

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Council held on  
Thursday, 22 July 2010 at 2.00 p.m.

PRESENT: Councillor Charles Nightingale – Chairman  
Councillor Tony Orgee – Vice-Chairman

Councillors: Frances Amrani, David Bard, Richard Barrett, Val Barrett, John Batchelor, Trisha Bear, Francis Burkitt, Brian Burling, Tom Bygott, Nigel Cathcart, Jonathan Chatfield, Pippa Corney, Douglas de Lacey, Jaime Dipple, Simon Edwards, Sue Ellington, Jose Hales, Roger Hall, Steve Harangozo, Lynda Harford, Sally Hatton, Tumi Hawkins, Liz Heazell, James Hockney, Mark Howell, Mrs PE Jarvis, Peter Johnson, Sebastian Kindersley, Mervyn Loynes, Ray Manning, Mike Mason, Raymond Matthews, David McCraith, David Morgan, Lorraine Morgan, Cicely Murfitt, Alex Riley, Deborah Roberts, Neil Scarr, Ben Shelton, Hazel Smith, Jim Stewart, Edd Stonham, Peter Topping, Robert Turner, Bunty Waters, John F Williams, John G Williams, Tim Wotherspoon and Nick Wright

|           |                |  |
|-----------|----------------|--|
| Officers: | Holly Adams    | Democratic Services Team Leader                                      |
|           | Greg Harlock   | Chief Executive  |
|           | Fiona McMillan | Acting Legal & Democratic Services Manager<br>and Monitoring Officer |

Apologies for absence were received from Councillor David Bird, Mark Hersom, Janet Lockwood and Bridget Smith. Councillor Sebastian Kindersley explained that Councillor Janet Lockwood, who had been recovering from a serious illness, had some time ago booked a holiday with her children, and was devastated not to be present at this meeting.

### **PRESENTATIONS**

Prior to the start of the formal meeting, the Chairman presented Long Service Awards to Gail Cooke, Housing Services Officer, and Sean Geoffrey O'Connor, DSO Operative, in recognition of their completion of 25 years' respective service with the Council.

The Chairman also presented retiring Chief Executive Greg Harlock with a garden fork and engraved shovel to commemorate his years at South Cambridgeshire District Council. The Leader, Councillor Ray Manning; Major Opposition Group Leader, Councillor Sebastian Kindersley; and Independent Group Convenor, Councillor Alex Riley, led tributes to Mr Harlock. Mr Harlock offered the Council his best wishes in the future addressing the challenges and opportunities ahead.

### **27. DECLARATIONS OF INTEREST**

Councillors John Batchelor, Sebastian Kindersley and Tony Orgee, all elected Cambridgeshire County Councillors, declared personal non-prejudicial interests in any items relating to Cambridgeshire County Council. In response to a query, the Acting Legal and Democratic Services Manager confirmed that it was not necessary to declare such an interest generally at the start of each meeting.

Councillor Frances Amrani declared a personal non-prejudicial interest in the Government Review of Council Housing Finance, as her brother was a Council tenant and Councillor Amrani had, in the past, been a tenant of another authority and had been through the homeless family referral unit. Notwithstanding this interest, Councillor Amrani remained in the Council Chamber and participated in the debate and vote on this

item.

Councillor Mark Howell declared a personal non-prejudicial interest in the Government Review of Council Housing Finance as a former Council tenant. Notwithstanding this interest, Councillor Howell remained in the Council Chamber and participated in the debate and vote on this item.

Councillor Mrs Liz Heazell declared a personal non-prejudicial interest in the Appointments to the Standards Committee 2010-14 as a former university classmate of Mrs Diane Best, Independent Member. Notwithstanding this interest, Councillor Heazell remained in the Council Chamber for the duration of this item.

## **28. MINUTES**

The Chairman signed the minutes of the 27 May 2010 Council meeting as a correct record.

## **29. ANNOUNCEMENTS**

The Chairman asked Members to remind their parish councils of the 31 July 2010 deadline for nominations for the Village Hero and Community Pride awards.

The Leader announced that the government had frozen all Local Public Service Agreement (LPSA) grant funding, which had brought to a halt all Local Strategic Partnership (LSP) projects. He commended officers, whose successful work to achieve the LPSA stretch targets had brought £9 million in reward grant to Cambridgeshire County Council for onwards distribution to the districts. Approximately £468,000 in funds were on hold, which would affect not only larger programmes like the Sustainable Parish Energy Partnership and the Quality Parish Council scheme, but also the Community Chest grants of £500-£1,000 for smaller local groups.

## **30. QUESTIONS FROM COUNCILLORS AND THE PUBLIC**

### **30 (a) Suspension of Standing Order 10.1**

On the proposal of Councillor Charlie Nightingale, seconded by Councillor Tony Orgee, Council **RESOLVED** that Standing Order 10.1, footnote 1, item 5 – “A maximum of ten minutes will be allowed for public questions on any specific agenda item” – be suspended for the duration of the public and member questions.

### **30 (b) Statement by the Environmental Services Portfolio Holder**

Before responding to the eight questions regarding Hauxton, the Environmental Services Portfolio Holder made the following statement: “Members will be aware that there is one councillor and seven public questions regarding the former Bayer site at Hauxton. Prior to answering these, I would like to make some general points about the council’s role and responsibilities at this site, building on the points made by the Executive Director at the last Council meeting.

“The Council takes its responsibilities to safeguard the health and wellbeing of its residents very seriously and our staff in Planning and Environmental Health services have been working diligently to ensure the site is remediated and implement the Council’s Planning Committee decision. In the course of achieving this objective, they have been working with the other public bodies who have duties in this matter, namely the Environment Agency, NHS Cambridgeshire and the Health Protection Agency, and

have ensured that local people and their elected representatives are receiving, up to date, factual information about operations on site.

“Our staff and their colleagues in the Environment Agency are in daily contact with the developer, Harrow Estates and their contractor Vertase FLI, to influence on site operations to minimise the impact of the works on local people and the local environment.

“Members will appreciate that this is a very serious matter, but it is also a very complex one which requires careful consideration of the facts and a high level of specialist technical expertise. I make no apology therefore for the length and detail of my replies to questions, and for the same reason I do not intend to respond to supplementary questions without the benefit of professional and technical advice. I shall however be pleased to respond to any supplementary questions in writing and I shall commit to publishing the questions and my answers on the Council’s website.”

**30 (c) From Councillor Deborah Roberts to the Environmental Services Portfolio Holder**

From Councillor Deborah Roberts to the Environmental Services Portfolio Holder:

“In the light of the public concern regarding unpleasant physical symptoms being experienced in and around Hauxton as well as the generally obnoxious odours being emitted day after day which are destroying the quality of life for so many residents of South Cambridgeshire and which goes against all the supposed values of SCDC will the council now take control of this situation, distance itself from the developers and their contractors, demand truly independent monitoring / evaluation, look at alternative methods of remediation that would not allow the airborne pollution to occur and thereby be seen to be acting in the public interest rather than as partners in the development of the former chemical works?”

The Environmental Services Portfolio Holder replied:

“Thank you for your question. I am aware that there has been extensive dialogue between yourself and officers on the technical aspects of this site. Having read those communications, I believe that this Council does have control of the situation and are acting in the public interest to achieve the successful remediation of this site. Our officers are leading the multi agency group of organisations involved in the site that is working to ensure that all measures are put in place to minimise the effect on the local community. However, in order to do this, we must work closely with the site developers and contractors to find appropriate solutions.

“The Health Protection Agency’s advice, following review of all current air monitoring, is that emissions from site are unlikely to cause any health effects to the local residents. The human nose is very sensitive to odours and some can cause a reaction in individuals.

“The Council has already taken all appropriate steps to secure the benefit of independent expert advice by way of a legal obligation creating a duty of care (collateral warranty) from both the Contractor (Vertase FLI) and the Consultants (Atkins). Atkins is one of the leading environmental consultancies in the UK. They have and will continue to act impartially and independently in their role as specialist consultant for the remediation works at the Hauxton site. They have a continual site presence to oversee the remediation work that Vertase are carrying out. Analysis of all samples taken from site are also analysed by an independent and accredited laboratory.

“When assessing the remediation application, costs were not a consideration to the council. The application was assessed on technical merit and on the basis of whether

the methodology proposed would address the significant pollutant linkages that exist on the site. Both the Environment Agency and this Council considered that the remediation methodology put forward, i.e. excavation and treatment, was the only method that would satisfactorily address the contamination at the former Bayer site. The soil material needs to be excavated because the contaminants cannot be effectively treated in the ground due to the geology and the nature of some of the contamination. The current methodology for the treatment of excavated soil is comprehensive and appropriate to ensure a solution for all material that may be found on site.

“It has been suggested that tents should be used to minimize emissions during the excavation phase. This is one of the options that have been considered, however, it is only a practical solution for small-scale remediation work. The Bayer site is a 20 acre site with substantial excavations which are carefully excavated, logged, exposed to the remediation process and returned to refill the original excavation site, tenting is not practical or manageable on such a large scale excavation and therefore all other best practice procedures have been put in place to minimise the odour created from the works.”

As a supplementary question, Councillor Roberts produced a jam jar of water she said had been drawn from ten yards outside the site boundary wall, and asked if any Executive Members and senior officers would smell or taste it. The Environmental Services Portfolio Holder offered to have the water sent for analysis.

**30 (d) From Trisha McCrae, resident of Hauxton, to the Environmental Services Portfolio Holder**

From Trisha McCrae, Resident of Hauxton, to the Environmental Services Portfolio Holder:

“The day to day checks and monitoring are being done on site by the contractor, who is working for the developer and are then overseen by Atkins who are also financially involved with the developer.

“With the present problems in mind this is hardly seen as a true independent and transparent process.

“In order to give the public some sort of confidence will South Cambridgeshire District Council now order the developer to pay for an objective independent expert in this field to be employed to do the required testing.

“Can this also include analysing the minor chemicals and components on site because as at present only the top 10 are being done.”

The Environmental Services Portfolio Holder replied:

“The Council has already taken all appropriate steps to secure the benefit of independent expert advice by way of the legal obligation creating a duty of care from both the Contractor (Vertase) and the Consultants (Atkins). Atkins is one of the leading environmental consultancies in the UK. They have and will continue to act impartially and independently in their role of specialist consultant for the remediation works at the Hauxton site. They have a continual site presence to oversee the remediation work that Vertase are carrying out. Analysis of all samples taken from site are also analysed by an independent and accredited laboratory.

“Regarding the monitoring of soil and water samples, there has been extensive site investigation and risk assessments undertaken to establish a set of Contaminants, a procedure set out in industry guidance. It is these contaminants of concern that are

routinely analysed in soil and water throughout the remediation process. In addition, condition 4 of the planning consent requires additional samples to be taken and analysed for any further contaminants that have not previously been identified to ensure that no new contaminants are being missed. The analysis of all samples is carried out by an independent and accredited laboratory.

“The analysis of the tubes used to monitor the air quality around the site are also sent to an independent and accredited laboratory. The laboratory reports the 10 compounds with the greatest concentration. Based on testing to date, it is unlikely that further significant compounds would be detected. The current monitoring reports include the top ten contaminants for each location. This method ensures that any substance that may not be expected is identified. We are sampling for all potential compounds but only the top ten in each location are reported because the remainder are at or below detection levels.

“All sample analysis results are posted on the joint website pages accompanied by the Health Protection Agency’s comments once they have been reviewed.

Ms McCrae asked, as her supplementary question, “I agree that Atkins is a big company. The first sentence of their methodology statement says that they have never done a cocktail like that at Hauxton before -- effectively letting them off the hook. Vertase says differently, says that the chemicals are more concentrated on site than in the village: this is not true. Benzothiazole levels are the same in the village as on site and sometimes higher. Vertase says one thing, the actual reports say otherwise. The public deserve to know that this is not simply a group of financially intertwined interests being more important than them. How much would it cost to do this right and save both reputations and possibly the future viability of the site?”

The Environmental Services Portfolio Holder asked for copies of the documents to which Ms McCrae referred and stated, “The site works are being carried out in line with best practice and all agencies involved are working together to ensure that all measures are put in place to minimise the effect on the local community.

“The Council has already taken all appropriate steps to secure the benefit of independent expert advice by way of duties of care from both the Contractor (Vertase) and the Consultants (Atkins). Atkins is one of the leading environmental consultancies in the UK. They have and will continue to act impartially and independently in their role of specialist consultant for the remediation works at the Hauxton site. They have a continual site presence to oversee the remediation work that Vertase are carrying out. Analysis of all samples taken from site are also analysed by an independent and accredited laboratory.”

**30 (e) From Linda Bland, resident of Hauxton, and Rob Thomas, resident of Harston, to the Environmental Services Portfolio Holder**

From Linda Bland, resident of Hauxton, and Rob Thomas, resident of Harston, to the Environmental Services Portfolio Holder:

“It appears that at the end of all this aggravation South Cambridgeshire District Council and the Environment Agency will sign the job off .

“If some years down the line, remembering that know one to date will give a 100 % guarantee that everything here is OK, if we were to experience another Corby like scenario will the responsibility not be fairly and squarely down to South Cambridgeshire District Council and the Environment Agency ?”

The Environmental Services Portfolio Holder replied:

"At Corby the Local Authority was not only the Planning Authority but was also the relevant landowner and had accepted legal responsibility for the decontamination and remediation works which it failed to carry out in a safe way. At Hauxton, South Cambridgeshire District Council is not the landowner and has no contractual /land ownership responsibilities/liabilities in relation to the decontamination and remediation works. The District Council's legal responsibilities are limited to its two roles as (i) Local Planning Authority in terms of it regulating the planning conditions, and (ii) in terms of its duty to inspect its area to detect any statutory nuisances and to take such steps as are reasonably practicable to investigate any complaint of a statutory nuisance.

"The long-term responsibility will remain with the landowner carrying out the decontamination and remediation works. Once the remediation process is complete there will be a minimum of at least six months monitoring to ensure that the works have been successful. At the end of this period Atkins will submit a full report to the Council detailing the works undertaken and the results of all sampling and analysis undertaken to verify the achievement of the target levels. Approval of this Verification Report does not give 100% guarantee that everything is OK. That responsibility remains with the landowner and with the authors of the Report. If any initial Verification Report does not demonstrate the effectiveness of the remediation works, and the Council is not satisfied, it will not be approved and no residential development will be permitted until a Verification Report is produced which does demonstrate the necessary effectiveness."

Ms Bland asked, as her supplementary question, "What kind of insurance policy does the Council have and does it provide for claims against individual councillors?"

The Environmental Services Portfolio Holder replied that, as previously stated, the Council was not the landowner and the responsibility remained with the landowner and the remediation works provider.

**30 (f) From Dr Charles Turner on behalf of the Cam Valley Forum to the Environmental Services Portfolio Holder**

From Dr Charles Turner on behalf of the Cam Valley Forum to the Environmental Services Portfolio Holder:

"In their Remediation Method Statement discussing "Contaminants of concern" Vertase noted:

"(A) The recommended targets produced by Atkins are certainly protective of all identified receptors .... However, for the avoidance of doubt we do not believe these targets are achievable through the use of readily available and commercially viable remediation technologies or without significant export of contaminated materials off site. (Page 60, Section 18.1)

"(B) It does mean that some material will be replaced at the site that does not meet the present generic criteria (Page 14, Section 6.4).

"Which are, and what is the nature of the chemicals that cannot be remediated - or not to the target levels - and so will be replaced and, more importantly, what measures will be taken to isolate them to ensure the safety of humans and groundwater?"

The Environmental Services Portfolio Holder replied, "The statements quoted from the Remediation Method Statement need to be read in the context of the sections from which they have been taken. These sections set out the possibility of reviewing the numbers that were used for the computer model to calculate the target levels for

remediation. The numbers currently used are very conservative estimates, however, through the excavation and remediation process more accurate numbers will be measured on site and these can be used in the models to produce new targets.

“Any proposed changes to the remediation targets following such a review of the computer model would have to be submitted and agreed as set out in condition 2 of the planning consent.

“The Remediation Method Statement correctly identifies that some contaminants are more treatable than others. South Cambridgeshire District Council and the Environment Agency will not accept the replacement of any soil that does not comply with agreed remedial targets. Any soils that, after extensive treatment, still have contaminant concentrations exceeding the agreed targets will need to be exported off site to a suitable licensed landfill. This is covered in the Remediation Method Statement to ensure that the treatment of excavated soil is comprehensive and that there is an appropriate option for all material that may be found on site.”

Dr Turner asked, as a supplementary question, "So you don't know whether there is a material that cannot be remediated?", to which the Environmental Services Portfolio Holder replied that the Council did not.

Dr Turner further asked, "In a letter to the Council from GTA Grimley in a report to Natural England, the cover system was designed to be protective to human health and must not be breached. In a response from Claire Sproats, the human health targets are limited to the top 1 metre. There must be some materials affecting human health and getting into the drainage system - do you regard as satisfactory the solution / remediation strategy which accepts that there are contaminants underneath and a cover on top?" The Environmental Services Portfolio Holder promised Dr Turner a written response.

**30 (g) From William Garfit, resident of Harlton, to the Environmental Services Portfolio Holder**

From William Garfit, resident of Harlton, to the Environmental Services Portfolio Holder: “As the owner of the old gravel pit site opposite the former Bayer site at Hauxton, I have serious concern for those who work here. They are exposed all day to the obnoxious smells and volatile chemicals in the air since remediation commenced in March.

“My daughter, Jackie Williams, proprietor of the Organic Health shop on our site, has had to be rushed to hospital on three occasions with severe breathing difficulties. She has never suffered breathing difficulties in her life before but occupational asthma has now been diagnosed and I am very concerned about her future health. She has had to close her shop as she is advised by the hospital doctors to keep away from the area.

“Mr and Mrs Noble run Cambridge Farm Machinery Company. They and their employees suffer symptoms such as sore throats and dry coughs, headaches, tingling lips and numb tongues. Much work on modern agricultural machinery needs to be done outside. However they are driven to operate in the workshop with the roller doors shut.

“At home in the village they, like so many residents of Hauxton, have to keep windows closed and are unable to sit in the garden.

“They are expected to exist like this for another 15 months.

“Would members of the South Cambridgeshire District Council tolerate these living and

working conditions for themselves and their families?"

The Environmental Services Portfolio Holder replied, "I acknowledge that residents appear to be affected by the remediation process and the Council continues to work with all organisations involved to do everything possible to reduce the odours from the site.

"The issue of asthma isn't a straightforward one and the HPA cannot comment on individual cases. However, in general it remains the HPA's opinion that there is no reason to suspect emissions from the remediation works at Hauxton are sufficient to cause asthma. In individuals with pre-existing asthma, episodes can be triggered by contaminants in the air. Such contaminants might include volatile organic substances or odours but any effect would depend upon their chemical composition, the levels and duration of exposure and an individual's sensitivity to odour. The main substances of concern for asthma triggers are allergens and irritant gases, which are present in the air from a variety of sources including natural and human activities. It is unlikely that emissions from the remedial works at Hauxton would trigger asthma. It is likely that other potential sources of asthma triggers (e.g. plant pollen, traffic) are more important factors."

Mr Garfit indicated that he did not accept the Portfolio Holder's answer as a response to his question and, as a supplementary question, asked, "Open remediation is not appropriate. I invite the Leader and Deputy Leader to visit Hauxton and the homes of those affected. If SCDC officers lived there, would you tolerate these conditions? I repeat my invitation: would you and the Council be happy to live and work in these conditions?"

The Portfolio Holder replied that many individuals had said that they would be happy to visit, noting that the work had to be done and the site had to be remediated.

**30 (h) From Martin Goldman, resident of Great Shelford, to the Environmental Services Portfolio Holder**

From Martin Goldman, resident of Great Shelford, to the Environmental Services Portfolio Holder "South Cambridgeshire District Council granted a licence for the so-called remediation at the Hauxton Bayer Crop Science site and consulted residents in Hauxton and Harston. In this matter, it did not consult or inform people in Grantchester, Barton, Coton, Haslingfield, Newton, Whittlesford, Stapleford, The Shelfords, Trumpington, south Cambridge and further afield."

The Environmental Services Portfolio Holder replied, "For any planning application, this Council has a duty to consult owners of adjoining land, either directly or by the posting of a notice on site. In addition the practice is that it consults with the relevant Parish Council where the site lies within its area. Consultations for the remediation application included the Parish Councils of Hauxton, Haslingfield, Great Shelford and Harston who were identified as the immediate neighbours. Four site notices were erected around the site and publication put in two places in the Cambridge Evening News on 19th December 2006. Both the remediation and development application were discussed in planning committee on two occasions and public minutes were published following these meetings."

Mr Goldman asked, as his supplementary question, "The council has said and written much about working to ensure its residents have a good quality of life by looking after them, and their environment.

"Its constitution claims that it is "committed to ensuring that South Cambridgeshire



continues to be a safe and healthy place for you and your family".

"It has powers to stop this nuisance to its residents' quality of life. Why is it not doing so?"

The Environmental Services Portfolio Holder replied, "South Cambridgeshire District Council has powers available to it in respect of statutory nuisance. We can only operate within the regulatory framework which requires us to make our judgements on the ordinary normal person. When investigating any complaint of disturbance, several factors need careful consideration by the Environmental Health Officer in determining whether the source is likely to constitute a statutory nuisance. Considerations to which the test of an ordinary normal person will be applied include location, time, duration, frequency, convention, importance to the community of activity and difficulty in avoiding external effects of activity.

Investigations have been undertaken at locations where complaints have been received, at all times of the working day during variable weather conditions, as well as early in the morning, at night and on weekends. If a statutory nuisance is established then South Cambridgeshire District Council must serve an abatement notice in accordance with the council's enforcement policy. However the Council is limited to the extent of enforcement action we can take at Hauxton due to the existence of the environmental permit. Any enforcement action for statutory nuisance would have to be approved by the Secretary of State for the Environment, as the primary enforcement body is the Environment Agency in its regulation of the environmental permit.

In the last fortnight I have asked for officers to undertake a review of the evidence of nuisance in respect of this site and the Principal Environmental Health is satisfied that the Council's procedures have been followed and at this time there is not a statutory nuisance on the grounds of odour."

**30 (i) From Linda Whitebread on behalf of the South Cambridgeshire Green Party to the Environmental Services Portfolio Holder**

From Linda Whitebread on behalf of the South Cambridgeshire Green Party to the Environmental Services Portfolio Holder: "I was surprised to see that the Council and other public bodies are sharing a website with the contractors carrying out the remediation work, rather than taking a more detached and regulatory stance. It also appears that the contractors are doing their own monitoring. Are these normal practices, and if so, how do the public bodies confirm that the measurements made by the contractor are done correctly?"

The Environmental Services Portfolio Holder replied, "The website you refer to is hosted and controlled by this Council as a means of providing information about the Bayer site to local residents. Whilst the developer and contractor share information, such as site photographs etc, they have their own web pages in relation to the site through their respective company's websites.

"It is normal practice for contractors to monitor their own work and this is a requirement of their Environmental Permit, which is regulated by the Environment Agency. The monitoring is verified by Atkins as an independent consultant and all of the analysis is carried out at an independent and accredited laboratory. All of the results are provided to this Council, the Environment Agency and the HPA for review, in addition they are all published on the dedicated website. SCDC and the Environment Agency also carry out random visits to monitor and validate procedures as well as any complaints."

Ms Whitebread asked, as her supplementary question, "All agree that the land needs to be cleaned up and it is a legitimate of the Council to require the developer to make sure the work is done before permission is granted to build houses. However, we are not happy with the shared website. It creates a conflict of interests. It is unfortunate to say that Council officers are working closely with contractors and are happy with the spot checks. The perception is that the Council is hand-in-glove with the developers. Will the Council consider detaching itself from the developers, using a separate website with a link to the contractor?"

The Environmental Services Portfolio Holder noted Ms Whitebread's concerns and said that the Council was willing to consider these suggestions and would see if it were practical for all concerned to implement.

**30 (j) From Jackie Williams, resident of Little Eversden, to the Environmental Services Portfolio Holder**

From Jackie Williams, resident of Little Eversden, to the Environmental Services Portfolio Holder: "As the owner of an organic food business in Church Road, Hauxton who has had to go to A&E twice in May and be seen by paramedics on a third occasion with breathing problems confirmed by A&E Doctors as being due to chemical inhalation, I would like S.C.D.C. to tell me if they consider the cocktail of chemicals being released from the Bayer Site to be safe for a pregnant woman to breath in approximately 48 hours per week? I am particularly concerned about research that shows that in some instances two toxic chemicals mixed together can be one thousand times more toxic than one of the original chemicals. Please bear this in mind before commenting on the safety of an unborn child."

The Environmental Services Portfolio Holder replied, "The Health Protection Agency has advised us that they do not expect an appreciable increase in the risk of cancers or birth defects to be caused by emissions from the remediation activities at this site. Their assessment is based on the results of air monitoring data at the site boundary. The current scientific view is that the probability of any health risk from exposure to mixtures of chemicals present at low levels is likely to be small. Furthermore, when there is exposure to multiple chemicals that cause toxicity in the same way, the combined effects are likely to be no greater than the additive effect. Only two chemicals, toluene and tetrachloroethylene have consistently been detected by the monthly monitoring at the site boundary. Even if these two chemicals were to cause toxicity in the same way, there would be no reason to expect adverse health effects, since the levels detected are many times below the levels required to cause ill health.

"I have been advised that the multi agency group working on the management of Hauxton issues remain open to receiving any relevant evidence to the contrary of this opinion."

Ms Williams asked, as her supplementary question, "We keep getting told that the chemicals are safe and there are no side effects. I have twice been to A&E and 1 time seen by paramedics: I do not consider this safe. Would you take such risks?"

The Environmental Services Portfolio Holder replied that she was not qualified to answer personally, but that the Health Protection Agency (HPA) advice was that there was no risk that they were able to identify.

**30 (k) From Councillor Hazel Smith to the New Communities Portfolio Holder**

From Councillor Hazel Smith to the New Communities Portfolio Holder: "I was concerned

to read in the Cambridge News that Dr Bard had decided to slow down even further the preparation of the Gypsy and Traveller Development Plan document (GTDPD). Policies on provision for this sizeable minority of the residents of South Cambs are referred to in our main LDF documents which were adopted many years ago now. We have looked into the needs of local Gypsies and Travellers at local and regional level to justify with evidence the numbers of pitches we were going to have to provide, just on the basis of families growing up and getting independent plots of their own. We know that the trajectory of new plots required was 69 from 2006 to 2011, another 27 up to 2016 and a further 31 to 2021 under the slimmed-down figures. As the RSS has now been abolished and neighbouring authorities in the East of England are now not having to make provision the need will be greater, perhaps up to half as much again.

“We have given permanent consent to 40 I know of, or perhaps a few more, up to now. There is also temporary consent to around 60 plots, many of them in Milton ward, and the GTDPD is now unlikely to be adopted in time for the end of the temporary permissions which have been given.

“Travellers have a justified expectation that this authority should have a proper policy, and tell them once and for all whether they can expect to be able to stay on their own land. Planning applications are increasingly likely to succeed on appeal, the longer we are without a credible strategy for providing for this community's needs. What is the administration's plan for the policy in this area?”

Councillor David Bard, New Communities Portfolio Holder, replied, “I am well aware of the importance of planning for the needs of our Gypsies and Travellers, who account for 1% of South Cambs population. The Council has been working for some time on the preparation of a Gypsy and Traveller DPD in view of the level of need for new pitches in the district, and two rounds of public consultation have already been undertaken.

“Unfortunately, just as we were making progress towards a further round of consultation leading to the preparation of a draft DPD, the significant changes being made by the new Government have meant that we have had to slow down that work. It is unfortunate, but there are good reasons for it.

“Members will recall that the Gypsy and Traveller DPD was aiming to meet the targets for pitch numbers set out in the East of England Plan. Members will also know that on 6th July, regional spatial strategies were revoked by the Secretary of State, meaning that they no longer form part of the development plan. As a consequence, we do not currently have an agreed target to provide for and it will be for the District Council through its plan making to identify a local target.

“However, it is important to realise that the impact of the loss of the East of England Plan could be particularly significant on South Cambridgeshire, as the high levels of need identified for the district in the 2006 Needs Assessment (the Cambridge Sub Region Traveller Accommodation Needs Assessment 2006) was to be spread across the region, to aid choice, and speed up delivery. This gave us a lower target in the RSS than could have been the case simply using our local Gypsy and Traveller accommodation needs assessment.

“Also relevant is that the new Government proposes to introduce changes to the planning system in the UK. This will include a change to the LDF system, which we anticipate will be introduced in draft in the Decentralisation and Localism Bill in November.

“The Government has said it intends to give local communities greater say in planning

decisions that will affect their local areas. They say that targets for numbers of pitches will now be set locally. They also say that local authorities should reflect local need and historic demand.

“Recent guidance from the CLG advises that needs assessments will continue to provide a good starting point. At the same time they say that local authorities are not bound by them.

“My judgement is that we need to proceed with caution during this period of uncertainty to make sure that any plan we prepare is likely to be found sound by independent Inspectors. CLG says that regulations and guidance for Gypsy and Traveller provision will be reviewed in due course.

“The Council will therefore now need to consider what is an appropriate target, that is transparent and can be defended, taking account of local need and historic demand, and any other relevant factors. This is likely to include the practicalities of delivering the number of new sites identified. This will need to be considered in the context of wider changes to the planning making system which will affect how we make plans in the future.

“For all these reasons, we consider the appropriate way forward is for the work on the Gypsy and Traveller DPD to now progress more slowly whilst we wait for the new government to produce the much needed guidance on how we should plan for the needs of our Gypsies and Travellers. Members should however be reassured that work is continuing to explore how needs can be met, and how sites can be delivered.”

Councillor Smith stated, as her supplementary question, "Travellers feel let down by the new government. I understand the Council's position: we need to reassure them that the thrust of the original policy is to provide for Travellers in the area and for their legitimate expansion."

Councillor Bard assured members that large resources in the New Communities service have been dedicated to this issue for the last two years and that the Council had no intention of abandoning it.

### **30 (I) From Councillor Sebastian Kindersley to the Planning Portfolio Holder**

From Councillor Sebastian Kindersley to the Planning Portfolio Holder: “Would the Portfolio holder please advise Council what the Administration's position is on Local Enterprise Partnerships? In particular I am interested to know with whom the Council expects to work; what the anticipated timeline for this is and what discussions have so far taken place.”

Councillor Nick Wright, Planning Portfolio Holder replied, “On 29th June, the Secretaries of State for Business, Innovation and Skills, and for Communities and Local Government wrote to local authorities and business leaders requesting outline proposals from partnerships of local authorities and businesses for Local Enterprise Partnerships (LEP's) by 6 September.

“The Government's stated expectation is that Local Enterprise Partnerships will be about setting the right conditions for growth and business, tackling issues such as planning and housing, local transport and infrastructure priorities, employment and enterprise and the transition of the low carbon economy. Supporting small business start-ups will be important. The Government has also said that Partnerships will work closely with academic institutions and that tourism will be important in some areas.

"It is expected that Partnerships will focus on supporting and enabling the private sector.

"The Council expects to work with the city council, the county council, the business and academic communities (especially these two) to submit a proposal for a LEP by 6 September. Discussions with these and other parties is ongoing, with the next high level meeting arranged for 28 July."

Councillor Kindersley asked, as his supplementary question, "If we are to be fully behind our own LEP, you need to engage all members now – will you assure members that this will not be Making Cambridgeshire Count v2?"

Councillor Wright replied that the proposal had been around for several months now and it had seemed appropriate to Cabinet to involve SCDC, Cambridge City Council, Cambridgeshire County Council, the University of Cambridge and local businesses as the highest level of growth in the County was in these areas and not in neighbouring Cambridgeshire districts. The Secretary of State was now suggesting that Cambridgeshire County Council work with other County Councils across the sub-region from Peterborough to Stansted.

### **30 (m) From Councillor Douglas de Lacey to the Planning Portfolio Holder**

From Councillor Douglas de Lacey to the Planning Portfolio Holder: "Will the Portfolio Holder please tell us how it is possible that an upgrade of a perfectly-functioning planning website, on which many Parish Councillors rely to fulfil their duties, can take over three weeks rather than the three milliseconds which switching systems in the 21st century would normally be expected to take?"

Councillor Nick Wright, Planning Portfolio Holder replied, "I agree that the changing or switching of websites takes but a moment. However the work being undertaken is much more than this and involves the closure of the existing planning database, the extraction of data and all related records back to 1948. This was then sent to our new supplier Swift LG where the data has been converted for import back into the new planning system.

"This work was scheduled to take two weeks and I can confirm it has been completed successfully. Testing of the data has taken place and the system went live on Monday.

"The planning service is acutely aware of the disruption to customers and has minimised this by clear scheduling of work and taking mitigating actions including interim working arrangements that allow members to be kept up to date with records of submitted applications, whilst at the same time publishing as much information as possible to the public. Please note that:

- All records that existed on the website prior to 2nd July have been fully maintained on the site, including notifications of decisions and details of any amendments. Only new applications were not appearing.
- For new applications, staff were validating these applications manually and creating a list that was regularly circulated to members via email. As soon as the new system was available, staff commenced uploading these applications so that they are available on the new search page as soon as it is turned on, which will be by the 26th July at the latest. Newly received applications are also being entered simultaneously to ensure no continuing delay to application detail availability.
- Parish Councils were informed of the planned procedure at the forum held on 14th June, prior to the transition commencing and although there were some concerns, in general Parish Councils expressed understanding, because the

manual system was to be introduced.

- Periods for consultations are unaffected by the transition between systems.
- Work to connect the new database with the new Swift webpages is underway and we expect to be live in the next day or two.“

Councillor de Lacey felt that this response did not address his question sufficiently and asked for further technical explanations, for example, why one database was shut down before another was opened, and was promised a written response.

### **30 (n) From Councillor Jose Hales to the New Communities Portfolio Holder**

From Councillor Jose Hales to the New Communities Portfolio Holder: “Could the portfolio holder explain to members what this council’s policy is now regarding housing provision numbers given, that the Regional Spatial Strategy policy has now been abolished?”

Councillor David Bard, New Communities Portfolio Holder, replied, “Shortly after the Secretary of State abolished the Regional Spatial Strategies for England, this question was answered in part by the Chief Planning Officer at the Department for Communities & Local Government who wrote to all local planning authorities to explain the practical implications of the Secretary of State’s decision and to provide guidance on how local planning authorities should proceed during the transitional period before the government’s new planning system comes into effect at the end of 2011. The Chief Planning Officer’s letter was put on the Council’s website on day it was received – 6th July.

“In reply to the question, the letter explains that the planning policies which will remain in force are the Council’s adopted Development Plan Documents and the saved policies from the Cambridgeshire and Peterborough Structure Plan 2003. The housing numbers that do apply are now only to be found in the Council’s Core Strategy which was adopted in January 2007 (20,000 homes 1999 – 2016), pre-dating the Regional Spatial Strategy which was not adopted until May 2008 (23,500 homes 2001 – 2021).

“This information and the links to both the Council’s Core Strategy and the Structure Plan ‘saved policies’ are on the Council’s website and this information was included in the July Planning Policy Update which is sent to all Parish Councils and to members.

“The housing numbers in our Core Strategy are based on the 2003 Structure Plan which was developed locally and endorsed by all of the Districts as well as the County Council. Those housing numbers were produced by local forecasts of the growth of the local economy and local population and are the houses that we all agreed would be needed to ensure the continued prosperity of the area and to stop houses becoming unaffordable to more local people. Based on those housing numbers we have an agreed development strategy which all Councils in Cambridgeshire have signed up to and, through the Joint Development Control Committees, we are actively delivering

“Looking to the future once the new local planning system is in place, housing numbers will be found in the new style Local Plans and will be based once more on forecasts of prospects for our local economy and population growth. We are already working with partners to begin the developing the evidence needed and I am looking forward to working with our local communities to develop the new local plans.”

Councillor Hales asked the Portfolio Holder if this would offer comfort to South Cambridgeshire residents still awaiting affordable housing. The Portfolio Holder replied that the growth agenda had been ambitious and that there had been some slippage due

to the economy from what was envisaged in the original plan. Major sites were now coming forward; for instance, the northwest Cambridge University application was now expected by the end of the year.

**31. PETITIONS**

No petitions had been received since the previous Council meeting.

**32. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:**

**32 (a) Amendments to the Constitution - Article 9 - The Standards Committee (Standards Committee, 16 June 2010)**

Councillor Tony Orgee proposed and Councillor Ray Manning seconded that the amendments to Article 9 be adopted.

Council **RESOLVED** to adopt the amendments to Article 9 – The Standards Committee as set out in the second column of the table attached to the Council agenda.

**32 (b) Government Review of Council Housing Finance: Proposals to Replace Housing Revenue Account (HRA) Subsidy System (Housing Portfolio Holder, 5 July 2010)**

Councillor Mark Howell proposed, seconded by Councillor Francis Burkitt, that Council endorse the Housing Portfolio Holder's response as the view of the authority and agree any further representations to be included.

Councillor Mark Howell, Housing Portfolio Holder, presented his personal response to the government's consultation on its review of Council Housing Finance, the deadline for which had been 6 July 2010. He explained that the government was seeking to pass back the £25 billion housing debt it had accumulated from Councils across the country, a figure which also included debt taken on by the government when Council houses were transferred to Housing Associations. Councillor Howell stated that he personally felt that it was unfair to ask the authority, currently debt-free, to take on a debt incurred elsewhere. The proposed debt allocated South Cambridgeshire District Council was the second highest in the country, equivalent to £36,000 per dwelling. Councillor Howell cautioned Members that a rejection of the government's debt offer outright left the Council unable to try to negotiate a better settlement, and that the Council had been advised that it must accept the debt voluntarily or the government would pass primary legislation to impose it. If Members were unable to support the Portfolio Holder's individual response, the Chairman of Council would write to the government to say that the full Council had rejected the offer in its entirety.

Councillor Howell reminded Members that the response from tenants during the Housing Futures ballot had shown that tenants were unhappy at the proposed £80 million debt to be taken on by South Cambridgeshire Village Homes, but that the debt proposed by the government was now £197 million, rising to £206 million within the first five years due both to interest and to the government's calculations which assumed that the authority had a higher rental income than it actually received. Councillor Howell confirmed that Members had been aware of these reforms since April 2010, and that the amount originally told to the Council had been £154 million, then £168 million, before the final consultation paper had been received with its offer of a debt of £197 million.

Councillor Sebastian Kindersley stated that the Liberal Democrat group would abstain as the information supplied was insufficient to allow them to form a view. Councillor Howell reminded Members that a report had been presented at his 19 May 2010 Portfolio

Holder meeting, at which the matter had been discussed thoroughly. Councillor Howell added that what was before Council was a response to a consultation document and not the final result of negotiations.

Councillor Tony Orgee noted that the consultation papers had been available for public consultation from April to July 2010 and read aloud his personal representations.

***Comments in support of the Portfolio Holder's response:***

- The Portfolio Holder had said that the Council supported in principle the move to a self-financing system for council housing, but opposed the imposition of such a significant debt incurred elsewhere as the price to be paid for that settlement;
- Only be voluntarily agreeing to accept some level of debt would the authority be in a position to negotiate;
- If the Council paid off the principal and the interest, the total debt should not rise above £206 million;
- After thirty years, the Council would be in a position where it owned all its housing stock and retained rents and capital receipts for local benefit;
- Council could reject the offer of a £197 million debt and have the full amount imposed by legislation, which would not be supported by tenants, or it could try to negotiate for a lower settlement knowing that tenants would prefer that debt be kept as low as possible;
- A subsequent government might change the redistribution of the debt.

***Comments opposing the Portfolio Holder's response:***

- The responses appeared contradictory: in paragraph 5.1 the Portfolio Holder stated that the self-financing proposal was preferable in the long term to the current system but the Council was reluctant to proceed to early implementation, but in paragraph 5.2 the Portfolio Holder stated that the Council could implement self-financing in time for 2011/12;
- Some Members felt that the Housing Portfolio Holder had responded without other Members being aware;
- The Portfolio Holder's response to the questions in the consultation did set out other alternatives;
- The scope for negotiation had been reduced by sending the response, as the Council had shown its hand;
- Commercial rates of interest were unknown and the interest payments would place an unsustainable burden on the Housing Revenue Account (HRA).

***General comments:***

- The public had to be made aware that any level of debt would require cuts to services to finance the debt and interest repayments;
- Abstention was unhelpful: Council was being asked to take a view on whether or not it accepted the principle of accepting to pay off debts incurred elsewhere, regardless of the actual amount of debt;
- The on-going ramifications would be for tenants rather than for council taxpayers generally;
- The determination to keep the Council debt-free was to be commended;
- The scale of the debt was opposed unanimously.

Councillor Simon Edwards, seconded by Councillor Howell, moved that the question now be put. Councillor Howell, supported by more than six Members, called for a recorded vote on whether or not Council endorsed the personal response he had made to the consultation document. Fifty-one Members recorded their presence for the vote.

**For (12)**



David Bard  
Roger Hall  
Tony Orgee  
Hazel Smith

Francis Burkitt  
Mark Howell  
Neil Scarr  
Peter Topping

Pippa Corney  
Mike Mason  
Ben Shelton  
Tim Wotherspoon

**Against (22)**

Richard Barrett  
Tom Bygott  
Sue Ellington  
Mervyn Loynes  
David McCraith  
Cicely Murfitt  
Robert Turner  
Nick Wright

Val Barrett  
Nigel Cathcart  
James Hockney  
Ray Manning  
David Morgan  
Alex Riley  
Bunty Waters

Brian Burling  
Simon Edwards  
Peter Johnson  
Raymond Matthews  
Lorraine Morgan  
Jim Stewart  
John F Williams

**Abstained (12)**

Frances Amrani  
Jonathan Chatfield  
Tumi Hawkins  
Sebastian Kindersley

John Batchelor  
Steve Harangozo  
Pauline Jarvis  
Deborah Roberts

Trisha Bear  
Sally Hatton  
Douglas de Lacey  
John G Williams

**Not Voted (5)**

Jose Hales  
Charlie Nightingale

Lynda Harford  
Edd Stonham

Liz Heazell

In response to a question by the Chief Executive, Council confirmed that it was satisfied that the votes had been recorded properly.

Council **REFUSED TO ENDORSE** the Housing Portfolio Holder's personal response to the government consultation and required officers to forward to the government the points raised at the Council meeting as the Council's response.

**32 (c) Capital Receipts Pooling: Equity Share (Cabinet, 8 July 2010)**

Councillor Simon Edwards, Finance and Staffing Portfolio Holder, explained that Cabinet's recommendations for managing the shortfall in resources caused by the requirement for the authority to re-purchase properties disposed of under equity share leases entered into prior to 2006. Councillor Edwards explained that the proposals reflected the tenants' preference, as expressed during the Housing Futures ballot, for Council houses remaining with the Council, and therefore Cabinet had rejected the option to transfer to a Housing Association vacant properties with pre-2006 equity share leases. Concerns were expressed at the absence of any indication from the government whether or not the Secretary of State would be minded to grant a direction to exempt the Council from capital receipts pooling of its residual interest in properties with pre-2006 equity share leases.

On the proposal of Councillor Edwards, seconded by Councillor Mark Howell, Council **RESOLVED** that:

- (a) direction be sought from the Secretary of State (under section 74 of the Local Government and Housing Act 1989) that the Council's residual interest in properties disposed of under pre-2006 equity share leases be removed from the Housing Revenue Account and transferred to the General Fund; and
- (b) an increase of £1,000,000 to the 2010/11 Capital Programme be approved for the re-purchase of equity share properties funded from either:
  - (i) capital receipts (up to 100% assuming that the direction at (a) is granted);

- or  
(ii) the balance from an increase in the Council's borrowing limits.

**32 (d) Clarifying Scrutiny Procedure and Related Definitions (Constitution Review Working Party, 22 July 2010)**

Councillor Charlie Nightingale, Chairman of the Constitution Review Working Party, proposed, seconded by Councillor James Hockney, Scrutiny and Overview Committee Chairman, that Council adopt the amendments to the Scrutiny and Overview Committee Procedure Rules and related Definitions. Councillor Sebastian Kindersley expressed concern that the proposed amendments to the call-in procedure at paragraphs 12.1 and 12.9.1 removed from the Committee the right to pre-scrutinise issues, and commented that Councillor Jim Stewart had not been present at the Constitution Review Working Party meeting and therefore the Liberal Democrat Group had not had any representation.

Councillors Nightingale and Hockney **WITHDREW** their motion to invite more members to participate in reviewing the proposed changes and this item was **REFERRED** back to the Constitution Review Working Party for further consideration.

**32 (e) Review of Procedures for Public and Member Questions at Full Council (Constitution Review Working Party, 22 July 2010)**

This item was **REFERRED** back to the Constitution Review Working Party for further consideration.

**33. APPOINTMENT OF A CHIEF EXECUTIVE / HEAD OF PAID SERVICE, ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER**

Steve Hampson, Executive Director (Operational Services) and Fiona McMillan, Acting Legal and Democratic Services Manager, left the Chamber for the duration of this item.

Councillor Simon Edwards, as Chairman of the Appointments Panel of the Employment Committee, commended the response received to the advertisement and the number of superb candidates who applied. The Appointments Panel's recommendation of Jean Hunter had been unanimous.

Council **UNANIMOUSLY RESOLVED** that:

- (a) Jean Hunter, currently Chief Executive of South Ribble Borough Council, be appointed Chief Executive Officer, Head of Paid Service, Electoral Registration Officer and Returning Officer for South Cambridgeshire District Council;
- (b) the offer of employment be subject to two exemplary references, medical clearance and eligibility checks in accordance with the Council's policies;
- (c) the appointment commence on a date to be mutually agreed, taking account of any contractual notice period that will need to be served at South Ribble Borough Council;
- (d) the salary offered be £120,000 per annum. There will be no other financial benefits offered with the appointment and no relocation package, with the exception of Returning Officer fees; and
- (e) the appointment be subject to a 6 month probation period.

Council further **UNANIMOUSLY RESOLVED** that:

- (f) Steve Hampson, currently Executive Director (Operational Services), be appointed Acting Chief Executive Officer, Head of the Paid Service, Electoral Registration Officer and Returning Officer from 1<sup>st</sup> September 2010 until such time that Jean Hunter takes up the Chief Executive post permanently;
- (g) Fiona McMillan, Acting Legal & Democratic Services Manager, be appointed Acting Monitoring Officer from 1<sup>st</sup> September 2010 until such time that Jean Hunter takes up the Chief Executive post permanently; and
- (h) that remuneration for the interim arrangements be delegated to the Leader and Finance and Staffing Portfolio Holder.

Councillor Manning thanked all the Appointments Panel members for their hard work.

#### **34. FOOD SAFETY SERVICE PLAN 2010/11**

Council congratulated officers on the new Scores on the Doors Elite award and **RESOLVED** to adopt the Food Safety Service Plan 2010/11.

#### **35. FRINGE SITES JOINT DEVELOPMENT CONTROL COMMITTEE - REVIEW OF SITE BOUNDARIES**

Councillor David Bard, New Communities Portfolio Holder, presented the revised Terms of Reference for the Cambridge Fringes Joint Development Control Committee, amendments to which had been proposed to include the extended NIAB site, as set out in the relevant Site Specific Policy of the Development Plan Document, within the Joint Development Control Committee responsibilities. The revisions had already been adopted by Cambridgeshire County Council and Cambridge City Council, and would come into effect only once all three authorities had agreed to adopt them.

Councillors Tom Bygott and Douglas de Lacey opposed the revised site boundaries as development on the site could see Girton parish become part of Cambridge City, preferring to keep development control of the site solely the responsibility of South Cambridgeshire District Council. Members noted that rejecting the amendments would require further consultation, delaying the delivery of sites for which applications were expected this year.

Councillor Ben Shelton proposed an amendment, seconded by Councillor Tom Bygott, that only South Cambridgeshire and Cambridgeshire County Councillors have voting rights for development on the NIAB2 site. Forty-six members registered their presence to vote and, with 14 in favour, 31 against and 1 abstention, the amended motion was **REJECTED**.

Councillor Bard confirmed that additional lands would be included to allow for landscaping proposals, such as Councillor Bygott's proposed woodlands or country park between Girton and Cambridge, as well as some of the surface drainage works. He cautioned that rejecting the revisions would demonstrate to the Council's partners that this authority was unwilling to work in partnership.

Forty-six members registered their presence to vote and, with 33 in favour, 13 against and no abstentions, Council **RESOLVED**:

- (a) to approve the amended Terms of Reference for the Cambridge Fringes Joint Development Control Committee as included in Appendix A to the report; and
- (b) that the Terms of Reference for the Joint Development Control Committee be

kept under review and any proposals for revision be brought back to Council when appropriate.

**36. CONTINUATION OF THE MEETING**

During debate on the previous item and in accordance with Council Standing Order 13(d), Council **RESOLVED** that the meeting continue beyond four hours in duration.

**37. FORMAL ADOPTION OF SECTION 64 OF THE TOWN IMPROVEMENT CLAUSES ACT 1847**

On the proposal of Councillor Nick Wright, seconded by Councillor Pippa Corney, Council **RESOLVED** to adopt the provisions of Section 64 of the Town Improvement Clauses Act 1847.

**38. APPOINTMENT TO THE STANDARDS COMMITTEE OF INDEPENDENT MEMBERS 2010-14**

Councillor Tony Orgee noted that Councillor Iain Booth of Cambourne Parish Council had been elected to fill the Parish Member vacancy, but had had to withdraw due to new work commitments, and so a further election would be held to fill the vacancy.

On the proposal of Councillor Tony Orgee, seconded by Councillor Ray Manning, Council **RESOLVED**

- (a) to co-opt Mrs Diane Best, Mr Raith Overhill and Mr Eric Revell to the Standards Committee as Independent Members for four years, 2010-14; and
- (b) formally to thank Ms Georgina Butcher, Independent Member 2006-10 and Chairman 2008/09, and Councillor David Kelleway, Parish Council Member 2006-10, for their contribution to the Standards Committee and service to the residents of South Cambridgeshire.

**39. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES**

Councillor Frances Amrani reported on the recent opening by the Governor of the Bank of England, Mervyn King, of the new Cambridge Citizens' Advice Bureau on Devonshire Street, which she had attended with Councillor Charlie Nightingale. The new premises would be open to the public on 26 July and the contact telephone numbers remained unchanged.

**40. NOTICES OF MOTION**

**40 (a) Standing in the name of Councillor Ray Manning, seconded by Councillor Sebastian Kindersley**

Councillor Ray Manning, seconded by Councillor Sebastian Kindersley, moved that "This Council publicly recognises the unique contribution that the Marshall Group has made to South Cambridgeshire for more than 100 years, both in economic terms by the provision of local employment opportunities and the supply of goods and services, but also by its direct and indirect investment in the local community, and calls upon the Chairman and Chief Executive to mark this special relationship in the form of a commemorative illuminated scroll."

Councillor Manning spoke of the importance of the Marshall Group to the local economy and to the local people, providing employment, supporting schools and local charities, and being a good employer genuinely concerned about the wellbeing of its employees.

Councillor Kindersley highlighted the Marshall Group's retention of its original engineering works and development of cutting edge technologies, commending its apprenticeship scheme as a model for other companies to follow. Many Members echoed these statements and offered personal remembrances of the Marshall Group.

Mr Jonathan Barker, company secretary for the Marshall Group, addressed the Council, was present at the meeting and received Members' gratitude for his personal efforts on behalf of the authority. He addressed the Council, thanking Members for their comments, for which he was grateful, and offered his thanks to Members and officers for their work in the community. He spoke of the more than four thousand Marshall Group employees worldwide and their families, their importance to the company and their gratitude to the Council for recognising their contribution to South Cambridgeshire.

Council unanimously **RESOLVED** to approve the above Motion.

**40 (b) Standing in the name of Councillor Sebastian Kindersley**

Councillor Sebastian Kindersley, seconded by Councillor Liz Heazell, moved that "This Council agrees to immediately cancel the competitive tendering exercise for Responsive Repairs on the basis that the exercise is costing this Council money unnecessarily and destabilising a profitable arm of the Council."

Councillor Kindersley expressed his dissatisfaction with the Cabinet decision on 12 November 2009 to proceed to tender, preferring that the service be retained in-house as it had proven successful. He felt that the tender exercise had been unnecessary and a waste of council taxpayers' money.

Councillor Mark Howell, Housing Portfolio Holder, explained that, although tenant satisfaction with the service was high, the Housing Futures papers had said that the service likely would be put to tender if the Council were to retain the housing stock. A peer review of the housing service had supported putting the service out for tender, as had the Tenant Services Authority (TSA). If the Council chose not to tender the service, it would have had to undergo an inspection by the Audit Commission and would have to demonstrate why it had not proceeded with the tender exercise; an Audit Commission inspection would cost the authority more than the tender exercise. Councillor Howell also reminded Members that one-third of the service had been awarded to Cambridge City Council. If the Council did not put all three contracts out to tender, it might have to transfer immediately all affected employees under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). Part of the revised tender documents would extend the contract length from two to five years, making it more attractive and potentially increasing the number of tenders received.

The motion was put to the vote. Thirty-seven Members recorded their presence. With 17 in favour, 19 against and 1 abstention, the motion was declared **LOST**.

**40 (c) Standing in the name of Councillor Mike Mason**

This motion was **WITHDRAWN** and **REFERRED** to the Constitution Review Working Party as part of the review of public and Member questions at Council meetings.

**41. CHAIRMAN'S ENGAGEMENTS**

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

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**The Meeting ended at 7.05 p.m.**

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**From Councillor Deborah Roberts to the Environmental Services Portfolio Holder:**

*“In the light of the public concern regarding unpleasant physical symptoms being experienced in and around Hauxton as well as the generally obnoxious odours being emitted day after day which are destroying the quality of life for so many residents of South Cambridgeshire and which goes against all the supposed values of SCDC will the council now take control of this situation, distance itself from the developers and their contractors, demand truly independent monitoring / evaluation, look at alternative methods of remediation that would not allow the airborne pollution to occur and thereby be seen to be acting in the public interest rather than as partners in the development of the former chemical works?”*

Thank you for your question. I am aware that there has been extensive dialogue between yourself and officers on the technical aspects of this site. Having read those communications, I believe that this Council does have control of the situation and are acting in the public interest to achieve the successful remediation of this site. Our officers are leading the multi agency group of organisations involved in the site that is working to ensure that all measures are put in place to minimise the effect on the local community. However, in order to do this, we must work closely with the site developers and contractors to find appropriate solutions.

The Health Protection Agency's advice, following review of all current air monitoring, is that emissions from site are unlikely to cause any health effects to the local residents. The human nose is very sensitive to odours and some can cause a reaction in individuals.

The Council has already taken all appropriate steps to secure the benefit of independent expert advice by way of a legal obligation creating a duty of care (collateral warranty) from both the Contractor (Vertase FLI) and the Consultants (Atkins). Atkins is one of the leading environmental consultancies in the UK. They have and will continue to act impartially and independently in their role as specialist consultant for the remediation works at the Hauxton site. They have a continual site presence to oversee the remediation work that Vertase are carrying out. Analysis of all samples taken from site are also analysed by an independent and accredited laboratory.

When assessing the remediation application, costs were not a consideration to the council. The application was assessed on technical merit and on the basis of whether the methodology proposed would address the significant pollutant linkages that exist on the site. Both the Environment Agency and this Council considered that the remediation methodology put forward, i.e. excavation and treatment, was the only method that would satisfactorily address the contamination at the former Bayer site. The soil material needs to be excavated because the contaminants cannot be effectively treated in the ground due to the geology and the nature of some of the contamination. The current methodology for the treatment of excavated soil is comprehensive and appropriate to ensure a solution for all material that may be found on site.

It has been suggested that tents should be used to minimize emissions during the excavation phase. This is one of the options that have been considered, however, it is only a practical solution for small-scale remediation work. The Bayer site is a 20 acre site with substantial excavations which are carefully excavated, logged, exposed to the remediation process and returned to refill the original excavation site, tenting is not practical or manageable on such a large scale excavation and therefore all other

best practice procedures have been put in place to minimise the odour created from the works.

**Supplementary question, asked at the Council meeting:**

Councillor Roberts produced a jam jar of water she said had been drawn from ten yards outside the site boundary wall, and asked if any Executive Members and senior officers would smell or taste it. The Environmental Services Portfolio Holder offered to have the water sent for analysis.



**From Trisha McCrae, Resident of Hauxton, to the Environmental Services Portfolio Holder:**

*“The day to day checks and monitoring are being done on site by the contractor, who is working for the developer and are then overseen by Atkins who are also financially involved with the developer.*

*“With the present problems in mind this is hardly seen as a true independent and transparent process.*

*“In order to give the public some sort of confidence will South Cambridgeshire District Council now order the developer to pay for an objective independent expert in this field to be employed to do the required testing.*

*“Can this also include analysing the minor chemicals and components on site because as at present only the top 10 are being done.”*

The Council has already taken all appropriate steps to secure the benefit of independent expert advice by way of the legal obligation creating a duty of care from both the Contractor (Vertase) and the Consultants (Atkins). Atkins is one of the leading environmental consultancies in the UK. They have and will continue to act impartially and independently in their role of specialist consultant for the remediation works at the Hauxton site. They have a continual site presence to oversee the remediation work that Vertase are carrying out. Analysis of all samples taken from site are also analysed by an independent and accredited laboratory.

Regarding the monitoring of soil and water samples, there has been extensive site investigation and risk assessments undertaken to establish a set of Contaminants, a procedure set out in industry guidance. It is these contaminants of concern that are routinely analysed in soil and water throughout the remediation process. In addition, condition 4 of the planning consent requires additional samples to be taken and analysed for any further contaminants that have not previously been identified to ensure that no new contaminants are being missed. The analysis of all samples is carried out by an independent and accredited laboratory.

The analysis of the tubes used to monitor the air quality around the site are also sent to an independent and accredited laboratory. The laboratory reports the 10 compounds with the greatest concentration. Based on testing to date, it is unlikely that further significant compounds would be detected. The current monitoring reports include the top ten contaminants for each location. This method ensures that any substance that may not be expected is identified. We are sampling for all potential compounds but only the top ten in each location are reported because the remainder are at or below detection levels.

All sample analysis results are posted on the joint website pages accompanied by the Health Protection Agency's comments once they have been reviewed.

**Supplementary Question, asked at the Council meeting**

*“I agree that Atkins is a big company. The first sentence of their methodology statement says that they have never done a cocktail like that at Hauxton before -- effectively letting them off the hook. Vertase says differently, says that the chemicals are more concentrated on site than in the village: this is not true. Benzothiazole levels are the same in the village as on site and sometimes higher. Vertase says one thing, the actual reports say otherwise. The public deserve to know that this is not simply a group of financially intertwined interests being more important than them.”*

*How much would it cost to do this right and save both reputations and possibly the future viability of the site?*

The site works are being carried out in line with best practice and all agencies involved are working together to ensure that all measures are put in place to minimise the effect on the local community.

The Council has already taken all appropriate steps to secure the benefit of independent expert advice by way of duties of care from both the Contractor (Vertase) and the Consultants (Atkins). Atkins is one of the leading environmental consultancies in the UK. They have and will continue to act impartially and independently in their role of specialist consultant for the remediation works at the Hauxton site. They have a continual site presence to oversee the remediation work that Vertase are carrying out. Analysis of all samples taken from site are also analysed by an independent and accredited laboratory.

**Ms McCrae subsequently submitted monitoring results for benzothiazole to Councillor Ellington (appended to the minutes).**

Councillor Ellington responded in writing as follows:

In the month 3 report Vertase state that, "The site related VOCs detected at these locations are significantly reduced in concentration from those monitoring locations adjacent to the site." The paragraph prior to this, not referenced by Ms McCrae, states "The analysis indicates that the majority of the VOCs detected are around the baseline, except for Toluene and Tetrachloroethylene which continue to be slightly raised above the baseline values...". Therefore, Toluene and Tetrachloroethylene are considered to be site related VOCs.

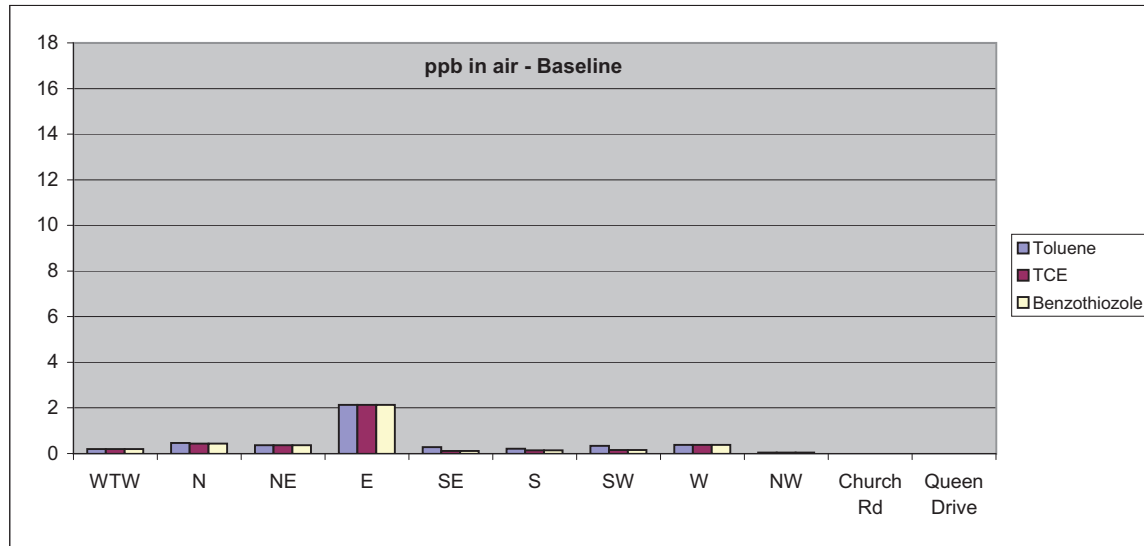
In this context, Benzothiazole is not classed as one of the site related VOCs, the likely source of this compound is understood to originate at a location offsite. It is known that benzothiazole may originate from the wear and tear of vehicle tyres and is found in road dust (Rogge etc 1993).

For clarification, the baseline (measurements taken prior to works commencing) and month 3 concentrations of the site related VOCs and Benzothiazole have been plotted on the attached graph. The concentrations of Benzothiazole, both near to and further from the site, are in keeping with the concentrations of compounds noted during the baseline VOC monitoring. The site related VOCs, i.e. Toluene and Tetrachloroethylene, are significantly reduced in concentration at both Church Lane and Queens Drive in the month 3 data set compared to those levels measured at the site boundary.

**Site related VOCs - Toluene and Tetrachloroethylene**

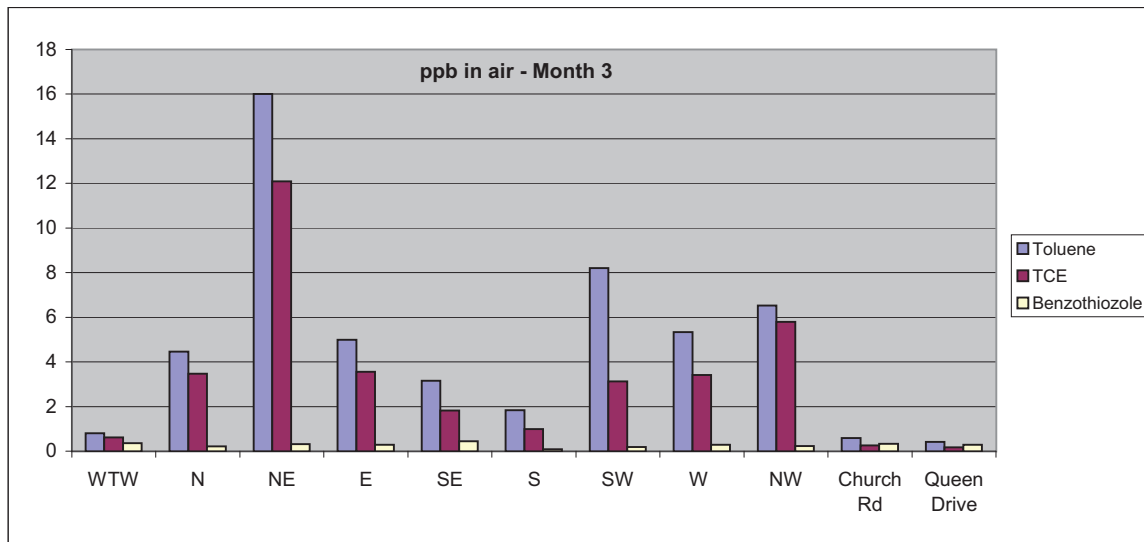
| Estimated ppb in air Baseline |             |             |               |
|-------------------------------|-------------|-------------|---------------|
| Measurement point             | Toluene     | TCE         | Benzothiozole |
| WTW                           | 0.2         | <b>0.2</b>  | <b>0.2</b>    |
| N                             | 0.46        | <b>0.44</b> | <b>0.44</b>   |
| NE                            | <b>0.36</b> | <b>0.36</b> | <b>0.36</b>   |
| E                             | <b>2.13</b> | <b>2.13</b> | <b>2.13</b>   |
| SE                            | 0.28        | <b>0.11</b> | <b>0.11</b>   |
| S                             | 0.21        | <b>0.14</b> | <b>0.14</b>   |
| SW                            | 0.34        | <b>0.15</b> | <b>0.15</b>   |
| W                             | <b>0.38</b> | <b>0.38</b> | <b>0.38</b>   |
| NW                            | <b>0.04</b> | <b>0.04</b> | 0.04          |
| Church Rd                     |             |             |               |
| Queen Drive                   |             |             |               |

Figures in bold italics indicate compound not detected in top 10, i.e concentration less than the 10th compound.  
Concentration of 10th compound used as a conservative estimate.



| Estimated ppb in air Month 3 |         |             |               |
|------------------------------|---------|-------------|---------------|
| Measurement point            | Toluene | TCE         | Benzothiozole |
| WTW                          | 0.8     | 0.61        | 0.36          |
| N                            | 4.46    | 3.47        | 0.21          |
| NE                           | 16      | 12.09       | <b>0.31</b>   |
| E                            | 4.99    | 3.55        | 0.29          |
| SE                           | 3.15    | 1.82        | 0.44          |
| S                            | 1.83    | 0.99        | <b>0.09</b>   |
| SW                           | 8.2     | 3.12        | <b>0.18</b>   |
| W                            | 5.33    | 3.41        | 0.28          |
| NW                           | 6.52    | 5.8         | <b>0.23</b>   |
| Church Rd                    | 0.59    | 0.26        | 0.33          |
| Queen Drive                  | 0.41    | <b>0.17</b> | 0.29          |

Figures in bold italics indicate compound not detected in top 10, i.e concentration less than the 10th compound.  
Concentration of 10th compound used as a conservative estimate.



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**From Linda Bland, resident of Hauxton, and Rob Thomas, resident of Harston, to the Environmental Services Portfolio Holder:**

*"It appears that at the end of all this aggravation South Cambridgeshire District Council and the Environment Agency will sign the job off .*

*"If some years down the line, remembering that know one to date will give a 100 % guarantee that everything here is OK, if we were to experience another Corby like scenario will the responsibility not be fairly and squarely down to South Cambridgeshire District Council and the Environment Agency ?"*

At Corby the Local Authority was not only the Planning Authority but was also the relevant landowner and had accepted legal responsibility for the decontamination and remediation works which it failed to carry out in a safe way. At Hauxton, South Cambridgeshire District Council is not the landowner and has no contractual /land ownership responsibilities/liabilities in relation to the decontamination and remediation works. The District Council's legal responsibilities are limited to its two roles as (i) Local Planning Authority in terms of it regulating the planning conditions, and (ii) in terms of its duty to inspect its area to detect any statutory nuisances and to take such steps as are reasonably practicable to investigate any complaint of a statutory nuisance.

The long-term responsibility will remain with the landowner carrying out the decontamination and remediation works. Once the remediation process is complete there will be a minimum of at least six months monitoring to ensure that the works have been successful. At the end of this period Atkins will submit a full report to the Council detailing the works undertaken and the results of all sampling and analysis undertaken to verify the achievement of the target levels. Approval of this Verification Report does not give 100% guarantee that everything is OK. That responsibility remains with the landowner and with the authors of the Report. If any initial Verification Report does not demonstrate the effectiveness of the remediation works, and the Council is not satisfied, it will not be approved and no residential development will be permitted until a Verification Report is produced which does demonstrate the necessary effectiveness.

**Supplementary question, asked at the Council meeting:**

*"What kind of insurance policy does the Council have and does it provide for claims against individual councillors?"*

The Environmental Services Portfolio Holder replied that, as previously stated, the Council was not the landowner and the responsibility remained with the landowner and the remediation works provider.

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**From Dr Charles Turner on behalf of the Cam Valley Forum to the Environmental Services Portfolio Holder:**

*In their Remediation Method Statement discussing “Contaminants of concern” Vertase noted:*

*(A) The recommended targets produced by Atkins are certainly protective of all identified receptors .... However, for the avoidance of doubt we do not believe these targets are achievable through the use of readily available and commercially viable remediation technologies or without significant export of contaminated materials off site. (Page 60, Section 18.1)*

*(B) It does mean that some material will be replaced at the site that does not meet the present generic criteria (Page 14, Section 6.4).*

*Which are, and what is the nature of the chemicals that cannot be remediated - or not to the target levels - and so will be replaced and, more importantly, what measures will be taken to isolate them to ensure the safety of humans and groundwater?*

The statements quoted from the Remediation Method Statement need to be read in the context of the sections from which they have been taken. These sections set out the possibility of reviewing the numbers that were used for the computer model to calculate the target levels for remediation. The numbers currently used are very conservative estimates, however, through the excavation and remediation process more accurate numbers will be measured on site and these can be used in the models to produce new targets.

Any proposed changes to the remediation targets following such a review of the computer model would have to be submitted and agreed as set out in condition 2 of the planning consent.

The Remediation Method Statement correctly identifies that some contaminants are more treatable than others. South Cambridgeshire District Council and the Environment Agency will not accept the replacement of any soil that does not comply with agreed remedial targets. Any soils that, after extensive treatment, still have contaminant concentrations exceeding the agreed targets will need to be exported off site to a suitable licensed landfill. This is covered in the Remediation Method Statement to ensure that the treatment of excavated soil is comprehensive and that there is an appropriate option for all material that may be found on site.

**Supplementary question, asked at the Council meeting**

*“In a letter to the Council from GTA Grimley in a report to Natural England, the cover system was designed to be protective to human health and must not be breached. In a response from Claire Sproats, the human health targets are limited to the top 1 metre. There must be some materials affecting human health and getting into the drainage system - do you regard as satisfactory the solution / remediation strategy which accepts that there are contaminants underneath and a cover on top?”*

The Portfolio Holder provided the following written response:

The remediation strategy involves excavating all material from the site. The methodology for the treatment of excavated soil is comprehensive and appropriate to ensure a solution for all material that may be found on site. No material will be replaced which does not meet with the agreed target concentrations. If, despite

treatment, some material cannot achieve the agreed targets then this material must be sent off site to a suitably licensed landfill.

The remedial targets for all material replaced at the site have been calculated to be protective of controlled waters (groundwater and surface water). Targets specifically calculated to be protective of human health have also been used for material being placed in the top 1m of the site as this is considered the depth of soil that future residents are most likely to have contact with. In the top 1m, the most stringent of the two targets is therefore used to ensure both human health and controlled waters are protected. It is the case for many contaminants that the controlled water target is much lower than the target concentrations for human health.

Prior to redevelopment taking place, the site level has to be raised for flood protection purposes. Therefore, once remediation work has been completed and all the treated material has been replaced, additional material will be brought to site. This material will also have to be tested prior to importation.

The remediation being undertaken will effectively remove all significant pollutant linkages from the site and has been designed in accordance with CLR11 Model Procedures for the Management of Land Contamination, which sets out the basic methodology for establishing a preferred method for remediation.



**From William Garfit, resident of Harlton, to the Environmental Services Portfolio Holder:**

*“As the owner of the old gravel pit site opposite the former Bayer site at Hauxton, I have serious concern for those who work here. They are exposed all day to the obnoxious smells and volatile chemicals in the air since remediation commenced in March.*

*“My daughter, Jackie Williams, proprietor of the Organic Health shop on our site, has had to be rushed to hospital on three occasions with severe breathing difficulties. She has never suffered breathing difficulties in her life before but occupational asthma has now been diagnosed and I am very concerned about her future health. She has had to close her shop as she is advised by the hospital doctors to keep away from the area.*

*“Mr and Mrs Noble run Cambridge Farm Machinery Company. They and their employees suffer symptoms such as sore throats and dry coughs, headaches, tingling lips and numb tongues. Much work on modern agricultural machinery needs to be done outside. However they are driven to operate in the workshop with the roller doors shut.*

*“At home in the village they, like so many residents of Hauxton, have to keep windows closed and are unable to sit in the garden.*

*“They are expected to exist like this for another 15 months.*

*“Would members of the South Cambridgeshire District Council tolerate these living and working conditions for themselves and their families?”*

I acknowledge that residents appear to be affected by the remediation process and the Council continues to work with all organisations involved to do everything possible to reduce the odours from the site.

The issue of asthma isn't a straightforward one and the HPA cannot comment on individual cases. However, in general it remains the HPA's opinion that there is no reason to suspect emissions from the remediation works at Hauxton are sufficient to cause asthma. In individuals with pre-existing asthma, episodes can be triggered by contaminants in the air. Such contaminants might include volatile organic substances or odours but any effect would depend upon their chemical composition, the levels and duration of exposure and an individual's sensitivity to odour. The main substances of concern for asthma triggers are allergens and irritant gases, which are present in the air from a variety of sources including natural and human activities. It is unlikely that emissions from the remedial works at Hauxton would trigger asthma. It is likely that other potential sources of asthma triggers (e.g. plant pollen, traffic) are more important factors.

**Supplementary question, asked at the Council meeting:**

*“Open remediation is not appropriate. I invite the Leader and Deputy Leader to visit Hauxton and the homes of those affected. If SCDC officers lived there, would you tolerate these conditions? I repeat my invitation: would you and the Council be happy to live and work in these conditions?”*

The Portfolio Holder replied that many individuals had said that they would be happy to visit, noting that the work had to be done and the site had to be remediated.

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**From Martin Goldman, resident of Great Shelford, to the Environmental Services Portfolio Holder [Question rejected by the Chairman prior to the meeting, but answered by the Portfolio Holder on the day]:**

*“South Cambridgeshire District Council granted a licence for the so-called remediation at the Hauxton Bayer Crop Science site and consulted residents in Hauxton and Harston. In this matter, it did not consult or inform people in Grantchester, Barton, Coton, Haslingfield, Newton, Whittlesford, Stapleford, The Shelfords, Trumpington, south Cambridge and further afield.”*

For any planning application, this Council has a duty to consult owners of adjoining land, either directly or by the posting of a notice on site. In addition the practice is that it consults with the relevant Parish Council where the site lies within its area. Consultations for the remediation application included the Parish Councils of Hauxton, Haslingfield, Great Shelford and Harston who were identified as the immediate neighbours. Four site notices were erected around the site and publication put in two places in the Cambridge Evening News on 19th December 2006. Both the remediation and development application were discussed in planning committee on two occasions and public minutes were published following these meetings.

**Supplementary question – accepted by the Chairman as the substantive question**

*“The council has said and written much about working to ensure its residents have a good quality of life by looking after them, and their environment.*

*“Its constitution claims that it is “committed to ensuring that South Cambridgeshire continues to be a safe and healthy place for you and your family”.*

*“It has powers to stop this nuisance to its residents' quality of life. Why is it not doing so?”*

South Cambridgeshire District Council has powers available to it in respect of statutory nuisance. We can only operate within the regulatory framework which requires us to make our judgements on the ordinary normal person. When investigating any complaint of disturbance, several factors need careful consideration by the Environmental Health Officer in determining whether the source is likely to constitute a statutory nuisance. Considerations to which the test of an ordinary normal person will be applied include location, time, duration, frequency, convention, importance to the community of activity and difficulty in avoiding external effects of activity.

Investigations have been undertaken at locations where complaints have been received, at all times of the working day during variable weather conditions, as well as early in the morning, at night and on weekends. If a statutory nuisance is established then South Cambridgeshire District Council must serve an abatement notice in accordance with the council's enforcement policy. However the Council is limited to the extent of enforcement action we can take at Hauxton due to the existence of the environmental permit. Any enforcement action for statutory nuisance would have to be approved by the Secretary of State for the Environment, as the primary enforcement body is the Environment Agency in its regulation of the environmental permit.

In the last fortnight I have asked for officers to undertake a review of the evidence of nuisance in respect of this site and the Principal Environmental Health is satisfied

that the Council's procedures have been followed and at this time there is not a statutory nuisance on the grounds of odour.

**From Linda Whitebread on behalf of the South Cambridgeshire Green Party to the Environmental Services Portfolio Holder:**

*"I was surprised to see that the Council and other public bodies are sharing a website with the contractors carrying out the remediation work, rather than taking a more detached and regulatory stance. It also appears that the contractors are doing their own monitoring. Are these normal practices, and if so, how do the public bodies confirm that the measurements made by the contractor are done correctly?"*

The website you refer to is hosted and controlled by this Council as a means of providing information about the Bayer site to local residents. Whilst the developer and contractor share information, such as site photographs etc, they have their own web pages in relation to the site through their respective company's websites.

It is normal practice for contractors to monitor their own work and this is a requirement of their Environmental Permit, which is regulated by the Environment Agency. The monitoring is verified by Atkins as an independent consultant and all of the analysis is carried out at an independent and accredited laboratory. All of the results are provided to this Council, the Environment Agency and the HPA for review, in addition they are all published on the dedicated website. SCDC and the Environment Agency also carry out random visits to monitor and validate procedures as well as any complaints.

**Supplementary question, asked at the Council meeting:**

*"All agree that the land needs to be cleaned up and it is a legitimate of the Council to require the developer to make sure the work is done before permission is granted to build houses. However, we are not happy with the shared website. It creates a conflict of interests. It is unfortunate to say that Council officers are working closely with contractors and are happy with the spot checks. The perception is that the Council is hand-in-glove with the developers. Will the Council consider detaching itself from the developers, using a separate website with a link to the contractor?"*

The Environmental Services Portfolio Holder noted Ms Whitebread's concerns and said that the Council was willing to consider these suggestions and would see if it were practical for all concerned to implement.

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**From Jackie Williams, resident of Little Eversden, to the Environmental Services Portfolio Holder:**

*"As the owner of an organic food business in Church Road, Hauxton who has had to go to A&E twice in May and be seen by paramedics on a third occasion with breathing problems confirmed by A&E Doctors as being due to chemical inhalation, I would like S.C.D.C. to tell me if they consider the cocktail of chemicals being released from the Bayer Site to be safe for a pregnant woman to breath in approximately 48 hours per week? I am particularly concerned about research that shows that in some instances two toxic chemicals mixed together can be one thousand times more toxic than one of the original chemicals. Please bear this in mind before commenting on the safety of an unborn child."*

The Health Protection Agency has advised us that they do not expect an appreciable increase in the risk of cancers or birth defects to be caused by emissions from the remediation activities at this site. Their assessment is based on the results of air monitoring data at the site boundary. The current scientific view is that the probability of any health risk from exposure to mixtures of chemicals present at low levels is likely to be small. Furthermore, when there is exposure to multiple chemicals that cause toxicity in the same way, the combined effects are likely to be no greater than the additive effect. Only two chemicals, toluene and tetrachloroethylene have consistently been detected by the monthly monitoring at the site boundary. Even if these two chemicals were to cause toxicity in the same way, there would be no reason to expect adverse health effects, since the levels detected are many times below the levels required to cause ill health.

I have been advised that the multi agency group working on the management of Hauxton issues remain open to receiving any relevant evidence to the contrary of this opinion.

**Supplementary question, asked at the Council meeting:**

*"We keep getting told that the chemicals are safe and there are no side effects. I have twice been to A&E and 1 time seen by paramedics: I do not consider this safe. Would you take such risks?"*

The Environmental Services Portfolio Holder replied that she was not qualified to answer personally, but that the Health Protection Agency (HPA) advice was that there was no risk that they were able to identify.

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**From Councillor Hazel Smith to the New Communities Portfolio Holder:**

*“I was concerned to read in the Cambridge News that Dr Bard had decided to slow down even further the preparation of the Gypsy and Traveller Development Plan document (GTDPD). Policies on provision for this sizeable minority of the residents of South Cambs are referred to in our main LDF documents which were adopted many years ago now. We have looked into the needs of local Gypsies and Travellers at local and regional level to justify with evidence the numbers of pitches we were going to have to provide, just on the basis of families growing up and getting independent plots of their own. We know that the trajectory of new plots required was 69 from 2006 to 2011, another 27 up to 2016 and a further 31 to 2021 under the slimmed-down figures. As the RSS has now been abolished and neighbouring authorities in the East of England are now not having to make provision the need will be greater, perhaps up to half as much again.*

*“We have given permanent consent to 40 I know of, or perhaps a few more, up to now. There is also temporary consent to around 60 plots, many of them in Milton ward, and the GTDPD is now unlikely to be adopted in time for the end of the temporary permissions which have been given.*

*“Travellers have a justified expectation that this authority should have a proper policy, and tell them once and for all whether they can expect to be able to stay on their own land. Planning applications are increasingly likely to succeed on appeal, the longer we are without a credible strategy for providing for this community's needs. What is the administration's plan for the policy in this area?”*

I am well aware of the importance of planning for the needs of our Gypsies and Travellers, who account for 1% of South Cambs population. The Council has been working for some time on the preparation of a Gypsy and Traveller DPD in view of the level of need for new pitches in the district, and two rounds of public consultation have already been undertaken.

Unfortunately, just as we were making progress towards a further round of consultation leading to the preparation of a draft DPD, the significant changes being made by the new Government have meant that we have had to slow down that work. It is unfortunate, but there are good reasons for it.

Members will recall that the Gypsy and Traveller DPD was aiming to meet the targets for pitch numbers set out in the East of England Plan. Members will also know that on 6<sup>th</sup> July, regional spatial strategies were revoked by the Secretary of State, meaning that they no longer form part of the development plan. As a consequence, we do not currently have an agreed target to provide for and it will be for the District Council through its plan making to identify a local target.

However, it is important to realise that the impact of the loss of the East of England Plan could be particularly significant on South Cambridgeshire, as the high levels of need identified for the district in the 2006 Needs Assessment (the Cambridge Sub Region Traveller Accommodation Needs Assessment 2006) was to be spread across the region, to aid choice, and speed up delivery. This gave us a lower target in the RSS than could have been the case simply using our local Gypsy and Traveller accommodation needs assessment.

Also relevant is that the new Government proposes to introduce changes to the planning system in the UK. This will include a change to the LDF system, which we

anticipate will be introduced in draft in the Decentralisation and Localism Bill in November.

The Government has said it intends to give local communities greater say in planning decisions that will affect their local areas. They say that targets for numbers of pitches will now be set locally. They also say that local authorities should reflect local need and historic demand.

Recent guidance from the CLG advises that needs assessments will continue to provide a good starting point. At the same time they say that local authorities are not bound by them.

My judgement is that we need to proceed with caution during this period of uncertainty to make sure that any plan we prepare is likely to be found sound by independent Inspectors. CLG says that regulations and guidance for Gypsy and Traveller provision will be reviewed in due course.

The Council will therefore now need to consider what is an appropriate target, that is transparent and can be defended, taking account of local need and historic demand, and any other relevant factors. This is likely to include the practicalities of delivering the number of new sites identified. This will need to be considered in the context of wider changes to the planning making system which will affect how we make plans in the future.

For all these reasons, we consider the appropriate way forward is for the work on the Gypsy and Traveller DPD to now progress more slowly whilst we wait for the new government to produce the much needed guidance on how we should plan for the needs of our Gypsies and Travellers. Members should however be reassured that work is continuing to explore how needs can be met, and how sites can be delivered.

**From Councillor Sebastian Kindersley to the Planning Portfolio Holder:**

*"Would the Portfolio holder please advise Council what the Administration's position is on Local Enterprise Partnerships? In particular I am interested to know with whom the Council expects to work; what the anticipated timeline for this is and what discussions have so far taken place."*

On 29<sup>th</sup> June, the Secretaries of State for Business, Innovation and Skills, and for Communities and Local Government wrote to local authorities and business leaders requesting outline proposals from partnerships of local authorities and businesses for Local Enterprise Partnerships (LEP's) by 6 September.

The Government's stated expectation is that Local Enterprise Partnerships will be about setting the right conditions for growth and business, tackling issues such as planning and housing, local transport and infrastructure priorities, employment and enterprise and the transition of the low carbon economy. Supporting small business start-ups will be important. The Government has also said that Partnerships will work closely with academic institutions and that tourism will be important in some areas.

It is expected that Partnerships will focus on supporting and enabling the private sector.

The Council expects to work with the city council, the county council, the business and academic communities (especially these two) to submit a proposal for a LEP by 6 September. Discussions with these and other parties is ongoing, with the next high level meeting arranged for 28 July.

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To: Local Authority Leaders and Business Leaders  
Cc: Local Authority Chief Executive Offices

29 June 2010

Dear colleague,

**Local enterprise partnerships**

We are writing to you to invite you to work with the Government to help strengthen local economies. The Coalition Government is committed to reforming our system of sub-national economic development by enabling councils and business to replace the existing Regional Development Agencies. The purpose of this letter is to invite local groups of councils and business leaders to come together to consider how you wish to form local enterprise partnerships.

We are working with the Regional Development Agencies (RDAs) to enable this transition. We are reviewing all the functions of the RDAs. We believe some of these are best led nationally, such as inward investment, sector leadership, responsibility for business support, innovation, and access to finance, such as venture capital funds. Some of their existing roles are being scrapped, such as Regional Strategies. The forthcoming White Paper on sub-national economic growth will set out our approach in more detail.

Separate arrangements will apply in London, where discussions are currently underway with the Mayor of London on how we can further decentralise powers, particularly in the context of the abolition of the Government Office for London.

We are determined that the transition from the existing RDAs be orderly, working to a clear timetable.

Meanwhile, we are keen to encourage local businesses and councils to work together to develop their proposals for local enterprise partnerships. We want to encourage a wide range of ideas, and to aid that, we would suggest some parameters.

**Role**

We anticipate that local enterprise partnerships will wish to provide the strategic leadership in their areas to set out local economic priorities. A clear vision is vital if local economic renewal is to be achieved. The Coalition Government is determined to rebalance the

economy towards the private sector. We regard local enterprise partnerships as being central to this vision.

Partnerships will therefore want to create the right environment for business and growth in their areas, by tackling issues such as planning and housing, local transport and infrastructure priorities, employment and enterprise and the transition to the low carbon economy. Supporting small business start-ups will therefore be important. They will want to work closely with universities and further education colleges, in view of their importance to local economies, and with other relevant stakeholders. In some areas, tourism will also be an important economic driver. Further details will be set out in the forthcoming White Paper.

### **Governance**

To be effective partnerships, it is vital that business and civic leaders work together. We believe this would normally mean an equal representation on the boards of these partnerships and that a prominent business leader should chair the board. We would, however, be willing to consider variants from this, such as where there is an elected mayor responsible for the area, if that is the clear wish of business and council leaders in the partnership area. The governance structures will need to be sufficiently robust and clear to ensure proper accountability for delivery by partnerships.

### **Size**

We have been concerned that some local and regional boundaries do not reflect functional economic areas. We wish to enable partnerships to better reflect the natural economic geography of the areas they serve and hence to cover real functional economic and travel to work areas.

To be sufficiently strategic, we would expect that partnerships would include groups of upper tier authorities. If it is clearly the wish of business and civic leaders to establish a local enterprise partnership for a functional economic area that matches existing regional boundaries, we will not object. We will welcome proposals that reflect the needs of every part of England, not least areas that are economically more vulnerable. Government is keen to work closely with and through capable local enterprise partnerships which meet these criteria.

### **Going forward**

As set out in the Budget, we will publish a White Paper later in the summer, which will set out the Government's approach to sub-national growth. Legislation to abolish RDAs and enable local enterprise partnerships was announced in the Queen's speech and is expected to be introduced to Parliament in the autumn.

We would therefore welcome outline proposals from partnerships of local authorities and businesses, reflecting the Coalition Government's agenda, as soon as possible, and no later than 6 September.

Yours sincerely



The RT Hon Dr Vince Cable MP  
**Secretary of State for Business,  
Innovation and Skills  
and President of the Board of Trade**



The RT Hon Eric Pickles MP  
**Secretary of State for  
Communities and Local Government**

**From Councillor Douglas de Lacey to the Planning Portfolio Holder:**

*“Will the Portfolio Holder please tell us how it is possible that an upgrade of a perfectly-functioning planning website, on which many Parish Councillors rely to fulfil their duties, can take over three weeks rather than the three milliseconds which switching systems in the 21st century would normally be expected to take?”*

I agree that the changing or switching of websites takes but a moment. However the work being undertaken is much more than this and involves the closure of the existing planning database, the extraction of data and all related records back to 1948. This was then sent to our new supplier Swift LG where the data has been converted for import back into the new planning system.

This work was scheduled to take two weeks and I can confirm it has been completed successfully. Testing of the data has taken place and the system went live on Monday.

The planning service is acutely aware of the disruption to customers and has minimised this by clear scheduling of work and taking mitigating actions including interim working arrangements that allow members to be kept up to date with records of submitted applications, whilst at the same time publishing as much information as possible to the public. Please note that:

- All records that existed on the website prior to 2<sup>nd</sup> July have been fully maintained on the site, including notifications of decisions and details of any amendments. Only new applications were not appearing.
- For new applications, staff were validating these applications manually and creating a list that was regularly circulated to members via email. As soon as the new system was available, staff commenced uploading these applications so that they are available on the new search page as soon as it is turned on, which will be by the 26<sup>th</sup> July at the latest. Newly received applications are also being entered simultaneously to ensure no continuing delay to application detail availability.
- Parish Councils were informed of the planned procedure at the forum held on 14<sup>th</sup> June, prior to the transition commencing and although there were some concerns, in general Parish Councils expressed understanding, because the manual system was to be introduced.
- Periods for consultations are unaffected by the transition between systems.
- Work to connect the new database with the new Swift webpages is underway and we expect to be live in the next day or two.

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**From Councillor Jose Hales to the New Communities Portfolio Holder:**

*“Could the portfolio holder explain to members what this council’s policy is now regarding housing provision numbers given, that the Regional Spatial Strategy policy has now been abolished?”*

Shortly after the Secretary of State abolished the Regional Spatial Strategies for England, this question was answered in part by the Chief Planning Officer at the Department for Communities & Local Government who wrote to all local planning authorities to explain the practical implications of the Secretary of State’s decision and to provide guidance on how local planning authorities should proceed during the transitional period before the government’s new planning system comes into effect at the end of 2011. The Chief Planning Officer’s letter was put on the Council’s web-site on day it was received – 6<sup>th</sup> July.

In reply to the question, the letter explains that the planning policies which will remain in force are the Council’s adopted Development Plan Documents and the saved policies from the Cambridgeshire and Peterborough Structure Plan 2003. The housing numbers that do apply are now only to be found in the Council’s Core Strategy which was adopted in January 2007 (20,000 homes 1999 – 2016), pre-dating the Regional Spatial Strategy which was not adopted until May 2008 (23,500 homes 2001 – 2021).

This information and the links to both the Council’s Core Strategy and the Structure Plan ‘saved policies’ are on the Council’s web-site and this information was included in the July Planning Policy Update which is sent to all Parish Councils and to members.

The housing numbers in our Core Strategy are based on the 2003 Structure Plan which was developed locally and endorsed by all of the Districts as well as the County Council. Those housing numbers were produced by local forecasts of the growth of the local economy and local population and are the houses that we all agreed would be needed to ensure the continued prosperity of the area and to stop houses becoming unaffordable to more local people. Based on those housing numbers we have an agreed development strategy which all Councils in Cambridgeshire have signed up to and, through the Joint Development Control Committees, we are actively delivering

Looking to the future once the new local planning system is in place, housing numbers will be found in the new style Local Plans and will be based once more on forecasts of prospects for our local economy and population growth. We are already working with partners to begin the developing the evidence needed and I am looking forward to working with our local communities to develop the new local plans.

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**South Cambridgeshire District Council**  
**Health & Environmental Services**  
**Food Safety Service Plan 2010/11**

**This plan links to the Corporate Aims and Approaches and also the service objectives, which are provided in the Health and Environmental Services Plan**



**THE RED FORT RESTURANT IN SAWSTON WENT FROM ZERO STARS TO 4 STARS AND THEY ARE HOPING TO ACHIEVE 5 STARS AFTER THEIR NEXT INSPECTION**

Executive Director, Operational Services: Steve Hampson

Portfolio Holder: Cllr Mrs Sue Ellington

Approved:



**ENVIRONMENTAL HEALTH WORKING TO SUPPORT LOCAL FOOD BUSINESSES AND PROTECT THE COMMUNITY**

**1. National statistics released on the performance of council food services**

On 10 March 2010, the Food Standards Agency (FSA) released national statistics on the performance of every council food service in the UK for 2008/9. These statistics show the huge amount of work carried out by councils across the country to support businesses and keep our food safe.

The FSA figures show that during the last financial year councils in the UK:

- Carried out over 0.5 million visits to help UK food businesses comply with the law
- Supported 86% of UK food businesses to achieve broad compliance with food hygiene legislation
- Responded to 72,562 complaints from local residents about food businesses
- Carried out 169,980 enforcement actions, including warning letters and notices, to ensure that consumers were adequately protected

This Council's food service contributes directly to this national picture *and* makes a difference locally.

**2. How does this Council contribute to the national picture and how does it compare to other councils?**

**Visits to food businesses**

Each year this Council produces a service plan that details its forecast visits to food businesses. Visits to food businesses are carried out in a risk based approach within a Framework provided by the FSA. Higher risk businesses receive more frequent visits and get more proactive support to drive up compliance.

**Minimum frequency of inspection laid down by the Food Standards Agency**

|                                  |            |
|----------------------------------|------------|
| Every 6 months                   | Category A |
| Every 12 months                  | Category B |
| Every 18 months                  | Category C |
| Every 2 years                    | Category D |
| Alternative enforcement strategy | Category E |

Note: Category A represents the highest risk through to Category E, which represents the lowest risk.

In 2009/10 400 local food businesses were visited. The support this Council provides on such visits can be vital to businesses that are under pressure in the current financial climate. Officers make sure food businesses are aware of their legal obligations and help them ensure that the food they supply is safe.

Importantly, this council visited 100% (32 premises) of high risk businesses in the timescales outlined in the service plan. Officers also visited 100% (211 premises) of medium risk premises as planned. The authority carries out a range of alternative approaches to engage low risk businesses, which are aimed at minimising burden on the business while still ensuring that they have support from the Council. Contact was made with 330 category D and E businesses (other risks) and low hazard food businesses. This contact included questionnaires, letters and business surgeries.

A visit is a full inspection. 243 visits were made to category A to D (High risk and other risk) food businesses. 37 new businesses were given advice and inspected and 60 food sampling visit were made. Additionally 60 revisits were made to inspected premises. High risk visits (32) are categories A and B only.

## **Business compliance**

The food industry is regulated by a range of legislation that aims to keep our food safe. This Council's work with food businesses is focused on helping them to comply with food safety legislation and offering advice. This is seen as a critical area of our work by central government and the compliance levels of food businesses in the district are measured and reported on against National Indicator 184.

The FSA has stated that 74% of inspected UK food businesses were broadly compliant with food hygiene law. This figure excludes those that are not yet inspected and rated.

The figure returned for broadly compliant businesses against NI 184 for this Council was 95.94%. This figure includes unrated businesses.

SCDC is currently well above the national average and LACORS and the FSA believe this work encourages businesses to flourish and attract visitors to this area. The contributing factors to this are two separate amounts of FSA funding that the Council has been awarded to assist businesses to comply with legislation by having a food safety management system in place. The funding over the last two years have supported businesses in receiving a free 3 hour, 1-2-1 coaching session on the Safer Food Better Business pack (SFBB). In conjunction with this work, SCDC was the first local authority to operate a 5 star Scores on the Doors food hygiene rating scheme. This has also encouraged businesses to improve food hygiene and therefore this work is paying dividends in gaining good compliance with NI184 expectations.

## **Complaints**

In the last financial year officers responded to 86 complaints from local residents about food related matters. Such complaints are anticipated but their scale and nature place unplanned demands on the service, however, a timely and effective response does help to maintain consumer confidence in local food businesses and improve standards.

Food complaints provide a vital opportunity for the Council to show it is able to respond to the needs and concerns of the community. Complaints are also a key way in which the Council can gain intelligence about food businesses. Prompt follow-up action is therefore a high priority for the service.

In 2009 the FSA issued 1208 national food incident notifications. SCDC has a key role in supporting local businesses to respond to these and protecting consumers where necessary.

## **Prosecutions / Enforcement**

SCDC has a published enforcement policy, which focuses on providing advice and guidance for businesses to secure compliance. However, where businesses consistently fail to comply with the law or present a severe threat to public health it is important that action is taken to protect consumers.

During the last financial year, Environmental Services issued 243 warning letters and served 2 formal notices. No prosecution against food businesses was necessary in 2009/10.

**3. Linking SCDC food service to local strategic aims**

The statistics published by the FSA show how the food service delivered by this Council is integral to supporting the national food industry and keeping food safe for all consumers. However, our food service also makes a vital contribution to key local strategic aims.

**Community engagement**

This Council's food enforcement team is a **front line service** that provides a positive opportunity for the Council to interact with local businesses and protect its community. Food grown and manufactured in this area helps contribute directly to a sense of local identity.

*Contributes to NI 5 – Overall / general satisfaction with local area*

**Supporting the local economy**

Food production, its transport and sale at retail and catering establishments are very significant parts of the economy both nationally and locally. Nationally the food and drink supply chain accounts for 7% of GDP and employs 3.7 million people in everything from food retailing, to restaurants and canteens, to farming and fishing.

Whilst national returns indicate there has been a slight decrease in the numbers of food businesses last year, there was a notable increase in business activity and new business registrations, especially in relation to home catering and change in ownership. For SCDC there was an increase in the number of food businesses and the current total is 1258.

The Council's work helps the changing local food economy to remain vibrant and enables the Council to provide practical support to businesses in difficult economic times. It also helps maintain public confidence in the standards of the local food industry.

SCDC works to help businesses comply with food legislation, which helps ensure fair competition and allow well-run food businesses to flourish and contribute to the local economy. We offer specific support for new companies, which can prove vital to the longer term survival of a business.

*Contributes to NI 171 – VAT registration rate, NI – VAT registered businesses showing growth, NI 182 – Satisfaction of businesses with council regulator services*

**Preventing illness – food hygiene**

There are around 850,000 cases of food poisoning in the UK each year. Some of these can cause serious illness and permanent disability and some types can kill. The elderly and the very young are particularly vulnerable. Food poisoning in the UK is estimated as costing the country £1.5 billion each year.

Regular inspection of food premises from farm to fork by council staff helps to maintain compliance with the legislation on food safety and helps minimise and prevent food poisoning from occurring in the first place.

Officers also work with children, the elderly and other vulnerable groups to ensure they are aware of hygiene best practice when cooking and eating in the home. When food poisonings occur, officers become involved in investigating the cause and identifying any unsafe food that is still on the market to help prevent further cases of illness.

In this Council's area there were 216 cases of food poisoning. Officers work in investigating these cases and taking appropriate action helps reduce the numbers of food related illness in the community and minimise the number of secondary cases.

*Contributes to NI 119 – Self reported measure of people's overall health and well being, NI 121 - All Age All Cause Mortality, NI 139 - The extent to which older people receive the support they need to live independently*

## **Promoting a healthy diet and preventing obesity**

What we eat can make a big difference to the nation's health. Diet, especially excess saturated fat, salt and sugar, is thought to play a role in about one third of all deaths from cancer and heart disease. Almost 70,000 premature deaths could potentially be prevented each year if UK diets matched nutritional guidelines.

Last year work in this area focused on a pilot project called 'Tips for Chips', this encourages the use of sensible tips devised by the Food Standards Agency for the business to produce chips that are lower in saturated fats. Businesses are also introduced to a 5 hole salt shaker, therefore reducing the amount of salt put on to the chips and also offering a reduced portion size of chips to the consumer.

This work will continue in 2010/11 with the launch of the project and the public will also be able to find out which businesses are participating in the project through the Scores on the Doors website.

## **4. Inspiring local food projects**

### **Food Business Surgeries**

Early in 2010 the Food Safety Team introduced Food Business Surgeries to assist mainly new businesses on a 1-2-1 basis or hard to reach businesses that were failing in food hygiene. Proprietors and staff of businesses were encouraged to attend the surgeries to gain extra support and help with food safety issues that they faced. 1-2-1 support for Safer Food Better Business was also undertaken.

New businesses are also offered on site visits before they start up. These businesses are not rated for Scores on the Doors until 6 months after they've opened to ensure they are familiar with the process and have had the necessary training to ensure the score they receive is fair.

### **Sampling**

In September 2005 Wales had it's largest ever outbreak of E Coli 0157. It was the largest ever in the United Kingdom, 31 people were admitted to hospital and a 5-year-old boy tragically died. The public inquiry that followed was the second chaired by Professor Hugh Pennington. The inquiry report was published in March 2009 and the Food Standards Agency has since issued a response. In line with the report SCDC's Food Safety Team have conducted sampling following LACORS guidance. All butchers shops received a primary inspection. In addition, butchers were then invited to a free workshop session, with free training to discuss and resolve issues that were found during the inspections. A desktop study of their hazard analysis and critical control point (HACCP) procedures was also undertaken.

### **Service Delivery 2010/11**

It is anticipated that there will be no significant growth in the response work required by the Food Service Team, although this is always a speculative statement to make. Current response work includes food complaints, food premises hygiene complaints, infectious disease control relating to food borne organisms, requests for service from new businesses opening and special food sampling requests.

This gathering of market intelligence is beginning to show a significant increase in the number of food businesses, especially food businesses operating from domestic premises and an increase in the number of mobile food vendors.

Due to a programme of food business inspections, scheduled by the Food Standards Agency, based on risk assessment, there has been a significant increase in the number of programmed inspections of the higher risk categories A-D for 2010/11 (last year 243 inspections), 317 inspections have been identified for April 2010 – March 2011. It is believed that these are appropriately allocated to officers and that all inspections will be carried out to the highest risk categories A - B and that a minimum of 90% of other category food businesses will also be completed. If food businesses in SCDC continue to increase then it is inevitable that we shall need to consider and develop further intervention strategies.

### **Resources – Financial Allocation**

Estimate 2010/11

|                     |         |
|---------------------|---------|
| Staffing            | 150,660 |
| Supplies & Services | 21,610  |
| Support Services    | 38,180  |
| Transport Costs     | 10,830  |
| Income              | -4,650  |

**New Expenditure** 216,630

Legal action is pursued within service budgets but with access to consultancy and contingency funds, if required. If and when the Courts award costs, these monies are transferred back to the Service budget headings.

### **Equality and Diversity**

SCDC values people from all backgrounds and supports their right to respect and equality of opportunity. The Council is working to eliminate discrimination and prejudice from all it does and ensure that equalities becomes a central and essential element of our service planning and delivery, both as an employer and provider of services.

The Council's Comprehensive Equalities Policy sets out specific principles and aims that will be followed in order to achieve its Commitment to Equality and the equality dimensions of its Corporate Objective and Values.

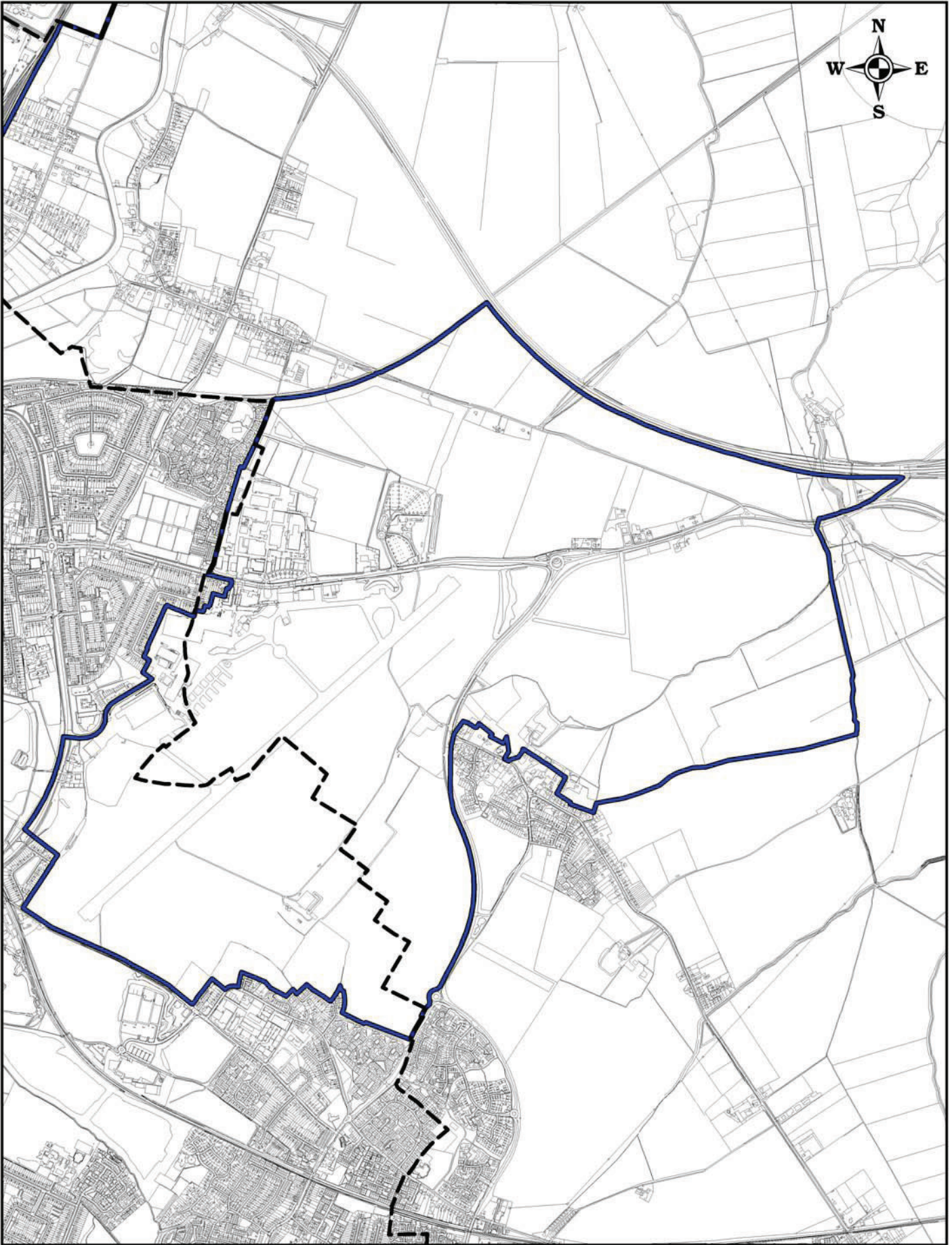
The Council has already adopted race and disability equality schemes and agenda equality schemes. A number of relevant Human Resource policies and a Gypsy and Traveller Community Strategy have been adopted for 2010-2013. In addition, the Council is a member of the 'Stonewall' diversity champion programme.



## Food Safety Service Improvements 2010/2011

| Service Improvement  | Planned Outcome  | Target date                |
|--|--|----------------------------|
| Continue to embed and promote Scores on the Doors scheme (sotd's) with a view to continuing to drive up standards in food businesses.<br>Review and update scheme as it becomes necessary in line with national Scores on the doors user group (NSOTDUG) | To have more businesses compliant with food law and improve general standard of hygiene.<br>Continue to reduce the number of 0 to 2 star businesses  | March 2011                 |
| Launch 'Elite Award' for scores on the doors to encourage businesses to maintain standards   | To recognise and reward food businesses that scores a 5 star on their primary inspection on 2 or more occasions. They will be eligible to receive an 'elite' food safety and hygiene award | Food Safety Week June 2010 |
| Expand the range of advice materials available via a range of media (radio, internet & leaflets).  | Make information easily accessible to new businesses in order that they are better informed about food safety and hygiene issues.  | March 2011                 |
| Undertake monthly food business surgeries to assist new businesses in start-up and provide assistance with SFBB  | To provide a regular time when businesses can have time to discuss food safety issues and receive one to one assistance for SFBB   | March 2011                 |
| To pilot on line food hygiene training with partners CIEH and Transparency data  | To be able to provide food hygiene training to those sectors that are hard to reach for food hygiene training  | September 2010             |
| Launch tips 4 chips along with partners FSA and other LA's in the county and then to roll out to other outlets   | To increase public awareness of saturated fat and salt and give consumers choice inline with FSA guidelines and to encourage the food business operator to adopt good frying practise      | March 2011                 |
| Work with early years service to ensure that all childminders/child care providers are registered as food operators, provide advice and training and to encourage the use of the SFBB child care pack  | On going dialogue with National Childminders Association (NCMA)  | March 2011                 |
| Continue to run level 2 and level 3 food hygiene courses   | Run a minimum of 6 course  | March 2011                 |
| Undertake promotional activities at the county 'safety zone' event in conjunction with other partners  | Promote the service through education  | March 2011                 |

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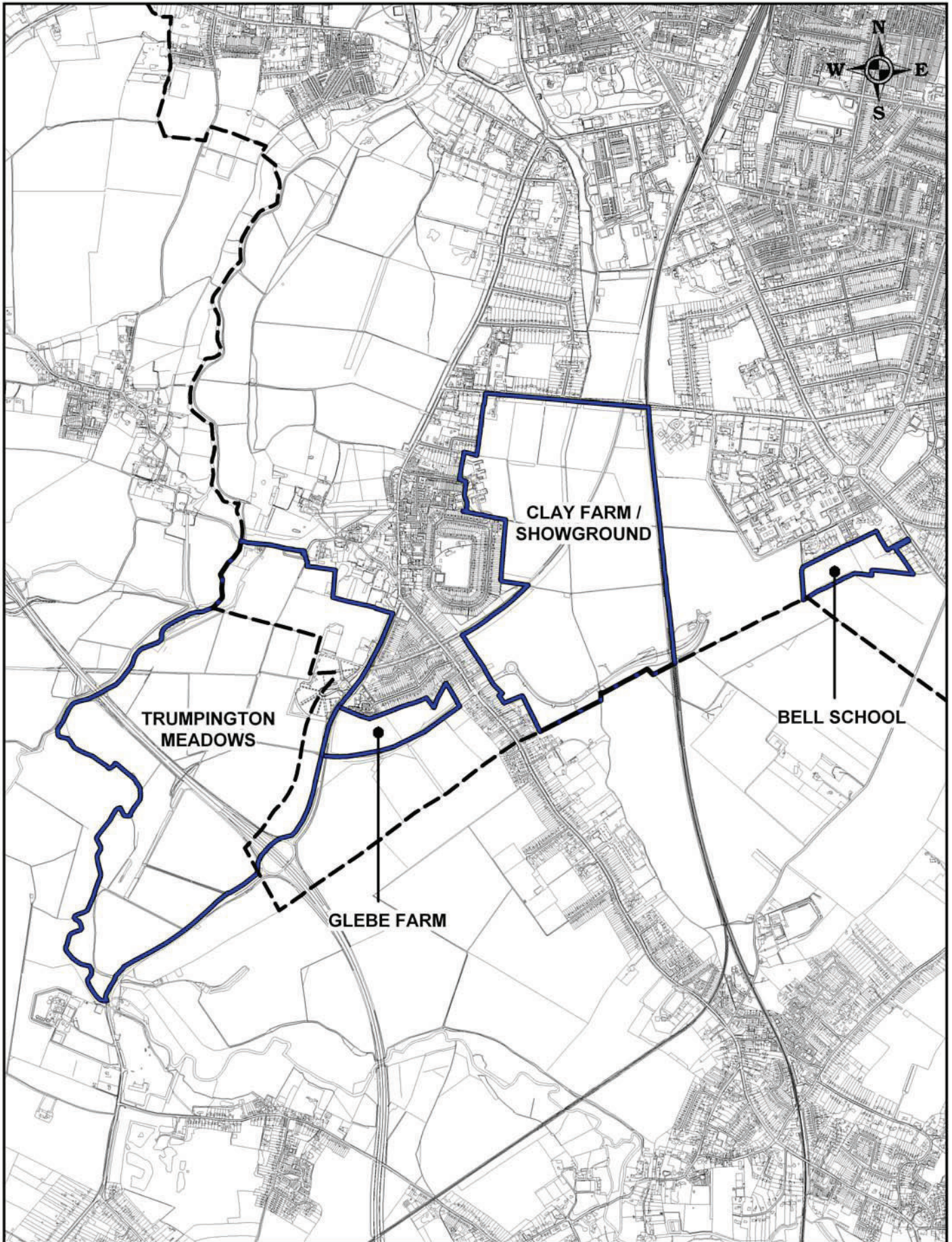


**Cambridge East**  
Area within which Major Applications  
will be referred to Joint Development Control  
Committee

|              |                 |
|--------------|-----------------|
| Date:        | 25/03/2010      |
| Produced by: | Michael Sexton  |
| Service:     | Planning Policy |
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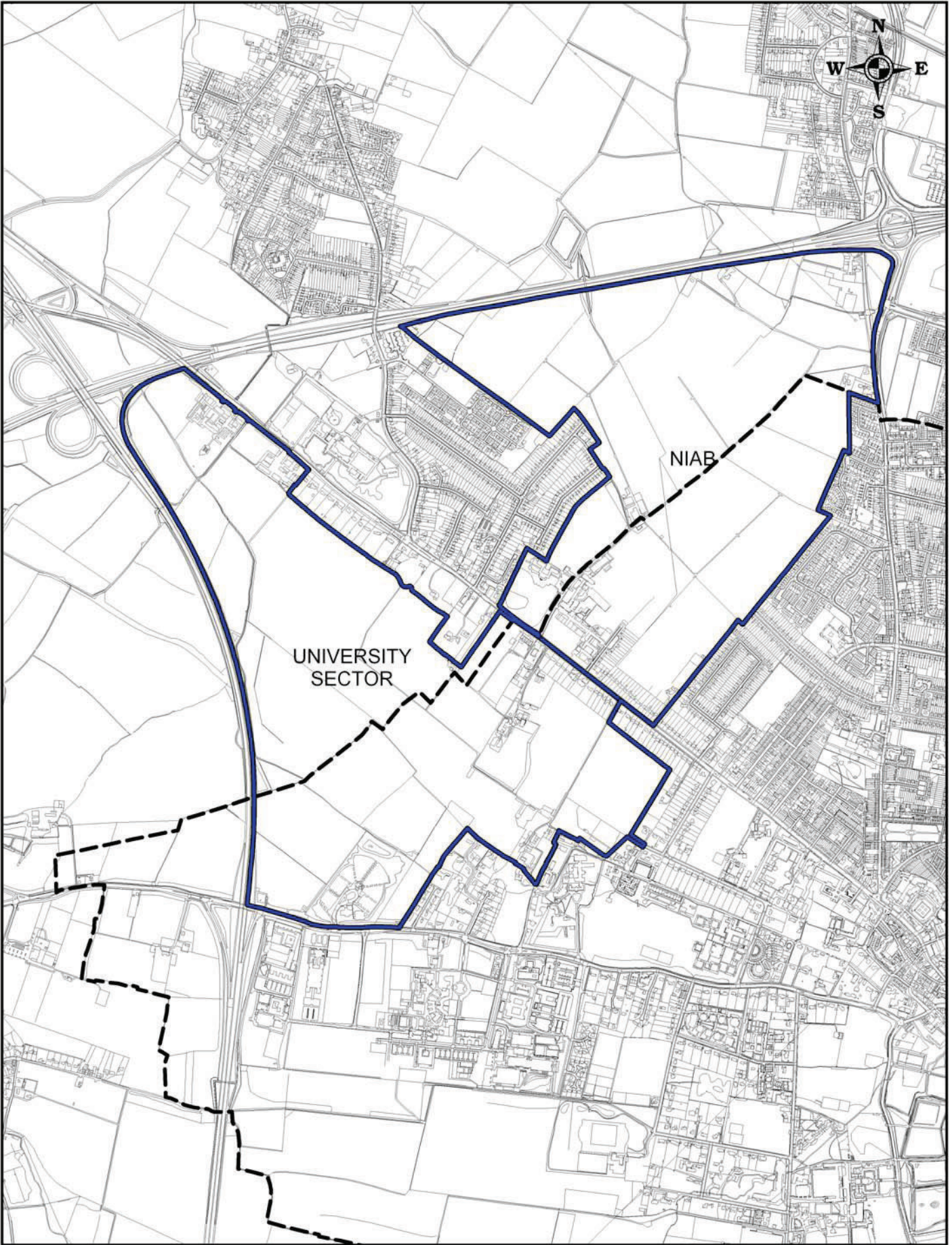


**Cambridge Southern Fringe**  
 Area within which Major Applications  
 will be referred to Joint Development Control  
 Committee

|              |                 |
|--------------|-----------------|
| Date:        | 25/03/2010      |
| Produced by: | Michael Sexton  |
| Service:     | Planning Policy |
| Scale:       | 1:25,000 @ A4   |

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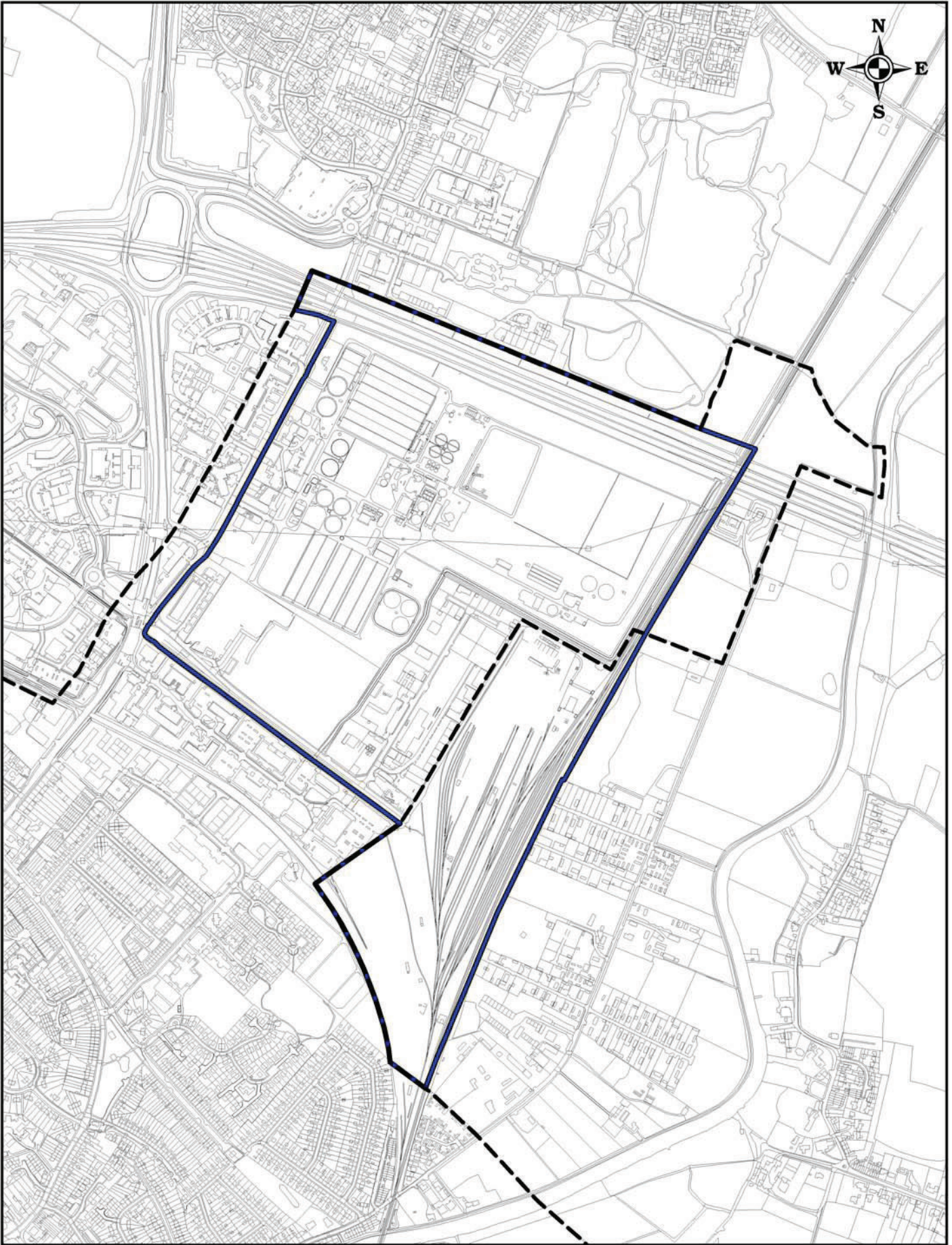


**North West Cambridge**  
Area within which Major Applications will be referred to Joint Development Control Committee

|              |                 |
|--------------|-----------------|
| Date:        | 25/03/2010      |
| Produced by: | Michael Sexton  |
| Service:     | Planning Policy |
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**Northern Fringe East**  
Area within which Major Applications  
will be referred to Joint Development Control  
Committee

|              |                 |
|--------------|-----------------|
| Date:        | 25/03/2010      |
| Produced by: | Michael Sexton  |
| Service:     | Planning Policy |
| Scale:       | 1:10,000 @ A4   |

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## APPENDIX B of Report to Cabinet

### PROPOSED CHANGES TO TERMS OF REFERENCE FOR JOINT DEVELOPMENT CONTROL COMMITTEE CAMBRIDGE FRINGES: SHOWING CHANGES FROM DOCUMENT APPROVED IN 2007

#### 1. Parties:

Cambridge City Council  
Cambridgeshire County Council  
South Cambridgeshire District Council  
(‘the Councils’)

#### 2. Status:

The Joint Development Control Committee ~~is~~ (‘the Committee’) is a joint committee ~~to be~~ formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

#### 3. Membership:

6 Members appointed by Cambridge City Council  
4 Members appointed by Cambridgeshire County Council  
6 Members appointed by South Cambridgeshire District Council

#### 4. Terms of reference:

- 4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2. ~~The functions delegated include the power of the Councils to determine planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.~~

- 4.2 The Committee shall ~~only~~ discharge the functions in respect of major developments<sup>1</sup> and related applications – falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix ~~2~~ 3 and ancillary ~~applications—developments~~ relating to such Major Developments referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question. ~~‘Major development’ is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 May 2007 or as subsequently amended or replaced.~~
- 4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.
- 4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.
- 4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including all of the NIAB site; Glebe Farm. Only the City and County members shall be entitled to vote on Clay Farm-Showground and Bell School.

## 5. Standing Orders

- 5.1 The Committee shall be governed by the Standing Orders set out in Appendix ~~3~~ 2, as amended from time to time.

## 6. Administration

- 6.1 The ~~Council Party~~ which is the local planning authority shall receive applications ~~relating to the functions~~ in the usual way and shall be responsible for all consequential administration. ive stages leading to and flowing from the exercise of the functions.

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<sup>41</sup> A ~~major~~ development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

(a) the mining and working of minerals

~~(a)~~(b) waste development;

~~(b)~~(c) the provision of dwelling-houses where

(i) the number of dwelling-houses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);

~~(c)~~(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; [clarify for article 3s in relation to things like libraries which may be smaller size] or

~~(d)~~(e) development carried out on a site having an area of 1 hectare or more.

~~(e)~~ Regulation 3 developments for all new facilities

6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Ccommittee, including the preparation and dispatch of agendas and securing premises at which the committee may meet. Decision notices shall be signed by the Director of Joint Planning.

6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.

## Appendix 1

### Functions ~~delegated to~~ of the Committee

1. To ~~The~~ exercise of each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments, related applications and requests and Reserved Matters applications ~~and ancillary developments including for the avoidance of doubt~~ but not limited to:

- i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
- ii) the power to approve, authorise and direct the respective Councils to negotiate and enter in-to agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990, and related powers and to prepare for approval by each Council a scheme of delegation to Officers insofar as this has not been agreed prior to commencement of the Committee and thereafter to keep such scheme of delegation under review.

2. The review, change, amendment or modification of the scheme of delegation to Officers.

## Extract from Appendix 2: Standing Order

### Annex C: Costs Sharing Protocol

The ongoing ~~administrative~~ costs incurred in relation to the administration of the Committee, legal support and planning consultancy costs shall be borne initially from the joint planning budget administered through Cambridgeshire Horizons and thereafter in equal shares by the participating authorities. ~~These costs are assumed to include committee administration and legal support; planning consultancy costs.~~

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

i) ~~insofar as they cannot be met via~~ from the joint planning budget;

ii) where there is insufficient funds within the joint planning budget, then proportionately the costs shall be shared proportionally by the Councils which are entitled to vote on the matters which give rise to the costs.

## APPENDIX C of Report to Cabinet

### Scheme of Delegation to Officers agreed 18 July 2007

The following powers are delegated to the Joint Planning Director (Growth Areas) in respect of planning and development control. The Joint Planning Director (Growth Areas) may authorise any other officers within the participating Councils to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.

|    |   |
|----|---|
|    | <p>1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee <b>except</b> in any of the following circumstances:</p>  |
| a) | <p>Where the application is for Outline or Full Permission or is a reserved matters application in respect of:</p> <ol style="list-style-type: none"> <li>1. The provision of dwelling-houses where:           <ol style="list-style-type: none"> <li>(a) the number of dwelling-houses to be provided is 10 or more; or</li> <li>(b) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the number of dwellings will be 10 or more</li> </ol> </li> <li>2. The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;</li> <li>3. Development carried out on a site having an area of 1 hectare or more.</li> <li>4. Ancillary development related to any of the above.</li> <li>5. Waste development</li> <li>6. Regulation 3 development for all new facilities</li> </ol> |
| b) | <p>Where:</p> <ul style="list-style-type: none"> <li>- There are any parish council representations that are contrary to the officer recommendation for approval or;</li> <li>- There are other third party representations that are contrary to the officer recommendation for approval that cannot be addressed by conditions or;</li> <li>- The officer recommendation is for refusal, irrespective of the nature of any third party representations received, except where the application is contrary to the development plan.</li> </ul>  |
| c) | <p>The application is advertised as a formal departure from the Local Development Framework and where the officer recommendation is for approval.</p>   |
| d) | <p>The application is submitted by a Member or Chief Officer or planning officer of any member of the Councils or a Board Member, Chief Executive or Directors of Cambridgeshire Horizons.</p>  |

- |    |   |
|----|---|
| e) | The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council or any member of the County Council representing a ward within the City of Cambridge or South Cambridgeshire requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based. |
| f) | The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.   |

2. In respect of or arising out of Major or ancillary developments (as defined in the Committee's terms of reference) exercise the Committee's planning enforcement powers (apart from serving enforcement notices under S 171) (subject to prior consultation with the relevant Council's Chief Legal Officer). and to instruct the relevant Council's Chief Legal Officer to commence legal proceedings relating to planning enforcement other than commencing prosecutions provided that any action taken is reported to Committee thereafter.

3. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

**Note:** Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

**Schedule referred to in Delegation 1 above**

- Applications and other forms of consent/notification referred to in Delegation A1 include:
- |    |   |
|----|---|
| a) | Outline and full planning permission and any subsequent pre- and post-decision amendments.  |
| b) | Reserved matters following outline planning permission and any pre- and post-decision amendments.   |
| c) | Renewals of planning permission and any pre- and post-decision amendments.  |
| d) | Removal/variation of planning conditions.   |
| e) | Discharge of conditions.  |
| f) | Advertisement consent.  |
| g) | Lawful Development Certificates.  |
| h) | Regulation 3 applications.  |
| i) | Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent. |
| j) | Listed Building Consent.  |
| k) | Conservation Area Consent.  |
| l) | Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment to those Regulations.                |