



SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

ANNUAL COUNCIL MEETING
THURSDAY, 24 MAY 2007

AGENDA AND REPORTS

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

If the press and public are likely to be excluded from the meeting during consideration of the following item on the grounds that exempt information is to be considered, it will be necessary to pass the following resolution: "That under Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph (quoting relevant paragraph) of Part 1 of Schedule 12A (as amended) of the Act."

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

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

THURSDAY, 24 MAY 2007

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

DATED 16 May 2007

GJ HARLOCK
Chief Executive

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

AGENDA

PRESENTATION

To present a cheque to the Milton Children's Hospice, the Chairman's Charity for 2006-2007.

1. APOLOGIES

2. ELECTION OF CHAIRMAN

To elect the Chairman of the Council for the 2007-2008 Civic Year.

3. APPOINTMENT OF VICE-CHAIRMAN

To appoint the Vice-Chairman of the Council for the 2007-2008 Civic Year.

4. DECLARATIONS OF INTEREST

5. MINUTES

To authorise the Chairman to sign the Minutes of the meeting held on 26 April 2007 as a correct record.

(Pages 1 - 8)

6. REPORT OF THE RETURNING OFFICER

To receive the attached report on the results of the elections held on 3 May 2007.

(Pages 9 - 12)

7. CHAIRMAN'S ANNOUNCEMENTS

8. QUESTIONS FROM COUNCILLORS AND THE PUBLIC

8 (a) From Councillor RB Martlew to the Planning and Economic Development Portfolio Holder

"The response (to my previous question on the subject) from Cllr. Mrs. Spink as Planning Portfolio Holder included the statement that she considered that the present

status of the metal conveyor belt was 'unlawful development'.

1. What steps are being taken to bring this into a 'lawful' status?
2. Is it possible at this stage to place an enforcement order on this development?
3. Can I assume that had an enforcement order been placed on the conveyor belt development when it was first drawn to the attention of the Planning or Environmental Health Services; a normal planning application would have had to be submitted, or that legal proceedings could have been taken against TKA?

"If such a planning application had been made, can I assume that it would have involved

1. notification and consultation with the Parish Council, the residents, and the local member?
2. The PC and the local member and the residents having the opportunity to bring to the committee's attention the extent of the local problems?
3. A decision would have been made by the Planning Committee, taking into account those objections and any recommendations of the planning officers?
4. A decision, which could have included conditions on structure and materials; siting and orientation; as well as restrictions on the timing of the use of that facility?
5. TKA having the right to have taken any decision to appeal?

"Failing to serve an enforcement order on TKA at the appropriate time prevented those parties from having an input into the decision.

- Please can you confirm the above?
- What measures are in place to ensure that such a failure does not occur again?
- Can we offer the residents any hope of improved conditions related to the noise they are subject to at present?"

8 (b) From Councillor NCF Bolitho to the Environmental Health Portfolio Holder

"The Smoking Ban comes into force on July 1st. What pro-active action is being or is going to be taken by SCDC to ensure that the Smoking Ban is enforced? And what action is or will be taken to ensure that pavements and streets outside pubs and clubs in South Cambridgeshire are kept clean following the introduction of the Smoking Ban? The latest edition of Local Government First forecasts that up to 25 tonnes of extra cigarette rubbish could be dumped on Britain's streets every day as a result of the new smoke-free laws. Has SCDC considered selling special fire-proof butt bins to pub and club owners to fix to their properties? Will the provision of butt bins be a mandatory requirement for any changes to an establishment's licensing requirements?"

8 (c) From Councillor NCF Bolitho to the Planning and Economic Development and Conservation, Sustainability and Community Planning Portfolio Holders

"The Cabinet is to be congratulated in helping to convince the Government that Northstowe should be built as one of the five new eco-towns in Britain. What action, however, is the appropriate portfolio holder or holders taking to ensure that the houses (including a large number of affordable properties) that will be built there will be powered entirely by solar and wind power to ensure they have a zero carbon footprint? In other words conventional forms of heating and lighting should not be installed. It would also be eco-friendly and eco-efficient if the roofs of all the properties could be grassed over or planted with wild flowers."

8 (d) From Councillor NJ Scarr to the Housing Portfolio Holder

"Will the Housing Portfolio Holder please confirm that tenants' representative for the purpose of Housing Stock Options Appraisals will be elected by and from all the Council's tenants in a process overseen by Electoral Reform Ballot Services as an

independent and credible organisation outside the Council?"

9. PETITIONS

To note all petitions received since the last Council meeting.

10. ELECTION OF LEADER OF THE COUNCIL

To elect the Leader of the Council for the 2007-2008 Civic Year.

In accordance with Article 7 of the Constitution, it is for the Leader subsequently to make appointments to the Cabinet and to allocate portfolio responsibilities.

11. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:

11 (a) Joint Planning Services Arrangement (Cabinet, 10 May 2007)

Cabinet **RECOMMENDED TO COUNCIL** that:

- (a) delegated authority be given to the Leader and the Planning and Economic Development Portfolio Holder, in consultation with the Executive Director, to continue to work with Cambridgeshire County Council and Cambridge City Council to develop a structure and scheme of delegation to Officers of the three authorities to provide development control advice to the Joint Committees, such scheme to be approved by the relevant Joint Development Control Committee at its first meeting;
- (b) the joint development control committees be authorised to exercise their delegated powers from 1 September 2007 but may meet prior to that date in preparation for the discharge of their duties;
- (c) the Leader and Planning and Economic Development Portfolio Holder be authorised to agree changes to the terms of reference and appendices governing the working of the joint committees (but not the extent of the powers delegated) following consultation with the Executive Director; and
- (d) delegated authority be given to the Leader and Planning and Economic Development Portfolio Holder in consultation with the Executive Director to resolve issues in relation to the proposed joint policy-making arrangements for consideration by Cabinet and Council at a later date.

11 (b) Appointment of Independent Members to the Standards Committee 2007/08-2011/12

It is a legal requirement that 25% of the Standards Committee be independent members ('Independent' in this context means simply a person who is not a member or officer of the Council, any parish council in the district or any other relevant authority; it has no connotation with political independence from any party or political group). An appointments process has begun to fill the vacancies left after resignations of two of the independent members. Article 9 of the Constitution states that, "[Independent Members'] appointment shall be ratified by Council on the recommendation of the appointments panel of the Standards Committee", but it will not be possible to complete the appointments process in time to report the results to Council on 19 July. The next ordinary meeting of Council is on 18 October.

The Standards Committee Appointments Panel Task and Finish Group **RECOMMENDED TO COUNCIL** that, in this instance only and due to the extraordinary circumstances, authority be delegated to the Standards Committee Appointments Panel to appoint at least three independent members to the Standards

Committee for four-year terms from 2007/08-2011/12.

11 (c) Size and Membership of Committees (Constitution Review Working Party, 10 May 2007)

The Constitution Review Working Party **RECOMMENDED TO COUNCIL:**

- (1) That a Policy Development Committee be established, its Terms of Reference to be considered by the Constitution Review Working Party for agreement by Council and inclusion in the Constitution.
- (2) That every non-Executive Member of the Council shall be afforded the opportunity to sit on at least one of the following Council bodies:
 - (a) Planning Committee;
 - (b) Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act);
 - (c) Scrutiny and Overview Committee;
 - (d) Policy Development Committee (subject to approval of (1) above);
 - (e) Employment Committee;
 - (f) Electoral Arrangements Committee;
 - (g) Audit Panel.
- (3) That Executive (Cabinet) Members shall not sit on the above bodies, excepting the Employment Committee which shall continue to be subject to the provisions of Table One of Part 3 of the Constitution (Portfolio Holder with responsibility for staffing to be an *ex officio* Member of this Committee);
- (4) That any Member with suitable experience be invited by the Scrutiny and Overview Committee to serve as an additional member of Task and Finish groups as appropriate;
- (5) That the size of the above bodies be agreed as follows:
 - (a) Planning Committee - 15 Members;
 - (b) Licensing Committee and Licensing Committee (2003 Act) – 15 Members;
 - (c) Scrutiny and Overview Committee – 15 Members;
 - (d) Policy Development Committee (subject to approval of (1) above) – 5 Members;
 - (e) Employment Committee – 7 Members;
 - (f) Electoral Arrangements Committee – 7 Members;
 - (g) Audit Panel – 7 Members.

12. APPOINTMENTS TO COMMITTEES AND JOINT COMMITTEES OF THE COUNCIL

- (1) To appoint Members to Committees and Joint Committees of the Council. In accordance with the provisions of the Local Government and Housing Act 1989 and the Council Resolution in May 2006 to introduce proportionality, Council is required to allocate seats to political groups on committees and joint committees in accordance with the rules of political balance.
- (2) Following the District Council's elections held on 3 May 2007 it is anticipated that the political groups will be constituted as follows:

Name of Group	Number of Members
Conservative	31
Liberal Democrat	16
Independent	8
Non-group Councillors	2

- (3) Final details setting out membership of each political group will be circulated to councillors prior to the meeting. Under the Local Government (Committees and Political Groups) Regulations 1990, political groups have to be formally established before they can be recognised. At the time of preparing this report, officers had not received formal notification under the above legislation.
- (4) Councillors who do not align to a group will have no entitlement to seats on committees and do not have to be allocated seats on any committee. Seats **can** be allocated to these Members, however, at the discretion of the Council. It is recommended that Council allocate a seat to these Councillors on the Scrutiny and Overview and Licensing Committees. Should the non-group Councillors come together to constitute a group then they would become legally entitled to a percentage of seats on each committee proportional to their group's overall membership of the Council
- (5) The membership of groups in proportion to the total membership of the Council is therefore as follows:

Group	%
Conservative (31 Members)	54.38
Liberal Democrat (16 Members)	28.07
Independent (8 Members)	14.04
Non-group Councillors (2 Members)	3.51

Non-group Councillors represent 3.51% of the total membership of the Council.

- (6) The following table recommends an allocation of seats on Committees and the Audit Panel, based on the above percentages. It is recommended that single seats on the Licensing and Scrutiny and Overview Committees be allocated to the non-group Councillors and an additional seat on the Planning Committee to the Liberal Democrat Group. The allocation of this extra seat to the Liberal Democrat Group will allow greater opportunity for non-Executive Members of that group to be offered seats on the Council's standing committees. It is considered that the allocations in table 1 accord with the principles of proportionality and the desire of the Constitution Review Working Party for each non-Executive Member to be afforded the opportunity to sit on at least one of the Council's Standing Committees. Council may, however, alter the allocations at its discretion, subject to notes (1) to (5) below.

TABLE 1 SIZE AND RECOMMENDED ALLOCATION OF SEATS ON COMMITTEES AND THE AUDIT PANEL FOR 2007-2008

Committee / Panel	No. of seats	Cons	Lib Dem	Inds	Others
Licensing Committee Licensing Committee (2003 Act) Licensing Committee (2005 Gambling Act) <i>(see note 3 below)</i>	15	8	4	2	1*
Scrutiny and Overview Committee	15	8	4	2	1*
Planning Committee	15	8	5*	2	0
Policy Development Committee	5	3	1	1	0
Employment Committee	7	4*	2	1	0

(See note 4 below)					
Electoral Arrangements Committee	7	4	2	1	0
Audit Panel	7	4	2	1	0
Total	71	39	20	10	2

*Additional seat allocated to the Liberal Democrat Group on the Planning Committee and seats allocated to non-group Councillors on the Scrutiny and Overview and Licensing Committees

NOTES

- (1) The bodies and total number of seats on each, set out in Table 1 above, is provisional and subject to Council agreement of the recommendations of the Constitution Review Working Party in Agenda item 11c above.**
- (2) The allocations to each group (and discretionary allocations to non-Group Councillors, as the case may be) may be varied by agreements between the groups, having regard to the statutory principles of proportionality which provide that, as far as is practicable, the majority of seats be allocated to the political group forming a majority of the Council's membership and that the number of seats allocated is in proportion as is borne by the number of Members of a political group to the membership of the Council.**
- (3) The Licensing Committee, Licensing Committee (2003 Act) and Licensing Committee (2005 Gambling Act) are separate entities but should comprise the same members**
- (4) The Employment Committee's membership shall include the Portfolio Holder with responsibility for staffing matters.**
- (5) Subject to agreement of the recommendation of the Constitution Review Working Party at item 11c above, all non-executive Members shall be offered the opportunity to sit on at least one of the bodies set out in the table and, with the exception of the Employment Committee (see note 4 above), no executive (Cabinet) member shall sit on them.**

TABLE 2 ALLOCATION OF SEATS ON JOINT COMMITTEES FOR 2007-2008

Committee	No. of seats	Cons	Lib Dem	Ind	Other
Northstowe Joint Development Committee	6	3	2	1	0
Fringe Sites Joint Development Control Committee	6	3	2	1	0
TOTAL	12	6	4	2	0

NOTES

- (1) The number of seats on the Committees in Table 2 above is in accordance with the Resolution of Council at its meeting on 22 February 2007.**
- (2) The allocations to each Committee may be varied by agreements between the groups, having regard to the statutory principles of proportionality which provide that, as far as is practicable, the majority of seats be allocated to the political group forming a majority of the**

Council's membership and that the number of seats allocated is in proportion as is borne by the number of Members of a political group to the membership of the Council.

An Appendix has been circulated to Group Leaders and Conveners, requesting nominations to Committees and Joint Committees in accordance with the allocations set out in the above tables. Details of these nominations will be circulated to Council as soon as they are available.

District Council appointments to the Standards Committee

Under the terms of Article 9 of the SCDC Constitution, the Standards Committee will be composed of at least 6 councillors, excluding members of the executive (Council Members). The committee is 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.

The Council's current representatives on the Standards Committee (Councillors EW Bullman, NN Cathcart, Mrs CA Hunt, A Riley, Mrs VM Trueman and Dr SEK van de Ven) are serving four-year terms of office expiring in 2008 or 2010. Council is not obliged to review current representation on the Standards Committee at this time. However, the workload of this committee is expected to increase greatly within the next municipal year as the Council becomes the "local filter" for all code of conduct complaints involving South Cambridgeshire district and parish councillors instead of the Standards Board for England. This new role will also be supplemented by Committee members needing to be available to take part in an increased number of hearing panels relating to local investigations as this work is similarly passed to the Council from the Standards Board for England. All members of the Committee and their respective political groups may wish to consider if they are able to commit fully to participating in this greatly increased workload, consequently Council may consider a review at this stage to be appropriate.

RECOMMENDATION

- (1) That Council determine the allocation of seats on, and make appointments to, Committees and Joint Committees in accordance with Tables 1-2 above and based on the requirement for political proportionality.
- (2) That Council note the rules governing the appointment of district councillors to the Standards Committee and consider whether it is appropriate to review nominations at this stage in light of the above information.

13. APPOINTMENTS TO THE CONSTITUTION REVIEW WORKING PARTY

This is a standing working party of Council. In accordance with a previous Resolution the working party shall comprise the Leader, Deputy Leader, Chairman of the Council and the Chairman *or* Vice-Chairman of the Scrutiny and Overview Committee plus one representative of each of the political groups.

A request for nominations to the working party has been circulated to Group Leaders and the nominations of the groups will be reported at the meeting.

RECOMMENDATION

That the Leader, Deputy Leader, Chairman of Council and Chairman or Vice-Chairman of the Scrutiny and Overview Committee be appointed to the Constitution Review Working Party along with one representative of each of the political groups.

14. APPOINTMENTS TO THE CLIMATE CHANGE WORKING GROUP

Following the Resolution of Council on 25 January 2007, Council is required to appoint nine Members to the Climate Change Working Group in accordance with political proportionality.

RECOMMENDATION

That 9 Members be appointed to the Climate Change Working Group for 2007-2008, appointments to be made in accordance with political proportionality.

15. APPOINTMENTS TO OUTSIDE AND JOINT BODIES

- (1) Attached is a list of the bodies to which Council is requested to make appointments.
- (2) The appointments have been categorised as follows:
 - Appointments where vacancies have arisen following elections or otherwise;
 - Appointments to be made on a politically proportionate basis;
 - Annual appointments by office;
 - Ratification of existing appointments until the end of the members' term(s) of office (see paragraph 4 below).
 - Bodies which have been disbanded since May 2006, or to which the District Council no longer makes appointments (to be noted).
- (3) Details of the appointments have been circulated to Group Leaders for endorsement. A final version, incorporating nominations to fill vacancies, will be circulated as soon as it is available.
- (4) In order to streamline the appointment process and reduce officers' and group leaders' workloads Council is recommended to agree, that, with effect from the 2007-2008 Civic Year, appointments be made until the expiry of the appointee or appointees' term(s) of office.

RECOMMENDATION

That Council make appointments to outside bodies as set out in the Appendices, appointments to be made until the expiry of the appointee or appointees' term(s) of office.

(Pages 13 - 16)

16. NOMINATION OF REPRESENTATIVE TO ATTEND THE LGA ANNUAL CONFERENCE

To determine whether to send representatives to the Annual Meeting and Conference of the Local Government Association to be held in Birmingham on 3-5 July 2007 and, if so, decide on an appointment from Council.

17. TERMS OF REFERENCE OF COMMITTEES 2007-2008

In accordance with Standing Order 1.2 it is necessary for Council, at its Annual Meeting, to agree Terms of Reference for the Committees it has agreed to establish

for the 2007-2008 Civic Year.

Terms of Reference for the Joint Planning Committees are subject to separate consideration by Council at Agenda Item 11a above.

Council is recommended to **RESOLVE**:

- (1) That no changes be made to the Terms of Reference of the following committees:
 - Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act);
 - Employment Committee;
 - Electoral Arrangements Committee;
 - Audit Panel.
- (2) That the Chief Executive be authorised to amend the Terms of Reference of the Planning Committee to reflect the joint working arrangements, subject to the agreement of the recommendations in Agenda Item 11a above;
- (3) That the Chief Executive be authorised to amend the Terms of Reference of the Scrutiny and Overview Committee following the establishment and agreement of Terms of Reference for the Policy Development Committee, subject to the agreement of the recommendation in Agenda Item 11c above.

18. PERFORMANCE PLAN 2007

To consider the report of the Chief Executive in respect of the process for the approval of the Performance Plan (report and appendices attached).

Council is **RECOMMENDED**:

- (a) To instruct the 2007 Performance Plan to be prepared on the basis of:-
 - (i) The previously approved priorities for 2007/08 (customer service, affordable housing and successful, sustainable communities at Northstowe and other growth areas);
 - (ii) The proposals in **Appendix 1** to achieve those priorities in 2007/08;
 - (iii) The performance indicator targets in **Appendix 2**;
 - (iv) The CGI Improvement Plan approved by the Council on 26th April 2007;
 - (v) The structure given in paragraph 9, above.
- (b) To delegate detailed approval of the Performance Plan to the Cabinet for publication by the statutory deadline of 30th June.

(Pages 17 - 44)

19. PUBLIC SPEAKING AT THE PLANNING COMMITTEE

The attached public speaking scheme has been developed in consultation with the Chairman of the Planning Committee. The guidance draws on best practice at other authorities with public speaking schemes and is recommended to Council for approval with effect from 1 July 2007.

RECOMMENDATION

That public speaking at Planning Committee be introduced with effect from 1 July 2007 based on the attached scheme, that the Planning Committee be authorised to review and amend the scheme from at its discretion, and that Part 4 of the Constitution be amended accordingly.

(Pages 45 - 48)

20. WRITE-OFF OF OUTSTANDING DEBTS 2006/07

To consider the report of the Chief Executive and Head of Revenues (attached).

(Pages 49 - 52)

21. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

22. CHAIRMAN'S ENGAGEMENTS

To note the Chairman's engagements since the last Council meeting:

Date	Venue / Event
28 April	Chairman's Charity Concert
30 April	County Women's Institute Annual General Meeting, Comberton
2 May	Rotary Club lecture
8 May	800 th Anniversary: Cambridge Mayoralty. Concert at the Guildhall
9 May	Mayor making ceremony at St Ives
14 May	Citizenship project at Milton School
18 May	Citizenship project at Steeple Morden School
23 May	Reception: Veterans of the 355 th Fighter Group
24 May	A428 Caxton Common to Hardwick improvement opening ceremony

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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Emergency and Evacuation

In the event of a fire you will hear a continuous alarm. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

Do not use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.

Do not re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

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Toilets

Public toilets are available on each floor of the building next to the lift.

Recording of Business

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee or sub-committee of the Council or the executive.

Banners / Placards / Etc.

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

Disturbance by Public

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

Smoking

The Council operates a NO SMOKING policy.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts. There shall be no food and drink in the Council Chamber.

Mobile Phones

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