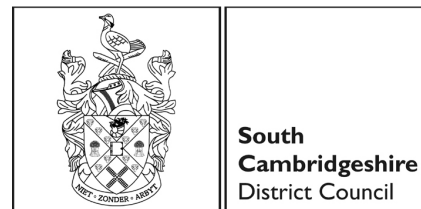


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3 June 2015

To: Councillor Nick Wright, Portfolio Holder

Philippa Hart

Tumi Hawkins

Bridget Smith

Scrutiny Monitor and Opposition
Spokesman
Opposition Spokesman
Opposition Spokesman

Dear Sir / Madam

You are invited to attend the next meeting of **ECONOMIC DEVELOPMENT PORTFOLIO HOLDER'S MEETING**, which will be held in **SWANSLEY ROOM A AND B - GROUND FLOOR** at South Cambridgeshire Hall on **THURSDAY, 11 JUNE 2015 at 10.00 a.m.**

Yours faithfully
JEAN HUNTER
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA		PAGES
PROCEDURAL ITEMS		
1.	Declarations of Interest	
2.	Minutes of Previous Meeting The Portfolio Holder is asked to sign the minutes of the meeting held on 26 March 2015 as a correct record.	1 - 4
DECISION ITEMS		
3.	Tourism: A New Model for Tourism through the Formation of the Destination Management Organisation (DMO)	5 - 12
INFORMATION ITEMS		
4.	Economic Development Update and Future Service Delivery	13 - 20
5.	Assets of Community Value: Protocol & Compensation	21 - 42
6.	Gypsy & Traveller Issues Update	43 - 44
STANDING ITEMS		

7. Work Programme

To consider any items for inclusion in the Portfolio Holder's Work Programme.

8. Date of Next Meeting

The next meeting will take place on Wednesday 9 September at 2pm.

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.

OUR VALUES

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

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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Agenda Item 2

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of the Economic Development Portfolio Holder's Meeting held on
Thursday, 26 March 2015 at 2.00 p.m.

Portfolio Holder: Nick Wright

Councillors in attendance:

Scrutiny and Overview Committee monitor and Opposition spokesmen: Philippa Hart, Tumi Hawkins and Bridget Smith

Also in attendance: James Hockney

Officers:

Gemma Barron	Partnerships and Sustainable Communities Manager
Clare Gibbons	Development Officer
Maggie Jennings	Democratic Services Officer
Jo Mills	Planning and New Communities Director

1. DECLARATIONS OF INTEREST

The Economic Development Portfolio Holder declared an interest in respect of Item 3 on the agenda as he was a Director of the White Swan Public House at Conington.

2. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 10 December 2014 were agreed as a correct record.

3. ARTICLE 4 DIRECTIONS AND PUBLIC HOUSES: A REVIEW OF THE RESULTS OF THE PUBLIC CONSULTATION

At his meeting held on 10 December 2014, the Economic Development Portfolio Holder agreed a programme of public consultation relating to Article 4 Directions in respect of Public Houses that would require planning permission prior to demolition and/or change of use.

The Development Officer informed the Portfolio Holder that as a result of the consultation, 256 responses had been received, with 132 public houses from across the District named. It was also reported that the Government had announced that from 6 April 2015 all pubs listed as an Asset of Community Value (ACV) would have their permitted development rights curtailed and be unable to demolish or change the use of the building.

As a result of queries raised by those Members in attendance at the meeting, the following was confirmed:

- Pubs not included as a result of the consultation process could be added at a future date
- Pubs would have to fulfil a prescribed criteria before an Article 4 Direction was made
- Evidence was required that pubs were worthy of becoming a community asset
- It would benefit pubs to be nominated as an AVC
- Some pub owners had responded to the consultation process in the strongest of

terms; however, a balance on the needs of the community was also required

The Economic Development Portfolio Holder:

- (a) **AGREED** to make a recommendation to the Planning Committee that this Council adopts in principal the use of Article 4 Directions to restrict the development rights of pubs with respect to demolition and change of use on the basis of the results of the public consultation;
- (b) **AGREED** the commissioning of the requisite research to substantiate the nominations resulting from the public consultation (see paragraph 29 of the covering report) and that an assessment is made of the potential claims for compensation which could arise; and
- (c) **REQUESTED** a process to be put in place via which subsequent nominations for Article 4 Directions may be received and assessed.

4. **HERITAGE GUARDIANSHIP SITES: LANDBEACH TITHE BARN AND EAST HATLEY CHURCH**

Landbeach Tithe Barn

Councillor James Hockney and 4 members of the public were in attendance for this item.

Councillor Hockney reported that:

- A bank account had been set up
- 6 trustees had been appointed
- 2 people were on board in respect of finance and business management; 2 more were required
- The estimated expenditure required as a result of the survey was higher than anticipated
- A family fun day was planned together with the launch of a 'Friends' membership scheme
- 2 donors who wished to remain anonymous had pledged £5k and £50,000

The Portfolio Holder invited members of the public to address the meeting and they reported that:

- It was hoped that charitable status could be obtained to enable an application to process gift aid donations
- Initial objectives were to prioritise the surveyors report by protecting the building and keeping the roof water-tight
- A cleaning session was planned
- No evidence of bats had been found, however damage caused by various vermin was evident
- The barn would be promoted for hiring purposes
- Grants would be applied for and projects phased accordingly
- Ongoing negotiations were taking place with the owner of the adjacent rectory to gain access to erect scaffolding to repair the barn roof

The Portfolio Holder stressed the need to provide an adequate access and toilet facilities in order to attract the public to the building. He added that he would like to know the approximate cost of repairing the roof of the barn.

The Planning and New Communities Director advised the Portfolio Holder that there were discrepancies at paragraphs 14 and 15 of the report and the appendix relating to estimated costs of works; the figure quoted in the appendix included the costs of the survey.

The Economic Development Portfolio Holder gave, in principle, **APPROVAL** for:

- (a) The Tithe Barn Trust to take on responsibility for the Landbeach Tithe Barn, subject to acceptable terms and conditions;
- (b) A partnership agreement to fund and manage the repairs programme, subject to acceptable terms and conditions; and
- (c) Urgent works to safeguard the barn from further deterioration, including tarpaulin covers, subject to the Portfolio Holder agreeing the costs of the works to be undertaken.

St Denis Church, East Hatley

The Economic Development Portfolio Holder **NOTED** the progress on the transfer of St Denis Church, East Hatley to the Friends of Friendless Churches.

5. WORK PROGRAMME

The Economic and Development Portfolio Holder **REQUESTED** the following items for consideration at his next meeting:

- A representative of the Destination Digital project to clarify progress and timescales
- Right to Bid update
- Economic Development update, including Gamlingay
- Gypsies and Travellers update

It was confirmed that Neighbourhood Plans were led by the Director of Health and Environmental Services.

6. DATE OF NEXT MEETING

Thursday, 11 June 2015 at 10am in the Monkfield Room. (Please note this date is a departure from that previously agreed)

The Meeting ended at 3.07 p.m.

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Agenda Item 3



South
Cambridgeshire
District Council

Report To: Economic Development Portfolio Holder
Lead Officer: Director for Planning and New Communities

11 June 2015

Tourism: A New Model for Tourism through the formation of the Destination Management Organisation (DMO)

Purpose

1. The purpose of this paper is to note the progress in the development of a new tourism model for Cambridge, South Cambridgeshire and the surrounding area through the formation of a Destination Management Organisation (DMO).
2. This is a key decision because:
 - (a) It affects Council expenditure which will result in future savings; and
 - (b) it is likely to affect communities living or working in an area of the District.

Recommendations

3. It is recommended that the Portfolio holder:
 - (a) approves the continued participation in 'Visit Cambridge and Beyond', moving from a Service Level Agreement (SLA) to that of a strategic partner in the forming Destination Management Organisation (DMO); and
 - (b) notes the expenditure in paragraph 24, resulting in future savings for the Council.

Background

4. In the current and likely future economic environment, developing a financially sustainable model for tourism is important for the Council in order to safeguard the tourism sector as an important contributor to the local economy. It is also key to ensuring that a tourism service is equipped to respond to the challenges and opportunities from growth, including that of leisure- and business tourism.
5. "Visit Cambridge and Beyond", the official tourism service for South Cambridgeshire, Cambridge and the surrounding area, currently led by Cambridge City Council, will be transforming into a "Destination Management Organisation (DMO)" as a new and dynamic delivery model for the future delivery of tourism in the greater Cambridge area from January 2016. Approval for these plans was unanimously granted by the City Council, Customer Services and Scrutiny Committee in March 2015.
6. A DMO is a business led private/public partnership. DMOs are customer focused and therefore typically do not have defined geographical boundaries. They are based on guidance from Government and best practise nationally. The Council's role in the delivery of tourism will change from one a key organisation (with Cambridge City Council) as it is currently, to a "Strategic Partner" member in what will be a business, not local authority, led partnership. Some examples of successful DMOs include "Experience Oxfordshire" (<http://experienceoxfordshire.org/>), "Visit Bath" (<http://visitbath.co.uk/>), and "Visit County Durham" (www.visitcountydurham.org).

7. To date, the “Visit Cambridge and Beyond” service has been principally operational (through the operation of the Tourist Information Centre) with a clear focus on visitor management rather than maximising the economic return from tourism. However, since 2009, the Service has laid down the foundations for a more partnership approach to delivery through the introduction of a Membership scheme (where tourism partners pay an annual fee in return for a range of business benefits including marketing, business support and networking). Membership to Visit Cambridge has grown significantly year on year and currently there are over 300 Members across a broad range of business sectors and covering a wide geographical area. Around this time, South Cambridgeshire District Council developed a Strategic Service Level Agreement (SLA), delivering goals of the South Cambridgeshire Economic Development Strategy focussing on business and leisure tourism, with reduced costs from £36k p.a. to £25k p.a., with future savings possible in the DMO model but with retention of the Council’s key objectives.
8. The visitor economy is a key economic driver for Cambridge with 5.3 million visitors a year contributing around £583 million to the Cambridge economy and accounting for around 17 % of local employment (source: Cambridge Economic Impact of Tourism Report 2013). This represents a 48% growth on the 2010 figures. However disappointingly 86% of these visitors are only staying for the day. The broader Cambridgeshire economy receives over 24 million visitors a year bringing £2 billion to the Cambridgeshire economy and accounting for 10% of local employment. (Cambridgeshire Economic Impact of Tourism Report 2013). Around 40% of tourism businesses are based in South Cambridgeshire.
9. It is therefore clear that the current model of tourism is not maximising the value from our visitor economy. In order to respond to this challenge, a tourism organisation which is equipped to develop and deliver a strategy aimed at converting more of our day visits to overnight stays and short breaks in the Cambridge area.
10. It is also worthy of note that it is widely recognised that a vibrant well managed visitor economy makes a significant contribution to the quality of life and is a key contributor to attracting inward investment. The new DMO will work closely with organisations such as South Cambridgeshire District Council, Cambridge Ahead and Cambridge Network to support the Business (e.g. conferencing and international and national business visits) and Inward Investment agendas.

Objectives:

11. Key objectives of setting up the DMO include:
 - (a) Developing a long-term financially sustainable model for tourism in South Cambridgeshire, Cambridge and the surrounding area and reducing the cost of tourism to the Council.
 - (b) Safeguarding the visitor economy as a key economic driver for the District, City of Cambridge and the surrounding area.
 - (c) Maximising the economic benefits of the visitor economy;
 - (d) Support environmentally sustainable tourism that reduces carbon emissions and minimises environmental impact.
 - (e) Ensuring a joined-up, collaborative approach to destination management which will be able to respond to the pressures of growth and the new opportunities through those like the City Deal;
 - (f) Secure continued investment in destination management thus helping to make South Cambridgeshire and the City of Cambridge a better place to live, work and attract inward investment.

- (g) Mitigating against increased costs through a more effective, tourism service, led by the private sector with the aim of increasing revenues to the DMO, allowing for investment in programmes and projects possible through this collaboration and business model.

In summary, the principal benefit of participating in the forming DMO is that it presents an opportunity to increase investment, and to see an improvement in the scale and quality of tourism provision, and support for the tourism industry, which otherwise could not be delivered, whilst simultaneously reducing the cost to the Council.

12. **Consultation in Developing the DMO Model**

The Head of Tourism and City Centre Management is leading a project team to oversee the delivery of this project, following the City Council's approval. Meetings with key interest groups and stakeholders, such as South Cambridgeshire District Council, to brief them on the proposals to establish a DMO, have taken place. These groups have included; Cambridge University, Cambridge Ahead, Cambridge Network, Cambridge Hoteliers, Cambridge BID, the College Bursars Tourism Sub Committee, The National Trust, Conference Cambridge, the Great Days Out Group (a network of attractions in the Cambridge and Beyond area) the GCGP LEP and other local authorities in the GCGP LEP area.

Briefings have also been held for members of Visit Cambridge and a Visit Cambridge Member survey undertaken to gain feedback on the current service delivered by Visit Cambridge and aspirations for how this might be enhanced through a DMO.

Feedback to date with stakeholders and interest groups has been positive and support of the proposal to establish a DMO for Cambridge City, South Cambridgeshire and beyond area, in the way described in this report.

Going forward, 'Visit Cambridge and Beyond' considers on-going engagement with key stakeholders such as South Cambridgeshire District Council, the LEP, as key, particularly to explore opportunities to develop further strategic alliances and programmes.

13. **Funding**

The funding model for the DMO is based on a combination of commercial activity and a membership scheme, which is the funding basis currently. Alternative sources of funding would be investigated and developed as the new DMO develops. Whilst the City Council and South Cambridgeshire District Council will be key strategic partners in the DMO (and will pay an annual membership fee), the DMO will cease to receive a direct public sector subsidy from these organisations from year 3 of its operation. (Details are available in the City Council listed document below.)

A key objective of the DMO will be, in time, to increase income over expenditure which can be reinvested into national and international activity to underpin investment and employment in tourism as a growing economic sector in the economy.

Governance

- 14. The DMO would be governed by a Board of Directors drawn from a broad range of tourism stakeholders across Cambridge, South Cambridgeshire and the surrounding area.

15. It will be important for the new DMO to work closely with Cambridge BID and such partners to ensure close alignment of activity and a joined up approach to “Destination Management”. This is likely to be supported through reciprocal representation on the DMO and other stakeholder boards (e.g. Cambridge Network and Cambridge Ahead).

Considerations: The proposal for South Cambridgeshire District Council

16. Visit Cambridge is inviting South Cambridgeshire District Council (SCDC) to become a “Strategic Partner” member in the new DMO and to help shape the direction of the new organisation, through membership of the board via the Portfolio holder for Economic Development. In doing so, the Council will have the opportunity to represent the interests of SCDC on the new DMO Board. Operationally, the tourism work would be supported by the officer with the Principal Lead for Economic Development and Tourism, in the same way as presently executed.
17. All DMOs reviewed to date are currently in receipt of some public funding (average 20% of turnover subsidy). In light of this and in order for local authority members to be seen as genuine partners in the DMO, it would be important for them to make some financial contribution.
18. SCDC currently has an SLA with Visit Cambridge at a value of £25k p.a. It is proposed that in 2016/17 this will reduce to £17,500k p.a. It is then proposed that in subsequent years, SCDC will pay a Strategic Partner Member fee to the DMO in line with other surrounding district authorities. This is likely to be between £8k - £12k p.a. and will be proportionate to the benefits being delivered by the DMO on behalf of each District.

Indicative Timetable on the development of the DMO

- 19.

Date	Milestones
May-June	<ul style="list-style-type: none"> • External specialist advice procured as necessary • Company established • Recruitment of Board Directors • Ongoing stakeholder and staff engagement including • Engagement of Strategic Partner Members.
July- October	<ul style="list-style-type: none"> • Completion of leases and legal documentation • Set up new systems and procedures • Formal staff consultation • Rebranding • Agree Communications strategy for new DMO • Formal staff consultation and communication • Development of DMO Business Plan with DMO board
October - December	<ul style="list-style-type: none"> • Necessary accounting arrangements carried out • New IT systems in place • Ongoing staff communication
January 2016	<ul style="list-style-type: none"> • DMO in place and operational • Formal launch

20. One of the key tasks during the early years of the DMO will be the creation of a Destination Management Plan (DMP) for the Cambridge and Beyond area. This is a shared statement of intent to manage a destination over a stated period of time,

articulating the roles of the different stakeholders and identifying the clear actions that they will take and the apportionment of resources. The DMO will lead on this but it will be developed and delivered in partnership with a variety of partners, including South Cambridgeshire District Council. The DMO's Business Plan would form part of this.

Options

21. The measures outlined in this report are within the framework approved by the Portfolio Holder in July and December 2013, and consistent with the Economic Development Strategy (2010 – 2015) and the current service level agreement.
22. Alternative options are not proposed as any such alternative would be for tourism delivery in-house, which would be costly and ineffective as an isolated service. It is worth noting that the LEP and partners such as the Cambridge Network, National Trust and associated tourism partners have suggested their participation and delivery of their tourism aims through the collaborative DMO model. It is notable that the project (DMO) would support 3 of the Greater Cambridge Greater Peterborough LEP priorities, with which SCDC priorities align, of:
 - Skills (in particular for SMEs business-led provision)
 - Enterprise (promoting enterprise growth and innovation)
 - International Profile (increasing inward investment).

Implications

23. 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

24. With reference to paragraph's 7, 17 & 18 above, the delivery of tourism through the DMO would deliver savings in the medium to long-term. Expenditure is summarised in the table below:

Financial Year	(Proposed) SCDC Contribution
Prior to 2010	£36,000
Current contribution & 2015/16	£25,000
2016/17	£17,500
2017/18 onwards	(£ 8,000 - £ 12,000*)

* Rate commensurate with partnership benefits in the new DMO structure.

Legal

25. The current service level agreement governs the relationship between SCDC and Visit Cambridge and Beyond. Once the proposed Strategic Partner membership and associated agreements, still under development, are formulated, these will be put before the SCDC legal team for consideration.

Staffing

26. No additional staffing is proposed. The Council will have the opportunity to represent the interests of SCDC on the new DMO Board through the Portfolio holder for Economic Development. Operationally, the tourism work would be supported by the officer with the Principal Lead for Economic Development and Tourism, in the same way as presently executed.

Risk Management

27. Any risks associated with Economic Development & Tourism will be managed within departmental and corporate risk registers. There are currently no specific risks identified within the risk registers

Climate Change

28. The objectives of the DMO seek to develop an environmentally sustainable tourism model. (Refer to para. 11(d).)

Consultation responses (including from the Youth Council)

29. Please refer to paragraph 12. All relevant stakeholders and interested parties in the formation of the DMO have been consulted.

Effect on Strategic Aims

30. The DMO would assist in achieving:
- Corporate Aim 3: Making the District an even more attractive place to do business. This would work to support the business growth; in the tourism sector, facilitate inward investment and the provision of jobs in the local economy.
 - Corporate Aim 7: A commercial approach to Tourism delivery, allows for a sustainable model, increasing investment in the tourism economy and safeguarding it as a key economic driver, achieved in a public/private partnership, whilst reducing costs on the Council

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.

Economic Development Strategy (2010 – 2015)

<https://www.scams.gov.uk/sites/default/files/documents/Economic%20Development%20Strategy.pdf>

Planning and Economic Development Portfolio holder Meeting, 24 July, 2013

Economic Development Portfolio holder meeting, 10 December 2014

<http://moderngov/ieListDocuments.aspx?CId=1060&MId=6338&Ver=4>

Report Author: Nicole Kritzinger

Principal Lead: Economic Development and Tourism
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Agenda Item 4



South
Cambridgeshire
District Council

Report To: Economic Development Portfolio Holder
Lead Officer: Director for Planning and New Communities/
Director Health and Environmental Services

11 June 2015

ECONOMIC DEVELOPMENT UPDATE AND FUTURE SERVICE DELIVERY

Purpose

1. The purpose of the paper is to provide and update on Economic Development Service delivery in the past six months and to note future planned economic activity for the 2015/16 service period.
2. This is not a key decision but is brought to the Portfolio holder meeting for information.

Recommendations

3. It is recommended that the Portfolio holder:
 - (a) notes progress to date on economic development activity; and
 - (b) endorses the proposed activity planned for the 2015/16 service period.

Reasons for Recommendations

4. The report seeks to bring attention to the economic activity achieved and future activities as agreed in the Portfolio holder meeting of December 2013, the Economic Strategy (2010 - 2015) and relevant service plans.

Background: Progress to Date

Strategic Partnerships

5. The Council has continued to participate in delivering economic development benefits through partnership working with strategic partners such as the Greater Cambridge Greater Peterborough Local Enterprise Partnership (GC_GPEP) and the London Stansted Cambridge Consortium (LSCC).
6. As noted in the 10 December 2014 Economic Development Portfolio holder report, the Council participated in the LEP Growth Deal Round 2 bid submitted in November 2014. Economic benefits, relevant to the District, will be realised across a number of programmes delivering housing, roads and skills. In addition, the Council has been supportive to TWI, located on Granta Park Business Park, in the delivery of a major £60m growth programme, following an award by the Regional Growth Fund, accessed through the LEP. This involved Council support for the funding bid as well as planning facilitation to deliver the company's new headquarters and training academy.
7. In respect of the LSCC, work on the Life Sciences sector and on Strategic Infrastructure, including lobbying for investment in the West Anglia rail route; and participation in regular Board meetings continues.

Business Support

8. SCDC executed a suite of Business Support measures aimed to help business in District. The programme was customer-focussed and supported a range of businesses in various economic sectors from pubs to the High Tech Sectors.

Business Support Workshops and Webinars

9. From January 2015 – April 2015, SCDC commissioned Exemplas to continue running the sought after workshops that the Council has delivered since the closure of Business Link in 2010. These have been successfully delivered, including a still accessible webinar format for two sessions.
10. There have been around 8 – 10 businesses participating in the workshops/webinar business service. The uptake has been good and this may be due to the right needs of businesses being met as well as the marketing by SCDC, Exemplas and, the work with our partners (e.g. FSB, LEP, Chambers of Commerce) to help promote the workshops. Positive feedback has been received from delegates about the programme. This has also achieved significant results for SCDC in terms of profile and reputation through the media interview and case studies, involving the Portfolio holder.
11. Tangible results to businesses have contributed to the success of the programme. An example of this is a business that has grown to employ 15 people following the SCDC business workshop programme use. (Further statistics of industry sectors are provided in Appendix 1). Businesses who have attended the workshops have also been signing up for the business register, to receive the bi-monthly newsletter.
12. On 10 June 2015, it is proposed to hold a workshop aimed at Community pubs providing support on; legislation, digital connectivity and associated funding and business rates. The landlord of the Plough, Shepreth will share his own experience of reinvigorating a village pub, supported by the Council, Pub is the Hub and the Plunkett Foundation.

Support to the Rural Economy

13. A successful, final pilot village area workshop was delivered in Watebeach in January 2015, to the satisfaction of the local member. Activity has commenced in Gamlingay building on the Neighbourhood Plan process, of which economic development is a core element and proposed chapter. (Refer to paragraph 28 for future planned activity). This links to Planning and New Communities Service Plan focus on economic strategies of new settlements and villages in the District.
14. The Community Transport 'BikeBus' pilot has been extended to the end of October with funding from the SCDC Communities & Partnerships team budget. This was agreed to give the service longer to consolidate ridership over the full length of the summer. Ridership has peaked at 31 individuals but still needs to rise if the service is to become sustainable. To improve uptake a concerted marketing campaign has been launched.

Improved Broadband and digital connectivity

15. The Council has been participating in the 'Connecting Cambridgeshire' programme set up in 2011 to ensure access to superfast broadband for at least 90% of homes and businesses and better broadband for most premises across Cambridgeshire and

Peterborough. Businesses benefitted from support via the Destination Digital element of the programme in the form of face to face business advice as well as grants to invest in digital technology, as reported in December 2014. This support part of the programme is now completed. Hardware access via capital grants have enabled 61 (up from 36 reported in December 2014) South Cambridgeshire businesses to be connected to broadband.

Key Account Management (KAM)

16. Unrolling a Key Account Management programme to deliver effective customer-oriented co-ordination and relationship management with strategic businesses and stakeholders by a single point of contact within SCDC is progressing well. Key Account Managers, to the pilot programme, have been identified and briefed, with two training sessions taking place in February 2015. Systems are being developed using 'SharePoint' as a record for each of the key accounts (business/strategic organisation). Key Account Managers received one-to-one training sessions on these data system, which was completed in May 2015.

SCDC Business Hub

17. South Cambridgeshire's Environmental Health & Licensing (EH&L) service, the County Council's Trading Standards and more recently Cambs Fire Service have been working on a proposal to develop a Business Hub to deliver more joined up and improved services that provide better outcomes for economic growth. The 'Business Hub' model is designed to become a self-financing commercial unit that provides businesses with access to quality advice/support services that are streamlined and efficient.
18. Based on the existing Trading Standards Primary Authority partnerships work, it is proposed to develop this as a commercial model that seeks to provide services to businesses on a cost recovery and income generation basis dependant on the nature of the specific service offered. The outline business case setting out a number of key objectives is currently going through the respective governance process for each of the partner agencies including Environmental Health & Licensing, Trading Standards and Cambridgeshire Fire Service. Subject to agreement it is hoped that the initial phase will be able to start operating during summer 2015 initially on a 12 month trial with an ambition to add other regulatory and business support services wherever possible. In particular opportunities may exist to offer planning advice and support to provide HR and employment law advice.

Tourism

19. "Visit Cambridge and Beyond", the official tourism service for Cambridge City, South Cambridgeshire and the surrounding area, currently led by Cambridge City Council will be transforming into a Destination Management Organisation (DMO). This will be a public/private partnership aimed at securing a stable model able to maximise the benefits of business and leisure tourism to the area. The Council has been involved in these plans and a separate paper has been put forward at this meeting for further information and discussion.

Growth Areas and New Settlements

20. In Cambourne, meetings have taken place with the developer about the possibility of delivering affordable business space as part of the development of the village. A planning application is anticipated in the near future.

21. The Northstowe Economic Strategy, submitted as Part of the Phase 2 planning application, will be linked with devising a new Town Centre strategy.

Considerations: Future Activity

Strategic Partnerships

22. A proposed Senior Officer led workshop to determine the Strategic Priorities of the LEP for both capital and revenue (EU funding) is due to take place later in June 2015. This will maximise economic benefits and aid in determining any future bids for any potential Growth Deal funding and European Structural Funding (ESIF).
23. The Council is also actively engaged with the LEP on developing their Business Support Hub (branded 'Inspire2Grow'), aimed at supporting businesses in the LEP geography. Pilots have taken place in two LEP areas and the City and South Cambridgeshire element is expected to start activity in the coming months.
24. Early discussions with the Growth Hub are taking place to establish links between the regulatory arm of the Business Hub and Inspire2Grow. There is an aspiration that ERDF funding may become available for a project to deliver regulatory and business advice to SME's, although this is still in the very early stages of development.
25. The LSCC hosts its annual conference on 16 June 2015, focussing on the area as a significant, global innovation corridor. LSCC is also developing the International Marketing for the Life Sciences sector in tandem with the LEP International proposals, involving Cambridge Network. The Council is part of these discussions and will continue to engage with both the LEP and the LSCC through the various board meetings, Senior-, and Officer meetings, as appropriate.

Business Support

26. The Business Support Workshops and Webinars now completed, the Council has begun to consider future delivery. In the spirit of the City Deal and a partnership working approach, a business support programme across adjoining Local Authority areas is being developed for consideration, with a proposed commencement in the Autumn of 2015. Progress will be reported at the relevant future Portfolio holder meeting.
27. The delivery of broadband and digital connectivity is continuing in and South Cambridgeshire and the County. Currently around 71,000 homes and businesses have been enabled of the target of 90,000. In recognition that certain areas remain with less than optimal coverage, a Superfast Extension Programme is underway as are discussions to consider options for areas not optimised. In respect of the Destination Digital and capital access grants, this programme has been extended to areas beyond the City and South Cambridgeshire to the wider County, in agreement with DCMS (Department of Culture Media and Sport).
28. The locality work in Gamlingay has commenced with consideration of a planning application, affecting employment, by officers as well as consideration and attendance of a Neighbourhood Plan parish meeting. This approach links to the Planning and New Communities Service Plan focus on economic strategies of new settlements and villages in the District. Two workshops are planned in the next 6 months to align with these plans. This work will also involve the Planning Policy and

Communities & Partnerships teams. Such village workshop programmes will also be held in Histon & Impington and Sawston Parishes.

29. A programme of actions to continue the roll out of the Key Account Management Programme is underway. This includes measures to review and adjust implementation and engage with the identified Key Accounts/Strategic Partners. Further training and evaluation is due in the next quarter and progress will be updated at a future meeting. Following a successful pilot the programme will be implemented across the Council corporately.

Growth Areas and New Settlements

30. A new Town Centre strategy for Northstowe will be developed with the Homes and Communities Agency, Gallaghers and the Council, which will link with the Economic Strategy to encourage employment, develop the retail offer and consider links to education and skills, coupled to ensuring that infrastructure such as broadband is in place. A successful funding bid of £143k to CLG (Department of Communities and Local Government) Infrastructure Programme, will realise c. £60k spend on development of the Town Centre and c. £33,000 on the implementation of the economic strategy to accelerate delivery of these key objectives. Action plans for the accompanying activities will be brought to relevant future meetings.

Developing an Economic Plan of Action/Update of the Economic Strategy

31. The current strategy is relevant for the period 2010 – 2015. Consideration of updating this to include changed delivery structures (e.g. City Deal, shared services etc.) is under consideration. This will seek to evaluate performance, underpin the measures agreed by the Portfolio holder in 2013, with external consultation and set an achievable, plan of action for the next 3-5 years. A cost of £10,000 is to be expected and budgeted for.

Options

32. The measures are within the framework approved by the Portfolio holder in December 2013. An alternative option of updating the economic strategy to form an economic plan for the next 3-5 years is proposed.

Implications

33. 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

34. The Economic Development Budget has a budget of £30,600 for business support and related activity. The tourism budget, currently £25,000 is due to decrease to £17,500 in 2016/17 and then further to between £8,000 - £12,000 p.a. (refer to the separate paper on this item). A cost of c. £10,000 is anticipated in the review and development of a new economic plan, which could be achieved through the mentioned savings in the economic development budget.

Consultation responses (including from the Youth Council)

35. No formal consultation has taken place.

Effect on Strategic Aims

36. Economic Development has a central place within the Council's Vision that says, 'Our District will demonstrate impressive and sustainable economic growth'. One of the Corporate Plan's 12 objectives is to 'Make the district an even more attractive place to do business'.

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.

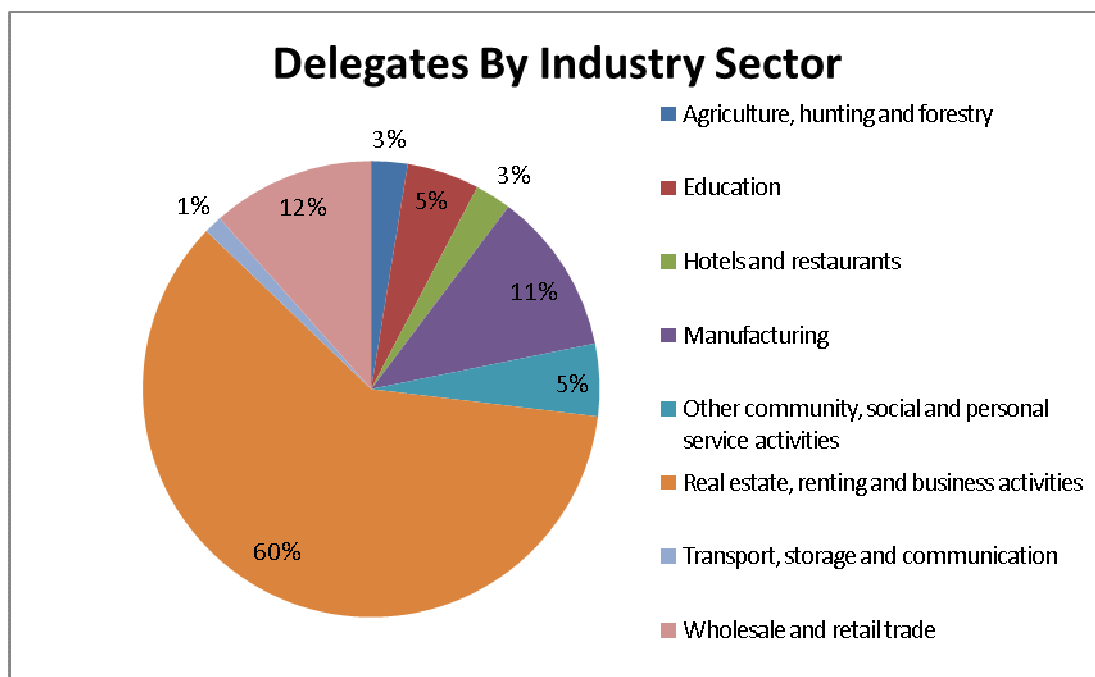
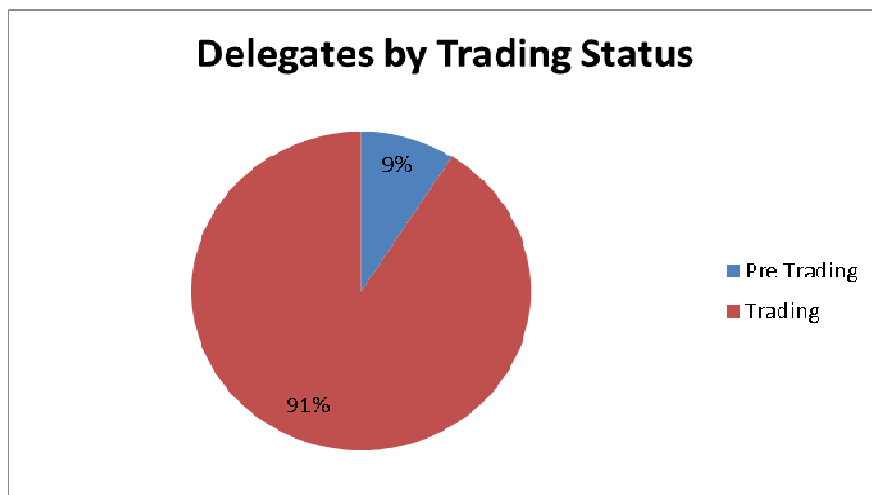
Economic Development Strategy (2010 – 2015)

<https://www.scambs.gov.uk/sites/default/files/documents/Economic%20Development%20Strategy.pdf>

Planning and Economic Development Portfolio holder Meetings, 11 December 2013, 24 July, 2013 and 10 December 2014.

Report Author: Nicole Kritzinger
Principal Lead: Economic Development and Tourism
Telephone: (01954) 713454

Industry Sector and Business Stage



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Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Economic Development Portfolio
Holder's Meeting

11 June 2015

LEAD OFFICER: Director, Health & Environmental Services

ASSETS OF COMMUNITY VALUE: PROTOCOL & COMPENSATION

Purpose

1. To introduce a protocol for the administration of Assets of Community Value, including the Council's statutory duties and responsibilities.
2. To provide information about the Council's statutory duties and financial liabilities in relation to possible compensation claims, resulting from the implementation of the Assets of Community Value legislation.
3. This is not a key decision. However, it has been brought before the Portfolio Holder because further information was requested about the processes being followed by officers and the financial implications of implementing the Assets of Community Value legislation.

Recommendations

4. That the Portfolio Holder
 - (a) notes and comments on the protocol for Assets of Community Value (Appendix A).
 - (b) notes and comments on the Council's duties and financial liability with regard to compensation claims.

Reasons for Recommendations

5. The protocol brings together in one place information held previously in a number of different locations and formats and aims to rationalise the content on the Council's webpage: <https://www.scambs.gov.uk/community-right-bid> It does not introduce new information and conforms with Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012, and is in accordance with the Department for Communities and Local Government's 'Community Right to Bid: Non-statutory advice note for local authorities'.
6. The Council has some liability to pay compensation in certain circumstances as a result of the introduction of the Assets of Community Value legislation. Information about making a compensation claim is included in the protocol for owners of Assets. Additional details are included in this report for information.

Background

7. The Localism Act 2011 introduced an obligation on local authorities to consider the listing of Assets of Community Value nominated by local community interest groups, and keep a publically available register of those assets both approved and unapproved for listing. This process is known as the Community Right to Bid (Assets of Community Value in legislation) and came into force in October 2012.

8. The Government has said it intends to undertake post-legislative scrutiny of the Community Rights later in 2015. In anticipation of this, the House of Commons Communities and Local Government Committee undertook consultation on the Community Right to Bid in 2014 and has since produced a report (Feb 2015) containing recommendations for immediate changes and for what the Government should consider as part of the forthcoming review.
9. The Government's consultation co-incided with an Economic Development Portfolio Holder request for information about the processes we are following as a local authority and so the development of a protocol became timely.
10. The accompanying appendix to the report gives details of the changes made to planning legislation with regard to ACV-listed "Class A4 Drinking Establishments" that were implemented based on the recommendations for immediate change outlined above. No further information is available regarding the timescales for the post-legislative review of the Community Rights but as a local authority we expect to comment and will report to the Economic Development Portfolio Holder as appropriate.
11. The report seeks to clarify the Council's position and the limit of its liability when answering claims for compensation that arise out of the implementation of the Assets of Community Value legislation.

Considerations

Assets of Community Value Protocol

12. The protocol seeks to outline the steps within the Council's process and to simplify what can be complex legislation. It is placed on the Council's website, along with forms and other information that remains relevant, including: the register of successful and unsuccessful nominations; the asset nomination form; an expression of interest for a community group wishing to be treated as a bidder for an asset; an FAQ document about permitted development rights.
13. The protocol seeks to provide clarity for officers, Council members, owners and potential nominators under the following key headings:
 - (a) Nominating bodies
 - (b) What qualifies as an ACV
 - (c) The Register
 - (d) Relevant disposal
 - (e) Moratorium ("window of opportunity")
 - (f) Receiving and assessing a nomination for an ACV
 - (g) Listing review
 - (h) Compensation
 - (i) Enforcement
14. The protocol is based on information previously included on the Council's website and builds on good practice from across the country.
15. The protocol conforms with Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012, and is in accordance with the Department for

Communities and Local Government's 'Community Right to Bid: Non-statutory advice note for local authorities'.

Compensation

16. Private owners and former owners of assets that have been placed on the Council's register of Assets of Community Value may claim compensation for loss and expense incurred through the asset being listed or previously listed.
17. Details of the process to be followed are in section 11 of the protocol (Appendix A).
18. As with other costs incurred by local authorities in meeting the requirements placed on them, the estimated costs of compensation were reflected in the 'New Burdens' funding associated with the implementation of the ACV legislation. The compensation element of the new burdens funding was estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.
19. The amounts received by this Local Authority and paid into the General Fund are as follows:

Financial Year	Sum Received (£)
2012/13	4,873
2013/14	7,855
2014/15	7,855
2015/16	No further ACV new burdens funding

20. The figures above include both the cost of administering the new requirements and the Department for Communities and Local Government's (DCLG's) estimate of the cost of compensation claims.
21. The Local Authority is liable for the first £20,000 worth of claim or claims (in total) where a claim for compensation is successful. The Government will meet costs of compensation payments of over £20,000 of compensation costs in a financial year. This could occur through a local authority paying out over £20,000 on one large claim or as a combined total on a number of smaller claims in any financial year.
22. This Council has held the new burdens funding it received within 'General Fund Reserves'. Any claim made against the Council would be evaluated and, where necessary, met (to the extent of its liability i.e. £20,000) from General Fund Reserves.
23. In order to assess the likelihood of a claim being made, officers have sought information from DCLG (and Locality, the DCLG's public-facing information and guidance arm relating to Community Rights) about the number and level of claims being made nationally. To date, Development Managers at Locality have no knowledge of any claims for compensation nationally and have stated this is a low-risk activity, provided that good protocols are in place and these are followed.

Options

24. To note and comment on the protocol and the additional information within the report relating to compensation.

Implications

25. 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:

Legal

26. The protocol remains in line with the regulations and guidance. The Legal and Democratic Services Manager has been involved in the process to date and in drafting the elements relating to Class 4A Drinking Establishments. The Legal Team is involved as a matter of course in any exceptional nominations, i.e. those that fall outside the parameters of a straightforward listing.

Risk Management

27. By producing a clear protocol the Council seeks to enable all parties to navigate the sometimes complex legislation as smoothly as possible, whilst signposting to further support and guidance where applicable. The protocol also highlights to owners and nominators a change in planning legislation that removes permitted development rights from Class 4A Drinking Establishments. In order to ensure that the scheme is administered in line with legislation, at the request of officers, the process will be subject to Internal Audit in 2015/16.

Financial

See paragraphs 15-22 on compensation.

Consultation responses (including from the Youth Council)

28. None.

Effect on Strategic Aims

Aim – Engage with residents, parishes and businesses to ensure we deliver first class services and value for money

29. The Community Right to Bid, whilst being a statutory process, potentially helps to sustain successful and vibrant villages.

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.

Communities and Local Government Committee Report, Feb 2015:

<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/262/26205.htm>

Department for Communities and Local Government's Community Right to Bid: Non-statutory advice note for local authorities:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf

Part 5 Chapter 3 of the Localism Act 2011:

<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>

The Assets of Community Regulations 2012:

<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>

More information about Community Right to Bid on the Council's website:

<https://www.scams.gov.uk/community-right-bid>

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South
Cambridgeshire
District Council

Assets of Community Value

Community Right to Bid

Guidance and Procedure
May 2015

www.scambs.gov.uk/community-right-bid

Document Control	
Date of last version	New document
Date of latest review	Written May 2015
Name of reviewer	Kathryn Hawkes
Consultation	
Approved by	Gemma Barron

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1 Introduction

- 1.1 The Localism Act 2011 introduces 'Assets of Community Value' (also known as the Community Right to Bid). The legislation allows local groups, including parish councils, to nominate assets (buildings and land) for inclusion on a register or list of Assets of Community Value. Groups can then pause the sale of an ACV should they wish to bid for it.
- 1.2 The relevant statutory provisions came into force on 21 September 2012 and are contained in Part 5, Chapter 3, sections 87-108 of the Act.
- 1.3 These provisions are supported by Regulations and also by non-statutory guidance issued by DCLG in October 2012.
- 1.4 Under Section 102 of the Act, if different parts of any land are in different local authority areas, the Council will co-operate with the other authority or authorities in carrying out its functions in relation to assets of community value.
- 1.5 Applying section 101 of the Act, the Council will enforce these provisions in such manner as is prescribed in the Regulations introduced by the Secretary of State.

2 The Council's Statutory Duty

- 2.1 The Council is a local authority for the purposes of section 106 of the Act. Its obligations include:
 - the establishment and maintenance of a list of assets of community value
 - the establishment and maintenance of a list of unsuccessful community nominations
 - publicising notices of disposal of assets
 - acting as an intermediary between owners and community bidders
 - enforcing the provisions in the Act
 - compensating landowners

3 The Council's Responsibilities

- 3.1 The Council's responsibilities and functions are considered under the following headings:
 - a) Nominating bodies
 - b) What qualifies as an ACV
 - c) The Register
 - d) Relevant disposal
 - e) Moratorium ("window of opportunity")
 - f) Receiving and assessing a nomination for an ACV
 - g) Listing review
 - h) Compensation
 - i) Enforcement

4 Nominating Bodies

- 4.1 Local authorities cannot list land on their own initiative – it must be nominated.

4.2 The groups and bodies which may make community nominations are:

- (a) **Parish Councils** – any parish council within the borders of South Cambridgeshire may nominate an asset in their parish to the Council. A parish council may also nominate an asset in a **neighbouring parish** (where there is a shared boundary) or a neighbouring local authority (if the parish shares a border with an unparished area).
- (b) **Unincorporated groups** – nominations can be accepted from any unincorporated group of at least 21 local people who appear on the electoral roll with the local authority or a neighbouring local authority. This will, for instance, enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.
- (c) **Neighbourhood Forums** – the procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a neighbourhood forum. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation. For example, a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the community.
- (d) **Community Interest Groups with a Local Connection** – these must have one or more of the following structures:
 - i. a charity
 - ii. a community interest company¹
 - iii. a company limited by guarantee that is non profit distributing
 - iv. a so-called ‘registered society’ (known formerly as an ‘industrial and provident society’ that is non profit distributing. These groups were renamed by the Co-operative and Community Benefit Societies Act 2014.

In this context, non profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

5 What Qualifies as an ACV

5.1 Section 88 (1) of the Act states that ‘a building or other land in a local authority’s area is land of community value if, in the opinion of the authority -

- (a) an actual **current** use of the building or other land that is not an ancillary use furthers the social well-being or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community’.

5.2 Section 88 (2) of the Act extends this definition and states that ‘land is of community value if, in the opinion of the authority -

¹ A Community Interest Company is a company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27). See in particular sections 26, 35 and 36A. There have been amendments to section 26 and a substitution of section 36A which are not significant for the Regulations.

- (a) there is a time in the **recent past** when an actual use of the building or other land that was not an ancillary use furthered the social well-being or interests of the local community, and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social well-being or social interests of the local community’.
- 5.3 The Act and associated Regulations do not define ‘social well-being’ or ‘recent past’, although ‘social interests’ are described as including cultural, recreational and sporting interests.
- 5.4 The Council will consider nominations on a case-by-case basis, using widely accepted definitions as guidance. Decisions made will not set a precedent for future decisions.
- 5.5 The Act also defines land which is not of community value and, therefore, may not be listed, as follows:
- a) residential property and land connected to that residence. Land is connected with a residence if:
 - i. the land, and the residence, are owned by a single owner; and
 - ii. every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.
 - iii. Point ii) above is satisfied if, in cases where a part of the land cannot be reached from the residence by reason only of intervening land in other ownership on which there is a road, railway, river or canal, it would be reasonable to think that if the intervening land were to be removed there would be no gap.
 - b) caravan sites
 - c) operational land as defined in section 263 of the Town and Country Planning Act 1990.
- 5.6 Land which falls within 5.5 a) may be listed if:
- i. the residence is a building that is only partly used as a residence (i.e. that residential use is ancillary, as in the case of many pubs); and
 - ii. but for that residential use of the building, the land would be eligible for listing.
- 5.7 For the purposes of this section
- a) “residence” means a building used or partly used as a residence;
 - b) A building is a residence if -
 - i. it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
 - ii. it is let or partly let for use as a holiday dwelling;
 - iii. it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
 - iv. it is a house in multiple occupation as defined in section 77 of the Housing Act 2004; and
 - c) a building or other land is *not* a residence if –
 - i. it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
 - ii. it is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or

- iii. it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

5.8 The Council will apply the definitions as set out in the Regulations when considering whether a building or other land is eligible to be nominated as an ACV.

6 The Register

6.1 The local authority is required to publish and maintain a register (or list) of Assets of Community Value.

6.2 In addition to the list of assets, the local authority is required to maintain a list of assets nominated by the community but not listed. The local authority may remove land from this second list whenever it considers would be appropriate.

6.3 The Council will publish both lists on a dedicated section of its website:
<https://www.scambs.gov.uk/community-right-bid> .

6.4 The register of Assets of Community Value will be available for free inspection by any person.

6.5 The Council will provide a free copy of the register of Assets of Community Value to anyone who asks for it (but are not required to provide more than one free copy of each).

6.6 The list of unsuccessful nominations must include reasons for the land not being listed.

6.7 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them but are required to add to the list of assets as soon as is practicable:

- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date on which this was received
- b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period
- c) where relevant, that the full moratorium has been triggered
- d) where (c) applies, the identity of the community interest group that triggered the full moratorium

6.8 Local authorities are required to remove an asset from the list no later than **five years** from the date of entry on the list, or as soon as practicable:

- a) after a relevant disposal (other than an exempt disposal)
- b) when an appeal against a listing has been successful
- c) when they form the opinion that the land or building is no longer of community value.

7 Relevant Disposal

7.1 The owner of a building or land on the list of ACVs must notify the Council in writing of their wish to enter into a 'relevant disposal' of the asset.

7.2 All notifications should be submitted:

by email to: Alexandra.Ellwood@scambs.gov.uk

by post to:
Alexandra Ellwood
Project Officer
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

- 7.3 Relevant disposal is defined as the sale or transfer of the freehold or grant or assignment of a qualifying lease, of 25 years or more, which gives vacant possession of the buildings and other land in question.
- 7.4 Relevant disposals trigger the moratorium requirements as set out in section 95 of the Act (see section 8).
- 7.5 The moratorium will not apply to all types of relevant disposal as some types are exempt, as set out below. The first exemption is in a different category to the remainder, in that the moratorium rules will have been triggered by notification of intention to sell by the owner but the sale will be able to take place during the moratorium. Categories b) to j) are in section 95(5) of the Act and k) to y) are in schedule 3 to the Regulations. Items f) and u) relate to part-listed land where the definition is partly defined in the Act and partly in the Regulations.
- a) Disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see Regulation 13 (1)
 - b) Disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
 - c) Disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
 - d) Disposal by representatives of the deceased owner in order to raise money for matters connected with the administration of the estate
 - e) Disposals between family members (“family member” is defined in section 95 (7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents but not the grandparents)
 - f) Part-listed land – i.e. sale of a site, only part of which has been listed, where it meets the requirements set out on the Regulations
 - g) Sale of land on which a business is carried out, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)
 - h) Disposals occasioned by somebody becoming or ceasing to be a trustee
 - i) Disposals by trustees in connection with the trust, as specified in the Act
 - j) Disposals occasioned by somebody becoming or ceasing to be a partner in a partnership

- k) A disposal made in pursuance of a court order
- l) A disposal made (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for the care of dependent children
- m) A disposal made (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with “incapacity” being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters
- n) A disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into *after* the land is listed would count as a relevant disposal under section 96 (4) of the Act)
- o) A disposal to the original owner (or their successor) where the land was acquired by the transferor by means of compulsory purchase *and* the transferor has made a first offer of the land to the former owner before disposing of the land on the open market (as per the *Crichel Down Rules*)
- p) Sale by a lender under a power of sale (i.e. the land was security for a loan)
- q) Disposal of land under bankruptcy or other insolvency proceedings – the wording is “insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986”, which gives a very wide definition of insolvency proceedings
- r) Compulsory purchase disposals - see the wide definition of “statutory compulsory purchase” in regulation 1
- s) The grant of an agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- t) Transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161 (5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate)
- u) Disposals of part-listed land where:
 - i. the land being sold is owned by a single owner; *and*
 - ii. every part of the land can be reached from every other part without having to cross land which is not owned by that single owner (except intervening land in other ownership on which there is a road, railway, river or canal where it would be reasonable to think that (b) would be satisfied if the intervening land were to be removed leaving no gap)
- v) Disposals of closed Church of England churches under Part 6 of the Missions and Pastoral Measure 2011: the lengthy process in Part 6 of the measure involves public consultation and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate

- w) Disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1 (1) of the National Health Service Act 2006)
- x) Disposal of land to be held for the purpose of a school (excluding independent schools), further education or 16-19 Academy
- y) Disposal of land subject to a statutory requirement regarding the making of a disposal, where that requirement could not be observed if the Assets moratorium rules were complied with

8 Moratorium – “window of opportunity”

- 8.1 The **interim moratorium period** is triggered by the owner’s notification in writing to the local authority of an intention to enter into a relevant disposal of a listed asset (exempt disposals do not need to be flagged with the local authority but it would be helpful if they were).
- 8.2 Once the local authority has been notified of the owner’s intent to dispose, they are required to update the list to show this and give the end dates of the interim and full moratorium periods and of the protected period.
- 8.3 The nominating community group must be informed and the local authority must publicise the matter in the neighbourhood of the asset in question. It is for the local authority to determine how this is done.
- 8.4 The interim moratorium period is the period of six weeks beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner may not enter into a sale of the asset, unless such a sale falls within one of the exemptions or is to a local community interest group.
- 8.5 During the interim moratorium period a community interest group (not restricted to the nominating group) may request to be treated as a potential bidder for the asset. Receipt of a written request to be treated as a potential bidder triggers the full moratorium period.
- 8.6 The **full moratorium period** is the period of six months beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner may not enter into a sale of the asset, unless such a sale falls within one of the exemptions or is to a local community interest group.
- 8.7 The Council has a proforma for expression of interest by a community interest group to be treated as a bidder and this can be found on our website: <https://www.scambs.gov.uk/community-right-bid>
- 8.8 The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. However, they must provide evidence that they have one or more of the structures outlined above, in section 4.
- 8.9 The local authority must as soon as is practicable let the owner know that a request to be treated as a bidder has been received.
- 8.10 If no expression of interest to bid is forthcoming from a local community interest group during the interim moratorium period, the asset enters the **protected**

period. Similarly, should no bid be forthcoming during the full moratorium period, or be unsuccessful, the asset enters the protected period at that point. The protected period is 18 months beginning with the date on which the Council received notification in relation to the disposal. During this time, the owner is free to sell the asset to whomever they choose and without further delay.

8.11 If, after the full 18 months protected period the asset has not been sold but remains for sale, the owner will again be required to notify the Council of the intention to enter into a relevant disposal and the moratoria will again be available to the community.

8.12 If a relevant disposal takes place within the full moratorium period to a local community interest group, or during the protected period on the open market, the asset is removed from the asset list and the full protected period must pass before the asset can be re-nominated by the community.

8.13 All notifications should be submitted:

by email to: Alexandra.Ellwood@scambs.gov.uk

by post to:

Alexandra Ellwood
Project Officer
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

8.14 The Asset of Community Value provisions *do not*:

- Restrict who the owner of a listed asset sells to, i.e. there is no obligation to sell to a community organisation;
- Restrict the price at which the owner sells;
- Restrict what the owner can do with their property once listed, subject to the necessary planning approval.

9 Receiving and Assessing a Nomination for an ACV

9.1 The Council as the 'local authority' defined with the Act is the body to receive any nominations in relation to assets within the South Cambridgeshire District Council area.

9.2 Nominations must be made on the Council's asset nomination form, which can be found on the Council's website: <https://www.scambs.gov.uk/community-right-bid>. This, and the accompanying guidance, aims to help organisations making a community nomination and ensures the Council receives the required information as set out in the Regulations. The form can be submitted at any time and must contain as much information as possible to enable officers to make an informed decision about whether the nomination is valid and whether or not to list the land or building as an ACV.

9.3 All nominations should be sent:

by email to: Alexandra.Ellwood@scambs.gov.uk

by post to:

Alexandra Ellwood

Project Officer
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

- 9.4 Nominations must include:
- (a) a description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries nor is it necessary for all parts of the land to be in the same ownership. The Council requests that a map with boundaries marked in red be provided as part of your nomination.
 - (b) a statement of all the information which the nominator has with regard to:
 - i. the names of the current of the current occupants of the building or land, and
 - ii. the names and current or last-known addresses of all those holding a freehold or leasehold estate in the building or land;
 - (c) the nominator's reasons for thinking that the responsible authority should conclude that the building or land is of community value;
 - (d) evidence that the nominator is eligible to make a community nomination. Parish councils making their first nomination will be required to submit an electronic copy of their standing orders. Further copies will not be required with subsequent nominations, unless the standing orders have been amended.
- 9.5 The Council is required to make a decision in response to a nomination within 8 weeks of receiving and verifying the nomination.
- 9.6 The Council must take all practicable steps to inform the following that an asset has been nominated:
- a) a parish council (if any) in which the land or building lies (or partly lies);
 - b) the owner as defined in Section 107 of the Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act;
 - c) all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, any other leaseholder apart from the owner; and
 - d) any lawful occupant (which could include a licensee).
- 9.7 The Council will also inform the local district ward councillor/s of a nomination within their ward and the portfolio holder for The Community Right to Bid.
- 9.8 The nomination will be assessed based on the information submitted, along with any missing information as sought by the officer dealing with the nomination. Guidance is provided regarding the type of information and level of detail required in each section.
- 9.9 Nominations will be assessed in the first instance by the relevant Development Officer for the Locality concerned (North, South East, South West). He/she will

consider whether all the required information has been provided by the nominator and directs the Resource Officer to follow up any missing information.

- 9.10 The Development Officer may decide to undertake a site visit in order to substantiate that the land/building has community value and will contact the parish council if this is not the nominating body.
- 9.11 The Development Officer reaches a view as to whether the nominated land/building fulfils the criteria and cross checks this with the Legal Team if necessary.
- 9.12 The Sustainable Communities Team Leader signs off the entry into the list of successfully nominated assets (or into the list of unsuccessfully nominated assets where this is the case), which is displayed on the Council's website.
- 9.13 When an asset is added to or removed from either list, the Council must inform the owner, the occupier of the land if not the owner, and the successful or unsuccessful community nominator of the asset.
- 9.14 The Council must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list.
- 9.15 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property.
- 9.16 The owner is advised of his/her right to internal listing review (within the standard letter 'Notice of Decision to Include Land on the Council's List of Assets of Community Value').
- 9.17 Communication of the decision to list (or not) is made to the Portfolio Holder and the local Member. Officers dealing with the ACV listing will work through a checklist of actions and communications that need to be completed.

10 Listing Review

- 10.1 If an asset has been included on the register of Assets of Community Value, an owner has the right to request a listing review of the local authority's decision, under section 92 of the Act. The Council has developed a procedure for listing reviews (see <https://www.scambs.gov.uk/community-right-bid>).
- 10.2 The deadline for the owner to request this listing review is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring the listing to the owner's attention) or a longer period allowed by the Council in writing. The property will remain listed while the listing review is carried out.
- 10.3 The listing review must be conducted by an officer of appropriate seniority who did not take part in the original decision to list. In South Cambridgeshire District Council's case, the Reviewing Officer will usually be the Head of New Communities, in consultation with the Legal and Democratic Services Manager.

- 10.4 The owner may appoint a representative and the local authority will be required to provide all relevant documentation to the representative.
- 10.5 The owner and / or their representative may make representations to the reviewer orally and / or in writing. The local authority must complete their review within 8 weeks, unless a longer period had been agreed in writing.
- 10.6 At South Cambridgeshire District Council, provision has been made for the nominating body to attend the review in order that the widest range of representations can be heard at the earliest opportunity.
- 10.7 The owner and the local authority will bear their own costs of the review.
- 10.8 If the owner is not satisfied with the outcome of the internal review (i.e. that the decision to list is upheld) they have the right to appeal to the First Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can either be the same owner who requested the listing review or, if the property has been sold in the meantime, the new owner.
- 10.9 Request for a listing review should be made in writing, as follows:
- by email to: Gemma.Barron@scambs.gov.uk
by post to:
Gemma Barron
Partnerships and Sustainable Communities Manager
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA
- 10.10 An owner's appeal against a local authority listing review decision must be made to the General Regulatory Chamber of the First Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.

11 Compensation

- 11.1 Private owners and former owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 11.2 The time limit for making a claim for compensation is specified as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however, the wording allows for claims for loss or expense arising simply as a result of the land being listed.

- 11.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 11.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however, once it has all the facts the authority should reach a decision as quickly as is practicable.
- 11.5 The compensation scheme does not extend to public authorities and bodies.
- 11.6 The owner may ask the Council to review either or both of its decisions in relation to a claim, as follows:
- a) Whether compensation should be paid
 - b) If compensation is to be paid, the amount of that compensation
- 11.7 The owner must request a compensation review in writing before the end of the period of eight weeks beginning with the day on which written notice of the decision made on compensation was given by the Council, giving appropriate evidence to support the request.
- 11.8 The compensation review will broadly follow the Council's procedure for a Listing Review, in accordance with schedule 2 to the Regulations.
- 11.9 All claims and appeals should be made in writing, as follows:
- by email to: Gemma.Barron@scambs.gov.uk
by post to:
Gemma Barron
Partnerships and Sustainable Communities Manager
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

12 Permitted Development Rights

- 12.1 Secondary planning legislation brought in on 6 April 2015 affects Class A4 Drinking Establishments that are listed on the Council's Register of Assets of Community Value. The owner of any Class A4 Drinking Establishment listed as an ACV must apply for planning permission to change its use Class. Permitted Development Rights no longer apply. This change aims to ensure that pubs which are listed as Assets of Community Value cannot be converted to retail or other uses without first obtaining planning permission.
- 12.2 The removal of permitted development rights takes effect for a period of five years beginning with the date on which the building was entered on the list (unless it is removed sooner). Please note that this continues to apply even if there has been a "relevant disposal" (eg a freehold sale) of the property.
- 12.3 It will be for the council's planning committee to decide whether the status of an ACV is sufficient material consideration to refuse permission for change of use.

- 12.4 Where the specified building is not listed as an ACV, the developer must send a written request to the Council to enquire whether the building has been nominated as an ACV before carrying out any development that has the benefit of permitted development rights. The developer must wait for a period of 56 days following the date of the request to the council. This aims to ensure that buildings do not change use or get demolished without local consideration whilst their value to the community is being determined.
- 12.5 There are permitted development rights which enable an owner to change the use of land/buildings without the need to seek specific planning permission for that change of use. Where an owner is legally entitled to change the use without seeking planning permission the ACV listing has no bearing - and the community must be mindful of the limits of the legislation in protecting community assets.

13 Enforcement

- 13.1 The Act provides for various mechanisms to encourage compliance by requiring local authorities to:
- a) inform owners and other interested parties that an asset has been listed;
 - b) enter on the local land charges register the fact that an asset has been listed; and
 - c) in the case of registered land, apply for a restriction on the land charges register
- 13.2 Additionally, to give a strong incentive to owners to comply with the Act, non-compliant disposals will be deemed ineffective (void), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered with the Land Registry – this would have to be rectified once the fact that the sale was void had been discovered).
- 13.3 However, the disposal would *not* be deemed ineffective if the owner made all reasonable efforts to find out whether the land was listed and was unaware that the land was listed when sold.

14 Glossary of Key Terms

- 14.1 The Council means South Cambridgeshire District Council
- 14.2 The Act means The Localism Act 2011
- 14.3 DCLG means The Department for Communities and Local Government
- 14.4 DCLG Advice Note means 'Community Right to Bid: Non-statutory advice note for Local Authorities', October 2012, Department for Communities and Local Government
- 14.5 The Regulations means 'The Assets of Community Value (England) Regulations 2012'.
- 14.6 ACV means Asset/s of Community Value
- 14.7 References to land can include buildings where relevant

15 References

- 15.1 Department for Communities and Local Government's Community Right to Bid: Non-statutory advice note for local authorities:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf
- 15.2 Part 5 Chapter 3 of the Localism Act 2011:
<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>
- 15.3 The Assets of Community Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>
- 15.4 Communities and Local Government Committee Report, Feb 2015:
<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/262/26205.htm>
- 15.5 Town and Country Planning Use Class guidance:
<http://www.planningportal.gov.uk/permission/commonprojects/changeofuse>
- 15.6 Further information relating to Community Right to Bid and the process followed by the Council can be found on our public website:
<https://www.scambs.gov.uk/community-right-bid>

Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Economic Development Portfolio Holder

11 June 2015

LEAD OFFICER: Director of Planning/Director of Housing

GYPSY & TRAVELLER ISSUES UPDATE

Purpose

1. To update the Portfolio Holder on the range of issues and actions relating to the Council's services in relation to Gypsy and Traveller community in the District.
2. This is not a key decision because it is for information only.

Recommendations

3. It is recommended that the Portfolio Holder notes the contents of this report.

Considerations

4. Information is provided in this report to update the Portfolio Holder on the latest situation regarding Gypsy and Traveller Site Planning Applications, the refurbishment of the Whaddon site, the appointment of two new posts to address Gypsy and Traveller issues, and the commencement of Gypsy and Traveller Task & Coordination Group.

Development Control Update

5. In 2015 five pitches were granted permanent planning permission on appeal at Smithy Fen Cottenham, and temporary planning permission for 1 pitch was granted on appeal at Wimpole. There are four other pitches with temporary planning permission, which expire between 2015 and 2018.
6. At time of writing there is one pending application, for changes to an existing site at Chesterton Fen Road for nine pitches. There is also an outstanding planning appeal for one pitch at Willingham.

Refurbishment of Whaddon Site

7. Following lengthy delays, out of SCDC's control, further discussions were held with the HCA who agreed to extend the time allowed to finish the project until December 2015. Rose Builders were appointed as the contractors and following clearance work, they started on site on 23 March. As we still have some residents living on the site, building is being done in two phases. Phase 1 of the project is now well underway, the old buildings have been demolished and building of the new pitches has begun. The programme is on track and assuming no unforeseen circumstances arise, we anticipate phase 2 starting in late summer at which time the current residents will move onto their new pitches. Completion of phase 2 is anticipated for the middle of December.

New Posts in planning and Housing

8. As previously reported, two new posts are being created, to address Gypsy and Traveller issues. These are a Traveller Sites and Projects Officer (in the Housing

department), and a Traveller Planning Liaison and Monitoring Officer (in the Planning and New Communities Department). The recruitment process is ongoing, however it is hoped that the post in Housing will be filled in the next few weeks.

Gypsy and Traveller Task & Coordination Group

9. It was agreed previously that in order to ensure effective coordination within the Council, work would be overseen by a Gypsy and Traveller Task & Coordination Group, with input from a range of services across the Council. The group has now convened and will meet as needed to achieve effective coordination.

Options

10. There are no options as this report is for information only.

Implications

11. 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

12. None.

Legal

13. None

Staffing

14. None.

Risk Management

15. None

Equality and Diversity

16. None.

Climate Change

17. None

Consultation responses (including from the Youth Council)

18. None

Effect on Strategic Aims

19. None.

Background Papers

None

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