

COMMERCIAL AND INVESTMENT COMMITTEE: MINUTES

Date: 22 May 2020

Time: 10:00am – 12:20pm

Venue: *Meeting held remotely in accordance with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020*

Present: Councillors M Goldsack (Chairman), C Boden (Vice-Chairman), I Bates, D Jenkins, J Gowing, L Jones, P McDonald, T Rogers, M Shellens and T Wotherspoon

In attendance: Councillor J Schumann

Apologies: None

339. CONFIRMATION OF CHAIRMAN AND VICE-CHAIRMAN

It was noted that at the full Council meeting on Tuesday 19th May, Councillor Mark Goldsack was confirmed as Chairman, and Councillor Chris Boden was confirmed as Vice-Chairman.

Councillor Goldsack welcomed Members and said he was proud to be taking over as Chairman of the Committee. He paid tribute to Councillors Schumann and Hay, outgoing Chairman and Vice-Chairwoman, for all their hard work, and extended a special welcome to new Committee Members Councillors Boden and McDonald.

340. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies. Councillor Jenkins declared an interest as a Trustee of the Morris Education Trust (Impington Village College) in relation to item 346.

341. MINUTES OF THE MEETING HELD ON 24 APRIL 2020 AND ACTION LOG

The minutes of the meeting held on 24 April 2020 were agreed as a correct record.

The Action Log was noted and the following items were discussed:

Item 183 – officers commented that the action relating to St Ives Football Club should read 'completed', as St Ives Football Club were no longer moving site.

A number of Members queried the action relating to legal advice on This Land (Item 274(2)). The Chairman confirmed that there had been an update within the previous 24 hours and information would be circulated to Committee Members following the meeting. It was noted that the original discussion had taken place in confidential session, and the advice of the Monitoring Officer was that the subsequent legal advice was also confidential. It was agreed that there would be a confidential item on this matter at the next Committee meeting.

Another Member expressed concern that he would not be able to raise concerns following receipt of the legal advice. It was confirmed that as there would be an item at the next meeting, so discussion could take place. The Member asked for officers to look at ways this type of situation could be avoided in future.

Officers confirmed that although the Member representative was not currently sitting on that Board, the shareholder was currently represented by two nominated non-executive directors. It was confirmed that a report would be brought back to enable Members to make decisions on next steps, and the issue of the Member representative on the This Land Board could then be addressed.

On the point of feedback from This Land non-executive Directors, it was noted that regular shareholder performance updates were taking place, and that Committee Members could attend (as an observer) meetings of the This Land Board, or ask questions of the non-executive directors at any point. It was agreed that a list of scheduled This Land Board meetings could be circulated. **Action required.**

Another Member commented that it had taken a long time to respond to the This Land query, and a lot of concerns could have been addressed if the advice had been more timely, and if a schedule of This Land meetings had been circulated to the Committee.

In relation to item 293, it was noted Service Improvement Plan would be deferred from June until September due to a variety of issues, including Covid-19 and the forthcoming Audit & Accounts Committee report on property matters.

It was noted that action 292 had been completed, and that two additional quarterly monitoring reports had been circulated to Committee, providing the most up to date information possible.

The Action Log was noted.

342. PETITIONS AND PUBLIC QUESTIONS

There was one Public Question. The detail of the question, and the response, are attached at appendix 1 to these minutes. It was noted that the question had not yet been published on the website. The Democratic Services Officer apologised and agreed to publish the question on the website following the meeting. **Action required.**

343. EAST CAMBRIDGESHIRE ADULT SOCIAL CARE SERVICE DEVELOPMENT

The Committee considered a report about developing specialist services within the county. The proposed development was part of a wider strategy to provide facilities within the county. The County Council's Capital Board had agreed to provide £1M

funding, and in principle agreement from the NHS England for further funding. The facilities were for adults with very specific environmental needs, and there was no suitable local provision currently. Additionally, there was no appetite in the market, as the cost of land and development within the county made this prohibitive; nor was there any opportunities available in the wider market.

Two potential sites had been identified in Burwell and Swaffham Bulbeck. It was stressed that there were very specific environmental needs for one of the service users, who had very strong links with East Cambridgeshire. This person's needs were such that they needed to be in a private space, on the outskirts of a conurbation, not overlooked by anyone, and in a low sensory environment. A feasibility study had been carried out by Faithful & Gould, and the Burwell site met all the environmental requirements of both the specific individual and the wider cohort of potential service users, and there were also two social enterprises well established nearby. The plan was for the County Council to manage the build of the accommodation, and would then lease the building to a Registered Housing Providers, who would provide tenancies and support to service users. The cost of the build was estimated to be approximately £3M, and would take two years. Attention was drawn to the timeline and planning feedback from East Cambridgeshire District Council, appended to the report.

Arising from the report:

- A number of Members indicated that they strongly supported this project in principle, but queried the very detailed specification to meet the needs of a particular individual, and whether there was a risk of designing something for an individual, which was not suitable for others? Officers acknowledged that there were specific requirements for that individual, but most of those needs were replicated in the cohort that would be served by this facility;
- A Member was disappointed that there was not a wider discussion of risk and what the maximum exposure of the Council would be, which was likely to be wider than the planning and market testing issues. The Member also commented that she had been concerned that the site was isolated from the community, but she had been reassured by officer and Local Member comments that it was on the outskirts of a supportive community. Officers advised that they were working very closely with the NHS England Housing Advisor for the region, and outlined the engagement that had taken place regarding housing providers, and the importance of being absolutely clear about requirements, and using proven and experienced providers;
- A number of Members noted that whilst this was an Adults Committee decision to establish the facility, was the decision to locate in East Cambridgeshire short-term, driven by existing service users, and would the facility be available for all Cambridgeshire residents? Officers stressed that this was a countywide facility to meet service users with particular complex needs. It was suggested that it would have been helpful to have a section in the report explaining the particular focus on East Cambridgeshire;

- A number of Members expressed concern about the lack of detailed financial information, including ongoing revenue costs. One Member, whilst acknowledging the basic principle from the Adults Committee regarding the appropriateness and savings the facility would provide, commented that from the Commercial & Investment Committee perspective, he was disappointed with the report's lack of financial information, and the apparent focus on one small part of county because of the needs of one individual. He was unsure whether decision making on that basis was appropriate, given that there were parts of the county where land was cheaper. He suggested that a confidential appendix providing the detail on costs and alternatives involved would have been appropriate, as there was a lack of understanding of the opportunity costs of the scheme, and a lack of evaluation of finances concerned.

It was resolved unanimously to:

To consider the use of the former Burwell Highways Depot and Fire Station Site for the development of a specialist Supported Living building to serve East Cambridgeshire.

344. SWAFFHAM PRIOR COMMUNITY HEAT PROJECT

The Committee considered a report on progress with the Swaffham Prior Community Heat Project, which sought permission to continue with the next stage of the process.

The background and main issues relating to the Project were outlined. The proposal had come from the residents of Swaffham Prior, which is a village dependent on oil heating. The Swaffham Prior Community Land Trust had already secured funding to undertake a high level feasibility study in the village. As a result of various subsequent phases of work, the Outline Business Case could now be shared. The project has been developed with five strategic purposes including decarbonisation, access to everyone and the costs to be less than or equivalent to oil. In addition, seeking to bring full fibre to the village to incentivise residents to make the switch and commit to signing up to the project. One of the motivators behind the project was that it could be replicated, in part or wholly, across other communities and the learning from the emerging business and governance models will be important to share.

It was noted that it was within the Council's legal powers to develop energy projects on its land. In order to invest in the project and make it a viable proposition customers would need to sign up to the project and agree to be supplied by the green heat. The risks of the project were also noted, including the government's Renewable Heat Incentive (RHI), which would end on 31/03/21. Another risk was sign ups to the scheme, in the current Covid-19 situation, as it was more difficult to get quality time with individuals to explain the heat agreements and sign up electronically. .

Arising from the report:

- Members noted that it was possible to pre-register for RHI, but to do so, it was necessary to have Planning Consent and an investment decision in place. It was anticipated that these should be place by November 2020. The challenge is the project has designed both an air source heat pump (ASHP) and ground source heat pump into the project and for the ASHP this would need to be commissioned by March 2021, in order to secure the RHI. It was currently unclear how projects with both technologies would manage their RHI applications. It was also noted that the government may be extending the time window for project commissioning for those that have secured the tariff guarantee (the pre-registration process).;
- A Member commented that whilst the project was clearly laudable, it was not economically viable at this time without subsidy, and he did have concerns about the viability of the project, especially around RHI and the uncertainty of various funding elements. He praised the wealth of financial information contained within the report. Acknowledging the concerns raised, officers reassured that were very positive about the likelihood of securing the £2.08M Heat Network Investment Project grant, and the outcome was expected shortly. In terms of RHI, whilst there were concerns, one of the recommendations was to be proactive and try to secure a round table meeting with MPs on the challenges and complexities around retrofitting villages such as Swaffham Prior. It was noted that the full Business Case and final decision would be considered by the Committee in October or November, and there would be clarity on the RHI and funding streams at that point;
- A number of Members commented that they did not agree with the analysis of the current low oil price, which they felt was only temporary and short term, and should not be a deterrent to the scheme. Officers clarified that whilst agreeing that low oil prices were temporary and short term, this could have a negative impact on the willingness of new customers to sign up to the project at this point if financial constrained as a result of Covid-19. Another Member observed that five year oil futures were currently low, so it was not just a short-term issue. Officers responded that whilst oil prices may be depressed, national strategy in terms of carbon pricing would also need to be factored in. A bigger challenge for the project team was exchange rates and supply chain accessibility for goods and services to deliver the project;
- In response to a Member question, it was confirmed that 166 residents had indicated their support for the project, and the financial modelling was based on 50% uptake from the outset, with a 10% increase in Years 2 to 5 to achieve 90% in total.

It was resolved unanimously to:

- a) Note progress to date with the development of the project;
- b) Approve the further commercialisation of the outline business case as set out in section 2.2;
- c) Approve the proposed commercial structure for the project;
- d) Delegate to the Chief Finance Officer, in discussion with the Committee Chair, signing of the Heat Networks Investment Project (HNIP) contract, if the Council is awarded grant for commercialisation and construction of the Heat Network;
- e) Approve Bouygues Energies and Services Solutions Ltd. as the Design, Build, Operate and Maintain (DBOM) contractor;
- f) Note the application to the Department for Transport for Street Works code powers;
- g) Progress a Round Table discussion on the Renewable Heat Incentive (RHI) with Business, Energy and Industrial Strategy (BEIS) and the Office of Gas and Electricity Markets (OFGEM) involving MPs and Ministers on the Swaffham Prior Community Heat Project; and
- h) Note the Key risks and in particular the Covid-19 risks and the importance of this project to support Economic Recovery.

345. MINOR WORKS FOR ST IVES SMART ENERGY GRID

Members considered a report on progress with the St Ives Smart Energy Grid, and sought approval to commence minor works. Introducing the report, officers explained that the project required grant funding before it could go ahead. A number of issues had been resolved, but not all conditions had yet been met. Three options were available to progress the scheme, and Option 2 - Carport Foundations only (excavations, foundations, refinish concrete and tarmac) – was the recommended option, and it was also the least cost option (£20,000).

In response to a Member question, the issues around the Land Title registration that could interfere with the project were explained. It was confirmed that this related not to existing conditions, but conditions that the Land Registry *may* apply, but were unknown at this point. These would only be put in place with the Council's agreement. It was confirmed that there was one Restriction that had been dealt with, which related to the former use of the site as a quarry.

It was resolved unanimously to:

1. Note progress with the project; and

2. Approve the commencement of minor works to implement the car port foundations on site before the expiration of the planning permission i.e. before 6 July 2020.

(Councillor Jenkins withdrew from the debate and voting for the following item)

346. COMBERTON VILLAGE COLLEGE LOW CARBON HEAT NETWORK AND OTHER SCHOOL HEAT PUMP PROJECTS

The Committee considered a report which sought agreement to a development budget for a low carbon heat network project at Comberton Village College, and to develop planning applications for smaller heat pump projects at other academy schools, capturing Renewable Heat Incentive (RHI) revenues. As with the earlier item on the Swaffham Prior project, the paybacks were dependent on securing RHI funding, and in order to achieve timelines required to secure this, the projects would need to commence as soon as possible. The finances and carbon reductions were outlined. It was stressed that there were more risks in these projects than other energy projects, due to the combination of very tight timescales and funding risks, the reliance on external organisations in relation to planning and development, and the relative unfamiliarity of the team with this type of project. Ultimately, it could be the case that some projects may turn out not to be viable, and the development costs spent up to that point would have been sunk. However, the potential gains in terms of carbon reduction was considered worthwhile.

Since the report had been circulated, officers had engaged with a Heat Pump expert, who had recommended that in terms of the high level project timescale (Appendix 1 of the report), the commissioning elements needed to be a couple of months longer, taking the completion date to January 2022.

A Member queried whether the Commercial & Investment Committee was the appropriate Committee to consider this report, or whether this project was more relevant for the new Environment and Sustainability Committee, as the key outcome was decarbonisation. It was noted that the remit of the respective Committees was being reviewed carefully, but that reports on energy projects would be considered by the Commercial & Investment Committee until the new Committee was established. In discussion, a number of Members noted that Commercial & Investment Committee focused on investment, so would continue to be involved in energy projects. Another Member commented that the risk should be held by the Environment and Sustainability Committee, as the project was about decarbonisation rather than financial return. On the subject of finances, the Deputy Chief Executive advised that it was correct at this point in time that the Commercial & Investment Committee took this decision, but acknowledged the point about risks of the investment potentially being vired to the new Committee at some point in the future.

From a technical perspective, officers advised that construction and building infrastructure projects can be assessed through whole life cycle carbon assessment,

which would assist and inform future decisions of this type. The RICS and other bodies have established methodologies for these assessments.

It was resolved unanimously to:

1. Approve a development budget of £213,406 for a low carbon heat network project at Comberton Village College and for smaller heat pump projects at Impington Village College & The Galfrid school; and
2. Approve the development of a model Heat Purchase Agreement for use with academies and confirming the acceptability of this with the Education & Skills Funding Agency.

347. CAMBRIDGESHIRE COUNTY COUNCIL'S RESPONSE TO COVID 19

A report was presented on the Covid-19 response to date for those services within the remit of the Commercial & Investment Committee.

Given the rapidly changing situation and the need to provide the committee and the public with the most up to date information possible, the Chairman reported that he had accepted this as a late report on the following grounds:

1. Reason for lateness: To allow the report to contain the most up to date information possible.
2. Reason for urgency: To enable the committee to be briefed on the current situation in relation to the Council's response to Covid-19 for those services for which it was responsible.

The Chairman highlighted that the financial appendix was confidential, and should not be referred to in the public discussion.

The Director of Business Improvement & Development introduced the report which provided an overview of the Council's activity in response to the evolving emergency situation, and in line with emerging government guidance. Current issues for the Council were the reopening of schools, funding for Adult Social Care, and the establishment of Track & Trace, and these issues would be explored in further detail at the relevant Committees.

Section 5 of the report set out the response of the Services within the Committee's remit, including Investment portfolio, where a reduction in rental investment of around £1M was anticipated, half of which related to Brunswick House. It also referred to the delay in making Multi Class Credit investment, originally scheduled for April, but paused in the light of current situation and market changes.

The report also explored Property issues, safely opening building, and procurement issues. Cambs 2020 and Energy Schemes were being progressed as much as possible.

The Deputy Chief Executive advised that the impact of Covid-19 was not as significant in the Committee's service areas, when compared to other areas of the Council's work. However it was important to focus on generating as much income from the Council's commercial investments. The overall figures included new commitments required, income foregone and impaired savings. In total for the Committee, this was just over £2.2M, the vast majority in relation to commercial portfolio. There was a small amount of additional costs such as additional cleansing of buildings to make them operationally safe for staff. The measures to support tenants were also set out in the report.

The Chairman thanked officers for their invaluable work over recent weeks.

Arising from the report, a Member thanked queried the assumption that new bookings would be taken for Brunswick House from September onwards, given that Cambridge University had indicated a move to remote lectures in the new academic year, which was likely to impact on that assumption. Responding, officers advised that that part of the report was written before that announcement, and a significant number of Brunswick House students were from overseas, and it was still unclear how the University's plans would be implemented. Another Member commented that tutor group type activity would continue as normal, which would imply students would still be resident in Cambridge.

It was confirmed that the income loss of £3-4M referred to in paragraph 3.5.2 of the report included all income to *all* Committees, e.g. on street parking charges, not just Commercial & Investment Committee.

It was noted that the report gave a link to the reports published weekly, but the last one available was dated 27th April. Officers advised that highlight reports were published in the body of the report to individual Committees, then at end of month all were published together for transparency, which was then considered by the General Purposes Committee.

One Member referred to the Economic Recovery 'Dashboard' which South Cambridgeshire District Council were creating, and whether it would be possible to feed in to the Economic Recovery Sub Group. Officers advised that there was a representative on that sub group who would be reporting back.

It was resolved unanimously to note the report.

348. COMMITTEE AGENDA PLAN, TRAINING PLAN AND APPOINTMENTS TO OUTSIDE BODIES

The Committee considered the Agenda Plan, Training Plan and appointments to outside bodies.

A number of changes were noted to the Agenda Plan. It was noted that the Committee training session on Investment was now likely to be held at 2pm on 19th June.

In light of the confidential report on This Land that would be considered by the Committee in June, the late circulation of the Outside Bodies/internal groups appendices, and the changes to Committee membership, it was agreed that consideration of Outside Bodies (Appendices 3 and 4 to the report) would be deferred until the June meeting.

It was resolved to:

- (i) review its agenda plan attached at Appendix 1 to the report;
- (ii) review its training plan attached at Appendix 2 to the report;
- (iii) defer consideration of the appointments to outside bodies as detailed in Appendix 3 to the report;
- (iv) defer consideration of the appointments to Internal Advisory Groups and Panels as detailed in Appendix 4 to the report.

PUBLIC QUESTION

On behalf of the Cambridge Green Party

The County Council has discussed Climate Change and Environment Strategy on 19th May.

This strategy (Table 2) puts forward a number of targets. How will the Committee plan and monitor its contributions to these?

Will the Committee examine links with fossil fuel companies and how it will in the future?

How will the Committee show leadership and influence across Cambridgeshire in tackling climate change?

RESPONSE

1. How will the Committee plan and monitor its contributions to these (*Climate Change and Environment Strategy targets*)?

Monitoring progress towards achieving our ambitious targets is very important to the County Council. This is why alongside our Strategy we have published a comprehensive Action Plan, setting out how we will implement the Strategy and what steps we will take towards meeting our targets. The Action Plan also includes specific actions on monitoring and measuring of change, including publication of an annual carbon footprint report to measure and demonstrate progress against our targets.

In addition, the Council has formed a new Environment and Sustainability Committee, who have responsibility for overseeing the implementation of the new £16million Environment Fund to support the delivery of the Strategy, its targets and action plan.

2. Will the Committee examine links with fossil fuel companies and how it will in the future? Yes, the Council does examine its links with fossil fuel companies, as it does for any company, and will continue to do so for all its investment and other decisions to deliver the ambitions of the Climate Change and Environment Strategy. Our Strategy has a strong focus on greening finance. The Council is actively working to develop and invest locally in green projects using its assets to facilitate this where it can. For example, the Council has committed to take all its Council offices (it owns and occupies) off fossil fuels by 2025; we purchase only green electricity for our buildings; we generate green electricity from our solar farm near Soham and we are looking to invest in our communities to help decarbonise homes. We are actively using Council land and investments to bring change.

3. How will the Committee show leadership and influence across Cambridgeshire in tackling climate change?

You'll see in Figure 4 in our Strategy that the Council recognises its differing levels of control and influence over things that impact on climate change across the county. We have set out in each of our priority areas throughout the Strategy, how we will show leadership, and where collaboration

with partners and others will be required. For example, within the 'Energy efficient, low carbon buildings' priority, we will show leadership by getting our own house in order and replacing oil and gas with renewable heating in our own buildings. At the same time, we will be using our influence to help householders shift onto renewable energy, though supporting community heat projects and investing in renewable energy schemes. Alongside this, the Council has been asked by UK100 to lead a Countryside Climate Network, to share best practice on climate initiatives with other rural local authorities and to test new ideas through this network to support and influence government policy making and inform International Climate discussions as part of next year's COP26 conference that will be hosted in the UK.