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Cambridge City Council

COMMUNITY SERVICES SCRUTINY COMMITTEE

To: **Scrutiny Committee Members:** Sinnott (Chair), Ratcliffe (Vice-Chair), Abbott, Austin, Barnett, Bird, Gillespie and O'Connell

Alternates: Councillors R. Moore and Nethsingha

Executive Councillors: Johnson (Executive Councillor for Communities) and Smith (Executive Councillor for Streets and Open Spaces)

Despatched: Monday, 26 September 2016

Date: Thursday, 6 October 2016

Time: 5.00 pm

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: James Goddard

Direct Dial: 01223 457013

AGENDA

1 Apologies

To receive any apologies for absence.

2 Declarations of Interest

Members are asked to declare at this stage any interests that they may have in an item shown on this agenda. If any member of the Committee is unsure whether or not they should declare an interest on a particular matter, they should seek advice from the Monitoring Officer **before** the meeting.

3 Minutes (Pages 7 - 20)

To approve the minutes of the meeting on 30 June 2016.

4 Public Questions

5 Petition

A petition has been received containing over 50 valid signatures stating the following:

*'We are aware that Cambridge City Council is currently inviting comment from local stakeholder groups about access for pedestrian and cyclists in the Petersfield area. As residents, we consider that cycle traffic on the Palmer's Walk footpath presents risks for pedestrians, particularly the occupants of Petersfield Mansions. We therefore request Cambridge City Council to include **the option to ban cycling on the footpath** as part of any new consultation exercise.'*

The petition organiser will present the petition at the meeting and the petition will then be discussed by Councillors. The Committee will then decide how to respond to the petition.

6 Record of Urgent Decision by the Executive Councillor for Communities

To note decisions taken by the Executive Councillor for Communities since the last meeting of the Community Services Scrutiny Committee

6a Appointment to Outside Body – The Junction Committee Manager (Pages 21 - 22)

Items for debate by the Committee and then decision by the Executive Councillor

These items will require the Executive Councillor to make a decision *after* hearing the views of the Scrutiny Committee.

There will be a full debate on these items, and members of the public may ask questions or comment on the items if they comply with the Council's rules on Public Speaking set out below.

Decisions for the Executive Councillor for Streets and Open Spaces

Items for debate by the Committee and then decision by the Executive Councillor

7 Abandoned Shopping Trolley Review (Pages 23 - 32)

8 S106 Priority-Setting Arrangements (Streets & Open Spaces)

Report to follow

Decisions for the Executive Councillor for Communities

Items for debate by the Committee and then decision by the Executive Councillor

9 S106 Priority-Setting Arrangements (Communities)

Report to follow

10 Midsummer Fair 2017 (*Pages 33 - 38*)

11 Review of Governance Arrangements for Clay Farm Community Centre (*Pages 39 - 44*)

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

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- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

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COMMUNITY SERVICES SCRUTINY COMMITTEE30 June 2016
1.43 am - 4.25 pm**Present:** Councillors Sinnott (Chair), Ratcliffe (Vice-Chair), Abbott, Austin, Barnett, Bird, Gillespie and O'Connell

Executive Councillors: Johnson (Executive Councillor for Communities) and O'Reilly (Executive Councillor for City Centre and Public Places)

Officers:

Director of Environment: Simon Payne

Head of Community Services: Debbie Kaye

Community Funding and Development Manager: Jackie Hanson

Community Review Manager: Allison Conder

Community, Sport & Recreation Manager: Ian Ross

Strategy and Partnerships Manager: David Kidston

Urban Growth Project Manager: Tim Wetherfield

Principal Accountant (Services): Chris Humphris

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL**16/72/Comm Apologies**

No apologies were received.

16/73/Comm Change of Meeting Time

The Committee agreed by 5 votes to 0 to start future committee meetings at 5:00PM.

16/74/Comm Declarations of Interest

Name	Item	Interest
Councillor O'Connell	16/80/Comm	Personal: Director of Cambridge Live. Member of Cambridge Canoe

		Club.
Councillor Austin	16/81/Comm	Personal: Member of Cambridge Rowing Club.
Councillor Barnett	16/81/Comm	Personal: Works at Addenbrooke's Hospital.
Councillor Bird	16/81/Comm	Personal: User of leisure facility mentioned in report.

16/75/Comm Minutes

The minutes of the meeting held on 17 March 2016 and 26 May 2016 were approved as a correct record and signed by the Chair.

16/76/Comm Public Questions

There were no public questions.

16/77/Comm Record of Urgent Decisions taken by the Executive Councillor for Communities

16/77/Comma Changes to the provision of Midsummer Fair in 2016

The decision was noted.

16/77/Commb Midsummer Fair 2016

The decision was noted.

16/78/Comm Record of Urgent Decision Taken by the Director of Environment

16/78/Comma Urgency Powers to Settle Claim Regarding Alexandra Gardens Trees

The decision was noted.

16/79/Comm 2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances - City Centre and Public Places Portfolio

Matter for Decision

The Officer's report presented for the City Centre & Public Places Portfolio:

- a) A summary of actual income and expenditure compared to the final budget for 2015/16 (outturn position).
- b) Revenue and capital budget variances with explanations.
- c) Specific requests to carry forward funding available from budget underspends into 2016/17.

Decision of Executive Councillor for City Centre and Public Places

The Executive Councillor requested that the Executive Councillor for Finance and Resources approved the following at the Strategy and Resources Scrutiny Committee on 4 July 2016:

- a) Carry forward requests totalling £25,000 revenue funding from 2015/16 to 2016/17, as detailed in Appendix C of the Officer's report.
- b) Carry forward requests of £881,000 capital resources from 2015/16 to 2016/17 to fund rephased net capital spending, as detailed in Appendix D.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Principal Accountant (Services).

In response to the report the Committee commented that the Bath House Play Area Improvements (agenda P63) delivery date was delayed from summer to September 2016.

The Principal Accountant (Services) said the following in response to Members' questions:

- i. The Council was responsible for various church yards in the city. The Principal Accountant (Services) undertook to clarify with committee members post meeting why there was an overspend on Mill Road Cemetery (agenda P61).

- ii. The Principal Accountant (Services) undertook to liaise with officers if it was possible to put in a swing in the Dundee Road play area (agenda P64).
- iii. Normally the Council would expect to receive income from the common land it owned and used for grazing. The Council should receive a farm subsidy, but this had not yet been received, so was not included in the accounts. As such they showed a negative figure.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

16/80/Comm 2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances - Communities Portfolio

Matter for Decision

The Officer's report presented for the Communities Portfolio:

- a) A summary of actual income and expenditure compared to the final budget for 2015/16 (outturn position).
- b) Revenue and capital budget variances with explanations.
- c) Specific requests to carry forward funding available from budget underspends into 2016/17.

Decision of Executive Councillor for Communities

The Executive Councillor requested that the Executive Councillor for Finance and Resources approved the following at the Strategy and Resources Scrutiny Committee on 4 July 2016:

- a) Carry forward requests totalling £60,000 revenue funding from 2015/16 to 2016/17, as detailed in Appendix C of the Officer's report.
- b) Carry forward requests of £5,991,000 capital resources from 2015/16 to 2016/17 to fund rephased capital spending as detailed in Appendix D.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The committee made no comments in response to the report from the Principal Accountant (Services).

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

16/81/Comm Leisure Management Contract Extension**Matter for Decision**

Leisure Management within the City has been externalised to several private leisure operators over the last twenty years. The current contract was awarded to Greenwich Leisure Limited (GLL) after an EU competitive tender exercise and they commenced in October 2013 on a seven year contract, with an option to extend for a further three years.

The Officer's report sought approval to award the three year extension to GLL to allow further investments within the leisure contract and GLL to have enough time to realise payback on these further investments.

Decision of Executive Councillor for Communities

- i. Instructed officers to progress awarding an extension of the Leisure Management Contract to Greenwich Leisure Ltd (GLL) under the current contractual arrangements and existing terms & conditions for the allowed three year extension period commencing October 2020 to the end of September 2023.
- ii. Authorised officers to continue to work with GLL for further implementation of investments and delivery within the Leisure Contract with the ongoing aim to also reduce the Management Fee paid to GLL over the remaining seven year period.
- iii. Instructed officers to seek confirmation that GLL will pay the UK Living Wage (currently set at £8.25 per hour), to all members of staff working on the Cambridge contract from 1 October 2016 onwards for the remainder of the Contract term.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Community, Sport & Recreation Manager.

The Committee commented in response to the report that data provided by GLL made it transparent to scrutinise.

The Community, Sport & Recreation Manager said the following in response to Members' questions:

- i. GLL did not currently have any apprentices working for them on the Cambridge contract, but had two in the past. GLL has its own academy to train younger workers, so the impact of the living wage accreditation on payment for apprentices would be reviewed in the future.
- ii. There was a mixed uptake by schools for swimming lessons with qualified coaches. Classes had reduced in size from thirty to ten children to give more intensive lessons and were getting good results. The Community, Sport & Recreation Manager undertook to circulate statistics on lesson take up after the meeting.
- iii. The GLL contract would have some impact on the Council's Zero Carbon Strategy with further energy saving projects. There was a utility variance mechanism built into the contract to facilitate savings off the management fee if the Council made the investment.
- iv. The extended operation and season of Jesus Green Lido was questioned, and the Head of Community Services said the GLL contract recognised that residents wanted access to facilities all year round. Any proposals for modifications to Jesus Green Lido would be brought to Community Services Scrutiny Committee for scrutiny.
- v. Residents could access the Cherry Hinton Village Centre during any agreed refurbishment. The area to the side of the centre would be developed before the existing building was refurbished.
- vi. Jesus Green and Parkside changing facilities were being reviewed to address local issues with drains.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

16/82/Comm Anti-Poverty Strategy Progress Update**Matter for Decision**

The Council's Anti-Poverty Strategy was approved by the Executive Councillor for Finance and Resources at Strategy and Resources Committee on 23 March 2015. The strategy aims to improve the standard of living and daily lives of those residents in Cambridge who are currently experiencing poverty; and to help alleviate issues that can lead households on low incomes to experience financial pressures.

The Anti-Poverty Strategy sets out seven key objectives and sixty one associated actions to reduce poverty in Cambridge. The Officer's report provided an update on progress in delivering key actions identified for 2015/16, with a particular focus on new areas of activity introduced in the strategy. It also provided details of new projects funded through the Council's Sharing Prosperity Fund for delivery from 2016/17 onwards.

The report also provided a more detailed update on the Council's campaign to promote the Living Wage to local employers, as outlined in the Living Wage Action Plan approved at Strategy and Resources Committee on 23 March 2015.

Decision of Executive Councillor for Communities

- i. Noted the progress in delivering actions to reduce poverty in Cambridge during 2015/16.
- ii. Noted the progress in delivering the Living Wage Action Plan during 2015/16.
- iii. Noted the funding allocated to new anti-poverty projects from the Sharing Prosperity Fund during 2015/16, as set out in Appendixes A and B of the Officer's report.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Strategy and Partnerships Manager.

In response to Members' questions The Strategy and Partnerships Manager said he was unaware of any projects that received European Union funding and so would be unaffected by the EU referendum result. The Strategy and Partnerships Manager undertook to check that projects received dedicated UK funding.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

16/83/Comm Strategic Review of Community Provision

Matter for Decision

This report provides an update on the work of the review to date and outlined proposals for the next phase.

Decision of Executive Councillor for Communities

- i. Noted the findings from the 'call for evidence' part of the community facilities audit undertaken between January and June 2016, as detailed in this report.
- ii. Agreed to the development of a Community Centres Strategy as set out in section 5 of the report. This will support the review's objective to build stronger communities and provide a clear rationale for the Council's support for community facilities under 3 categories:
 - a) Core Centres - Council supported and assessed to be strategically important centres.
 - b) Transitional Centres - not assessed as strategically important to the Council and require further options appraisal work.
 - c) Independent Centres - not assessed as strategically important to the Council and already receive minimal or no Council support or core funding.
- iii. Agreed to work being undertaken between June and September 2016 to continue to invite and assess Expressions of Interest. This would include

following up those already received including the County Council's review of community hubs, associated City Council strategies and specific areas of interest expressed by voluntary sector organisations.

- iv. Agreed to promote all community facilities across the city in two phases:
 - a) Publishing a list of facilities which is searchable at ward level.
 - b) Looking into how this list could be further developed and made available in an accessible and sustainable way.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Community Funding & Development Manager.

The Community Funding & Development Manager said the following in response to Members' questions:

- i. Accessibility for disabled people was considered as part of the community facility review, but this was not referenced in the report due to a typographical error. It would be referenced in future, as would a reference to gender identity and belief in the facilities access statement, to ensure that up to date equality work was promoted.
- ii. Referred to report paragraph 5.8 regarding the programme of work to develop the Community Centres Strategy. Work was on-going to collect data to help the Council identify actions to take in future.
- iii. There was on-going evidence base work to identify gaps in community facilities. Community facilities work tied into the Anti-Poverty Strategy. City and County Officers hoped to join up strategies in future so they would dovetail rather than work in isolation.
- iv. Community facility work may identify facilities that residents were unaware of to address the perception that demand exceeded supply.
- v. Referred to the timetable of assessment work and committee reports set out on P110 of the agenda.
- vi. A list of community facilities was published on city council webpages.

The Urban Growth Project Manager said that further details were listed via the City Council's Developer Contributions webpage (www.cambridge.gov.uk/s106), setting out which community facilities

had received S106 funding with community use agreements. The list included contact details for bookings.

The Committee resolved by 6 votes to 0 to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

16/84/Comm Use of Generic S106 Developer Contributions

Matter for Decision

The Council makes decisions on how to use generic S106 developer contributions through annual S106 priority-setting rounds. There have been four rounds since 2012/13, with another planned for later in 2016/17. Many S106 priority projects have been completed, mitigating the impact of development and benefitting local communities.

Plans for a June 2016 update to the Executive Councillor for Communities have been highlighted in previous S106 reports to this Committee in October 2015 and March 2016 in order to:

- a) Take stock of progress on major sports and community facilities projects still under development which were allocated S106 funding in earlier S106 priority-setting rounds.
- b) Assess whether any further proposals for strategic/city-wide outdoor and indoor sports projects, submitted for the 2015/16 round, are ready to be considered yet.

In summary, it has taken longer than expected for S106 grant-based projects still under development to reach the business case appraisal stage. The council needs to impress the need for greater urgency and progress upon all grant applicants. Meanwhile, none of the outstanding 2015/16 strategic/city-wide sports project proposals are ready to be considered for S106 funding yet: those applicants would be welcome to apply again during the 2016/17 S106 priority setting round.

Decision of Executive Councillor for Communities

- i. Instructed officers to notify the grant applicants for these long-standing S106 projects still under development that the current S106 funding allocations may be cancelled in early 2017 unless good progress

(paragraph 4.7 of the Officer's report refers) is made by the end of 2016.

These projects are:

- a) Changing facility improvements at Cambridge Rugby Club.
 - b) Visitor changing facility improvements at King's College School (with access for other schools and clubs to King's College School's indoor and outdoor sports facilities).
 - c) Improved community facilities at East Barnwell Community Centre.
 - d) Community meeting room provision at Milton Road Library.
- ii. Agreed to refocus the £250,000 S106 allocations for demolishing and rebuilding the Rouse Ball Pavilion so that the project could encompass proposals to develop new pavilion facilities within or next to Jesus Green Pool.
 - iii. Confirmed that no further proposals from the 2015/16 bidding round for strategic outdoor sports projects or city-wide indoor sports facilities will be recommended for funding: fresh applications can be considered as part of the 2016/17 S106 priority-setting round.
 - iv. Noted that several specific S106 contributions agreed prior to April 2015 have now been received and, as a result, the following projects are now on the council's 'projects under development' (PUD) list:
 - a) Community facility improvements at The Junction.
 - b) Outdoor sports improvements at Chesterton Recreation Ground.
 - c) Indoor sports facility improvements at Netherhall School.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Urban Growth Project Manager.

The Urban Growth Project Manager and Community, Sport & Recreation Manager said the following in response to Members' questions:

- i. The Rouse Ball Pavilion had not been used as changing rooms for sports for some years as the grounds were prone to flooding. The intention was to move pavilion facilities to Jesus Green Pool. Options for facilities and access for wider community use (eg a café area) were being considered. Community Services Scrutiny Committee would be kept informed as the proposals and preparations develop.

- ii. The nature of the sports facilities (to be made available for club use through a grant for visitor changing facilities improvements at King's College School) had changed. If the grant applicant was able to make good progress by the end of 2016, the issues (including the proposed community use agreement) would then be reported to the Scrutiny Committee and the West/Central Area Committee. It was expected that facilities would be hired by clubs rather than members of the public.
- iii. Any unused s106 funding from the long-standing projects under development (eg if projects did not go ahead or use their full allocations) would go back into the appropriate (strategic/city-wide or devolved) S106 fund, so that it could be made available to other suitable projects. The two community facility projects mentioned in the report had been allocated devolved S106 funding by area committees, so (if the projects were not able to go ahead) these amounts would go back into their devolved S106 funds.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

16/85/Comm Interim Approach to Specific S106 Contributions: Follow-up Report

Matter for Decision

The council has, for many years, collected S106 contributions to help to mitigate the impact of new development in the city. These used to be based on generic infrastructure types, but a significant change to the regulations governing S106 funding came into effect from April 2015. The impact of these restrictions has been felt across local government – and particularly by those councils (like Cambridge) not yet in a position to introduce the Community Infrastructure Levy.

- a) S106 contributions now have to be for specific projects (stipulated in S106 agreements) related to nearby developments.
- b) No more than five specific contributions can be agreed for the same project.
- c) In addition, councils can now only seek S106 contributions from developments of more than 10 dwellings.

The council introduced an interim approach in June 2015, to seek as many S106 contributions as possible within these restrictions. This was reviewed and strengthened last March, although it is recognised that the scope for securing new contributions is now more limited.

Last March's 'taking stock' report to the Executive Councillor for City Centre and Public Places identified 'target lists' of play areas and open spaces, which would be used as a starting point for seeking specific contributions in appropriate cases. The setting of similar target lists for outdoor and indoor sports and community facilities was deferred until now, to allow findings from recent facility audits to be reported.

Decision of Executive Councillor for Communities

- i. Agreed to continue to collect up to five S106 specific contributions for those that the council has already started to collect, as opportunities arise and in appropriate cases. See paragraph 4.2 and Appendix B of the Officer's report.
- ii. Agreed the 'target list' of outdoor and indoor facilities, arising from the recent audits, which will also be used as a starting point for negotiating specific contributions from nearby major developments. See paragraphs 4.5, 4.8 and Appendix E.
- iii. Agreed that the provisional community facilities 'target list' should focus on community centres, houses and rooms owned or managed by the city council. See paragraphs 4.6 – 4.8 and Appendix F.
- iv. Instructed officers to look to add to the target list more community facilities owned/managed by others, provided that: (a) a clear need for specific contributions can be demonstrated and (b) that the relevant community groups accept the uncertainties and responsibilities attached to specific S106 contributions. See paragraph 4.9

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Urban Growth Project Manager.

Officers said the following in response to Members' questions:

- i. Head of Community Services: The council was trying to get children and young people systematically involved in decision making. The Children & Young People's Services Manager would be asked to circulate a briefing note to Members.
- ii. Urban Growth Project Manager: Specific S106 contributions from particular new developments were focussed on projects that satisfy the three legal tests (mentioned in Appendix A of the Officer's report. It is unlikely that this will be spread evenly across wards.
- iii. Community Funding & Development Manager: Appendix F of the Officer's report set out an initial target list as a starting point for negotiations. New projects could come forward to join the list. The target list would be reviewed on an on-going basis.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

The meeting ended at 4.25 pm

CHAIR

CAMBRIDGE CITY COUNCIL
Record of Executive Decision

Appointment to Outside Body – The Junction

Decision of:	Executive Councillor (Communities) Richard Johnson		
Reference:	16/URGENCY/CS/09		
Date of decision:	5 September 2016	Recorded on:	5 September 2016
Decision Type:	Non Key		
Matter for Decision:	To appoint a representative to an outside body.		
Why the decision had to be made (and any alternative options):	These decisions are part of the Council's Decision Making process. Executive Councillors have reviewed the appointments made annually to public bodies and voluntary organisations (observer status).		
The Executive Councillor's decisions:	Agreed to appoint the following representative: To The Junction – Councillor Austin		
Reasons for the decision:	As above. Councillor Austin to replace current nominee Councillor O'Connell.		
Scrutiny consideration:	The Chair and Spokes of the Scrutiny Committee were consulted as per the Scrutiny processes outlined in the constitution.		
Report:	N/A		
Conflicts of interest:	None		
Comments:	None		

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To: Executive Councillor for Streets and Open Spaces:
Councillor Anna Smith

Report by: Joel Carré, Head of Environmental Services

Relevant scrutiny committee: Community 6/10/2016
Services
Scrutiny
Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge
East Chesterton King's Hedges Market Newnham
Petersfield Queen Edith's Romsey Trumpington
West Chesterton

ABANDONED SHOPPING TROLLEY REVIEW

Not a Key Decision

1. Executive summary

The purpose of this report is to seek Executive Councillor authorisation to consult on the proposed abandoned trolley policy, as set out in Appendix 1; and associated increase in service charges for dealing with abandoned trolleys, as set out at Appendix 2.

2. Recommendations

The Executive Councillor is recommended:

To authorise officers to consult on the proposed abandoned trolley policy, as set out in Appendix 1; and increase in charges for dealing with abandoned trolleys in accordance with this policy, as set out at Appendix 2.

3. Background

3.1 In 2015, the Local Government Association (LGA) stated that the number of abandoned trolleys in the UK was currently running at over 1.5 million a year and recognised that hard-pressed local authorities, who are having to make the best of significantly reduced budgets, are being left with a massive clear-up headache. Many trolleys end up in rivers and ditches and councils are being forced to stem floods and remove blockages.

- 3.2 In 2006, the City Council elected to approve use of Schedule 4 of the Environmental Protection Act 1990, Section 99, as amended by the Clean Neighbourhoods and Environment Act 2005. This legislation enables the Council to recover costs from trolley owners for the collection, storage and return of abandoned trolleys. In Cambridge, this came into effect on 7 February 2007, and allows the Council to charge a fee to owners of abandoned trolleys regardless of whether or not they reclaim the trolley.
- 3.3 Since 7 February 2007, the Council has notified trolley owners of the location of any trolleys reported as abandoned. Trolley owners are given until 5pm the following day from notification to recover the trolley. If a trolley is not recovered by this deadline, or where a trolley is reported, or discovered in a dangerous location, the Council will seize the trolley.
- 3.4 Once a trolley has been seized, the Council must notify the owner within 14 days of the date of seizure, that their trolley is being held in a particular place and that the Council intends to dispose of it (if it is not claimed) within a period of six weeks. If the trolley is claimed within that six week period, the owner is not entitled to have the trolley returned to them unless they pay to the Council, on demand, such charges as the Council requires. If the trolley remains unclaimed, then the Council can sell or otherwise dispose of the trolley (once the six weeks have expired) and re-charge the associated costs to the owner.
- 3.5 The Council is currently collecting and dealing with in excess of 390 reports of abandoned trolleys, and, of these, seizing in the region of 190 trolleys every year. Approximately 47% of abandoned trolleys, reported to the Council, end up being seized either for being in dangerous locations or the owner failing to collect it. The average cost for owners' for abandoned trolleys impounded by the Council is £110.73 per trolley. A breakdown of abandoned trolleys by year in the City Council's administrative area is included in Table 1 below.

Table 1: Number of abandoned trolleys in Cambridge City administrative area (2011-15)

Year	Reports of abandoned trolleys	Number of trolleys seized
2015	548	245
2014	392	192
2013	483	200
2012	394	171
2011	741	330

- 3.6 The legislation sets out that the fixing of charges for dealing with abandoned trolleys should be sufficient to cover the cost of removing, storing and disposing of the trolley. In setting those charges, a council may take into account costs associated with administration, collection, storage and delivery, including staff time.
- 3.7 These costs must be regularly reviewed, and, in line with the legislation, a council is required from time to time to consult on the operation of Schedule 4 in its area, with those who are affected by it, and to monitor the number of trolleys recovered under the Schedule.
- 3.8 In benchmarking with other District Councils there is a wide variation in the level of charges levied. For instance Wrexham County Borough Council charges £110 per trolley for a similar service; and Enfield Council charges up to £270 per trolley if the trolley is unclaimed after 6 weeks. A breakdown of these comparator charges is included in Table 2 below.

Table 2: Comparative trolley charges

Council	Wrexham	Cambridge	Enfield
Administration costs	£15.00	£20.00	£35.00
Removal from land	£35.00	£25.00	£25.00
Storage (per week)	£10.00	£17.50	£35.00
Total after 6 weeks	£110.00	£150.00	£270.00

- 3.9 The charges set out in Appendix 3 are those currently levied by the City Council for trolleys. In order to reflect the increases in the costs of the Council's abandoned trolley services over the last eight years, a proportionate increase of 6% has been added to the proposed charges in Appendix 2.
- 3.10 A number of retailers over the years have requested the Council to collect and return their trolleys immediately to the store (in essence by-passing the need for storage of trolleys). At present the charges for this service are not reflective of the service costs, i.e. journey time for staff to return trolleys are not included in cost levied. To address this discrepancy, a new service charge is proposed for such retailers in Appendix 2, which both enables the Council to cover its costs and the retailer to have the quick return of their trolleys; and is a more cost-effective service option than the current one, where a trolley is seized, stored and then delivered back to the owner by the council.

4. Implications

(a) Financial Implications

The running costs of the scheme are recovered in the charge made to the trolley owners. The debt accrued against the owner can be recovered as a statutory debt.

(b) Staffing Implications

There are no staffing implications associated with the proposed changes.

(c) Equality and Poverty Implications

The charge per trolley will be the same regardless of the size of the store and whether it is part of a chain. The removal of abandoned trolleys from highways helps to reduce obstructions caused to users, particularly for those with disabilities.

An EQIA has not been completed because there is no obvious impact on 'people' (residents, staff or people who work in or visit Cambridge).

(d) Environmental Implications

Nil: to indicate that the proposal has no climate change impact.

(e) Procurement

There are no procurement implications.

(f) Consultation and communication

This scheme has been running for eight years and is widely publicised with all retailers that use shopping trolleys. All stores are written to on an annual basis to remind them of their legal obligations and the abandoned trolley system and associated charges operated by the Council.

In order to ensure the council is adhering to legislative guidelines, the proposed policy and increase in charges will be conducted as a consultation with retailers known to be providing a trolley service in that area and/or representative bodies such as the British Retail Consortium, Cambridge BID (Business Improvement District), the Association of Town Centre Management and the Association of Convenience Stores. Rail, road transport or airport operators known to be providing a trolley service in that area. The consultation will run for a period of 6 weeks and seek views of the above organisations; following the consultation the results will be analysed and a report will be provided at committee for adoption of the final policy.

(g) Community Safety

The community safety implications are the most significant, as abandoned trolleys are, at the least, unsightly and make an area appear uncared for; and, at the worst, cause an obstruction to highway users and to and to watercourses, resulting in an increased risk of property flooding.

5. Background papers

These background papers were used in the preparation of this report:

Environmental Protection Act	1990	-
http://www.legislation.gov.uk/ukpga/1990/43/contents		
Clean Neighbourhoods and Environment Act	2005	-
http://www.legislation.gov.uk/ukpga/2005/16/contents		

6. Appendices

Draft Abandoned Trolley Policy – Appendix 1
Proposed increase charges for Abandoned Shopping Trolleys– Appendix 2
Current charges for Abandoned Shopping Trolleys– Appendix 3

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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Abandoned Trolley Policy

1. Introduction

- 1.1. Abandoned shopping trolleys can make an area look run down, contribute to littering, antisocial behaviour, cause harm to wildlife and create a flood hazard in waterways.
- 1.2. This policy is related to trolleys abandoned within the Cambridge City Council boundaries, and includes trolley's that are abandoned in water courses. It excludes trolley's left within the perimeters of supermarket premises and car parks.
- 1.3. This policy only applies to abandoned trolleys on public land.

2. Objectives

- To seek an improvement in the visual street environment by the prevention and reduction of unsightly abandoned trolleys deposited in the city; and
- To ensure that powers contained within the legislation to tackle abandoned trolleys is applied fairly and consistently.

3. Legislation

- 3.1. Section 99, Environmental Protection Act 1990 enables the Council to introduce powers under Schedule 4, which apply to any land in the open air, to deal with abandoned shopping and luggage trolleys.
- 3.2. Under Schedule 4, Section 99 Environmental Protection Act 1990 the Council may seize and remove trolleys it considers to be abandoned. Property of this nature can be stored at a place it thinks fit to do so.
- 3.3. Debts recoverable by the Council in accordance with Schedule 4, Section 99 Environmental Protection Act 1990 will be payable on demand and recovered as a debt due.

4. Policy

- 4.1. Reports of abandoned trolleys should be made to the Council's Customer Service Centre on 01223 458282 or wasteandstreets@cambridge.gov.uk or directly to the Enforcement team at streetenforcement@cambridge.gov.uk.
- 4.2. Reports of abandoned trolleys (not in dangerous locations) will be passed to relevant store via their prescribed contact method (email, phone or fax) and the store given until 5pm the following day in which to collect the trolley(s).
- 4.3. Trolleys abandoned in the following dangerous locations or situations will be seized without notification to the store:
 - Children's play areas;

- On the carriageway;
 - In a street with high footfall;
 - In a watercourse;
 - As part of fly-tip / loaded with rubbish; or
 - In areas of high anti-social behaviour.
- 4.4. Trolleys not collected by 5pm the day after notification will be seized by the Council. The Council is required to keep the trolley for a period of six weeks after seizure. At the end of that period, it becomes the property of the Council, who may sell or otherwise dispose of the trolley and seek to recover the associated costs.
- 4.5. If a trolley is seized and is identifiable to a store, notice will be served on the owner of the trolley within 14 days. The Notice will state that the council has removed it, details of where it is stored and that the council may dispose of it if not claimed within 6 weeks.
- 4.6. If a trolley is not claimed (by the established owner) charges for recovery, storage and disposal will be made, unless the owner can prove that it is not theirs.
- 4.7. The charges set are required to be sufficient to cover the cost of removing, storing and disposing of trolleys. In the case of multiple stores, the charge will be applied to the closest retailer that is identified as owning the trolley.
- 4.8. Where trolleys are claimed by stores, arrangements will be made for the store to collect their trolleys. This may be done in batches rather than by individual trolleys.
- 4.9. Stores using trolleys within Cambridge will be contacted on an annual basis for up to date contact details and to remind them of this policy.

5. Policy Notes

- 5.1. This policy will be reviewed every four years, unless changes to legislation dictate otherwise.
- 5.2. Charges will be reviewed annually, in line with operational costs.

The document is owned by, and will be reviewed by:

Streets and Open Spaces: Public Realm
Cambridge City Council
PO Box 336
Cambridge
CB1 2WS
Telephone: 01223 458578
E-mail: streetenforcement@cambridge.gov.uk

Appendix 2 - Proposed New Charges for Abandoned Trolleys in Cambridge



1. Trolleys collected by store or contractor by 5pm following notification – no charge

2. Council collection and delivery of trolley back to store:

- Collection and return of trolley to store £42.00
- Administration £21.00

• Cost £63.00 per trolley

3. Council collection and storage of trolleys:

- Collection of trolley £30.00
- Storage £18.00 per trolley per week or part week

- Administration £21.00
- Disposal £3.00 per trolley

• Cost if claimed within first week £69.00 per trolley

- Cost if claimed within second week £87.00
- Cost if claimed within third week £105.00
- Cost if claimed within fourth week £123.00
- Cost if claimed within fifth week £141.00
- Cost if claimed within sixth week £159.00
- Cost if claimed disposed of after 6 weeks £162.00

Appendix 3 – Current Charges for Abandoned Shopping Trolleys in Cambridge



Collection of trolley	£25
Storage	£17.50 per trolley per week or part week
Administration	£20
Disposal	£2.00 per trolley
Claimed within first week	<u>£62.50 per trolley</u>
Claimed within second week	£80.00
Claimed within third week	£97.50
Claimed within fourth week	£115.00
Claimed within fifth week	£132.50
Claimed within sixth week	£150.00
Disposed of after 6 weeks	£152.00

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To: Executive Councillor for Communities: Councillor Richard Johnson

Report by: Head of Community Services

Relevant scrutiny committee: Community Services Scrutiny Committee 6/10/2016

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge East Chesterton King's Hedges Market Newnham Petersfield Queen Edith's Romsey Trumpington West Chesterton

MIDSUMMER FAIR 2017 Not a Key Decision

1. Executive summary

In March 2016 the Executive Councillor for Communities took a decision to cancel the funfair at Midsummer Fair. In a debate on the issue at an Extraordinary General Meeting of the Council on 26 May 2016, the Council agreed that proposals for the 2017 event should be brought forward for discussion and approval at the Community Services Scrutiny Committee. Cambridge Live has now considered options for the 2017 event, discussed these with stakeholders and taken into account their feedback. Council officers are supportive of the final proposals.

2. Recommendations

The Executive Councillor is recommended to agree the arrangements proposed by Cambridge Live and supported by officers for the Midsummer Fair 2017.

3. Background

3.1 Midsummer Fair is a 10 day event, open to the public for 6 days, covering a large area of Midsummer Common. In an incident on 4th November 2016 a member of the public was seriously injured in the build up to Bonfire Night. Following this the Council and its contractor for the City Events, Cambridge Live, have taken advice from the Health & Safety Executive (HSE) to review arrangements for the management of all events on open spaces, including Midsummer Fair.

3.2 In March 2016 the Council and Cambridge Live concluded that it was not possible in the time available to safely organise the funfair aspect of

Midsummer Fair. The Executive Councillor took a decision to cancel the funfair aspect in 2016 and the event went ahead with the traditional traders market. The Council committed to work with all parties in order that a safe and successful event could take place in 2017.

3.3 Revised plan

Cambridge Live has now developed a revised plan for the event in liaison with the Showmen's Guild, fair operators and the Council. The plan builds on learning from revisions to events which took place on both Midsummer Common and Parker's Piece in 2016. The plan is subject to feedback from the Cambridge Safety Advisory Group (SAG) when it meets on 6 October 2016. The main features of the revised plan are as follows.:

- Retention of event on Midsummer Common.
- Retention of funfair on the scale of previous events, with the same number of rides.
- Retention of a 'top' and 'bottom' traders market on scale of previous event.
- Increased measures to assist in separating vehicles and pedestrians via use of pedestrian barriers and heras fencing.
- Repositioning of some showmen's living accommodation into the existing main accommodation area. No vehicle movements will be permitted in this area during the event without advance permission from the organisers.
- Reconfiguration of market trader stalls (following discussion with traders at 2016 event) to include a secure entrance and exit system.
- Secure area for vehicles which require site access/egress adjacent to toilet area – no vehicles will be permitted outside this area once get-in is complete.
- One full event-long path closure (from toilets to mid-point, abutting sterile area) – subject to approval by the County Council.
- Repositioning of an estimated 7 funfair rides to reduce risks along main footpath thoroughfare.
- Temporary closures of paths to facilitate get-in and get-out managed by security staff.

3.4 Implications of the changes

- The proposed new layout provides the groundwork for effective pedestrian vehicle separation at the same time as maintaining the overall scale and feel of the event.
- As with all events held since the introduction of new safety measures, there will need to be an increased emphasis by all parties on implementation of the event management control document.
- Increased emphasis to all showmen on compliance with a) their terms and conditions of contract with Cambridge Live, also b) the Construction (Design and Management) Regulations 2015.
- Increased costs for fencing and security.

- The changes are compliant with the contract for services between the Council and Cambridge Live.

3.5 Feedback on the proposals

The proposal has been shared for comment and feedback with Cambridge City Council Streets and Open Spaces and Corporate Health and Safety teams. It has also been shared and discussed with the Showmen's Guild. At a meeting with Cambridge Live on 14 September, the Guild confirmed that they were happy in principle with the revised layout. If the Executive Councillor agrees the approach, once the SAG has considered the plans, the next step will be for Cambridge Live to communicate with individual ride operators and begin more detailed planning.

4. Implications

(a) Financial Implications

There is likely to be some additional cost associated with the changed infrastructure which will be covered by Cambridge Live in discussion with the Council. Any residual shortfall will be addressed between the two organisations.

(b) **Staffing Implications** - None

(c) **Equality and Poverty Implications** - Not applicable

(d) **Environmental Implications** - None

(e) **Procurement/Legal** - None

(f) Consultation and communication

Consultation has been undertaken with the parties indicated in the report.

(g) **Community Safety** - None

5. Background papers

Refer to previous Council decisions related to this matter

6. Appendices

Site plan

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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Cambridge City Council

To: Executive Councillor for Communities: Councillor Richard Johnson

Report by: Head of Community Services

Relevant scrutiny committee: Community Services Scrutiny Committee 6/10/2016

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge East Chesterton King's Hedges Market Newnham Petersfield Queen Edith's Romsey Trumpington West Chesterton

REVIEW OF GOVERNANCE ARRANGEMENTS FOR THE CLAY FARM CENTRE

Not a Key Decision

1. Executive summary

The Clay Farm Centre is currently being constructed in the new housing developments in the south of the city. The governance arrangements for the centre primarily affect Trumpington Ward; however due to the scale of the centre and its multi-agency stakeholder features, it has a wider catchment. Both principal stakeholders (the City and County Councils) together with the Clay Farm Centre Company Limited (the joint venture company - referred to as 'the JVC'- established by the Councils to manage the centre) now believe the governance structure is more complicated than it needs to be and adds costs through taxation issues. As a result, the stakeholders wish to revise the governance arrangements put in place in 2014.

2. Recommendations

The Executive Councillor is recommended:

- a) To agree that the City and County Councils work together to dissolve the JVC and formulate a new Partnering Agreement for the governance of the community centre that replaces the 2014 Collaboration Agreement.
- b) To agree that this new Partnering Agreement will establish an advisory group to provide community and democratic oversight of the centre management. This will incorporate elected members.
- c) To agree that the detail of recommendations a) & b) is worked through between the City and County Councils and the Directors of the Joint

Venture Company. Once agreement is reached, authority to enter into the new arrangement on behalf of the City Council is delegated to a Strategic Director in consultation with the Executive Councillor for Communities, the Chair of Community Services Scrutiny Committee and the Opposition Spokesperson.

3. Background

3.1 The Clay Farm Centre is currently being constructed in the south of Cambridge¹ on land owned by the City Council. The Council will own the five-storey building which comprises a library, community hall and rooms, café, police touch down space, a GP surgery and 20 housing units over two floors managed by Bedfordshire Pilgrims Housing Association (BPHA). The cost of the project is approximately £11million and is funded by a mix of funding from partners, developer contributions and capital borrowing.

3.2 In March 2013, the City Council endorsed an approach to develop management arrangements for the Clay Farm Centre.

3.3 In January 2014, the Councils each took a decision to set up a management company (the JVC) to run the centre. The centre would remain in the ownership of the City Council but would be leased to the JVC. The management company would in turn run or make arrangements for the day to day running of the centre, and to sub-lease the housing elements (third and fourth floors) to BPHA, the second floor to a health partner (for use as a GP surgery) and office space on the first floor to the police for touchdown space. The rest of the first floor would be community provision. The ground floor would include a library, community provision and a café.

3.4 Legal framework and formation of the JVC

A Collaboration Agreement was established between the City and County Councils on 19 December 2014 and the Clay Farm Centre Ltd was incorporated on the 29 December (still referred to as the JVC). The City and County are shareholders in the JVC. It currently has three directors, two representing the City and one representing the County

3.5 Ongoing revenue contributions from the City and County Councils are required to meet the operating costs of the centre. The Collaboration Agreement capped the subsidy required in any one year to £200,000, a maximum of £120,000 from the City Council and £80,000 from the County Council. The proportions reflect the capital input from each partner. This revenue funding has not yet been drawn down as the centre has not been handed over to the City Council and is not operational. A further sum of £50,000 has been set aside as an implementation budget, to cover set-up and start-up costs for the centre.

¹ <https://www.cambridge.gov.uk/clay-farm-centre>

3.6 Project management

The lead for the capital project is the Managing Director of the City Council's Housing Development Agency. The Council appointed ADP Limited as a design partner and ISG Limited as the construction contractor.

A project team which comprises of all stakeholders and a representative of Trumpington Residents Association was established in 2014. The project team considers all aspects of the construction and management implementation arrangements. The opening of the building has unfortunately been delayed².

Once built, the lead for the operational management of the centre is the Head of Community Services. The City Council has established an internal project team to support work on the centre with the County Council.

3.7 Management arrangements

Following an options appraisal and discussion with project partners, the JVC chose to commission the City Council to manage the day to day running of the centre on its behalf. The Executive Councillor took a decision to agree to this request in October 2015³. The City Council will review its longer term commitment to this arrangement as part of the ongoing review of community provision.

3.8 Review of governance

As more detailed work has been undertaken by the internal project team to consider governance and financial arrangements, it has become apparent that the initial advantages of operating the centre via the JVC has been outweighed by the financial disadvantages of the model, mainly due to the financial arrangements for the leases, additional taxation and other complexity.

In July 2016, following consultation with the JVC directors, the City and County jointly instructed their legal representatives, Sharpe Pritchard and LGSS (Local Government Shared Services), to produce a briefing paper to set out the legal framework of options for the future of the JVC and running of the centre.

The report was considered on 10 August 2016 by the JVC's Board of Directors and it was agreed, subject to the agreement of both Councils, to dissolve the company (the JVC has not traded and has no assets), and for the two Councils to enter into a new partnering agreement instead, for the operational management of the centre.

² <https://www.cambridge.gov.uk/news/2016/07/26/building-work-at-new-clay-farm-community-centre-delayed>

³ <http://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=176&MId=2791&Ver=4>

3.9 Revised proposal

In the current arrangement, the City Council grants a head lease to the JVC. The JVC would then grant two under leases: one to BPHA for the residential accommodation in return for a payment of a lease premium, and one to the GP practice for the health centre which will incur an annual rent, and both would give rise to additional taxation liabilities for the Council and the JVC.

The alternative model would see the JVC removed from the governance arrangements for the centre. This would have the advantage of simplifying the model and it would remove many of the identified problems in relation to taxation on the lease premium and rent from the GP Practice. Only two leases would need to be granted and both would be granted directly by the City Council to the tenants of the centre.

The absence of a vehicle in which the County has a direct stake would be resolved by both councils entering into a new Partnering Agreement, which would be derived from the current collaboration agreement.

The Partnering Agreement would cover financial matters between the parties and with the County would need to cover issues of liability in the absence of the JVC. The agreement to date is that the City Council will be the operator of the centre and employer of staff in the new centre. The library service will be managed by the City Council under a service level agreement provided by the County. Regular partner meetings would be held to monitor the arrangement.

An advisory group would be established to provide oversight and guidance. It would comprise designated⁴ elected members and other local representatives. The designated elected members would also be invited to attend the partner meetings.

Financial and performance scrutiny would take place via the usual City Council cost centre management/financial reporting arrangements and will be done in conjunction with the County Council at the partnering meetings.

4. Implications

(a) Financial Implications

If the current model is to progress, there will be substantial financial and VAT implications to both the JVC and the City and County Councils, which will impact upon the operational viability of the JVC and increase the level of subsidy required for operating the centre.

⁴ Designated members determined by the County and City Councils as per the Partnering Agreement
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VALUE ADDED TAX

Cambridge City Council has made provision to opt to tax this community centre under the VAT Act 1994, Schedule 10, Part 1. Furthermore, the City Council will charge VAT where it is applicable.

(b) Staffing Implications

None

(c) Equality and Poverty Implications

Not applicable

(d) Environmental Implications

None

(e) Procurement/Legal

Development of a new Partnering Agreement and dissolving the JVC, and formalising two new leases to the NHS and BPHA

(f) Consultation and communication

Consultation has been undertaken with the following:

- Project board
- JVC
- County Council
- JVC independent legal advice

(g) Community Safety

None

5. Background papers

See previous reports on Clay Farm

6. Appendices

None

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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