

COUNCIL

THURSDAY, 27 JULY 2006

DECISIONS

Set out below is a summary of the decisions taken at the meeting of the Council held on Thursday, 27 July 2006. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Holly Adams.

PRESENTATIONS

Before the start of the meeting the Chairman made the following presentations:

- Investors in People Award: received by Stuart Harwood-Clark, General Works Manager, on behalf of Environmental Services staff;
- Municipal Journal Employee Wellbeing Achievement of the Year Award: received by Kelly Quigley, Communications Officer, who had composed the wording in the Council's application to the Municipal Journal; and
- Planning and Regulatory Services Online (PARSOL) award for technical innovation for our "planning expert" on the web site – presented by the Resources, Staffing, Information & Customer Services Portfolio Holder and received by Steve Rayment, Assistant Director Finance and Resources (ICT), on behalf of IT and Planning staff.

RACE EQUALITY SCHEME (CABINET 13 JULY 2007)

Council **RESOLVED** that the Race Equality Scheme be adopted.

RENEWAL OF CONTRACT - DEVELOPMENT SERVICES (CABINET 13 JULY 2007)

Council **RESOLVED** that the contract for the administrative post (D.6.9) in the Major Developments Team be renewed for a further two years, accepting the financial risk arising from the temporary nature of Planning Delivery Grant funding.

REVISIONS TO THE CONSTITUTION (CONSTITUTION REVIEW WORKING PARTY 13 JULY 2006)

RESOLVED that names be recorded for all decisions taken under item 7.

TEXTUAL REVISIONS TO THE CONSTITUTION

Council **RESOLVED** that, in the interim until further amendments are made to the Constitution, "the Chief Executive may delegate any of his powers, functions and responsibilities in whole or in part that are capable of delegation to such other suitable experienced and qualified officer as he may think fit – but shall remain accountable and may himself continue to exercise or share those powers, functions or responsibilities."

Council further **RESOLVED** that the Constitution be amended as follows (amendments in ***bold italics***):

- (a) Change references to Finance and Resources Director to ***Chief Finance Officer*** throughout except as indicated below
- (b) **ARTICLE 6, SCRUTINY AND OVERVIEW COMMITTEE**

6.01 Composition and Terms of Reference (page B-9)

Combine the first two sentences to read: "***The Council will appoint a Scrutiny and Overview Committee comprising between 14 and 16 councillors.***"

(c) **ARTICLE 11: JOINT ARRANGEMENTS**

11.02(d) Joint Arrangements (page B-18)

Delete "if the Council approves" and insert "***...where the joint committee has functions for a part only of the district, smaller than two-fifths of the district by area or population. In such cases the executive may appoint any councillor who is a member for a ward which is wholly or partly contained in the relevant area.***"

"In this case political balance requirements do not apply."

11.04(a) Delegation to and from other local authorities (page B-18)

Add "***non-executive***" before "functions"

11.05 Contracting Out (page B-19)

Add "***Council or***" before "executive"; and "***their respective***" before "functions"

(d) **RESPONSIBILITY FOR EXECUTIVE FUNCTIONS:**

Table 2A (page C-9) and **Table 2B, Executive Delegations by Portfolio** (page C-17)

Combine Resources and Staffing and Information and Customer Services portfolios

Table 2B

Staffing Matters No 3 (page C-11)

Amend so that Portfolio Holder approves pay awards or allowance adjustments within budget provision; Cabinet recommends to Council if they fall outside budget provision. The Chief Executive could approve the implementation of national allowance adjustments provided they are within budget.

Financial matters 7 (page C-12)

Delete detailed reference to Rule 5, Budget and Policy Framework Rules and insert "***See Rule 5...***"

Housing (page C-18)

To delegate to officers, on a permanent basis, the following delegated powers of the Housing Portfolio Holder:

No 65	Management Transfers	Housing Services Manager
	Assignment of tenancies	Housing Services Manager
	Discretionary points award	Housing Advice and Options
	outside normal allocations policy	Manager

Table 3

Pending a further review of officer delegated powers, insert the table agreed by Cabinet on 9 June 2005 for powers delegated to officers in relation to the provisions of the Anti-Social Behaviour Act 2003 for high hedges.

- (e) **COUNCIL STANDING ORDERS**
- 1.1 Annual Meeting – Timing and Business** (page D-2)
Delete item (x) “approve a programme of ordinary meetings of the Council for the year;”
- 2 Ordinary Meetings** (page D-4)
Amend first sentence to:
“Ordinary meetings of the Council will take place in accordance with a programme **agreed by** Council.” (i.e. delete “decided at the Council’s annual meeting”)
- 6 Notice of Summons** (page D-4)
Second sentence – amend to “**the Chief Executive will send a summons...**”
- 10.3 Notice of Questions by the Public** (page D-7)
Amend first sentence to:
“A question.....by delivering it in writing or by electronic mail to the proper officer no later than midday **6 3** days before the day of the meeting.”
- 10.4 Number of questions** (page D-5)
Add “**at the meeting**” at the end of the 1st sentence
- 10.10 Reference of question to the executive or committee** page D-8)
Replace first 2 sentences with “**Discussion can only take place on a question if the Chairman agrees.**”
- 18.1, Record of Attendance** (page D-13)
Amend to: “**All members are required to sign the attendance sheet before the conclusion of the meeting to assist with the record of attendance.**”
- 22.1 Suspension of Standing Orders** (page D-15)
Add “**SO17.2**” to the exceptions.
This is a required SO, previously omitted from this paragraph
- (f) **FINANCIAL REGULATIONS** (pages I-1 to I-13)
- Amend references to the Finance and Resources Director to **Chief Executive** in paragraphs: **17.2 Land and Property, 19. Data Protection, 22. Information Technology and 23. Risk Management** (pages I-10 – I-13)
- 1.2 General** (page I-1)
Amend “Section 1(1) of the Local Government Act 1992” to “**Section 44(1) of the Audit Commission Act 1998 for the collection, recording and publication of information relating to standards of performance.**”
- 2.4 Accounting** (page I-1)
Amend 1st sentence to “**The Chief Finance Officer shall be consulted...**”
- 3 Financial Control** (page I-2)
3.2 Amend 1st sentence to “**The Chief Finance Officer shall be informed immediately...**”

3.6 Amend second sentence to “***The Chief Finance Officer shall be consulted...***”

Delete “(who shall in turn report as soon as reasonably practicable to the Management Team)”

16.3 Insurances (page I-10)

Delete “following consultation with the Chief Executive”

18 Internal Audit (page I-11)

18.2 Amend the last sentence to “***The Chief Finance Officer*** shall consider whether to refer any irregularity to the Police.” (deleting reference to the Chief Executive)

18.4 Insert after “Chief Executive” at the end of the paragraph, “***and/or the Leader of the Council.***”

(g) **CONTRACT STANDING ORDERS** (pages J-2 – J-11)

Amend references to the Finance and Resources Director to ***Chief Executive*** in paragraphs: **7.1 Submission, Receipt and Custody of Tenders, 8.3 Opening** (page J-6), **19.1 & 5 Legal Services and 20.3 Form of Contract** (pages J-9&10).

8.1 Opening (page J-6)

Amend first sentence to “***...by officers from the procuring service and a legal officer or an officer designated at the time for the purpose by the Chief Executive.***”

(h) **DELEGATION RULES** (pages M-1 – M-5)

Add a new paragraph after the existing paragraph 1.2:

“The Leader and in his/her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in their absence.”

(i) **MEMBERS’ ALLOWANCE SCHEME** (pages Y-1 – Y-7)

Insert revised scheme as agreed by Council on 23 February 2006 – allowance rates only amended.

4. Renunciation (page Y-1)

Amend Finance and Resources Director to ***Chief Executive***

REVISIONS TO THE CONSTITUTION - STANDARDS COMMITTEE (ARTICLE 9)

Council **RESOLVED** that Article 9 of the Constitution – Standards Committee be amended as follows (amendments in ***bold italics***):

(a) **Article 9.01, the Committee:**

“The Council will establish ***and maintain*** a Standards Committee. ***Under the regulations, Standards Committees are not subject to the political balance requirements of sections 15-17 of the Local Government and Housing Act 1989. This is to allow the Standards Committee to be seen as being above party politics and comprised of representatives that command the support of the whole authority, regardless of party political loyalties. The Standards Committee should include representatives from all groups represented on the council and should be constituted to ensure that no one political group dominates.***”

- (b) **Article 9.02(a), Composition:**
 “The Standards Committee will be composed of **at least**:
- 6** councillors, **excluding members of the executive**, (council members)
4 persons who are not councillors or officers of the council or any other relevant body (independent members)
3 members of parish councils in the Council’s area (parish members);
- At least 25% of the members of the Standards Committee must be independent members.**
- (c) **Article 9.02(b), Council Members:**
 “**The Council will appoint the Council Members.**”
- (d) **Article 9.02(c), Independent Members, second bullet point:**
 “Their appointment shall be **ratified** by Council on the recommendation of the appointments panel **of the Standards Committee, its size and composition to be determined by the Committee Chairman in consultation with the Monitoring Officer.**”

SUBSTANTIVE REVISIONS TO THE CONSTITUTION

Council RESOLVED

- (a) that amendments be made to the Constitution as follows (amendments in **bold italics**):
- Principles of Proportionality** (page N-1)
 Amend the First Principle to read: “Appointments to all constituent bodies of the Council (except the Standards Committee) shall be in the same proportion as the numbers in each recognised political group are to the overall membership of the Council, members independent of the main political parties being recognised as a single group for this purpose. The nominations of the groups shall be accepted by Council (other than in the case of the Standards Committee).”
- Delete the Second Principle.
- Amend the first sentence of the Third Principle to: “If any political group or party withdraws from **any constituent body of the Council...**”
- Amend the first sentence of the Fourth Principle to: “If any member of **a constituent body of the Council** resigns...”
- Council Standing Orders**
 Add sub-paragraph (a) to SO7, Chairman of Meeting: “**The Chief Executive or an officer nominated by him or her may preside at the election of the Chairman.**”
- (b) that the Constitution does not obstruct the Cabinet holding informal meetings;
 (c) that the Constitution Review Working Party recommend a mechanism for removing a group nomination where the nominee loses the confidence of the group or changes group allegiance during the year;
 (d) the Constitution provide for substitutes for committee meetings with full voting rights;
 (e) the Development and Conservation Control Committee should be renamed

- the Planning Committee;
- (f) no formula be required for achieving “best fit” in the sizes of committees;
 - (g) deciding between group nominations on outside bodies when representatives and one substitute are required be left to the groups;
 - (h) no amendment to the Constitution be required to permit councillors who are not members of the relevant body to remain in a meeting when the public have been excluded, but that the chairman at the time invite members to remain where this is appropriate;
 - (i) the appropriate forum for raising concerns of a confidential or individual nature be left to the discretion of individual members;
 - (j) no further measures be required at the present time to encourage the public to ask questions;
 - (k) consideration of further amendments to executive delegated powers be deferred to a later date;
 - (l) portfolio holder meetings not be open to the public;
 - (m) specific functions not be delegated to the Leader other than the existing overall responsibility for travellers issues;
 - (n) there be no requirement to make provision for a state of the district debate;
 - (o) no decision be made on the size of the Planning Committee and that the ability to attend site visits not be mandatory for membership;
 - (p) the Planning Committee not be divided into two; and
 - (q) consideration of the number of portfolios be deferred pending finalisation of the officer structure.

Council further **RESOLVED** that the recommendation from the Constitution Review Working Party, “that Councillor Batchelor, with his group, prepare a paper setting out the reasons why the Council should formally recognise the existence of an opposition, and the areas of the Constitution which would be affected” be deleted.

APPOINTMENTS TO THE STANDARDS COMMITTEE (DISTRICT AND PARISH MEMBERS)

On the proposal of Councillor Mrs DSK Spink, seconded by Councillor RF Bryant, Council **RESOLVED** that Councillor NN Cathcart (LAB) remain on the Standards Committee until the conclusion of his four-year term in 2008.

Council further **RESOLVED** that Councillors RF Bryant (IND), Mrs CA Hunt (CON), A Riley (IND) and Dr SEK van de Ven (LD) be appointed to the Standards Committee to serve until May 2010.

Council **NOTED** the election by parish councils and meetings of Dave Kelleway, Teversham Parish Council, to the third parish member position on the Standards Committee, to serve until May 2010 or until he ceases to be a member of Teversham Parish Council, whichever is sooner.

APPOINTMENTS MADE BY THE COUNCIL TO EXISTING OUTSIDE AND JOINT BODIES

Council **RESOLVED** to make the following appointments to outside and joint bodies:

Cambridge East Member Reference Group	RJ Turner
Gypsy and Traveller Development Plan Document Member Reference Group	Mrs SJO Doggett
Mepal Outdoor Centre	NCF Bolitho

APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

Council **RESOLVED** that, with effect from 1 July 2006:

- (a) Gregory John Harlock be appointed Electoral Registration Officer for this Council for the purpose of the registration of Parliamentary and Local Government Electors (Section 8(2)(a) of the Representation of the People Act 1983); and
- (b) Gregory John Harlock be appointed Returning Officer for this Council for the election of District and Parish Councillors (Section 35(1) of the Representation of the People Act 1983).

ANNUAL AUDIT AND INSPECTION LETTER 2004/05

Council **RECEIVED** the Annual Audit Letter 2004/05.

REPORTS OF MEETINGS

The Minutes of the following meetings were **RECEIVED**:

Cabinet	13 July 2006
Transformation Committee	17 July 2006
Development and Conservation Control Committee	7 June 2006
Employment Committee	22 June 2006
Licensing Committee	26 June 2006
Scrutiny and Overview Committee	15 June 2006
Audit Panel	30 June 2006

CHAIRMAN'S ENGAGEMENTS

The Chairman's engagements since the last Council meeting were **NOTED**.