal) subject to the confirmation of the Planning and New Communities Director that the land is not capable of development which will significantly increase its value.</p>	
Land where there is development potential or Ransom Strips that would unlock a development site		
Proposed	<p>The Director of Housing has authority to approve 'in principle' the sale of land ahead of any planning consent based on conditional options, such as a higher contribution of affordable housing. A non binding indicative value will be agreed at this stage but will be subject to the final scheme approved by planning, taking into account the provision of affordable housing, type and tenure.</p> <p>Following planning approval, the Director of Housing has authority to approve the sale of land; subject to approval of the Housing Portfolio Holder and not exceeding an annual limit of £1M without reference to the Cabinet.</p>	Local Member(s). Consultation of development will be through the planning process.
Current	<p>Chief Officers shall have full delegated power to approve the acquisition and disposal of any interest in property by the Council where the value does not exceed Level 2 (£25,000) provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council</p> <p>For decision by Housing Portfolio Holder Disposal of Council interest in land or property where the value exceeds Level 2 (£25,000) up to and including Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p> <p>For decision by Cabinet Disposal of Council interest in land or property where the value exceeds Level 4 (£120,000) or where other conditions in para 3.6.2 of the Delegation Rules are not met.</p>	<p>Protocol for consultation on housing issues (April 2007). Applicable to Parish Councils and Local Members</p> <p>Disposal of Council land/property for development purposes (including for affordable housing) - 42 days</p>

ACQUISITIONS

	Decision Making	Consultation
New Build		
Proposed	For the purchase of land not already owned by the Council, the Director of Housing has authority to approve purchase of land not exceeding £250,000. This will be in accordance with the Council's budget framework and approval by the Housing Portfolio Holder. For land purchase exceeding £250,000, agreement must be sought from the Executive Director, acting as the S.151 Officer and subject to the approval of the Housing Portfolio Holder. All land purchases will be made on a conditional offer subject to planning approval.	Local Member(s). Wider consultation of the proposed scheme will form an important aspect to the redevelopment of existing sites and also new developments within the New Build Strategy, which will involve the local community, local members and the parish council to help shape the future schemes.
Current	For decision by Housing Portfolio Holder Acquisition of leases or other ongoing commitment where the value exceeds Level 2 (£25,000) (to Council if budget provision not available).	None.
Purchase of individual Empty Properties		
Proposed	The Director of Housing has authority to approve the purchase of individual properties within the set budget, subject to approval of the Housing Portfolio Holder. All offers made are subject to contract.	Local Member(s).
Current	For decision by Housing Portfolio Holder Acquisition of leases or other ongoing commitment where the value exceeds Level 2 (£25,000) (to Council if budget provision not available).	None.
Purchase of 'off the shelf' Properties		
Proposed	The Director of Housing has authority to approve the purchase of 'off the shelf' properties within the set budget, subject to approval of the Housing Portfolio Holder. For 'package deals' that exceed £1M, agreement must be sought from the Executive Director, acting as the S.151 Officer. All offers made are subject to contract.	Local Member(s).
Current	For decision by Housing Portfolio Holder Acquisition of leases or other ongoing commitment where the value exceeds	None. New initiative.

ACQUISITIONS		
	Decision Making	Consultation
	Level 2 (£25,000) (to Council if budget provision not available).	
Sale to South Cambs Holdings Ltd		
Proposed	The Director of Housing has authority to approve sale of properties to South Cambs Holdings Ltd with the agreement of the Executive Director acting as the S.151 Officer; subject to the approval by the Housing Portfolio Holder and the Finance & Staffing Portfolio Holder.	None required.
Current	None. New Initiative.	None. New Initiative

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Agenda Item 10

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee 20 September 2013
LEAD OFFICER: Fiona McMillian, Legal and Democratic Services Manager

FILMING AT PUBLIC MEETINGS

Purpose

1. The Civic Affairs Committee is invited to consider any recommendations it may wish to submit to Full Council on the filming of the authority's public meetings following the publication of guidance by the Department for Communities and Local Government in June 2013 entitled 'Your council's cabinet – going to its meetings, seeing how it works'.
2. The subject of this report is not a key decision but has been submitted to the Civic Affairs Committee for consideration as any changes to the Council's policy on the filming of public meetings will require amendments to the Constitution, which is within the Committee's remit.

Recommendations

3. That Full Council be recommended to allow members of the public to film its public meetings in accordance with newly published guidance by the Department for Communities and Local Government entitled 'Your council's cabinet – going to its meetings, seeing how it works'.
4. That Standing Order 21.4 of the Council's Constitution (Recording of Business) be amended to read: -

"The recording in any format of any meeting of the Council, the Executive, or any committee or sub-committee of the Council or the Executive, is permitted, except: -
 - (a) where the Chairman, or person presiding the meeting, rules that any filming is being undertaken in such a way that it is disruptive or distracting to the good order and conduct of the meeting.
 - (b) where a member of the public speaking at the meeting actively objects to being filmed.
 - (c) where the public have been excluded from the meeting in accordance with the Council's Access to Information Procedure Rules (Rule 10) during the consideration of exempt or confidential information.

Reasons for Recommendations

5. To ensure that the Council follows the latest guidance issued by the Department for Communities and Local Government.

Background

6. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10 September 2012 and provided greater access to information considered at meetings of the Council's Executive. A copy of the Regulations is attached to this report at **Appendix A**.
7. In June 2013 the Department for Communities and Local Government published a guidance document entitled 'Your council's cabinet – going to its meetings, seeing how it works', which acts as a guide for local people in explaining how they can attend and report their local council meetings. A copy of this guidance is attached at **Appendix B**, which includes a section on the filming of a Council's public meetings.

Considerations

8. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 do not make any reference to the filming of a Council's public meetings.
9. Under paragraph 4(6) of Part 2 (admission of public to meetings of local authority executives and their committees) the Regulations state that "while the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report". The Council currently provides a desk at public meetings for anyone in attendance wishing to report the meeting's proceedings, together with a copy of the agenda, reports and any other paperwork or information circulated at the meeting as required by the Regulations. Free Wi-Fi is also available for those people viewing documents online using laptops, tablets or other mobile devices.
10. The 'Your council's cabinet – going to its meetings, seeing how it works' guidance document includes a section on page 6 headed 'can I film the meeting?' This refers to all public meetings, not solely meetings of a Council's Executive, and states that: -

"Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public".
11. The footer on page 4 of the guidance makes it clear that the guidance itself should not be taken as providing any definitive interpretation of the statutory requirements on councils, members, officers, or the public's rights.
12. The issuing of this guidance has resulted in local authorities across the country reviewing their processes with regard to the filming of their public meetings, due to anticipated increases in the number of people wishing to film or record public meetings as a consequence.
13. A number of Councils in the United Kingdom film and stream their meetings live on the internet, known as webcasting, and have done so for a number of years, whereas other Councils prohibit the use of any recording equipment without authorisation. South Cambridgeshire District Council's Standing Orders within its Constitution (Standing Order 21.4 – Recording of Business) currently states that: -

“Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the Executive, or any committee or sub-committee of the Council or the Executive.” The District Council has usually granted permission to film or record proceedings whenever such a request has been made.

14. East Cambridgeshire District Council, Cambridge City Council and Cambridgeshire County Council currently allow members of the public to film their respective public meetings.
15. The Civic Affairs Committee may wish to take into consideration the following paragraphs also stated in the guidance under the heading ‘can I film the meeting?’: -

“The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.”

16. In terms of accommodating members of the public wishing to attend the Council’s meetings, fire safety regulations and the size of the public meeting rooms at South Cambridgeshire Hall place limitations on the total number of people allowed in these rooms at any one time. There have been a couple of occasions in the last twelve months where it has been difficult to accommodate high volumes of people arriving at South Cambridgeshire Hall to attend meetings involving items of business that have generated significant public interest. Whilst such instances are not commonplace, the Civic Affairs Committee may wish to consider any appropriate measures to ensure that anyone arriving at the Council’s offices to attend a public meeting is able to see or hear proceedings should the meeting room be full to capacity.
17. The Civic Affairs Committee is asked to review the Council’s current process for the filming of its public meetings and determine whether any changes should be recommended to Full Council in light of the guidance document issued in June 2013.

Options

18. The following options have been identified for the Civic Affairs Committee to consider: -
19. *Option 1*
Recommend that the current wording in the Council’s Standing Orders be maintained, whereby a request to use visual/audio and photographic recording equipment at any public meeting requires specific authorisation by resolution of the body concerned.
20. *Option 2*
Recommend that filming be permitted for all/some public meetings and the Council’s Standing Orders be amended accordingly, including an appropriate form of words to: -

- a) ensure that filming is undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting;
 - b) ensure that those members of the public speaking at a meeting who actively object to being filmed are not filmed.
21. *Option 3*
Recommend that webcasting be introduced for all/some public meetings, so that the Council can film and stream its proceedings live on its website.
22. *Option 4*
Recommend that the Council internally films or records all/some public meetings, so that the video and audio feed can be relayed to other parts of the building as an overflow arrangement in circumstances whereby the public gallery cannot accommodate the number of people wishing to attend.
23. *Option 5*
Recommend that the Council internally films all/some public meetings and provides a link to the footage on its website after the meeting has been held, so that the footage is not live but can still be viewed online.

Implications

24. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

25. Option 3 will require the procurement, installation and maintenance of specialist webcasting equipment. The cost of procuring and installing equipment at this stage has not been identified, but on-going hosting and maintenance costs would also need to be taken into consideration.
26. Options 4 and 5 would require the procurement of a basic video/audio extender to other parts of South Cambridgeshire Hall, which would cost in the region of £4,000 including installation and configuration works.

Legal

27. Legal implications are outlined in the main body of this report.

Consultation responses (including from the Youth Council)

28. The South Cambridgeshire Youth Council considered this issue at its meeting on 18 August 2013 and some Youth Councillors expressed concerns regarding the potential for people to film a meeting, edit the footage and upload it to platforms such as YouTube. However, in view of the fact that central government committees were filmed, the Youth Council did not object to the filming of District Council meetings.

Effect on Strategic Aims

Aim 1 – We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money.

29. The recommendations in this report follow the latest guidance issued by the Department for Communities and Local Government, which seeks to provide greater levels of transparency and public access to the Council's meetings, thereby encouraging more engagement with residents, parishes and businesses.

Background Papers

No background documents, other than those appended to the report, were referred to in the writing of this report.

Report Author: Graham Aisthorpe-Watts – Democratic Services Team Leader
Telephone: (01954) 713030

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2012 No. 2089

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Executive Arrangements) (Meetings and
Access to Information) (England) Regulations 2012**

<i>Made</i>	- - - -	<i>10th August 2012</i>
<i>Laid before Parliament</i>		<i>15th August 2012</i>
<i>Coming into force</i>	- -	<i>10th September 2012</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 9G, 9GA and 105 of the Local Government Act 2000(a), makes the following Regulations.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and come into force on 10th September 2012.

Interpretation

2. In these Regulations—

“the 1972 Act” means the Local Government Act 1972(b);

“the 2000 Act” means the Local Government Act 2000;

“background papers” in relation to a report or part of a report, means those documents other than published works, that—

(a) relate to the subject matter of the report or, as the case may be, the part of the report; and

(b) in the opinion of the proper officer—

(i) disclose any facts or matters on which the report or an important part of the report is based; and

(ii) were relied on to a material extent in preparing the report;

(a) 2000 c.22. Sections 9G and 9GA were inserted into the Local Government Act 2000 by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20). Schedule 2 to the Localism Act 2011 inserted Part 1A, applying to England only, into the 2000 Act. Section 105 is amended by section 100(3) of, and Schedule 3 to, the Local Government Act 2003 (c.26), by section 191(5) of the Local Government and Public Involvement in Health Act 2007 (c.28), and by paragraph 70 of Schedule 3 to the Localism Act 2011.

(b) 1972 c.70.

“confidential information” means—

- (a) information provided to the local authority by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court,

and in either case, a reference to the obligation of confidence is to be construed accordingly;

“copy” in relation to any document includes a copy made from a copy;

“decision maker” means the decision-making body by which, or the individual by whom, an executive decision is made;

“the decision-making body” means—

- (a) the executive of a local authority;
- (b) a committee of a local authority executive;
- (c) a joint committee, where all the members of the joint committee are members of a local authority executive, which is authorised to discharge the function to which the executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012^(a);
- (d) a sub-committee of a joint committee where all the members of the joint committee are members of a local authority executive, which is authorised to discharge the function to which the executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012; or
- (e) an area committee of a local authority executive, within the meaning of section 9E of the 2000 Act;

“document” means any report or background papers, other than that only in a draft form, taken into consideration in relation to an executive decision;

“executive decision” means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority;

“exempt information” has the meaning given by section 100I of the 1972 Act (exempt information and power to vary Schedule 12A);

“head of paid service” means a person designated as a head of paid service under section 4 of the Local Government and Housing Act 1989 (designation and reports of head of paid service)^(b);

“information” includes an expression of opinion, any recommendations and any decision made;

“joint committee” means a committee appointed under section 102(1) of the 1972 Act (appointment of committees) in accordance with regulations made under section 9EB of the 2000 Act (joint exercise of functions)^(c);

“key decision” has the meaning given in regulation 8;

“local authority” means a county council in England, a district council or a London borough council which is operating executive arrangements in accordance with Part 1A of the 2000 Act;

“newspaper” includes—

- (a) a news agency which systematically carries on the business of selling and supplying reports or information to the newspapers; and
- (b) any organisation which is systematically engaged in collecting news—

(a) S.I. 2012/1019.

(b) 1989 c.42; There are amendments to section 4 which are not relevant to these Regulations.

(c) Section 9EB was inserted into the 2000 Act by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20).

- (i) for sound or television broadcasts;
- (ii) for inclusion in programmes to be included in any programme service within the meaning of the Broadcasting Act 1990^(a) other than a sound or television broadcasting service within the meaning of Part 3 or Part 1 of that Act respectively; or
- (iii) for use in electronic or any other format to provide news to the public by means of the internet;

“political adviser or assistant” means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989^(b) (assistants for political groups) or regulations made under paragraph 5 of Schedule A1 to the 2000 Act (regulations for mayor’s assistant);

“private meeting” means a meeting, or part of a meeting, of the decision-making body during which the public are excluded in accordance with regulation 4(2);

“proper officer” has the same meaning as in section 270(3) of the 1972 Act (general provisions as to interpretation);

“public meeting” means a meeting of the decision-making body which is open to the public in accordance with regulation 4(1);

“relevant local authority” means the local authority whose executive is responsible for the discharge of the function to which the executive decision relates;

“relevant overview and scrutiny committee” means an overview and scrutiny committee of the relevant local authority which has terms of reference including the power to review or scrutinise decisions made, or other actions taken, in connection with the discharge of the function to which the decision relates;

“report” in relation to an executive decision does not include a report in draft form.

PART 2

Admission of public to meetings of local authority executives and their committees

Meetings of local authority executives and their committees to be held in public

3. Subject to regulation 4, a meeting of a decision-making body must be held in public.

Admission of the public to meetings of local authority executives and their committees

4.—(1) A meeting of a decision-making body must be open to the public except to the extent that the public are excluded under paragraph (2).

(2) The public must be excluded from a meeting during an item of business whenever—

- (a) 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 that item, confidential information would be disclosed to them in breach of the obligation of confidence;
- (b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
- (c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

(3) A resolution under paragraph (2)(b) must—

- (a) identify the proceedings, or the part of the proceedings to which it applies, and

(a) 1990 c.42.

(b) 1989 c.42.

(b) state, by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

(4) The public may only be excluded under sub-paragraph (a) or (b) of paragraph (2) for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

(5) Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the decision-making body is not to have the power to exclude members of the public from a meeting while it is open to the public.

(6) While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

Procedures prior to private meetings

5.—(1) A decision made by a decision-making body to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the 2000 Act (regulations requiring prescribed information about prescribed decisions).

(2) At least 28 clear days before a private meeting, the decision-making body must—

- (a) make available at the offices of the relevant local authority a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the relevant local authority's website, if it has one.

(3) A notice under paragraph (2) must include a statement of the reasons for the meeting to be held in private.

(4) At least five clear days before a private meeting, the decision-making body must—

- (a) make available at the offices of the relevant local authority a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the relevant local authority's website, if it has one.

(5) A notice under paragraph (4) must include—

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

(6) Where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—

- (a) the chairman of the relevant overview and scrutiny committee; or
- (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
- (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,

that the meeting is urgent and cannot reasonably be deferred.

(7) As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph (6) to hold a private meeting, it must—

- (a) make available at the offices of the relevant local authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the relevant local authority's website, if it has one.

Procedures prior to public meetings

6.—(1) The decision-making body must give notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one—

- (a) at least five clear days before the meeting; or
- (b) where the meeting is convened at shorter notice, at the time that the meeting is convened.

(2) An item of business may only be considered at a public meeting—

- (a) where a copy of the agenda or part of the agenda including the item has been available for inspection by the public as required by regulation 7 for at least five clear days before the meeting; or
- (b) where the meeting is convened at shorter notice, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

Access to agenda and connected reports for public meetings

7.—(1) Subject to paragraph (2), a copy of the agenda and every report for a meeting must be made available for inspection by the public—

- (a) at the offices of the relevant local authority; and
- (b) on the relevant local authority's website, if it has one.

(2) If the proper officer thinks fit, there may be excluded from the copy of any report provided pursuant to paragraph (1) the whole, or any part, of the report which relates only to matters during which, in the proper officer's opinion, the meeting is likely to be a private meeting.

(3) Any document which is required by paragraph (1) to be available for inspection by the public must be available for such inspection for at least five clear days before the meeting except that—

- (a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and
- (b) where an item which would be available for inspection by the public is added to the agenda, copies of the revised agenda and any report relating to the item for consideration at the meeting, must be available for inspection by the public when the item is added to the agenda.

(4) Nothing in paragraph (3) requires a copy of the agenda, item or report to be available for inspection by the public until a copy is available to members of the decision-making body concerned.

(5) Where by virtue of paragraph (2) the whole or any part of a report for a public meeting is not available for inspection by the public—

- (a) every copy of the whole report or of the part of the report, as the case may be, must be marked "not for publication"; and
- (b) there must be stated on every copy of the whole or the part of the report—
 - (i) that it contains confidential information; or
 - (ii) by reference to the descriptions in Schedule 12A to the 1972 Act, the description of exempt information by virtue of which the decision-making body discharging the executive function are likely to exclude the public during the item to which the report relates.

(6) Except during any part of a meeting during which the public are excluded, the relevant local authority must make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

(7) Subject to regulation 20, following a request made by a member of the public or on behalf of a newspaper and on payment being made of postage, copying or other necessary charge for transmission, a relevant local authority must supply to that person or newspaper—

- (a) a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting;
- (b) such further statements or particulars, as are necessary to indicate the nature of the items contained in the agenda; and
- (c) if the proper officer thinks fit in the case of any item, a copy of any other document supplied to members of the executive in connection with the item.

(8) Paragraph (2) applies in relation to copies of reports provided pursuant to paragraph (6) or (7) as it applies in relation to copies of reports made available for inspection pursuant to paragraph (1).

PART 3

Key decisions

Key decisions

8.—(1) In these Regulations a “key decision” means an executive decision, which is likely—

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

(2) In determining the meaning of “significant” for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance).

Publicity in connection with key decisions

9.—(1) Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with paragraph (2), which states—

- (a) that a key decision is to be made on behalf of the relevant local authority;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, that individual’s name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

(2) At least 28 clear days before a key decision is made, the document referred to in paragraph (1) must be made available for inspection by the public—

- (a) at the offices of the relevant local authority; and
- (b) on the relevant local authority’s website, if it has one.

(3) Where, in relation to any matter—

- (a) the public may be excluded under regulation 4(2) from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not, because of regulation 20(3), be disclosed to the public,

the document referred to in paragraph (1) must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

General exception

10.—(1) Subject to regulation 11, where the publication of the intention to make a key decision under regulation 9 is impracticable, that decision may only be made—

- (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
- (b) where the proper officer has made available at the offices of the relevant local authority for inspection by the public and published on the relevant local authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (a); and
- (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).

(2) Where paragraph (1) applies to any matter, regulation 9 need not be complied with in relation to that matter.

(3) As soon as reasonably practicable after the proper officer has complied with paragraph (1), he or she must—

- (a) make available at the offices of the relevant local authority a notice setting out the reasons why compliance with regulation 9 is impracticable; and
- (b) publish that notice on the relevant local authority's website, if it has one.

Cases of special urgency

11.—(1) Where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, the decision may only be made where the decision maker has obtained agreement from—

- (a) the chairman of the relevant overview and scrutiny committee; or
- (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
- (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,

that the making of the decision is urgent and cannot reasonably be deferred.

(2) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—

- (a) make available at the offices of the relevant local authority a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the relevant local authority's website, if it has one.

PART 4

Recording of executive decisions and inspection of related papers or documents

Recording of executive decisions made at meetings

12.—(1) As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced for every executive decision made which includes the information specified in paragraph (2).

- (2) The statement referred to in paragraph (1) must include—
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
 - (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

(3) For the purposes of paragraph (1) “person presiding” means the person actually presiding or the person nominated to preside at that meeting.

(4) Executive decisions made by decision-making bodies are prescribed decisions for the purposes of section 9G(3) of the 2000 Act (duty to keep written records of private meetings).

Recording of executive decisions made by individuals

13.—(1) As soon as reasonably practicable after an individual member has made an executive decision, that member must produce or instruct the proper officer to produce a written statement of that executive decision which includes the information specified in paragraph (2).

- (2) The statement referred to in paragraph (1) must include—
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the member when making the decision;
 - (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

(3) Executive decisions made by individual members of local authority executives are prescribed decisions for the purposes of section 9G(4) of the 2000 Act (duty to keep a written record of decisions made by individual members of local authority executives).

(4) As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must include—

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and

- (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

Inspection of documents following executive decisions

14.—(1) Subject to regulation 20, after a meeting of a decision-making body at which an executive decision has been made, or after an individual member or an officer has made an executive decision the proper officer must ensure that a copy of—

- (a) any records prepared in accordance with regulations 12 or 13; and
- (b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with regulations 12 or 13 or, where only part of the report is relevant to such a decision, that part,

must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the relevant local authority, and on that authority's website, if it has one.

(2) Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under paragraph (1), those documents must be supplied for the benefit of the newspaper by the relevant local authority on payment by the newspaper to the local authority of postage, copying or other necessary charge for transmission.

Inspection of background papers

15. Subject to regulation 20, when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public in accordance with regulation 7 or 14, at the same time—

- (a) a copy of a list compiled by the proper officer of the background paper to the report or part of the report, must be included in the report or, as the case may be, part of the report; and
- (b) at least one copy of each of the documents included in that list,

must be available for inspection by the public at the offices of the relevant local authority and on that authority's website, if it has one.

PART 5

Additional rights of members of the local authority and of members of overview and scrutiny committees

Additional rights of access to documents for members of local authorities

16.—(1) Subject to paragraphs (5) to (6), any document which—

- (a) is in the possession or under the control of the executive of a local authority; and
- (b) contains material relating to any business to be transacted at a public meeting,

must be available for inspection by any member of the relevant local authority.

(2) Any document which is required by paragraph (1) to be available for inspection by any member of the relevant local authority must be available for such inspection for at least five clear days before the meeting except that—

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph (1) in relation to that item, must be available for inspection when the item is added to the agenda.

(3) Subject to paragraphs (5) to (6), any document which—

- (a) is in the possession or under the control of the executive of the local authority; and
- (b) contains material relating to—
 - (i) any business transacted at a private meeting;
 - (ii) any decision made by an individual member in accordance with executive arrangements; or
 - (iii) any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any member of the relevant local authority when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

(4) Any document which is required by paragraph (3) to be available for inspection by any member of the relevant local authority must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

(5) Paragraphs (1) and (3) do not require a document to be available for inspection if it appears to the proper officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act (descriptions of exempt information: England).

(6) Notwithstanding paragraph (5), paragraphs (1) and (3) do require the document to be available for inspection if the information is information of a description for the time being falling within—

- (a) paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 12A to the 1972 Act.

(7) Where it appears to the proper officer that compliance with paragraph (1) or (3) in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.

(8) The rights conferred by paragraphs (1) and (3) are in addition to any other rights that a member of a local authority may have.

Additional rights of access to documents for members of overview and scrutiny committees

17.—(1) Subject to paragraph (3) a member of an overview and scrutiny committee of a relevant local authority is entitled to a copy of any document which—

- (a) is in the possession or under the control of the executive of that authority; and
- (b) contains material relating to—
 - (i) any business that has been transacted at a meeting of a decision-making body of that authority;
 - (ii) any decision that has been made by an individual member of that executive in accordance with executive arrangements; or
 - (iii) any decision that has been made by an officer of the authority in accordance with executive arrangements.

(2) Subject to paragraph (3), where a member of an overview and scrutiny committee requests a document which falls within paragraph (1), the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.

(3) No member of an overview and scrutiny committee is entitled to a copy—

- (a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to—
 - (i) an action or decision that that member is reviewing or scrutinising; or
 - (ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or

- (b) of a document or part of a document containing advice provided by a political adviser or assistant.

(4) Where the executive determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph (1) or (3), it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.

Reports to the local authority where the key decision procedure is not followed

18.—(1) Where an executive decision has been made and—

- (a) was not treated as being a key decision; and
- (b) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant local authority within such reasonable period as the committee may specify.

(2) A report under paragraph (1) must include details of—

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

Executive reports to the local authority

19.—(1) The executive leader or elected mayor must submit to the relevant local authority at such intervals as may be determined by the relevant local authority a report containing details of each executive decision taken during the period since the last report was submitted to the authority where the making of the decision was agreed as urgent in accordance with regulation 11.

(2) A report submitted for the purposes of paragraph (1) must include—

- (a) particulars of each decision made; and
- (b) a summary of the matters in respect of which each decision was made.

(3) The executive leader or elected mayor must submit at least one report under paragraph (1) annually to the relevant local authority.

PART 6

General provisions relating to information

Confidential information, exempt information and advice of a political adviser or assistant

20.—(1) Nothing in these Regulations is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(2) Nothing in these Regulations—

- (a) authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information; or
- (b) requires a local authority to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

(3) Where a member of a local authority executive or an officer makes an executive decision in accordance with executive arrangements, nothing in these Regulations—

- (a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
- (b) requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the member or officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.

(4) Nothing in these Regulations requires a decision-making body to permit the taking of any photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

Inspection and supply of documents

21.—(1) Any document required by any provision of these Regulations to be open to inspection by members of the public must be available for inspection—

- (a) at all reasonable hours at the offices of the relevant local authority;
- (b) on the relevant local authority's website, if it has one; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the relevant local authority by the person seeking to inspect the documents at the offices of the relevant local authority.

(2) Subject to paragraph (4), where a document is to be available for inspection by a person under any provision in these Regulations, the person may—

- (a) make a copy of the whole or part of the document; or
- (b) require the person having custody of the document to supply the person requiring inspection a copy of the whole or part of the document,

on payment by the person requiring the copy to the relevant local authority of postage, copying or other necessary charge for transmission.

(3) Subject to paragraph (4), any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to, any document supplied to that person or made available for inspection by members of the public under these Regulations.

(4) Paragraphs (2) and (3) do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the relevant local authority, nothing done pursuant to that paragraph constitutes an infringement of the copyright.

(5) Where any document required by these Regulations to be open to inspection by the public—

- (a) is supplied to or available for inspection by members of the public; or
- (b) is supplied for the benefit of any newspaper in pursuance of regulation 7(7) or 14(2),

the publication thereby of any defamatory matter contained in the document is privileged unless the publication is proved to be with malice.

(6) Any written record of an executive decision or any report required by regulation 14 to be available for inspection by members of the public, must be retained by the relevant local authority and made available for inspection by the public for a period of at least six years beginning on the date on which the decision, to which the report or record relates, was made.

(7) Any background papers required by regulation 15 to be available for inspection by members of the public must be retained by the relevant local authority and be available for inspection by the public for a period of at least four years beginning on the date on which the decision, to which the background papers relate, was made.

(8) The rights conferred on any person by these Regulations to inspect, copy or be supplied with documents are in addition to any such rights that person may have apart from those under these Regulations.

Offences

22.—(1) A person who has custody of a document which is required by regulation 7, 14 or 15 to be available for inspection by members of the public commits an offence if, without reasonable excuse, that person—

- (a) intentionally obstructs any person exercising a right conferred under these Regulations to inspect, or to make a copy of the whole or part of the document; or
- (b) refuses to supply a copy of the whole or part of the document in accordance with regulation 7(7), 14(2) or 21(2).

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Revocations

23. The following Regulations are revoked—

- (a) the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000(a);
- (b) the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002(b); and
- (c) the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006(c).

Signed by the authority of the Secretary of State for Communities and Local Government

Bob Neill

Parliamentary Under Secretary of State

Department for Communities and Local Government

10th August 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to county councils in England, district councils and London borough councils which are operating executive arrangements under Part 1A of the Local Government Act 2000. The Regulations make provision for public access to meetings and to information relating to decisions of local authority executives, and their committees. In addition, they provide for access to information relating to decisions made by joint committees of local authorities where these are solely comprised of executive members and are discharging executive functions. The Regulations also make provision for public access to documents where executive decisions are made by individual members or officers.

The general principle of the Regulations is for the public to have access to meetings and documents where a local authority executive, committee or individual is taking an executive decision, as defined by regulation 2.

Part 1 sets out preliminary matters and defines terms used in the Regulations.

(a) S.I. 2000/3272.

(b) S.I. 2002/716.

(c) S.I. 2006/69.

The purpose of Part 2 is to establish the presumption that meetings of local authority executives and their committees are to be held in public. Regulation 4 sets out the circumstances during which the public must be excluded from meetings. Regulation 5 sets out the formalities to be complied with before a private meeting is held. Regulation 6 sets out formalities to be complied with before a public meeting takes place. Rules relating to access to the agenda and reports for executive meetings are contained in regulation 7.

Part 3 provides for specific requirements relating to executive decisions which are key decisions. Regulation 8 sets out the meaning of key decision and regulation 9 sets out the publicity requirements in relation to key decisions. Regulations 10 and 11 allow exceptions to these requirements.

Part 4 deals with the recording of all executive decisions. In particular, regulations 12 and 13 require decisions to be recorded in a written statement. Regulations 14 and 15 set out the documents which must be made available for inspection by the public.

Members of the local authority and of overview and scrutiny committees are given additional rights to access documents in Part 5. Regulation 17 sets out additional rights of members of overview and scrutiny committees in relation to decisions that committee is scrutinising and in certain circumstances the committee can access exempt or confidential information.

An overview and scrutiny committee can require the executive to make a report to the local authority on matters which have not been dealt with as a key decision and which an overview and scrutiny committee consider should have been treated as such under regulation 18. Regulation 19 is a reporting requirement that the executive provides reports to the local authority on all matters which have been treated as urgent under regulation 11.

Part 6 makes general provision relating to information. In particular, regulation 20 sets out general principles applicable to the whole instrument relating to the non-disclosure of confidential, exempt information or the advice of a political adviser or assistant. Regulation 21 establishes the manner in which documents required to be available for inspection by the Regulations are to be held at the offices of the local authority. Regulation 22 sets out offences where documents have not been made available for inspection as required under these Regulations.

No impact assessment has been produced in relation to these Regulations because no impact on the private or voluntary sector is foreseen.

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LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Executive Arrangements) (Meetings and
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Department for
Communities and
Local Government

Your council's cabinet – going to its meetings, seeing how it works

A guide for local people

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Your council's cabinet – going to its meetings, seeing how it works

About this guide

This Guide¹ gives practical information about the public attending meetings of a council's executive (i.e. the council's cabinet – its main decision making body – consisting of an elected mayor or leader and a number of councillors) and obtaining council documents. This Guide is designed to help the public know when they can attend such meetings and what documents and information are available to them, now that there are new national rules² to make councils more transparent and accountable to their local communities. It should also help councillors and officers to comply with these rules which are based on a presumption in favour of openness.

The national rules

Why are there new national rules?

The Government believes that the earlier rules³ made by the last government did not provide maximum transparency because an executive was only required to hold meetings in public in certain limited circumstances. A cabinet could largely choose which of its meetings should be held in public thus hindering effective local accountability and scrutiny. The new rules have been produced to address this by introducing greater transparency and openness into meetings of the executive (i.e. the council's cabinet), its committees and sub-committees. The new rules have also strengthened the rights of local authority councillors to access information about items to be discussed at a public or private meeting.

Who do these rules help?

These rules help any members of the public who want to know about the work of a council's executive. The national rules also help members of any council with an executive governance arrangement⁴ to know what their executive is doing.

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements on councils, members, officers, or of the public's rights: those wishing to address such issues should seek their own legal advice.

² [The new rules are in The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(S.I. 2012/2089\) \("the Regulations"\)](#).

³ Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (S.I.2000/3272).

⁴ This means a district, unitary, county or London local authority that has a leader and cabinet or mayor, and cabinet governance arrangement.

Who can make an executive decision in my council?

The rules⁵ of your council define who can make a decision. The decision maker can be the executive, its committees and sub-committees, joint committees, joint sub-committees, individual councillors, and officers who have delegated responsibility from the executive to make executive decisions.

Going to meetings of your council's executive

Can a council executive choose to meet in private?

No. All meetings of an executive including meetings of its committees or sub-committees must be open to the public, except in limited defined circumstances where the national rules require or allow the meeting to be closed to the public.

When do the national rules say that a meeting must be closed to the public?

The rules require a meeting to be closed to the public in two circumstances:

- If the presence of the public is likely to result in the council breaching a legal obligation to third parties about the keeping of confidential information; or
- a lawful power is used to exclude the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

What is confidential information?

Confidential information⁶ means:

- information provided to the council by a Government department on terms which forbid the disclosure of the information to the public; and
- information which is prohibited from being disclosed by any enactment or by a court order.

Do the national rules allow a meeting to be closed in any other circumstances?

Yes. A meeting can also be closed to the public where the executive so decides (by passing a resolution) because exempt information would otherwise be likely to be disclosed. It is open to the executive, if it chooses, to consider in public matters involving exempt information.

⁵ Each council has its own rules for doing business - its constitution and standing orders- which must be in line with any national rules

⁶ Regulation 2 of the Regulations.

What is exempt information?

The descriptions of exempt information are set out in the Schedule 12A to the Local Government Act 1972. The descriptions are listed at **Annex A** of this Guide.

Can I film the meeting?

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.

Will I be able to tweet or blog council meetings?

Similarly under the new rules there can be social media reporting of meetings. Thus bloggers, tweeters, facebook and YouTube users, and individuals with their own website, should be able to report meetings. You should ask your council for details of the facilities they are providing for citizen journalists.

How will I know about a public meeting?

Your council must give the public a notice of the meeting at least five clear calendar days before it takes place. The details of the meeting must be published on your local authority's website and at its offices. Any background papers must also be published with the agenda. No item can be considered if the item is not available for inspection by the public with five clear calendar days notice.

Where an item is added to the agenda within five calendar days before the meeting is scheduled to take place, a revised agenda, public report and background papers must be published as soon as the item is added to the agenda. In some circumstances, the whole or part of a report may not be available for public inspection because it contains either confidential or exempt information. In this case, the report should bear the phrase 'not for publication' and state that it contains confidential information or set out the description of the exempt information.

In addition, councils must provide a copy of the agenda, public reports and other relevant papers to a member of the public or a person representing a newspaper upon payment of postage or copying charge.

Can I be asked to leave the meeting?

Yes. As a member of the public you can be asked to leave the meeting so that the executive, its committees or sub-committees can discuss matters in private, but only in the limited circumstances where the national rules allow this.

Will I know if it is proposed to hold a meeting in private?

Prior to holding a private meeting, your council must have published on its website and at its offices at least 28 calendar days notice of its intention to consider a matter in private and the reasons for the private meeting. This is to ensure that members of the public have reasonable opportunity to make representations as to why the proposed private meeting should not be held in private.

At least five calendar days before the meeting, your council must confirm its intention to go ahead with the private meeting through another notice on its website and at its offices. This second notice has to include details of any representations received and the council's response to them.

Can a private meeting be held if 28 days notice is not given to the public?

A private meeting can only be held without 28 days notice after the agreement of the Chairman of the Overview and Scrutiny Committee has been obtained that the meeting is urgent and cannot reasonably be delayed. In the absence of the Overview and Scrutiny Committee Chairman, the permission of the Council Chairman (or, in their absence, the Vice Chairman) must be obtained. If this agreement is granted the council must publish a notice about why the meeting is urgent and cannot be deferred. This notice must be available at its offices and on their website. If agreement is not given then the meeting must either be held in public, or the council must comply with the 28 day notice requirements.

Can I attend an executive's pre-briefing meeting with local authority officers?

No. The rules apply only to when councillors meet as a decision making body to exercise their statutory executive responsibilities. The rules do not apply to political groups' meetings or to informal briefing meetings for councillors.

Available information about executive decisions

What happens if I am not at the meeting, how will I know of any decisions made?

The fact that you are unable to attend a public meeting of your council executive, its committees or sub-committees does not mean you cannot find out about the executive decisions⁷ made. The national rules require such decisions to be recorded. A written

⁷ [An "executive decision" means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority.](#)

statement must be produced, which reflects the decision along with the following information:

- details of the decision and the date it was made;
- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest of an executive member of the decision-making body; and
- a note of dispensation granted by the Head of Paid Service in respect of any declared conflict of interest.

You can then inspect these records and any reports considered at the meeting at your council's offices and on the council's website.

Apart from information about meetings, are there other means of knowing about decisions likely to be made by a decision maker?

Yes. The new national rules require a council to publish its intention to make a key decision⁸ in a document at least 28 calendar days prior to when the decision is intended to be made. The notice has to include details of the individual or executive body who will make the decision, the matter that is subject to a decision, other documents to be considered, and where these other documents are available. This notice document must be available at the council's offices and on the website before the decision is made.

This allows you to have sufficient knowledge in advance of those decisions that will be of genuine concern to you and your local communities.

Can a key decision be made without giving the 28 days notice?

Yes, provided the following requirements are met:-

- the relevant Overview and Scrutiny Committee Chairman is informed in advance and in writing (or all the members of the Overview and Scrutiny Committee) about what the decision is concerning;
- a notice about the key decision to be made is made available for inspection at the council's offices and published on the website; and
- 5 calendar days elapse following the day a notice is published about the key decision to be made.

⁸ ["key decision" means an executive decision which, is likely—](#)

- [to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or](#)
- [to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.](#)

If there is a case of special urgency, for example an urgent decision on a negotiation, expenditure or contract, the decision must only be made if the agreement of the Overview and Scrutiny Committee Chairman is received. In the absence of the Overview and Scrutiny Committee Chairman, the permission of the Council Chairman (or in their absence the Vice Chairman) must be obtained. If agreement is given, a notice explaining why the decision is urgent and cannot reasonably be deferred, must be published and should be available at the council's offices and on its website as soon as reasonably practicable.

Can 28 days notice of a key decision also provide 28 days notice required for a private meeting?

It is up to your council to decide whether the 28 day key decision document should contain the details required for a private meeting notice. Where there is an intention to make a key decision at a private meeting, your council must comply fully with all the national rules.

Can my council make key decisions and not follow the national rules?

No. Councils must comply with all the national rules. Should a decision be made without applying the key decision rules because the council thinks that the decision is not a key decision, but subsequently the Overview and Scrutiny Committee decides the decision is a key decision, the executive may be asked to submit a report⁹ to the full council.

Can an individual member of a council's executive, or an officer, take decisions on matters that are the executive's responsibility?

Yes, where the council's rules allow this.

What record has to be made of such a decision by a member or officer?

When a member or officer takes a decision on matters that are the responsibility of the council's executive, this must be recorded in writing. The form of the written record is for the council to decide, but the following should be included:

- details of the decision and the date it was made;
- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest declared by any executive member consulted in relation to the decision; and
- a note of dispensation granted in respect of any declared conflict of interest.

⁹ [The report must include details of:](#)

[\(1\) the decision and the reasons for the decision;](#)

[\(2\) the individual executive member or officer by whom the decision was made; and](#)

[\(3\) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.](#)

Are all decisions made by councils' officers to be so recorded?

No. The requirement to record decisions extends only to "executive decisions". Executive decisions can sometimes be defined in your council's rules. Decisions which are taken by officers under specific delegations from a meeting of their council's executive are clearly executive decisions. However, many administrative and operational decisions officers take on how they go about their day to day work will be delegated within the council's rules and are not in this "executive decisions" category; as such they do not need to be recorded. Such decisions might include the following examples:

- decisions to allocate social carers to particular individuals, or for example, provide walking aids;
- decisions to allocate a social housing unit to an applicant or to send someone to carry out repairs;
- decisions to give business relief to individual traders;
- decisions to review the benefit claims of an individual applicant;
- decisions to allocate market stalls to individual traders;
- a decision to instruct certain staff within the council to appear in court in connection with proceedings relating environmental issues.

Where officers have been empowered to act on behalf of their council's executive, examples of decisions that should be recorded could include:

- decisions about awarding contracts above specified individual/total values;
- decisions to exercise powers of Compulsory Purchase;
- decisions on disposal of and/or provision of allotment land and green spaces;
- decision to purchase new ICT systems;
- the opening hours of local libraries;
- the holding of car boot sales/markets on council-owned land;
- the operating hours of off-street car parks;
- a decision to close a school;
- a decision to carry out major road works.

This is not intended to be an exhaustive list, rather a series of examples to illustrate that, in the interests of maximum transparency, the new regulations require more than just key decisions to be recorded.

Ultimately it is for local decision makers to decide what information should be recorded on the basis of the national rules.

Can I see the records of executive decisions?

Yes. You can see records of any executive decision, made by the executive, its committee or sub-committee or individual councillors or officers along with any report considered and other background papers. They have to be available for inspection at your council's offices and on its website as soon as is reasonably practicable after the decisions are made.

Can I ask for a copy of any records of executive decisions?

Yes. You can ask for a copy of any documents relating executive decisions and your council should supply the information once you have paid for the postage, copying or any other necessary charge for transmission which will be determined by your council.

What are the rights of councillors to access meeting documents?

As a councillor, you can inspect any document that contains material to be discussed at least 5 days before a public meeting is held. In case of a private meeting or decision made by an individual executive member or officer, you can inspect the document within 24 hours of the conclusion of the meeting or the decision being made.

In addition, if you are a member of an overview and scrutiny committee, you can ask for any document that contains business transacted at a meeting of the executive, its committees or sub-committees or officer of the authority. The executive must provide the document within 10 days after it (the executive) receives the request. In an instance where the executive cannot release the whole or part of the document, the executive must provide you with a written explanation.

What other rights do councillors have to inspect documents of their councils?

In addition to the rights conferred on councillors by these Regulations in relation to executive decision making, councillors also have statutory rights to inspect documents of the council and its committees under Part 5A of the Local Government Act 1972. Councillors may also request information held by their council under the Freedom of Information Act 2000 (or the Environmental Information Regulations 2004 in relation to environmental information). Councillors may have rights under the common law to inspect such documents held by their council as are reasonably necessary for them to perform their duties.

What happens if documents relating to executive decisions are not made public?

It is a criminal offence if, without a reasonable excuse, a person who has in his or her custody a document¹⁰, which the national rules require to be made available to the public, refuses to supply the whole or part of the document or intentionally obstructs any other person/s from disclosing such a document.

If a person is found guilty of such a criminal offence, he/she can be fined up to £200.

¹⁰ A document can be the agenda and connected reports for public meetings, documents relating to executive decisions made by an individual member or officer, or any other background papers.

Your rights of access to meetings and information

Are there other rights I can exercise?

Yes. You can inspect a council's detailed financial accounts, ledgers and records. The Accounts and Audit Regulations 2011 cover checking not just the accounts, but also "all books, deeds, contracts, bills, vouchers and receipts related to them". More information on this right is available at: <https://www.gov.uk/government/policies/making-local-councils-more-transparent-and-accountable-to-local-people/supporting-pages/peoples-rights-to-see-council-accounts>

You can see your council's spending transactions valued over £500, senior salaries, organisational charts, contracts and the location of public land and assets. This information is among the minimum datasets that your council should publish in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency. You can obtain further information on this from: <https://www.gov.uk/government/publications/local-authority-data-transparency-code>

Also, you have the right to request information held by your council by submitting Freedom of Information Act requests to your council (a similar regime exists in relation to environmental information under the Environmental Information Regulations 2004). Information on Freedom of Information Act is available on the Information Commissioner's Office website at: <http://ico.org.uk/>

You have certain rights to re-use for your own purposes documents held by the council under the Re-use of Public Sector Information Regulations 2005. These Regulations provide that any request for re-use must be in writing, and where possible and appropriate the council must make the document concerned available for re-use by electronic means. More information is available at: <http://www.legislation.gov.uk/ukxi/2005/1515/introduction/made>

Where can I find the legislation relating to access to council's executive meetings and information?

The relevant legislation relating to access to information regarding decisions made by council executives, and their committees/subcommittees and joint committees is Part 1A of the Local Government Act 2000 – see sections 9G and 9GA. It was inserted as a result of amendments made by the Localism Act 2011 and the relevant provisions are available at the following link:

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/part/1>

The detailed provisions are contained in the secondary legislation made under the 2000 Act, that is the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which can be found at:

<http://www.legislation.gov.uk/ukxi/2012/2089/contents/made>

Annex A – Descriptions of Exempt Information

The exempt information set out at Schedule 12A to the Local Government Act 1972 Act is as follows:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The qualifications to the list of exempt information are as follows:

- A.** Information falling within number 3 above is not exempt information by virtue of that paragraph if it is required to be registered under--
the Companies Acts as defined in section 2 of the Companies Act 2006;
the Friendly Societies Act 1974;
the Friendly Societies Act 1992;
the Co-operative and Community Benefit Societies and Credit Unions Acts 1965 to 1978;
the Building Societies Act 1986; or
[(f) the Charities Act 2011.
- B.** Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- C.** Information which—
falls within any of numbers 1 to 7 above; and
is not prevented from being exempt by virtue of number A or B above,

is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Agenda Item 11

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader of Council and Cabinet
LEAD OFFICER: Executive Director, Corporate Services

12 September 2013

LOCALISED COUNCIL TAX SUPPORT SCHEME 2013/14: REVIEW OF OPERATION

Purpose

1. To review the operation of the 2013/14 Localised Council Tax Support (LCTS) Scheme and to consider options for the LCTS Scheme for 2014/15 and make a recommendation to Council.
2. This a key decision because it is likely to:
 - (a) result in the authority incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; and
 - (b) be significant in terms of its effects on communities living or working in an area comprising of two or more wards,

and it was first published in the April 2013 Forward Plan.

Recommendations

3. Cabinet is requested to:
 - (a) note the feedback from the operation of the 2013/14 Localised Council Tax Support (LCTS) scheme;
 - (b) recommend to Council to continue with the current LCTS scheme for 2014/15;
 - (c) agree that the parish grant will not be payable in 2014/15.

Reasons for Recommendations

4. The LCTS scheme for 2013/14 is working well and this scheme appears to be financially viable for 2014/15. Continuation with the current scheme allows time to monitor its operation for a longer period and, together with evaluating other local authority schemes in operation, consider all options for 2015/16.
5. As part of the introduction of LCTS, councils were awarded one-off transitional funding within the Council's formula grant for 2013/14, part of which was passed on to parish councils. Formula grant that the Council receives in 2014/15 will be significantly reduced and no longer include a separately identifiable grant for parishes.

Background

6. The amount of LCTS paid in 2013/14 to date is currently less than estimated; this is a result of a reduction in claimants compared to the number estimated in November 2012. In recent years the number of claimants has increased year on year; this trend has not continued in 2013/14, which is a sign of the current economic climate.

7. The total amount of council tax support awarded to date is shown below:

LCTS Pension Age (100% Scheme)	£3,337,195.02
Protected Working Age (100% Scheme)	£1,150,637.02
Working Age (91.5% Scheme)	£1,334,772.69
Recovered Council Tax Benefit	- £ 54,676.44
Total paid 2013/14 to date	£6,157,928.29

Estimated Council Tax Support 2013/14 £6,506,000.00

8. The amount of support paid to those who are working and not considered vulnerable is around 22% of the total support bill; any significant savings required from a new scheme would need those in this group to pay substantially more council tax. As an example, an 81.5% support scheme would reduce the level of support for 2013/14 by approximately £145,000.
9. The Department of Communities and Local Government provided some additional transitional funding for councils that adopted a scheme which complied with detailed criteria. The scheme which this Council adopted met the requirements and additional grant funding for 2013/14 of £145,777 has been provided to major preceptors in addition to the principal funding. It has been assumed for 2014/15 that this funding will not be available.
10. The Council Tax Collection rate for 2013/14 is currently is 0.02% lower than target, this means that based on a net collectable amount of £88,568,000 there is currently an increase of £157,000 outstanding. The Council Tax recovery team has not identified any trends which suggest that this additional debt relates to those working age residents receiving LCTS or those residents with increased council tax charge due to changes to Council Tax discounts and reductions.

Considerations

Localised Council Tax Support

11. The current LCTS scheme has been easily understood by residents, in particular those who have been affected by the changes.
12. The Council has received to date only one appeal against the LCTS scheme.
13. There has not been a significant increase in the numbers of residents with difficulties in paying their council tax to date, although it is anticipated that collection rates may be slightly down compared to previous years' very high levels.
14. The LCTS scheme currently in operation would still provide a scheme for 2014/15 that would be at a minimal risk to larger preceptors, as the amount of LCTS has been reducing month on month.
15. The introduction of LCTS in addition to other Welfare Reform changes has meant that there has been significant increased contact from residents following these changes. The increased contact was managed as part of a short term additional team within the Contact Centre.
16. Monthly monitoring has been undertaken of the tax base, LCTS expenditure and collection rates to provide assurance; however the LCTS scheme is in its infancy. The opportunity to continue with the current scheme will allow the scheme to bed in and monitoring to continue.

17. The continuation of the current scheme will allow opportunity to explore in full options for 2015/16, including looking at other local authorities to evaluate their LCTS schemes – those which worked well and those which were less successful.

Parish Grant

18. As part of the introduction of LCTS, one-off transitional funding was included within the Council's formula grant for 2013/14, a proportion of which was passed on to parish councils. Parish councils dealt with the effect of the introduction of LCTS on their tax bases in various ways, including many increasing their precept to offset the impact.
19. The formula grant the Council receives will be significantly reduced in 2014/15 and no longer include a separately identifiable grant for parishes.
20. The Council will be informing parish councils in September 2013 of their anticipated tax bases for 2014/15 and (if Cabinet agrees) that a parish grant will not be payable for 2014/15. This early notification will give opportunity for parishes to be fully informed of their tax base well in advance of setting their 2014/15 precepts.

Options

21. The officers involved have been carefully monitoring the impact of the introduction of LCTS including the revisions to Council Tax discounts and exemptions.

Option 1 – Continue the LCTS scheme currently in operation for 2014/15 and look at scheme options for consultation for 2015/16

Option 2 – The alternative option would be consult on and design a new/revised LCTS Scheme for 2014/15; this option would require a considerable amount of work to bring forward alternative schemes

Implications

Financial

22. The costs of the LCTS scheme for 2013/14 are currently forecasted to be less than estimated and provisional estimates for 2014/15 suggest that retaining the current scheme will be financially viable within the context of the Council's Medium Term Financial Strategy.

Staffing

23. The impact of the introduction of LCTS in 2013/14 combined with introduction of a reduction in Housing Benefit for working age for those deemed to be under-occupying was successfully managed within the Contact Centre where additional staff were employed for a short term period. There may be a need for a similar smaller scale project if there are changes to LCTS. Some scoping of possible increase in customer contact and its impact would need to be considered together with likely cost of this provision and funding options.

Equality and Diversity

24. An EQIA was completed for the LCTS scheme for 2013/14. A new EQIA may need to be completed if there are any significant changes to the scheme which reduces the amount of support.

Risk Management

25. The funding arrangements for LCTS means the impact of increased demand and cost is a risk for all major preceptors.
26. The Council and its precepting partners will continue to closely monitor local social and economic changes and ensure that there is a contingency for possible future shortfalls in funding. This means that the scheme proposed has an allowance for these risks by design and currently costs less than budget – this allows for some of the financial risk to be mitigated.

Consultation responses (including from the Youth Council)

27. A large scale consultation for LCTS was undertaken during 2012/13 with the following bodies:

Members of Voluntary bodies, Citizen Advice bureaux, tenants participation group

Major Preceptors

Cambridgeshire County Council
Cambridgeshire and Peterborough Fire Authority
Cambridgeshire Police Authority

Residents face-to-face, by post and online
Scrutiny and Overview Committee – Benefit reform workshop

28. The Council will be undertaking some early consultation in September 2013 with parish councils on the 2014/15 tax base.

Effect on Strategic Aims

29. The provision of LCTS is part of the Council Action to ensure that benefits reform is implemented as smoothly and effectively as possible and this has been achieved with the LCTS scheme in operation for 2013/14.

Background Papers:

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, then they must be available for inspection—

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

- South Cambridgeshire District Council Localised Council Tax Support Scheme 2013/14, item 60a of Council held on 31 January 2013 refers:
<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=410&MId=5753&Ver=4>

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Agenda Item 12

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet

12 September 2013

LEAD OFFICER: Housing Portfolio Holder

MILTON & WHADDON: IMPROVING EXISTING SITES FOR GYPSY AND TRAVELLER ACCOMMODATION

Purpose

1. To seek Cabinet recommendations to Council for the establishment of a budget to acquire an existing run down private site for Gypsy and Traveller accommodation, the acquisition of two existing Gypsy and Traveller sites from the County Council, and funding to complete a site refurbishment, at no cost to the local Council Tax Payer.
2. This is a key decision because it results in the authority incurring expenditure which is significant having regard to this Council's budget for the service to which the decision relates and it was first published in the 14 August 2013 Forward Plan.

Recommendations

3. That Cabinet,
 - (a) approves in principle:
 - (i) the acquisition of the sites at Fen Road and Blackwell, Milton and New Farm, Whaddon,
 - (ii) the allocation of funds to refurbish the site at New Farm, Whaddon which will include the addition of two further pitches,
 - (iii) the purchase of the site at Fen Road, Milton,
 - (b) recommends to full Council that an initial financial contribution of up to £900,000 is established to achieve these transactions, on a business case. The Council investment would be recovered through the income collected from the sites, and
 - (c) recommends to full Council the delegation on the final decision to the s.151 Officer in consultation with the Finance and Staffing Portfolio Holder pending the completion of a full detailed business case that demonstrates financial viability.

Reasons for Recommendations

4. The Council already acts as managing agents for two of the sites. By securing these sites and ensuring that they are well maintained and able to meet the needs of the Gypsy and Traveller community into the future, the Council is helping to ensure that it can meet its statutory obligations to meet the accommodation needs of Gypsies and Travellers.
5. It has been difficult to find deliverable sites for Gypsy and Traveller pitches so the site at Fen Road represents a significant opportunity to secure affordable provision that can be managed by the Council.

6. An initial business case has been completed that demonstrates the viability of this proposal. This is commercially sensitive and therefore restricted.

Background

7. In June 2012 the Council along with nine other local authorities adopted the Gypsy and Traveller Accommodation Needs Assessment carried out by Cambridgeshire County Council. This needs assessment showed that the Council had a backlog of 65 pitches and the need to provide an additional 20 pitches before 2026. This need has now been met by planning approvals but the Council must also ensure that all of the current provision is sustainable and able to be used for that purpose into the future.
8. The Council currently acts as the managing agent for the occupied Gypsy and Traveller sites at Blackwell (Milton) and Whaddon. In 2011, the County Council signalled its intention to sell these sites.
9. The site at Fen Road already has planning permission for use as a Gypsy and Traveller site and is currently in private ownership. The site has become run down and has been served with Environmental Health enforcement notices. There are currently a small number of caravans occupied on site.

Considerations

10. The Council has successfully managed both Whaddon and Blackwell sites for some years and were successful in 2010 in securing significant inward investment in the site at Blackwell from the Homes and Communities Agency (HCA). This has helped to address fuel poverty on the site and has given the facilities there a new lease of life.
11. The in house expertise and working relationships with the local Gypsy and Traveller community that flows from this Council's management of these sites also helps the Council to deliver community support services to the other non managed Gypsy and Traveller sites in the District. If the sites are sold off to another provider there is a danger that the Council would lose its control over these important sites and lose capacity to deal effectively with community needs.
12. The Council and Cambridge City Council have secured £500,000 from the HCA from its Affordable Homes Programme for Gypsy and Traveller Provision. This funding will assist in securing a new site for up to 10 pitches, and needs to be spent by 2015. The site at Fen Road presents both authorities with an opportunity to bring a site back into use and meet its statutory obligations in meet housing need.
13. There is also the need for sites at affordable rents as not every Gypsy or Traveller is able to afford to access a private site and there is currently a waiting list for affordable rented pitches.
14. The County Council will have to agree to the proposed sale and will need to show that they are receiving best value for their assets. The County Council will meet to consider the Council's proposal in October 2013. If they decide not to accept the Council's proposed offer this Council will still need to secure its financial contribution to the Whaddon site in the form of a charge against the property.
15. The specific considerations for each site are as follows:

Blackwell (Milton)

16. The Council has already secured HCA funding of £900,000 for this site which paid for the addition of one pitch and the complete refurbishment of the site thereby extending its useful life. This work was successfully completed in 2012. The County and the Council are now discussing the options available to allow the Council to acquire the site.

New Road, Whaddon

17. The Council has secured HCA funding of around £1.1m to refurbish this site and thereby extend the useful life of the site. Without this funding the site may have to be vacated and a new site found for the current residents. The funding also provides for the addition of two new pitches at this location. The County and the Council are now discussing the options available to allow the Council to acquire the site.

Fen Road (Milton)

18. The static caravans and overall conditions of the site are now poor and have been subject to Environmental Health enforcement notices. Once purchased the site would be cleared and new facilities built to re-provide the 9 pitches on a much improved layout. Funding of £500k has been secured from the HCA for this site with the potential for further grant of around £300k. This will be subject to a business case being made to the HCA for the extra investment. One pitch would be allocated for a nomination from Cambridge City Council.

Options

Acquiring the County owned sites

19. This Council can either agree:
- (a) to make an offer to the County Council to acquire the two county sites, or
 - (b) to leave the sites in the ownership of the County Council.

Funding contribution to Whaddon

20. This Council can either agree:
- (a) to make a financial contribution to fund the refurbishment of the site at Whaddon including the addition of two extra pitches and thereby secure HCA grant, or
 - (b) that no funding contribution to the Whaddon site be made. If the Council does not make available the required funding then the HCA grant will be withdrawn and the refurbishment cannot go ahead.

Purchasing the Fen Road site

21. This Council can either agree:
- (a) to purchase the site and re provide the 9 pitches at the Fen Road site and thereby secure HCA grant, or

- (b) that no funding contribution be made to purchase the Fen Road site. The HCA grant would be withdrawn if this option is taken and the site could not be purchased.

Implications

Financial

22. The combined estimated financial outlay is as follows:

Funding from the HCA around	£1.9m
Financial contribution from the Council	£600k
Payment to the County Council	£250k
Total estimated cost	£2.7m

23. Final costs will depend upon the agreement of a sale price with the private owner and the County Council and the cost of carrying out works which will be subject to a competitive procurement exercise.
24. The Council's funding contribution can be made utilising a mix of capital sums from housing sources and the budget set aside to help meet Gypsy and Traveller services. All of the funding will be subject to the completion of a business case to be signed off by the s.151 officer in consultation with the Finance and Staffing Portfolio Holder with outlay recovered over time by the Council from the rents charged to the Gypsy and Traveller tenants. There will be no cost to the local council tax payer.
25. The acquisition price for Blackwell and Whaddon sites has been proposed on the basis of a Net Present Value calculation which will allow the Council to recoup its capital outlay over a 30 year period.
26. It is requested that a financial contribution of up to £900k is added to the budget to deliver these projects.

Legal

27. Legal advice will be sought to complete the sale transfer of the sites at Whaddon and Blackwell.
28. Legal advice will also be sought to bring forward the Fen Road site which already has planning permission of use as a Gypsy and Traveller site.
29. Further planning approval will be needed for the Whaddon and Fen Road sites.

Staffing

30. There will be the additional recruitment of a part time site warden to help manage the Fen Road site, the cost of which has been incorporated within the business plan.

Risk Management

31. If the Council does not purchase the sites at Blackwell and Whaddon there is a risk that the sites will be taken up by other providers making it difficult for the Council to fulfil its statutory obligations and weaken its ability to work effectively with the Gypsy and Traveller community.
32. Without investment the Whaddon site will deteriorate and may be uninhabitable within 10 years and require the provision of 15 extra pitches elsewhere or the refurbishment of the site without the availability of grant funding.

33. The proposal to re provide the pitches at Fen Road will require careful work with the existing Gypsy and Traveller community in the area to ensure a harmonious integration of the new tenants. The Council's current allocations policy for Gypsy and Traveller pitches requires the consent of the local community on site before a firm offer of a tenancy is made.
34. If the decision is taken not to acquire the site at Fen Road then the Council will have to return the £500k grant to the HCA and it is not likely that new grant will be made available in the future. If the site is not improved it will represent a loss of 9 pitches from the supply of Gypsy and Traveller pitches which will have to be found elsewhere.

Equality and Diversity

35. The Gypsy and Traveller Community are a significant ethnic minority within the District. The Council has a statutory obligation to help them meet their accommodation needs which in turn are a springboard for addressing health and educational inequalities.

Climate Change

36. The planned refurbishment to the site at Whaddon will significantly reduce the CO₂ emissions from this site and the new provision at Fen Road will be of a much higher quality environmental performance.

Consultation responses (including from the Youth Council)

37. A programme of consultation with the local communities and local elected members will be undertaken before any work commences and the developments at Whaddon and Fen Road would in any case require a formal planning process to be completed.

Effect on Strategic Aims

38. One of the Council's key strategic aims for 2013/14 is to develop a sustainable process to address the housing needs of Gypsies and Travellers.

Background Papers: Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

Gypsy and Traveller Accommodation Needs Assessment adopted by the Council on 13 June 2012, item 3 refers.

<http://scamb.moderngov.co.uk/ieListDocuments.aspx?CId=870&MId=5529&Ver=4>

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Agenda Item 14

Report to South Cambridgeshire DC Council re Adult Wellbeing and Health Overview and Scrutiny Committee meeting 12th September 2013. Cllr B Smith

Agenda item 4. Delayed discharge review

A report from a member led review was presented and was responded to by representatives from the various NHS trusts, the County Council and the Cambridgeshire and Peterborough Clinical Commissioning Group. The report was a response to the increase in overall numbers of Cambridgeshire patients whose discharge from acute hospital was delayed during winter 2011/12, especially from Addenbrookes.

- Delayed discharge from hospitals in Cambridgeshire has resulted in the cancellation of hundreds of operations in the past year.
- It puts patients at risk of infection and of losing their independence.
- It has serious financial implications as the CCC has to reimburse hospitals for delays that are attributable to social care.

85 % of delayed discharge was in patients admitted to A and E as emergencies. Most delays related to frail, older people but there was a serious issue surrounding delayed discharge of people with mental health problems, especially those under 65, either as the primary cause of their admission or as a secondary consideration.

The paper had made a large number of recommendations to improve the situation. The implementation of these recommendations varied with Peterborough appearing to be slowest off the mark. Improvements to inter agency communications was central to the recommendations as was resourcing services outside of acute hospital. A shortage of home care provision was identified especially in the south of the county and in Hunts. It was recommended that resources be directed to avoidance of emergency admissions throughout the county.

Agenda Item 5. Business planning for adult social care: Progress update for 2013.14 and approach for 2014/15

This began with a review of the financial problems facing the County in the next 5 years and the savings of £146 million that are required.

The performance update showed 7 indicators currently showing red:

- Delayed transfers of care from hospitals (see above)
- Reimbursable bed-day delays (see above)
- Carers receiving assessment. Carers are entitled to an assessment of their needs. There are estimated to be 60 000 carers in the county only 3000 of whom have been assessed.
- Proportion of eligible service users receiving self directed support (SDS). Performance is significantly below target due to work ceasing in order to move user's data to a new computer system.
- Proportion of eligible service users receiving direct payments. (see above).
- Adults in contact with secondary mental health service in paid employment. These figures are declining.
- Adults with learning disability in paid employment. These figures are declining.

