



SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

COUNCIL MEETING
THURSDAY, 26 MAY 2011

AGENDA AND REPORTS

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

OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act (as amended)."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

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

THURSDAY, 26 MAY 2011

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

DATED this Wednesday 18 May 2011

JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PRESENTATION

The Chairman of Council will present cheques to Alison Horsley, East Anglian Air Ambulance and Robert Altham, Volunteer County Co-ordinator for Cambridgeshire, Help for Heroes, the Chairman's nominated charities for the 2009/10 and 2010/11 civic years.

1. ELECTION OF CHAIRMAN OF THE COUNCIL FOR THE 2011/12 CIVIC YEAR

To elect the Chairman of the Council for the 2011-2012 Civic Year.

In accordance with Council Standing Orders 7.3-7.4, where the Chairman of Council is retiring, he shall preside over the election of his successor. All nominees for the Chairmanship shall leave the room prior to voting upon the Chairmanship.

2. APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR THE 2011/12 CIVIC YEAR

To appoint the Vice-Chairman of the Council for the 2011/12 Civic Year.

3. APOLOGIES

4. DECLARATIONS OF INTEREST

5. MINUTES

To authorise the Chairman to sign the Minutes of the meeting held on 14 April 2011 as a correct record.

(Pages 1 - 10)

6. REPORT OF THE RETURNING OFFICER

To receive the attached report on the results of the elections held on 5 May 2011.

(Pages 11 - 14)

7. ANNOUNCEMENTS

To receive any announcements from the Chairman, Leader, the executive or the head of paid service.

8. QUESTIONS FROM THE PUBLIC

8 (a) From Mike Brettle, Sustainable Parish Energy Partnership representative from Gamlingay

“Regarding the Council Meeting on 24th February 2011, para. 11(b): In what way exactly would a wind turbine be judged differently to another structure of a similar size such as a manufacturing plant, water tower, crane or communications mast etc. as regards visual impact or noise? Does the motion mean that a planning application for a wind turbine might be rejected whereas an application for some other development of equivalent size, noise etc. would be considered for approval?”

Mr Brettle is not able to be present at the meeting and the Chairman will ask the question on his behalf.

9. PETITIONS

To note all petitions received since the last Council meeting.

10. FULBOURN: COMPULSORY PURCHASE ORDER, WINDMILL ESTATE REDEVELOPMENT (Key)

For decision.

(Pages 15 - 46)

11. ESTABLISHMENT, SIZE OF, AND TERMS OF REFERENCE FOR, COMMITTEES FOR THE 2011/2 CIVIC YEAR

Officers have considered that, when the principles of proportionality are applied to the political composition of the authority, certain committee sizes do not adequately reflect the political make-up of the authority, and **RECOMMEND TO COUNCIL** that, where Council has the authority to set the size of a committee, committee sizes of 17, 19 and 20 be avoided.

With the above in mind, the Administration has **RECOMMENDED TO COUNCIL:**

(1) To establish the following committees for the 2011/12 municipal year:

- Corporate Governance Committee (7 Members)
- Electoral Arrangements Committee (7 Members)
- Employment Committee (7 Members)
- Licensing Committee (15 Members)
- Planning Committee (14 Members)
- Scrutiny and Overview Committee (12 Members)

(2) That the Terms of Reference for the above committees remain as set out in Article 6 and Part 3, Table One of the Council’s Constitution.

12. APPOINTMENTS OF MEMBERS AND SUBSTITUTE MEMBERS TO COMMITTEES OF THE COUNCIL, 2011/12

(1) Council is required to appoint Members to its Committees. In accordance with the provisions of the Local Government and Housing Act 1989 and the

Council Resolution in May 2006 to introduce proportionality, Council is required to allocate seats to political groups on committees and joint committees in accordance with the rules of political balance. In making such appointments, Council is required to adhere to the following principles set out in Section 15(5) of the Act:

- (i) Not all seats are allocated to the same political group;
- (ii) The majority group should be allocated the majority of seats on each committee;
- (iii) Subject to (i)-(ii) above, that the number of seats on committees allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees (62 seats) as the number of members of each group to the membership of the authority (57 Members); and
- (iv) Subject to (i)-(iii) above, that the number of the seats on each body allocated to each political group is in the same proportion to the total number of seats on that body as the number of members of that group to the membership of the authority.

(2) The Council's current political balance is as follows:

Name of Group	Number of Members
Conservative	31
Liberal Democrat	18
Independent	6
(Non-group Councillors)	(2)

(3) Non-group Councillors have no entitlement to seats on committees and do not have to be allocated seats on any committee; however, Council resolved on 24 May 2007 that every non-Executive Member of the Council should be afforded the opportunity to sit on at least one of the following Council bodies:

- (a) Planning Committee;
- (b) Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act);
- (c) Scrutiny and Overview Committee;
- (d) Employment Committee;
- (e) Electoral Arrangements Committee;
- (f) Corporate Governance Committee.

(4) The membership of groups in proportion to the total membership of the Council is as follows:

Group	%
Conservative (31 Members)	54.39
Liberal Democrat (18 Members)	31.58
Independent (6 Members)	10.53

The non-group Councillors (Councillor Cathcart and Councillor Mrs Murfitt) together make up 3.51% of the total membership of the Council.

(5) Table 1 below set outs an allocation of seats on Committees, based on the percentage of seats on the Council held by each group:

TABLE 1 ALLOCATION OF SEATS ON COMMITTEES FOR 2011/12 TO THE COUNCIL'S POLITICAL GROUPS

Committee / Panel	Seats	Cons	Lib Dem	Ind
Licensing Committee Licensing Committee (2003 Act)	15	8	5	2

Licensing Committee (2005 Gambling Act) <i>(see notes 1, 2 and 5 below)</i>				
Scrutiny and Overview Committee	12	7	4	1
Planning Committee <i>(see notes 3 and 5 below)</i>	14	8	4	2
Employment Committee <i>(see note 4 below)</i>	7	4	2	1
Electoral Arrangements Committee	7	4	2	1
Corporate Governance Committee	7	4	2	1
Total	62	35	19	8

- (6) The Liberal Democrat group has offered one of its seat on the Licensing Committees to Councillor Mrs CAED Murfitt, which she has accepted, therefore the allocation of seats shall be as follows:

TABLE 2 – PROPOSED ALLOCATIONS OF SEATS ON COMMITTEES – GROUP AND NON-GROUP COUNCILLORS

Committee / Panel	Seats	Cons	Lib Dem	Ind	Non-group
Licensing Committee Licensing Committee (2003 Act) Licensing Committee (2005 Gambling Act) <i>(see notes 2 and 5 below)</i>	15	8	4	2	1
Scrutiny and Overview Committee	12	7	4	1	0
Planning Committee <i>(see notes 3 and 5 below)</i>	14	8	4	2	0
Employment Committee <i>(see note 4 below)</i>	7	4	2	1	0
Electoral Arrangements Committee	7	4	2	1	0
Corporate Governance Committee	7	4	2	1	0
Total	62	35	18	8	1

- (7) In accordance with Standing Order 1.1(b)(viii), Council is asked to appoint up to four substitute members per political group, in a hierarchical list, to each of the following Council bodies:
- Planning Committee;
 - Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act);
 - Scrutiny and Overview Committee;
 - Employment Committee;
 - Electoral Arrangements Committee; and
 - Corporate Governance Committee.

NOTES

- The Licensing Committee, Licensing Committee (2003 Act) and Licensing Committee (2005 Gambling Act) are separate entities but should comprise the same members.*
- The Licensing Committee's membership may include the Portfolio Holder with responsibility for licensing matters;*

- (3) *The Planning Committee's membership may include the Portfolio Holder with responsibility for development control matters;*
- (4) *The Employment Committee's membership shall include the Portfolio Holder with responsibility for staffing matters.*
- (5) *Relevant training is mandatory for Members wishing to sit on the Planning and Licensing Committees when determining applications. This requirement extends to substitutes.*
- (6) *Tables 1-2 will be subject to change should Council agree different Committee sizes from those recommended in Agenda Item 11 above.*

Group Leaders and the Convenor of the Independent Group have been requested to submit nominations to Committees in accordance with the allocations set out in the above table. Details of the nominations received from the political groups in time for the agenda publication have been enclosed separately with the agenda, and any further nominations will be circulated to Council as soon as they are available.

RECOMMENDATION

That Council determine the allocation of seats on, and make appointments and substitute appointments to, committees in accordance with Table 2 above and based on the requirement for political proportionality.

13. APPOINTMENTS TO JOINT COMMITTEES FOR 2011/12

Group Leaders and the Convenor of the Independent Group have been requested to submit nominations to Committees in accordance with the allocations set out in the table below. Details of the nominations received from the political groups have been enclosed separately with the agenda.

Committee	No. of seats	Cons	Lib Dem	Ind
Joint Development Control Committee: Cambridge Fringes	6	4	2	0
Nominated substitute (1 per group)	(2)	(1)	(1)	0
Spokesperson (1 from overall representation)				
Northstowe Joint Development Control Committee	6	4	2	0
Nominated substitute (1 per group)	(2)	(1)	(1)	
Spokesperson (1 from overall representation)				
TOTAL	12 (4 subs)	8 (2 subs)	4 (2 subs)	0

RECOMMENDATION

That Council allocate seats and make appointments and substitute appointments to Joint Committees in accordance with the above table, and based on the requirement for political proportionality.

14. APPOINTMENTS TO THE CONSTITUTION REVIEW WORKING PARTY 2011/12

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

Group Leaders and the Convenor of the Independent Group have been requested to submit nominations to Committees in accordance with the allocations set out above. The Conservative Group has offered its seat to Councillor Nigel Cathcart.

Details of the nominations received from the political groups in time for the agenda publication have been enclosed separately with the agenda, and any further nominations will be circulated to Council as soon as they are available.

RECOMMENDATION

That the Leader, Deputy Leader, Chairman of Council and Chairman or Vice-Chairman of the Scrutiny and Overview Committee be appointed to the Constitution Review Working Party for 2011/12, along with one representative of each of the political groups.

15. APPOINTMENTS TO THE CLIMATE CHANGE WORKING GROUP 2011/12

To appoint the Climate Change Working Group in accordance with the requirements of political proportionality:

No. of seats	Cons	Lib Dem	Ind	Non-Group
9	5	3	1	0

The Administration has proposed an increase in the size of the Working Group from nine to ten members, and offered one of their seats to Councillor Nigel Cathcart. If Councillor Cathcart accepts the seat, the proportions would be:

No. of seats	Cons	Lib Dem	Ind	Non-Group
10	5	3	1	1

Group Leaders and the Convenor of the Independent Group have been requested to submit nominations to Committees in accordance with the allocations set out in the above table. Details of the nominations received from the political groups in time for the agenda publication have been enclosed separately with the agenda, and any further nominations will be circulated to Council as soon as they are available.

RECOMMENDATION

That 10 Members be appointed to be Climate Change Working Group for 2011/12, appointments to be made in accordance with political proportionality.

16. DISTRICT COUNCIL MEMBER APPOINTMENT TO THE STANDARDS COMMITTEE 2011-2015

Membership of the Standards Committee is not subject to political proportionality, but it must meet the following requirements as set out in Article 9 of the Council's Constitution:

- Must have at least 6 District Council members (serving four-year terms);
- No more than one Executive Member may be appointed;
- The Committee should include representatives from all groups represented on the Council and should be constituted so that no one group dominates;
- District Council appointments must have the support of the full Council

The current district council members of the Standards Committee are:

Seats	Cons	Lib Dem	Ind	Non-Group
At least 6 (currently 6)	Roger Hall (to 2012)	Janet Lockwood (to 2012) Jim Stewart (to 2014)	Alex Riley (to 2014)	Nigel Cathcart (to 2012) Cicely Murfitt (to 2012)

The four-year term of Councillor Tony Orgee (Conservative) expires in May 2011, and he is willing to serve a further term. Council is asked to consider the total number of District Council appointments to Standards Committee to ensure that the above criteria are met, and to make such District Council member appointments.

RECOMMENDATION

That Council re-appoint Councillor Tony Orgee to the Standards Committee for 2011-2015, in accordance with the above requirements.

17. ADJOURNMENT OF THE MEETING

In accordance with Standing Order 7.2, the Chairman of the Council shall preside over the election of Chairmen of Committees and Sub-Committees of the Council. In order to minimise disruption to the meeting, nominees will not be required to leave the room during should an election be held.

In the event of a tie, the provisions of Standing Order 16.7 below shall be followed:

Voting on appointments

Where there are three or more candidates for appointment and there is, after balloting, no candidate with a clear majority, meaning in this case the votes of more than 50% of members present and voting, the candidate with the least number of votes shall withdraw and there shall be a fresh ballot of the remaining candidates; and so on as necessary until a candidate has that majority. Where there are two candidates only, or two candidates remain, a vote shall be taken. In the event of a tie, a second vote shall be taken. In the event of a continuing tie, the matter shall be decided by the toss of a coin.

The administration's list of nominations for Chairmen and Vice-Chairmen is below. Where an alternative nomination is proposed, Council is **RECOMMENDED** to resolve that the Council meeting be adjourned to allow the relevant bodies to hold election(s) for these position(s), otherwise it is **RECOMMENDED** that these proposals be accepted:

Body	Chairman	Vice-Chairman
Climate Change Working Group	David Bard	Peter Topping
Constitution Review Working Party	Tony Orgee	Ray Manning
Corporate Governance Committee	Francis Burkitt	David McCraith
Electoral Arrangements Committee	Robert Turner	Raymond Matthews
Employment Committee	David Bard	Pippa Corney
Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Act)	Roger Hall	Raymond Matthews

Planning Committee	Pippa Corney	Robert Turner
Planning Enforcement Sub-Committee	Mervyn Loynes	Charlie Nightingale
Scrutiny and Overview Committee	James Hockney	Bridget Smith

It is further **RECOMMENDED** that it be accepted as read that the Planning Committee has appointed to the Planning Enforcement Sub-Committee the nominees listed in Agenda Item 12, subject to any changes made at the Council meeting, and that the Licensing Committee (2003 Act) has confirmed its existing procedure of appointments of Licensing (2003 Act) Sub-Committee and Sub-Committee Chairmen, and Confirmation of the Procedure for the Appointment of Members as given below:

- (a) that all Members of the Licensing Committee, excepting any Members who choose not to be so appointed, be appointed to the Licensing (2003 Act) Sub-Committee, to act as Chairmen of the Sub-Committee, subject to the Chairmen having received, or giving a commitment to undertake, the appropriate training required for the role; and
- (b) that the Democratic Services Team Leader be authorised to appoint three Members to the Sub-Committee when it is required to meet, comprising a Chairman from the pool agreed in (a) above and two Members of the Committee, dependent on availability, having regard to potential conflicts of interest and in consultation with the Chairman of the Committee.

Agendas for each of the above meetings are available on-line at www.scams.gov.uk/meetings.

18. APPOINTMENTS TO OUTSIDE, JOINT & OTHER MEMBER BODIES 2011/12

18 (a) Sawston Patient Reference Group

Sawston Medical Centre has established a patient reference group, for which it seeks the appointment of a South Cambridgeshire District Councillor before the end of May 2011. The Practice Business Manager agrees that, if the Council wishes, an appointment could be made for up to four years or until the end of the appointee's term of office, whichever is sooner. The Group's Constitution is attached for information.

For Decision on whether or not to include the Sawston Patient Reference Group on the list of outside bodies to which Council makes appointments.

(Pages 47 - 48)

18 (b) Appointments to Outside, Joint & other Member Bodies 2011/12

Details of the appointments required, along with background information where relevant, are enclosed separately and have been circulated to Group Leaders and the Convenor of the Independent Group. Details of the nominations received from the political groups in time for the agenda publication have been enclosed separately with the agenda, and any further nominations will be circulated to Council as soon as they are available.

RECOMMENDATION

To make appointments to outside, joint and other Member bodies where appointments are required annually existing terms of office have concluded and where other vacancies have arisen.

- 19. ANNUAL STANDARDS COMMITTEE REPORT TO COUNCIL 2011**
The Annual Report of the Standards Committee has been enclosed separately.
- 20. ANNUAL SCRUTINY & OVERVIEW COMMITTEE REPORT TO COUNCIL 2011**
The Annual Report of the Scrutiny and Overview Committee has been enclosed separately.
- 21. MAJOR OPPOSITION GROUP LEADER'S ANNUAL REPORT TO COUNCIL (DISCRETIONARY)**
In accordance with Council Standing Order 1.1(b)(xiii), Council, at its annual meeting, will receive the Leader of the Major Opposition Group's Annual Report. Please note that Council on 23 April 2009 resolved that this report would be discretionary.
- 22. WRITE-OFFS: ANNUAL REPORT TO COUNCIL 2011**
To note.
(Pages 49 - 52)
- 23. AMENDMENTS MADE TO THE CONSTITUTION 2010/11**
In accordance with Article 15.03, a schedule of changes made to the Constitution during 2010/11 is attached **for information.**
(Pages 53 - 56)
- 24. QUESTIONS ON JOINT MEETINGS**
- | Joint Body | Date of Meeting | Minutes Published in Weekly Bulletin |
|---|------------------------|---|
| South Cambridgeshire Crime and Disorder Reduction Partnership | 26 April 2011 | 11 May 2011 |
- 25. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES**
- 26. QUESTIONS FROM COUNCILLORS**
- 26 (a) From Cllr John Williams to the Leader of Council**
"Given the position the council is at with its proposed gypsy and traveller policies and taking account of current adopted development control policies, why has the Cambridgeshire and Peterborough Mental Health Trust been told by planning officers that it must at this time include a traveller site in its masterplan for developing the Ida Darwin Hospital site for housing?"
- 26 (b) From Cllr Liz Heazell to the Leader of Council**
"Does the Leader not agree that the increased knowledge cabinet members gain by attending meetings /discussions / briefings with Ministers should be shared with all members by means of written reports so that members and officers can be better informed?"
- 26 (c) From Cllr Stephen Harangozo to the Leader of Council**
"Cambridgeshire's delivery of sustained reductions in local carbon emissions is being affected both by 'delaying' and severe budget cuts. Does the Leader agree that the government's aspirations on climate change are likely to be significantly undermined unless additional measures are brought in to help struggling authorities here and elsewhere and what support/incentives would he like to see from government?"
- 26 (d) From Cllr Tumi Hawkins to the Leader of Council**
"In view of the fact that affordable housing is in short supply in our district, and that

we should be considering all opportunities for its provision, what is the view of this council on the Government's proposal to grant permitted development rights to change of use from commercial B use classes to residential C3 use class, and is this council responding to the ongoing government consultation on this issue?"

26 (e) From Cllr Bridget Smith to the Leader of Council

"It can not have passed the notice of any member how unhappy many of our staff are having learnt that they will be facing significant reductions in their salaries in 2 years time. The potential impact on this council of low staff morale resulting from officers who do not believe that their considerable efforts are valued, are great. Please can the leader itemise the actions he will be personally taking to support those staff who are losing out?"

26 (f) From Cllr Mike Mason to the Leader of Council

"In the process of setting the budget for the current financial year and noting the emerging medium term financial strategy, members have expressed concern that the Council will no longer be debt free and will need to finance the proportion of the national housing debt of some £206 million over the next thirty years. Can the Leader now share with members any latest information from CLG, giving an indication as to the timescale and payment of this debt, together with the method of raising the necessary loan finance?"

27. CHAIRMAN'S ENGAGEMENTS

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

Date	Venue / Event
18 April 2011	WI Annual Council Meeting, Comberton
19 April 2011	Groundbreaking at Abbeyfield, Girton
20 April 2011	Mayor's Fundraising Dinner, Haverhill
22 April 2011	Chairman of Huntingdonshire's St George's Reception, Pathfinder House
30 April 2011	Mayor of Huntingdon's Civic Charity Ball
2 May 2011	Opening of new Outdoor Gym & Footpath, Histon & Impington
3 May 2011	Flag unveiling in memory of Rhine Crossing, Imperial War Museum, Duxford
5 May 2011	Opening of new building on Milton Campus at College of West Anglia
6 May 2011	Tata Kids of Steel Triathlon, Impington
7 May 2011	Saffron Walden Mayor's Charity Ball
8 May 2011	Chairman's End of Term Dinner, Great Shelford
11 May 2011	Annual Mayor Making, St Ives
13 May 2011	Huntingdonshire Summer Civic Reception
14 May 2011	Huntingdonshire Concert Band & Royal Artillery Band in Aid of SSAFA (Soldiers, Sailors, Airmen and Families Association)
16 May 2011	Celebration of Life Memorial Service for Christopher Bethell
21 May 2011	Celebration Tea Party - unpicked Meadow Public Art Project, Melbourn

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

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

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

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

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

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

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. Until such time as the Council's Constitution is updated to allow public recording of business, the Council and all its committees, sub-committees or any other sub-group of the Council or the Executive will have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) for the duration of that meeting to enable the recording of business, including any audio / visual or photographic recording in any format or use of social media to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

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

Disturbance by Public

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

Smoking

Since 1 July 2008, the Council has operated a new Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on
Thursday, 14 April 2011 at 2.00 p.m.

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

Councillors: Frances Amrani, David Bard, Val Barrett, John Batchelor, Trisha Bear, Francis Burkitt, Brian Burling, Tom Bygott, Nigel Cathcart, Jonathan Chatfield, Pippa Corney, Simon Edwards, Sue Ellington, Roger Hall, Steve Harangozo, Lynda Harford, Sally Hatton, Liz Heazell, Mark Hersom, James Hockney, Mark Howell, Clayton Hudson, Mrs PE Jarvis, Sebastian Kindersley, Janet Lockwood, Mervyn Loynes, Ray Manning, Mike Mason, Raymond Matthews, David McCraith, Cicely Murfitt, Alex Riley, Deborah Roberts, Ben Shelton, Bridget Smith, Hazel Smith, Surinder Soond, Jim Stewart, Peter Topping, Robert Turner, Bunty Waters, John F Williams, John G Williams, Tim Wotherspoon and Nick Wright

Officers:

Holly Adams	Democratic Services Team Leader
Alex Colyer	Executive Director, Corporate Services
Susan Gardner Craig	Human Resources Manager
Steve Hampson	Executive Director, Operational Services
Jean Hunter	Chief Executive
Fiona McMillan	Legal & Democratic Services Manager and Deputy Monitoring Officer

Apologies for absence were received from Councillor Richard Barrett, David Bird, Douglas de Lacey, Jaime Dipple, Jose Hales, Tumi Hawkins, Peter Johnson, Lorraine Morgan, Neil Scarr and Edd Stonham.

PRESENTATION

The Chairman presented to Councillor Mark Howell, Equality and Diversity Champion, the certificate recognising the Council's attainment of the Achieving Level of the Equality Framework for Local Government following a successful peer challenge organised by Local Government Improvement and Development and carried out during October 2010. Councillor Howell paid tribute to the efforts made by members and officers to achieve the award.

92. DECLARATIONS OF INTEREST

The following interests were declared:
Councillor John Batchelor

Personal, non-prejudicial interest in items 94, Announcements, and 100, Questions on Joint Meetings, as a member of the Cambridgeshire Police Authority, whose Neighbourhood Panels were mentioned. He remained in the meeting room during the announcements.

Councillors David Bard, Tom Bygott, Liz Heazell, Charlie Nightingale, Ben Shelton and John F Williams

Personal, non-prejudicial interests in item 98, Joint Development Control Committees: Amendments to Terms of Reference, as members of the Cambridge Fringes Joint Development Control Committee. They remained in the meeting room and participated in the

Councillors Brian Burling, Simon Edwards, Lynda Harford, David McCraith, Hazel Smith and Tim Wotherspoon	debate and vote. Personal, non-prejudicial interests in item 98, Joint Development Control Committees: Amendments to Terms of Reference, as members of the Northstowe Joint Development Control Committee. They remained in the meeting room and participated in the debate and vote.
Councillor Tony Orgee	Personal, non-prejudicial interests in item 98, Joint Development Control Committees: Amendments to Terms of Reference, as a Cambridgeshire County Council member of the Cambridge Fringes Joint Development Control Committee. He remained in the meeting room and participated in the debate and vote.
Councillors Brian Burling, Simon Edwards, Lynda Harford, David McCraith, Hazel Smith and Tim Wotherspoon	Personal, non-prejudicial interests in item 103(a), Motion standing in the names of Councillor Sebastian Kindersley and Jonathan Chatfield, as members of the Northstowe Joint Development Control Committee: each member made it clear that any views expressed during the debate would not have any bearing on how they would determine any future planning application, as they would keep an open mind and give full consideration to all the issues before them at the time before reaching any decision. They remained in the meeting room and participated in the debate and vote.
Councillors Frances Amrani, David Bard, Lynda Harford, James Hockney and Mark Howell	Personal, non-prejudicial interests in item 106, Job Evaluation Project, as members of unions. They remained in the meeting room and participated in the debate and vote.
Councillor Sebastian Kindersley	Personal, non-prejudicial interest in any planning and development issues in South Cambridgeshire and the Cambridge City Fringes. He remained in the room and participated in debates and votes throughout the meeting.

93. MINUTES

The Chairman signed the minutes of the 24 February 2011 meeting as a correct record.

94. ANNOUNCEMENTS

The Chairman recognised the contribution of retiring councillors David Bird, Jaime Dipple, Lorraine Morgan and John F Williams and wished them well in the future. Councillor John F Williams made a farewell speech to members and officers, saying that he would look back fondly on his time on the Council. The Chairman wished good luck

to those members facing elections in May.

Council applauded the achievements of Mr Edward Dodson of Chesterton, who had raised nearly £4,000 for a motor neuron disease charity in tribute to former Councillor Janice Guest.

The Leader updated members on recent meetings he, the Chief Executive and other members of the Cabinet had had with various bodies and government ministers, drawing particular attention to the new Communities and Local Government consultation on planning for Traveller sites.

95. PETITIONS

None received.

96. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:

96 (a) Member Development Strategy 2011-2014 (Environmental Services Portfolio Holder, 10 March 2011)

Councillor Sue Ellington, Champion for Member Development, seconded by Councillor Ray Manning, commended the revised Member Development Strategy to Council. She clarified that members should undertake to help other councillors to improve their performance, and highlighted the increased attendance rates for training and development events. Members felt that having training delivered internally ensured that presentations and materials were directly relevant to the District.

Council **RESOLVED** to adopt the Member Development Strategy 2011-14.

96 (b) Risk Management Strategy and Strategic Risk Register 2011/12 (Corporate Governance Committee, 28 March 2011 and Northstowe Portfolio Holder)

Councillor Peter Topping, Corporate Governance Committee Chairman, seconded by Councillor Tim Wotherspoon, lead member for Risk Management, commended the Risk Management Strategy and Strategic Risk Register 2011/12. Councillor Topping explained that the Corporate Governance Committee had declined to accept advice from internal auditors which would have increased the complexity of the Strategic Risk Register.

Council **RESOLVED** to endorse the Risk Management Strategy and to approve the Strategic Risk Register 2011/12.

96 (c) Minor Amendments to Executive Procedure Rules (Part 4) (Constitution Review Working Party, 24 March 2011)

Councillor Charlie Nightingale, Constitution Review Working Party Chairman, moved the proposal, seconded by Councillor Jim Stewart, and Council **RESOLVED** to adopt minor amendments to Executive Procedure Rules 1.6 (a) and (b) and 3.1 to enable the Leader to make decisions on behalf of a Portfolio Holder in situations where there could be a perceived conflict of interests on the part of the Portfolio Holder.

96 (d) Definitions of Key Decisions (Constitution Review Working Party, 24 March 2011)

Councillor Charlie Nightingale, Constitution Review Working Party Chairman, moved the proposal, seconded by Councillor Jim Stewart. The Legal and Democratic Services

Manager undertook to confirm whether or not departure planning applications would constitute key decisions under the new definitions.

Council **RESOLVED** to include the following additional definitions of key decisions in Part 1 of the Council's Constitution, Definitions:

- Decisions which comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown;
- Decisions which require the passage of local legislation.

96 (e) Resourcing additional work on the Local Development Framework (Cabinet, 31 March 2011)

The New Communities team had been reduced in the previous year due to the decrease in business as a result of the economic downturn, and Councillor David Bard, New Communities Portfolio Holder, proposed that it was now time to expand the team temporarily in response to resurgence in business. The Council's Local Development Framework (LDF) was due to be refreshed and the separate documents of the previous LDF would be combined into one, requiring only one Examination in Public and reducing the fees to be paid to the Planning Inspectorate. The Portfolio Holder emphasised that these new posts would be part of the Council's establishment and would not be consultants. Councillor Nick Wright seconded the proposal.

Council **RESOLVED** that two fixed-term contract appointments be made to the Planning Policy team for a period of 2 years to be funded from efficiency and other savings of £158,500 from within the Planning Policy budget over the next three years and £30,255 from general reserves (on the assumption that the appointments be made to the mid-point pay scales for the two posts).

97. ABOLITION OF CAMBRIDGE CITY FRINGES JOINT COMMITTEE (S29)

Councillor David Bard, New Communities Portfolio Holder, moved the proposal, seconded by Councillor Ray Manning. The previous Government had provided nearly £750,000 to the District, City and County Councils for joint planning work and associated officer posts, one of the requirements for which was the establishment of this Joint Committee. The funding having now been withdrawn, it was felt by all joint partners that to continue the Committee would be an unnecessary drain on resources. Cambridgeshire County Council and Cambridge City Council had already resolved to abolish the Joint Committee.

Council **RESOLVED** to accept the recommendation of the Cambridge City Fringes Joint Committee and to request the Secretary of State to abolish the said Joint Committee.

98. JOINT DEVELOPMENT CONTROL COMMITTEES (CAMBRIDGE FRINGES AND NORTHSTOWE): AMENDMENTS TO TERMS OF REFERENCE

Councillor David Bard moved the proposal, seconded by Councillor Nick Wright, which would adopt Memoranda of Understanding between the partners on the two Joint Development Control Committees to set out the scope of responsibilities for the lead planning officers following the retirement of the Joint Director of Planning on 31 March 2011. In response to requests from members, the Chief Executive undertook to speak to her counterparts at the other local authorities about training arrangements for members of the Joint Development Control Committees.

Council **RESOLVED** to:

- (a) approve the draft Memorandum of Understanding between South Cambridgeshire District Council, Cambridgeshire County Council and Cambridge City Council regarding the provision of planning advice to Cambridge Fringes Joint Development Control;
- (b) approve the draft Memorandum of Understanding between South Cambridgeshire District Council and Cambridgeshire County Council regarding the provision of planning advice to the Northstowe Joint Development Control.

99. AMENDMENTS TO THE CONSTITUTION - ARTICLE 9 - THE STANDARDS COMMITTEE

Councillor Tony Orgee, seconded by Councillor Cicely Murfitt, moved the proposal which reflected forthcoming retirements of existing parish council representatives on the Standards Committee. Given the uncertainty about the future of the standards regime and the review of the Committee's composition, it was felt that the amendment would enable the Standards Committee to continue to operate.

Council paid special tribute to Bob Bryant, who would be retiring from Orwell Parish Council and from the Standards Committee, and the Chairman undertook to thank Mr Bryant on behalf of the District Council for his dedication to serving his community.

Council **RESOLVED** to amend article 9.02 of the Constitution as follows, to enable the Standards Committee to remain quorate:

9.02 Composition

- (a) **Membership.** The Standards Committee will be composed of:
 - ...
 - at least 3 2 members of parish councils in the Council's area; (Parish Members).

100. QUESTIONS ON JOINT MEETINGS

South Cambridgeshire Crime and Disorder Reduction Partnership

The next meeting was on 26 April at which the Partnership would consider amendments to Neighbourhood Panel arrangements.

Cambridge City and South Cambridgeshire Local Strategic Partnership (LSP)

The LSP was pleased to receive the reward grant from the government and was now addressing its distribution amongst the councils. There had been questions raised about the future of the LSP, but the voluntary sector representatives had been particularly keen for it to continue. The Leader recognised the superb parish plan presented to the LSP by residents of Horningsea.

Joint Development Control Committee: Cambridge Fringes

The only South Cambridgeshire item on recent agendas concerned a farm gate at Hauxton Road.

101. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

Councillor Mike Mason, one the Council's representatives on Internal Drainage Boards (IDB), undertook to provide a written report to Council on the impact on waterways of a recent Planning Committee decision about photovoltaic installations at Chittering. Councillor James Hockney, local member for Chittering, explained that, although consultation had been undertaken inadvertently with the IDB for a different area, the same resident engineer worked for both IDBs and had been able to respond on behalf of

the IDB covering Chittering.

102. QUESTIONS FROM COUNCILLORS

102 (a) From Cllr James Hockney to the Leader of the Council

At the start of the item Councillor Lynda Harford raised a point of order about Standing Order 11.6, which allowed the Chairman to reject a question which was substantially the same as a question which had been put to Council in the past six months, on the grounds that the proposed question was similar to one she had asked at the February 2011 Council meeting. The Legal and Democratic Services Manager, as proper officer advising the Chairman, explained that the question referred to was not judged to be sufficiently similar and that the Chairman's ruling was final. The Chairman confirmed that he would allow the question to be put.

Councillor James Hockney explained that his question had not been directed at any one member but sought to establish the Council's current position and future plans. He asked the Leader, "There have been statements by some Cllrs and also recent stories in the Press that the delayed Gypsy and Traveller Plan is causing this Council to lose Planning Appeals. It is also claimed that it will severely weaken the Council's ability to prevent further unauthorised sites. Could the Leader comment on this?"

The Leader explained that he had wanted to clarify the situation, knowing that it was of concern to a number of villages, his own included, and referred the question to Councillor David Bard, New Communities Portfolio Holder. Councillor Bard assured members that the Council was not disadvantaged by the delayed Plan. He referred to the new Communities and Local Government consultation paper on planning for Traveller sites, which did not appear to be a significant change from Planning Circular 1/2006, and assured members that the Council would make strong representations, encouraging members to bring their views forward to help form the Council's response.

102 (b) From Cllr Peter Topping to the Leader of the Council

Concerns having been raised about the wording of the original question, Councillor Peter Topping, with the permission of the Chairman, asked a revised question, "Could the Leader comment on the claim made by the Leader of the Opposition in the *Cambridge News* that, in reference to what a resident described as a 'council tax shambles', the mistake had been caused by officers having been 'decimated' by staff cuts? How many posts have been lost and is he confident that the present high collection rate will be sustained?"

The Leader expressed his concerns about the implications in the article that the Council was failing in its collection rates, and referred the question to Councillor Simon Edwards, Finance and Staffing Portfolio Holder. Councillor Edwards explained that the error had arisen when the printers had not changed the template from the previous year, accepted that the mistake should have been noticed, and emphasised that it was an error. He disagreed that the department had been 'decimated', having been reduced by only one post, and commended the work of the Revenues and Benefits teams with collection rates among the highest in the country. He was confident that these rates would be sustained, noting that the department had continued to improve year-on-year despite already being close to 100%.

102 (c) From Cllr Frances Amrani to the Leader of the Council

Councillor Frances Amrani asked, "What kind of consultation with Parish Councils has

taken place (or is planned) with regard to the removal of existing glass, carton and can banks and the introduction of alternative banks for different materials?" She explained that her question had arisen from discussions with her Parish Council.

The Leader referred the question to Councillor Sue Ellington, Environmental Services Portfolio Holder, who explained that all parish councils had been e-mailed in February 2011 with details of the review, and that many had been happy with the proposals for the removal. She confirmed that all parish councils had been contacted.

Councillor Amrani asked, as her supplementary question, whether funding would be available for removal of the concrete bases beneath the recycling banks. Councillor Ellington undertook to supply all members with a written response, and to discuss the matter with the parish councils concerned.

103. NOTICES OF MOTION

103 (a) Standing in the names of Councillors Sebastian Kindersley and Jonathan Chatfield

Councillor Sebastian Kindersley, seconded by Councillor Jonathan Chatfield, moved that "Council note the cancellation of the A14 project by Government with no alternative plan in place and further notes Northstowe cannot progress until the A14 issue is resolved. With no prospect of this happening in the foreseeable future and in the interest of value for money for South Cambridgeshire citizens this Council resolves to suspend any further use of Council resources in relation to Northstowe; such resources to be redirected to core tasks of the Council such as planning and strategic housing development." Councillor Kindersley noted that the lack of development progress at Northstowe was included in the Strategic Risk Register. Councillor Chatfield felt that the absence of the A14 upgrades and the delay to the Cambridgeshire Guided Busway meant that further resources dedicated to Northstowe would not be money well spent and should be reallocated elsewhere.

Councillors debated the motion at length, noting that:

- The adopted Northstowe Area Action Plan did not require the A14 upgrade before the trigger point of 2,000 homes;
- Dwellings at Northstowe would qualify for New Homes Bonus;
- The need for new homes in South Cambridgeshire continued even though housing targets had been removed;
- Suspension of work at Northstowe would lead to developers applying to re-open other sites such as Hanley Grange;
- The Northstowe developers were proposing to review the Masterplan: if the Council withdrew from further work, it would lose its chance to have input and to influence the Masterplan;
- The parish councils of the villages most affected by the Northstowe development had not been consulted about the motion and were very concerned that, if it were approved, they would lose their opportunities for input through the Northstowe Planning Forum;
- The resources involved had been approximately £15,000 per year;
- The motion asked for a suspension of further use of Council resources for Northstowe, not a cancellation.

Councillor Kindersley explained that his motion was intended to send a strong message to the Government, hopefully with the support of the developers and the local parish councils, that plans for the full A14 upgrade must be reinstated, and to the County Council that the Guided Busway must open.

At the request of more than six councillors a recorded vote was held and, with 14 in favour, 29 against and 2 abstentions the motion to suspend any further use of Council resources in relation to Northstowe was declared **LOST**.

Voting was as follows:

For the motion (14)

Cllr Frances Amrani	Cllr Mark Hersom	Cllr Hazel Smith
Cllr John Batchelor	Cllr Pauline Jarvis	Cllr Surinder Soond
Cllr Jonathan Chatfield	Cllr Sebastian Kindersley	Cllr Jim Stewart
Cllr Steve Harangozo	Cllr Janet Lockwood	Cllr John F Williams
Cllr Liz Heazell	Cllr Bridget Smith	

Against the motion (29)

Cllr David Bard	Cllr Roger Hall	Cllr Tony Orgee
Cllr Valerie Barrett	Cllr Sally Hatton	Cllr Alex Riley
Cllr Trisha Bear	Cllr James Hockney	Cllr Deborah Roberts
Cllr Francis Burkitt	Cllr Mark Howell	Cllr Ben Shelton
Cllr Brian Burling	Cllr Clayton Hudson	Cllr Peter Topping
Cllr Tom Bygott	Cllr Mervyn Loynes	Cllr Robert Turner
Cllr Nigel Cathcart	Cllr Ray Manning	Cllr Bunty Waters
Cllr Pippa Corney	Cllr Raymond Matthews	Cllr Tim Wotherspoon
Cllr Simon Edwards	Cllr David McCraith	Cllr Nick Wright
Cllr Sue Ellington	Cllr Charlie Nightingale	

Abstain (2)

Cllr Lynda Harford	Cllr Mike Mason
--------------------	-----------------

103 (b) Standing in the name of Councillor Liz Heazell

Councillor Liz Heazell **WITHDREW** her motion as the Housing Portfolio Holder would be receiving at his next meeting a report on the process for Tenant Participation Group elections and the possible establishment of a Housing Management Board.

104. CHAIRMAN'S ENGAGEMENTS

The Chairman's engagements were **NOTED**.

105. EXCLUSION OF PRESS AND PUBLIC

On the proposal of Councillor Mark Howell, seconded by Councillor Ray Manning, Council **RESOLVED** to exclude the Press and Public from the meeting during the consideration of the following item in accordance with Section 100(a)(4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A of the Act (as amended).

106. JOB EVALUATION PROJECT

Present in the meeting room during discussion of this item were:

Councillors Frances Amrani, David Bard, Val Barrett, John Batchelor, Trisha Bear, Francis Burkitt, Tom Bygott, Nigel Cathcart, Pippa Corney, Simon Edwards, Roger Hall, Lynda Harford, Sally Hatton, Liz Heazell, Mark Hersom, James Hockney, Mark Howell, Clayton Hudson, Pauline Jarvis, Sebastian Kindersley, Janet Lockwood, Mervyn Loynes, Ray Manning, Mike Mason, Raymond Matthews, David McCraith, Cicely Murfitt, Charlie

Nightingale, Alex Riley, Bridget Smith, Hazel Smith, Jim Stewart, Peter Topping, Bunty Waters, John F Williams, Tim Wotherspoon and Nick Wright; and Holly Adams, Democratic Services Team Leader; Alex Colyer, Executive Director (Corporate Services); Susan Gardner Craig, Human Resources Manager; Steve Hampson, Executive Director (Operational Services); Jean Hunter, Chief Executive; and Fiona McMillan, Legal and Democratic Services Manager.

Councillor Simon Edwards, Finance and Staffing Portfolio Holder, described the background to the Job Evaluation Project, which the Council had to undertake in response to changing legislation.

With no members voting against, Council **RESOLVED** to:

- (a) note the report;
- (b) approve the Single Status Agreement; and
- (c) authorise the Executive Director (Corporate Services) to finalise the clauses in relation to Annual leave, Task & Finish and Standby arrangements for insertion into the Single Status Agreement.

The Meeting ended at 5.12 p.m.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT OF THE RETURNING OFFICER

I, Jean Hunter, Returning Officer for the several wards in the District of South Cambridgeshire, do hereby certify that the persons named below have been duly elected to the office of Councillor on 5 May 2011:

WARD	PARISHES	NAME AND ADDRESS	RETIREMENT YEAR
No. 1 BALSHAM	Balsham, Carlton, Castle Camps, Horseheath, Shudy Camps, West Wickham, West Wrating, Weston Colville	Richard Edwin George BARRETT 18 West Wickham Road Balsham Cambridge CB21 4DZ	2015
No. 2 BAR HILL	Bar Hill, Boxworth, Dry Drayton, Lolworth	Roger HALL 11 Almond Grove Bar Hill Cambridge CB23 8DU	2015
No. 3 BARTON	Barton, Coton, Grantchester, Madingley	Francis William Miles BURKITT Merton House Grantchester Cambridge CB3 9NQ	2015
No. 5 BOURN	Bourn, Cambourne, Caxton, Croxton, Eltisley	Alison Paula ELCOX The Knoll 131 Alms Hill Bourn Cambridge CB23 2SZ	2015
No. 7 COMBERTON	Comberton	Stephen HARANGOZO 57 Hillfield Road Comberton Cambridge CB23 7DB	2015
No. 8 COTTENHAM	Cottenham, Oakington & Westwick, Rampton	Timothy John WOTHERSPOON The Three Horseshoes 135 High Street Cottenham Cambridge CB24 8SD	2015
No. 9 DUXFORD	Duxford, Ickleton	Mick MARTIN Wingsfold 17a Hunts Road Duxford Cambridge CB22 4RE	2015

WARD	PARISHES	NAME AND ADDRESS	RETIREMENT YEAR
No. 10 FOWLMERE & FOXTON	Fowlmere, Foxton	Deborah Patricia ROBERTS Amberley Long Lane Fowlmere Royston Herts SG8 7TG	2015
No. 11 FULBOURN	Fulbourn	Neil John SCARR 9 Haggis Gap Fulbourn Cambridge CB21 5HD	2015
No. 14 HARDWICK	Hardwick	Jim STEWART 85 Main Street Hardwick Cambridge CB23 7QU	2015
No. 17 HISTON & IMPINGTON	Histon, Impington, Orchard Park	Jonathan Peter CHATFIELD 2 Parr Close Impington Cambridge CB24 9YH	2015
No. 22 MILTON	Milton	Hazel Marion SMITH 7 Hall End Milton Cambridge CB24 6AQ	2015
No. 23 ORWELL & BARRINGTON	Barrington, Orwell, Wimpole	Ted RIDGWAY WATT 17 Brookside Orwell Royston Herts SG8 5TQ	2015
No. 24 PAPWORTH & ELSWORTH	Conington, Elsworth, Fen Drayton, Graveley, Knapwell, Papworth Everard, Papworth St Agnes	Nicholas Ian Cecil WRIGHT Marshalls Farm Elsworth Road Conington Cambridge CB23 4LW	2015
No. 25 SAWSTON	Sawston	David Roy BARD 15 Huddleston Way Sawston Cambridge CB22 3SW	2015
No. 27 TEVERSHAM	Teversham	Caroline Anne HUNT 35 High Street Teversham Cambridge CB1 9AS	2015

WARD	PARISHES	NAME AND ADDRESS	RETIREMENT YEAR
No. 28 THE ABINGTONS	Babraham, Great Abington, Hinxton, Little Abington, Pampisford	Tony ORGEE 8 Bourn Bridge Road Little Abington Cambridge CB21 6BJ	2015
No. 30 THE SHELFORDS & STAPLEFORD	Great Shelford, Little Shelford, Newton, Stapleford	David Charles WHITEMAN-DOWNES 38 Granhams Road Great Shelford Cambridge CB22 5JX	2015
No. 34 WILLINGHAM & OVER	Over, Willingham	Brian Roy BURLING Chain Farm Overcote Road Over Cambridge CB24 5NS	2015

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

26 May 2011

AUTHOR/S: Executive Director, Operational Services / Corporate Manager, Affordable Homes

COMPULSORY PURCHASE ORDERS - 26 GRANDRIDGE CLOSE, FULBOURN AND 12 FARMERS ROW, FULBOURN

Purpose

1. This report recommends making Compulsory Purchase Orders in respect of 26 Grandridge Close, Fulbourn and 12 Farmers Row, Fulbourn to allow the properties to be demolished and the sites redeveloped for new housing.
2. This is a key decision because:
 - it is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;
 - it increases financial commitments (revenue and / or capital) in future years above existing budgetary approvals;
 - it requires the acquisition or disposal of any land or interest in land with a value in excess of Level 4 (£120,000);
 - it is of such significance to a locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a key decision.

Recommendations

3. The Council is recommended to approve the making of the Compulsory Purchase Orders (attached at **Appendices E & F**) in respect of the site at 26 Grandridge Close, Fulbourn (which site is shaded on the plan attached at **Appendix B**) and in respect of the site at 12 Farmers Row, Fulbourn (which site is shaded on the plan attached at **Appendix C**) pursuant to the provisions of Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981 to enable the provision of housing accommodation by the Council's partner housing association Accent Nene in respect of the Windmill Estate redevelopment project.

Reasons for Recommendations

4. To obtain authority to make Compulsory Purchase Orders under the Housing Act 1985 for the owner occupied properties known as 26 Grandridge Close, Fulbourn and 12 Farmers Row, Fulbourn, to ensure that the agreed regeneration and redevelopment programme can proceed to the timescales proposed. Detailed reasons for making these compulsory purchase orders are set out in the Statement of Reasons for each property (attached at **Appendices A & B**).

Background

5. The redevelopment of the Windmill Estate is a significant project for the Council, requiring the demolition of 164 homes and the building of around 270 new

replacement homes provided by the Council's partner housing association Accent Nene.

6. The original agreed objectives were to:
 - Provide a sustainable mix of new homes.
 - Improve the quality of life of tenants and owners who had been living in sub standard properties
 - Provide a boost to community cohesion within Fulbourn,
 - Maximise the number of new affordable rented homes
 - Increase the overall housing provision within the district
 - Mitigate the financial cost risks to the Council associated with attempting to maintain the old homes to an acceptable standard despite the design flaws of those properties.
7. The Council decided on 23 November 2006 to commence the redevelopment project.
8. The process has involved transferring land parcels to Accent Nene to enable their comprehensive redevelopment and regeneration programme to proceed. This has involved the demolition of the majority of the homes transferred via the land parcels, including a number of homes that have been purchased through the Right to Buy procedure. Under the arrangements to transfer, Accent Nene agreed to make every effort to purchase the units that had been acquired via the Right to Buy, through agreement with the owners.
9. Prior to the commencement of the redevelopment works, each owner-occupier was contacted, and detailed terms of the financial offer available provided to them for voluntary acquisition of their properties by Accent Nene. These terms ensure that no owner-occupier would be worse off through agreeing voluntarily to sell as opposed to being compulsory purchased. In addition owner-occupiers living on the estate at the time of the proposals were provided with additional options enabling them to buy a new property on a rent-free equity share basis.
10. Compensation payable to owner-occupiers under the relevant legislation includes payment of the market value of the property, a home loss payment of 10% of the value of the property and a disturbance payment for the reasonable costs of moving.
11. Accent Nene need the certainty that they will be able to acquire 26 Grandridge Close and 12 Farmers Row, Fulbourn, where negotiations with the owner-occupiers are still on-going, to enable their redevelopment programme to proceed according to the timetable agreed with local residents and to ensure that development costs do not escalate. The granting of a CPO can take up to 18 months if a Public Inquiry is required.
12. It is the intention of Accent Nene to continue to negotiate to voluntarily purchase interests in these two properties through negotiation with the owners but such agreement has not yet been reached.
13. On 27 January 2011 the Council agreed to reconsider its previous position of not utilising compulsory purchase to acquire properties where agreements had not been reached, and resolved that compulsory purchase powers may be used if there were no alternative way of ensuring the completion of the Windmill Estate project.
14. Government guidance Circular 06/04 on the use of compulsory purchase orders states:

“Before embarking on compulsory purchase, acquiring authorities should seek to acquire land by negotiation wherever practicable. However, although the compulsory purchase of land is intended as a last resort when attempts to acquire by agreement fail, acquiring authorities should consider when the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Indeed, given the amount of time which needs to be allowed to complete the compulsory purchase process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”

15. The Council must therefore proceed with making the two compulsory purchase orders now.

Considerations

16. It is considered necessary to obtain compulsory purchase orders as a fall-back position in case an agreement can not be reached with the owners of 26 Grandridge Close and 12 Farmers Row, Fulbourn.
17. If compulsory purchase orders are not obtained for these properties, it is possible that other owners (where agreements have not yet been finalised) could refuse to sell and vacate their property, hence obstructing and delaying the redevelopment works further. In consequence, the redevelopment would look incomplete and a number of affordable homes would not be constructed. This would result in a loss of better quality, affordable accommodation to local residents in housing need.

Implications

18. A compulsory purchase order for each property would be made under Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981. Government guidance in circular 06/04 provides that a compulsory purchase order should only be made where there is a compelling case in the public interest, sufficient to justify interference with the human rights of those with an interest in the land. The human rights implications are addressed in the Statement of Reasons attached as **Appendix A** to this report.
19. **Appendix E** of Circular 06/04 deals with compulsory purchase orders made under housing powers. Paragraph 3 states that the acquisition must achieve a quantitative or qualitative housing gain and Paragraph 7 states specifically that the acquisition of land for housing development is an acceptable use of Compulsory Purchase powers, including where it will make land available for private development or development by Housing Associations.

20.

Financial	None
Legal	See comments at paragraph 15 and 16 above
Staffing	Additional resources may be required to support officers through the CPO procedure
Risk Management	The main risk associated with the proposed CPO is a delay in the delivery of the overall project, should the owner-occupiers of 26 Grandridge Close and 12 Farmers Row not agree to voluntarily sell. This risk is mitigated by the voluntarily compensation scheme and the proposals for compulsory purchase outlined in this report

Equality and Diversity	Not applicable
Equality Impact Assessment completed	Not applicable
Climate Change	Not applicable

Consultations

- 21. The decision to proceed with the regeneration of the Windmill Estate was only taken after widespread and lengthy consultation with the local community. All residents were given ample opportunity to contribute to the proposals including the voluntary compensation scheme.

Effect on Strategic Aims

- 22. The new homes will be better designed to meet the needs of the overall community and there will be an overall improvement in the quality and affordability of the units being constructed. It will also help to address some of the existing demand for affordable housing in Fulbourn.

Background Papers: the following background papers were used in the preparation of this report:

ODPM Circular 06/04 Compulsory Purchase and the Crichel Down Rules

Contact Officer: Schuyler Newstead – Housing Strategy and Development Manager
Telephone: (01954) 713332

Fiona McMillan – Legal & Democratic Services Manager
Telephone (01954) 713027



Statement of Reasons

South Cambridgeshire District Council Statement of Reasons
(Grandridge Close, Windmill Estate, Fulbourn) Compulsory Purchase
Order No. []

1. Introduction

- 1.1 This is the Council's Statement of Reasons for making the The South Cambridgeshire District Council (Grandridge Close Fulbourn) Compulsory Purchase Order 2011. This is a non-statutory Statement provided in compliance with paragraphs 35 and 36 and Appendix R of ODPM Circular 06/2004 *Compulsory Purchase and the Crichel Down Rules*.
- 1.2 This Compulsory Purchase Order ("the CPO") was made pursuant to the provisions of Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

2. Location and Description of Order Land

- 2.1 The order land comprises **26 Grandridge Close, Fulbourn**. The Order Land forms part of the Windmill Estate which is situated near Fulbourn, Cambridge.
- 2.2 The property is a two-bedroomed mid-terrace house which borders Nos.25 and 27 Grandridge Close. It is in the middle of a block of six terraced houses.
- 2.3 It is currently occupied by an owner-occupier, the property being purchased under the Right to Buy scheme. The adjoining properties on both sides, Nos. 25 and 27, are Council-owned properties and are now vacant.

3. The Council's purpose in seeking to acquire the land

- 3.1 The Council's purpose in seeking to acquire the land included within the Order is to facilitate the agreed regeneration and redevelopment programme of Windmill Estate, Fulbourn and provide better quality, affordable accommodation to local residents in housing need.
- 3.2 The Windmill Estate was built in the 1960s and has been undergoing redevelopment for a number of years. The properties are in poor condition having only ever been intended as a temporary buildings. The Windmill Estate re-development scheme ("The Scheme") requires the demolition of 164 homes and the building of around 270 new replacement homes provided by the Council's partner housing association Accent Nene.
- 3.3 The Council resolved on the 23 November 2006 to commence with the redevelopment project. The agreed objectives were to:
- Provide a sustainable mix of new homes.
 - Improve the quality of life of tenants and owners who had been living in sub standard properties
 - Provide a boost to community cohesion within Fulbourn,
 - Maximise the number of new affordable rented homes
 - Increase the overall housing provision within the district
 - Mitigate the financial cost risks to the Council associated with attempting to maintain the old homes to an acceptable standard despite the design flaws of those properties.
- 3.4 The Scheme is a substantial regeneration investment priority for the Council. As well as comprising a significant housing component, the Scheme seeks to achieve transformational change for the benefit of the local community.

- 3.5 The redevelopment will be mixed tenure with re-provision of affordable rented homes together with homes for shared ownership and homes for market sale. The first demolition started in April 2008 and the first 45 homes in phase 1A were completed in October 2009. Of these, four have been market sale and 20 shared ownership sales. A new replacement community centre has also been completed. Phase 1B consists of 74 units which are currently under construction and will be completed in 2010/11. A detailed planning application for Phase 2A has been approved and work has commenced on site.

4. Proposals for the use/development of the land - the Windmill Estate Re-Development Scheme

General Description

- 4.1 In broad terms the Scheme involves:
- (a) the demolition of 164 homes – being homes which are deemed to be of non-decent condition;
 - (b) the construction of up to 270 new, better quality, affordable homes to be available to local residents in housing need;
 - (c) the creation of new community amenities including a community resource centre, library and play area
 - (d) estate environmental improvements
- 4.2 Accent Nene was selected as the Council's preferred development partner. Accent Nene has been successfully negotiating voluntary purchases with the owners of the properties on the estate. They have ensured that no owner-occupier will be worse off through agreeing to voluntarily sell as opposed to being compulsory purchased. Owner occupiers living on the estate at the time of the proposals have been provided with additional options enabling them to buy a new property on a rent free equity share basis.
- 4.3 The scheme will comprise residential and community uses. It will involve changes to the highway layout at Grandridge Close and Dunmowe Way.

Benefits of the Scheme

- 4.4 This Scheme will provide good quality housing for local residents and provide a safe, popular and desirable neighbourhood for them to live in. It will replace outdated accommodation with decent homes where members of the local community will choose to live.
- 4.5 The Scheme will contribute to the community by providing housing of the right quantity, quality, tenure and affordability to help address people's needs locally.

Scheme Construction Programme

- 4.6 The overall construction programme is anticipated to be 5 years. Following the grant of planning permission in 2007 the programme delivery has involved the completion of construction contracts, negotiations with owner-occupiers leading to voluntary sale of the existing properties, and other necessary agreements.
- 4.7 The Scheme will be carried out in 4 phases.
- 4.8 The Scheme represents a number of transfers of land parcels to enable the comprehensive redevelopment and regeneration programme to proceed, through demolition and redevelopment. There has been a significant amount of time and

effort spent by local residents and the Council in developing the project to the point where the first new buildings have now been completed and many people have already been displaced as part of the process.

- 4.9 Extensive consultation exercises have been carried out with the local residents and stakeholders throughout the entire process and expectations raised in that process. The Residents Panel representing both tenants and owner occupiers on the estate continues to meet regularly and play a full role in the progress of the development. The Residents Panel issues a quarterly newsletter to all residents

Compensation

- 4.10 It is the intention of Accent Nene to continue to negotiate to voluntarily purchase interests in properties through negotiation with the two owner-occupiers that to date have not accepted the offers made, although both are in continuing dialogue with Accent Nene and the Council.
- 4.11 Compensation payable to owner occupiers under the relevant legislation includes payment of the market value of the property, a home loss payment of 10% of the value of the property and a disturbance payment for the reasonable costs of moving.
- 4.12 Additionally, owner occupiers living on the estate at the time of proposals were provided with additionally options enabling them to buy a new property on a rent free equity share basis.

5. Justification for use of compulsory purchase powers

- 5.1 The Council has been working towards the redevelopment of the Windmill Estate for a considerable number of years. The Scheme represents a project where the Council and Accent Nene are working together with a view to re-develop the Site by improving the quality of life of those living or otherwise involved in community life of the area.
- 5.2 The decision to proceed with the regeneration of the Windmill Estate was only taken after widespread and lengthy consultation with the local community. All residents were given ample opportunity to contribute to the proposals including the voluntary compensation scheme. Redevelopment has already commenced; land parcels have been transferred to Accent Nene to enable their comprehensive redevelopment and regeneration programme to proceed, which has involved the demolition of a number of homes transferred under such parcels, and a number which have been purchased through the Right to Buy.
- 5.3 It was the Council's policy not to utilise compulsory purchase to acquire properties as part of this scheme, and Accent Nene had agreed to make every effort to purchase the owner occupied properties through negotiating voluntary sales. However, in January 2011 the Council reconsidered its stance on the use of compulsory purchase powers as it considered it necessary to use them if an agreement could not be reached with the owners of 26 Grandridge Close and 12 Farmers Row, Fulbourn.
- 5.4 The owner-occupier of 26 Grandridge Close has yet to agree terms with Accent Nene to vacate his home to enable the site to be cleared. If one block of the existing housing were to be retained in the middle of the redevelopment it would have the following impacts:
- Each home is part of a block of houses that cannot be separated. To leave one home therefore means that a complete block would need to be retained. The masterplan submitted to obtain outline planning permission was finely tuned to

meet planning requirements (including road layouts, distances between buildings, open space provision etc) yet still meet the objectives of the redevelopment. To redesign around just one block would mean that the overall masterplan would not be achieved, and would mean the loss of new homes for Fulbourn including affordable homes.

- The presence of a retained block in the middle of the development is likely to impact upon the market sales of nearby homes as it would make the estate look much less attractive. If market sales of the new units are affected by the presence of retained blocks, the financial viability of the project will be placed in jeopardy. The financial viability of the scheme is dependent upon grant levels from the Homes & Communities Agency (HCA), money from market sales and shared ownership sales and future rental income. Accent Nene are not in a position to subsidise the development from other resources and neither is the Council.
 - The costs of refurbishing any retained blocks is prohibitively expensive. Initial estimates indicate that this could be as much as £100K per unit i.e. £500K for block of 5 and £1m for 10 homes. With very limited capital resources available to the Council to maintain the remainder of the Council houses this level of expenditure could not be justified; this was the underlying reason why the project was started in the first place. Properties would have to be secured and left vacant. A retained and boarded up block could result in anti social behaviour and other management problems and this would also impact upon market sales.
 - Accent Nene require the certainty that they will be able to acquire the property to enable their redevelopment programme to develop according to the timetable agreed with local residents and ensure their costs do not escalate. A big project of this sort cannot be stopped and started easily. Now that the contractors are on site the momentum needs to be maintained otherwise they would have to be stood down to allow them to work on other projects. If this happens then Accent Nene may have to consider their ability to continue as the Council's development partner (their Board may determine that the risk to the association is too great).
- 5.5 If a CPO is not obtained for both 26 Grandridge Close and 12 Farmers Row it is possible that other owners (where agreements have not been finalised) could refuse to sell and vacate their property, obstructing and delaying the redevelopment works further. This would result in an incomplete redevelopment and it would not be possible to construct 17 proposed homes. Consequently, there would be a loss in quality as well as affordable accommodation available to local residents in housing need.
- 5.6 Without a CPO the Council may incur expenditure on renovation of the residual units, which is significant with regard to the Council's budget for the project.
- 5.7 Financial commitments (revenue and/or capital) may increase in future years above existing budgetary approvals.
- 5.8 The new homes will be better designed to meet the needs of the overall community, will be of higher quality and affordability, and will help to address some of the existing demand for affordable housing in Fulbourn.
- 5.9 The redevelopment is of significant public interest, particularly to the locality of the Windmill Estate. It will vastly improve the area economically, socially and environmentally, providing a better way of life for a larger number of people.

- 5.10 A package of financial compensation and support has been made available to all of the owner-occupiers living on the estate including the option of moving into one of the retained units on the edge of the redevelopment. This compensation would meet all of the associated transaction and moving costs and overall would add up to a better financial deal than is likely to be obtained under a CPO order.
- 5.11 In addition, the existing homes are not mortgageable and could only therefore be sold on the open market to cash buyers thus severely limiting the future options open to owner-occupiers if they choose not to accept the financial compensation package being offered to move off site now. Similarly, the valuation for CPO purposes provided by the District Valuer would be at the true market value of the property reflecting the non mortgageability of the homes and would be much less than the notional market value that has been offered to residents as part of the financial compensation package.
- 5.12 In order to complete the Scheme, it is necessary for the Council to compulsorily acquire certain residential property interests. The Council has liaised with many property owners detailing the terms of the financial offer available provided to them for voluntary acquisition of their properties by Accent Nene. The negotiations with and acquisition of 26 Grandridge Close remain to be completed. Consequently the Council has made the Order in order to secure this outstanding interest (“the Order Land”) and thereby facilitate the completion of the Scheme.

6. **Human Rights Act considerations**

- 6.1 The 1998 Act came into force on 2 October 2000. The main articles of the Convention which are of importance in circumstances where the Council is considering making a CPO are Article 8 – the right to respect for private and family life and his/her home and Article 1 of the First Protocol – the protection of property.
- 6.2 Section 6 1998 Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering the compulsory purchase orders, including under Articles 8 and Article 1 of the First Protocol. The approach to be taken to give effect to rights under the Convention is also reflected in paragraph 17 of ODPM Circular 06/2004:-

“A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

- 6.3 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate. In pursuing a compulsory purchase order, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regard also the availability of compensation for compulsory purchase.

- 6.4 Article 8(1) provides that everyone has the right to respect for his/her property but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes eg. public safety, economic well being, protection of health and protection of the rights of others.
- 6.5 In considering Article 8 in the context of a CPO it is necessary to consider the following questions:
- (a) does a right protected by this article apply?
 - (b) has an interference with that right taken place or will take place as a result of the CPO being made?
- 6.6 Clearly Article 8 does apply and therefore it was necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:
- (a) is the interference in accordance with law? There is a clear legal basis for making the CPO under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.
 - (b) does the interference pursue a legitimate aim? The CPO is necessary to implement the Scheme which seeks overall redevelopment of the Site in accordance with planning permission.
 - (c) is the interference necessary in a democratic society? This requires a balanced judgement to be made between the public interest and the rights of individuals. The CPO is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve the Scheme objectives.
- 6.7 The second relevant article is Article 1 of the First Protocol, which provides that:
- (a) every natural or legal person is entitled to the peaceful enjoyment of his possessions
 - (b) no one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.
- 6.8 The Council considered the effect of the above articles of the Human Rights and decided that on balance it was in the interest of the community to make the CPO over and above the interest of the individuals affected. Interference with Convention rights is considered by the Council to be justified for the reasons set out in this Statement of Reasons. The council in making this CPO also had particular regard to the rights of the individuals affected to compensation.

7. Planning Position

- 7.1 Planning permission was granted on 17th December 2007 for the scheme.
- 7.2 The affordable housing units will be constructed in accordance with the design and quality standards determined by the Homes and Communities Agency,
- Sustainability
- 7.3 The Scheme is founded on sound sustainability principles. It aims to be environmentally sustainable by:
- a) Developing entirely on brownfield land currently occupied by residential buildings
 - b) Aiming for all the affordable housing units to achieve a minimum of Code Level 3

- 7.4 The Scheme endeavours to develop a sustainable community through the following objectives:
- a) The new estate is to be economically, socially and environmentally sustainable
 - b) It will maintain the strength of the existing community; an estimated 90% of existing households will be moved to the new estate.
 - c) It will retain a balanced community in terms of child density, age profile and income levels
 - d) It will increase the earning potential of estate residents, especially young adults, by providing training and employment experience opportunities within the project processes for estate residents
- 7.5 The Scheme intends to improve the level of resident satisfaction with the Estate by:
- a) Providing a new site layout and dwellings that are of higher quality design than the current Estate, earning a higher Housing Quality Indicator (HQI) than the existing estate
 - b) The new affordable housing dwellings space standards are to be at least as high as existing dwellings
 - c) The new estate is to be visually more consistent with the village vernacular as assessed by a panel of residents and neighbours
 - d) Reducing the cost of fuel and water to residents
 - e) Improving facilities and the estate environment, for example providing facilities for children's play which will reduce conflict with other residents
 - f) Reducing the incidence of crime and the perceived fear of crime
 - g) Providing better accommodation for cars and bicycles to reduce scope for and fear of car crimes
- 7.6 The Scheme aims to enhance the sustainability of the village and help meet existing and future local housing needs through:
- a) Increasing the supply of housing in Fulbourn
 - b) Increasing the supply of social rented and intermediate housing on the estate
 - c) Providing a mix of dwelling types that best reflect housing needs over the long term
 - d) Providing housing that is flexible in its use so as to be suitable for households of different ages and maturity, e.g. complying with Lifetime Homes requirements

8. INFORMATION RELATING TO ANY GOVERNMENT POLICY STATEMENTS

8.1 None

9. SPECIAL CONSIDERATIONS AFFECTING THE ORDER SITE

9.1 None

10. VIEWS EXPRESSED BY GOVERNMENT DEPARTMENTS

10.1 None

11. INFORMATION TO PERSONS AFFECTED BY THE COMPULSORY PURCHASE ORDER

11.1 Compensation payable to owner occupiers under the relevant legislation includes payment of the market value of the property, a home loss payment of 10% of the value of the property and a disturbance payment for the reasonable costs of moving.

Additionally, owner-occupiers living on the estate at the time of proposals were provided with additionally options enabling them to buy a new property on a rent free equity share basis.

12. DETAILS OF ANY RELATED APPLICATION OR APPEAL

12.1 None

13. DOCUMENTS, MAPS AND PLANS

13.1 A list of documents related to the Scheme will be provided in due course and arrangements will be made for them to be available for public inspection at the Council Offices during normal office hours.

14. INQUIRIES PROCEDURE RULES

14.1 This statement is not intended to discharge South Cambridgeshire District Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event of a public local inquiry being held.

15. CONTACTS FOR FURTHER INFORMATION

15.1 Any queries in relation to this CPO can be raised with the Council's case officer in respect of the Scheme:-

Schuyler Newstead
Housing Development and Enabling Manager
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Telephone: 01954 713332

Email: schuyler.newstead@scambs.gov.uk

A copy of this Statement and the CPO is available for inspection on the Council's website at:-

<http://www.scambs.gov.uk>

This page is left blank intentionally.



Statement of Reasons

South Cambridgeshire District Council Statement of Reasons (Farmers Row, Windmill Estate, Fulbourn,) Compulsory Purchase Order No. []

1. Introduction

- 1.1 This is the Council's Statement of Reasons for making the The South Cambridgeshire District Council (Farmers Row Fulbourn) Compulsory Purchase Order 2011. This is a non-statutory Statement provided in compliance with paragraphs 35 and 36 and Appendix R of ODPM Circular 06/2004 *Compulsory Purchase and the Crichel Down Rules*.
- 1.2 This Compulsory Purchase Order ("the CPO") was made pursuant to the provisions of Section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.

2. Location and Description of Order Land

- 2.1 The order land comprises **12 Farmers Row, Fulbourn**. The Order Land forms part of the Windmill Estate which is situated near Fulbourn, Cambridge.
- 2.2 The property is a two-bedroomed house at the end of a block of three terraced houses and borders No. 13 Farmers Row.
- 2.3 It is currently occupied by owner-occupiers, the property being purchased under the Right to Buy scheme. The adjoining property on one, No. 13 is a Council-owned property and is now vacant.

3. The Council's purpose in seeking to acquire the land

- 3.1 The Council's purpose in seeking to acquire the land included within the Order is to facilitate the agreed regeneration and redevelopment programme of Windmill Estate, Fulbourn and provide better quality, affordable accommodation to local residents in housing need.
- 3.2 The Windmill Estate was built in the 1960s and has been undergoing redevelopment for a number of years. The properties are in poor condition having only ever been intended as a temporary buildings. The Windmill Estate re-development scheme ("The Scheme") requires the demolition of 164 homes and the building of around 270 new replacement homes provided by the Council's partner housing association Accent Nene.
- 3.3 The Council resolved on the 23 November 2006 to commence with the redevelopment project. The agreed objectives were to:
- Provide a sustainable mix of new homes.
 - Improve the quality of life of tenants and owners who had been living in sub standard properties
 - Provide a boost to community cohesion within Fulbourn,
 - Maximise the number of new affordable rented homes
 - Increase the overall housing provision within the district
 - Mitigate the financial cost risks to the Council associated with attempting to maintain the old homes to an acceptable standard despite the design flaws of those properties.
- 3.4 The Scheme is a substantial regeneration investment priority for the Council. As well as comprising a significant housing component, the Scheme seeks to achieve transformational change for the benefit of the local community.

- 3.5 The redevelopment will be mixed tenure with re-provision of affordable rented homes together with homes for shared ownership and homes for market sale. The first demolition started in April 2008 and the first 45 homes in phase 1A were completed in October 2009. Of these, four have been market sale and 20 shared ownership sales. A new replacement community centre has also been completed. Phase 1B consists of 74 units which are currently under construction and will be completed in 2010/11. A detailed planning application for Phase 2A has been approved and work has commenced on site.

4. Proposals for the use/development of the land - the Windmill Estate Re-Development Scheme

General Description

- 4.1 In broad terms the Scheme involves:
- (a) the demolition of 164 homes – being homes which are deemed to be of non-decent condition;
 - (b) the construction of up to 270 new, better quality, affordable homes to be available to local residents in housing need;
 - (c) the creation of new community amenities including a community resource centre, library and play area
 - (d) estate environmental improvements
- 4.2 Accent Nene was selected as the Council's preferred development partner. Accent Nene has been successfully negotiating voluntary purchases with the owners of the properties on the estate. They have ensured that no owner-occupier will be worse off through agreeing to voluntarily sell as opposed to being compulsory purchased. Owner occupiers living on the estate at the time of the proposals have been provided with additional options enabling them to buy a new property on a rent free equity share basis.
- 4.3 The scheme will comprise residential and community uses. It will involve changes to the highway layout at Grandridge Close and Dunmowe Way.

Benefits of the Scheme

- 4.4 This Scheme will provide good quality housing for local residents and provide a safe, popular and desirable neighbourhood for them to live in. It will replace outdated accommodation with decent homes where members of the local community will choose to live.
- 4.5 The Scheme will contribute to the community by providing housing of the right quantity, quality, tenure and affordability to help address people's needs locally.

Scheme Construction Programme

- 4.6 The overall construction programme is anticipated to be 5 years. Following the grant of planning permission in 2007 the programme delivery has involved the completion of construction contracts, negotiations with owner-occupiers leading to voluntary sale of the existing properties, and other necessary agreements.
- 4.7 The Scheme will be carried out in 4 phases.
- 4.8 The Scheme represents a number of transfers of land parcels to enable the comprehensive redevelopment and regeneration programme to proceed, through demolition and redevelopment. There has been a significant amount of time and

effort spent by local residents and the Council in developing the project to the point where the first new buildings have now been completed and many people have already been displaced as part of the process.

- 4.9 Extensive consultation exercises have been carried out with the local residents and stakeholders throughout the entire process and expectations raised in that process. The Residents Panel representing both tenants and owner occupiers on the estate continues to meet regularly and play a full role in the progress of the development. The Residents Panel issues a quarterly newsletter to all residents

Compensation

- 4.10 It is the intention of Accent Nene to continue to negotiate to voluntarily purchase interests in properties through negotiation with the two owner-occupiers that to date have not accepted the offers made, although both are in continuing dialogue with Accent Nene and the Council.
- 4.11 Compensation payable to owner occupiers under the relevant legislation includes payment of the market value of the property, a home loss payment of 10% of the value of the property and a disturbance payment for the reasonable costs of moving.
- 4.12 Additionally, owner occupiers living on the estate at the time of proposals were provided with additionally options enabling them to buy a new property on a rent free equity share basis.

5. Justification for use of compulsory purchase powers

- 5.1 The Council has been working towards the redevelopment of the Windmill Estate for a considerable number of years. The Scheme represents a project where the Council and Accent Nene are working together with a view to re-develop the Site by improving the quality of life of those living or otherwise involved in community life of the area.
- 5.2 The decision to proceed with the regeneration of the Windmill Estate was only taken after widespread and lengthy consultation with the local community. All residents were given ample opportunity to contribute to the proposals including the voluntary compensation scheme. Redevelopment has already commenced; land parcels have been transferred to Accent Nene to enable their comprehensive redevelopment and regeneration programme to proceed, which has involved the demolition of a number of homes transferred under such parcels, and a number which have been purchased through the Right to Buy.
- 5.3 It was the Council's policy not to utilise compulsory purchase to acquire properties as part of this scheme, and Accent Nene had agreed to make every effort to purchase the owner occupied properties through negotiating voluntary sales. However, in January 2011 the Council reconsidered its stance on the use of compulsory purchase powers as it considered it necessary to use them if an agreement could not be reached with the owners of 26 Grandridge Close and 12 Farmers Row, Fulbourn.
- 5.4 The owner-occupiers of 12 Farmers Row have yet to agree terms with Accent Nene to vacate their home to enable the site to be cleared. The impact of having this retained block would have the following impacts:
- Each home is part of a block of houses that cannot be separated. To leave one home therefore means that a complete block would need to be retained. The masterplan submitted to obtain outline planning permission was finely tuned to meet planning requirements (including road layouts, distances between

buildings, open space provision etc) yet still meet the objectives of the redevelopment. To redesign around just one block would mean that the overall masterplan would not be achieved, and would mean the loss of new homes for Fulbourn including affordable homes.

- The presence of a retained block in the development is likely to impact upon the market sales of nearby homes as it would make the estate look much less attractive. If market sales of the new units are affected by the presence of retained blocks, the financial viability of the project will be placed in jeopardy. The financial viability of the scheme is dependent upon grant levels from the Homes & Communities Agency (HCA), money from market sales and shared ownership sales and future rental income. Accent Nene are not in a position to subsidise the development from other resources and neither is the Council.
 - The costs of refurbishing any retained blocks is prohibitively expensive. Initial estimates indicate that this could be as much as £100K per unit i.e. £500K for block of 5 and £1m for 10 homes. With very limited capital resources available to the Council to maintain the remainder of the Council houses this level of expenditure could not be justified; this was the underlying reason why the project was started in the first place. Properties would have to be secured and left vacant. A retained and boarded up block could result in anti social behaviour and other management problems and this would also impact upon market sales.
 - Accent Nene require the certainty that they will be able to acquire the property to enable their redevelopment programme to develop according to the timetable agreed with local residents and ensure their costs do not escalate. A big project of this sort cannot be stopped and started easily. Now that the contractors are on site the momentum needs to be maintained otherwise they would have to be stood down to allow them to work on other projects. If this happens then Accent Nene may have to consider their ability to continue as the Council's development partner (their Board may determine that the risk to the association is too great).
- 5.5 If a CPO is not obtained for both 12 Farmers Row and 26 Grandridge Close it is possible that other owners (where agreements have not been finalised) could refuse to sell and vacate their property, obstructing and delaying the redevelopment works further. This would result in an incomplete redevelopment and it would not be possible to construct 17 proposed homes. Consequently, there would be a loss in quality as well as affordable accommodation available to local residents in housing need.
- 5.6 Without a CPO the Council may incur expenditure on renovation of the residual units, which is significant with regard to the Council's budget for the project.
- 5.7 Financial commitments (revenue and/or capital) may increase in future years above existing budgetary approvals.
- 5.8 The new homes will be better designed to meet the needs of the overall community, will be of higher quality and affordability, and will help to address some of the existing demand for affordable housing in Fulbourn.
- 5.9 The redevelopment is of significant public interest, particularly to the locality of the Windmill Estate. It will vastly improve the area economically, socially and environmentally, providing a better way of life for a larger number of people.
- 5.10 A package of financial compensation and support has been made available to all of the owner-occupiers living on the estate including the option of moving into one of the retained units on the edge of the redevelopment. This compensation would meet

all of the associated transaction and moving costs and overall would add up to a better financial deal than is likely to be obtained under a CPO order.

- 5.11 In addition, the existing homes are not mortgageable and could only therefore be sold on the open market to cash buyers thus severely limiting the future options open to owner-occupiers if they choose not to accept the financial compensation package being offered to move off site now. Similarly, the valuation for CPO purposes provided by the District Valuer would be at the true market value of the property reflecting the non-mortgageability of the homes and would be much less than the notional market value that has been offered to residents as part of the financial compensation package.
- 5.12 In order to complete the Scheme, it is necessary for the Council to compulsorily acquire certain residential property interests. The Council has liaised with many property owners detailing the terms of the financial offer available provided to them for voluntary acquisition of their properties by Accent Nene. The negotiations and acquisition of 12 Farmers Row Close remain to be completed. Consequently the Council has made the Order in order to secure this outstanding interest (“the Order Land”) and thereby facilitate the completion of the Scheme.

6. **Human Rights Act considerations**

- 6.1 The 1998 Act came into force on 2 October 2000. The main articles of the Convention which are of importance in circumstances where the Council is considering making a CPO are Article 8 – the right to respect for private and family life and his/her home and Article 1 of the First Protocol – the protection of property.
- 6.2 Section 6 1998 Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering the compulsory purchase orders, including under Articles 8 and Article 1 of the First Protocol. The approach to be taken to give effect to rights under the Convention is also reflected in paragraph 17 of ODPM Circular 06/2004:-

“A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

- 6.3 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate. In pursuing a compulsory purchase order, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regard also the availability of compensation for compulsory purchase.
- 6.4 Article 8(1) provides that everyone has the right to respect for his/her property but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest

purposes eg. public safety, economic well being, protection of health and protection of the rights of others.

6.5 In considering Article 8 in the context of a CPO it is necessary to consider the following questions:

- (a) does a right protected by this article apply?
- (b) has an interference with that right taken place or will take place as a result of the CPO being made?

6.6 Clearly Article 8 does apply and therefore it was necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:

- (a) is the interference in accordance with law? There is a clear legal basis for making the CPO under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.
- (b) does the interference pursue a legitimate aim? The CPO is necessary to implement the Scheme which seeks overall redevelopment of the Site in accordance with planning permission.
- (c) is the interference necessary in a democratic society? This requires a balanced judgement to be made between the public interest and the rights of individuals. The CPO is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve the Scheme objectives.

6.7 The second relevant article is Article 1 of the First Protocol, which provides that:

- (a) every natural or legal person is entitled to the peaceful enjoyment of his possessions
- (b) no one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.

6.8 The Council considered the effect of the above articles of the Human Rights and decided that on balance it was in the interest of the community to make the CPO over and above the interest of the individuals affected. Interference with Convention rights is considered by the Council to be justified for the reasons set out in this Statement of Reasons. The council in making this CPO also had particular regard to the rights of the individuals affected to compensation.

7. Planning Position

7.1 Planning permission was granted on 17th December 2007 for the scheme.

7.2 The affordable housing units will be constructed in accordance with the design and quality standards determined by the Homes and Communities Agency,

Sustainability

7.3 The Scheme is founded on sound sustainability principles. It aims to be environmentally sustainable by:

- a) Developing entirely on brownfield land currently occupied by residential buildings
- b) Aiming for all the affordable housing units to achieve a minimum of Code Level 3

7.4 The Scheme endeavours to develop a sustainable community through the following objectives:

- a) The new estate is to be economically, socially and environmentally sustainable
- b) It will maintain the strength of the existing community; an estimated 90% of existing households will be moved to the new estate.
- c) It will retain a balanced community in terms of child density, age profile and income levels
- d) It will increase the earning potential of estate residents, especially young adults, by providing training and employment experience opportunities within the project processes for estate residents

7.5 The Scheme intends to improve the level of resident satisfaction with the Estate by:

- a) Providing a new site layout and dwellings that are of higher quality design than the current Estate, earning a higher Housing Quality Indicator (HQI) than the existing estate
- b) The new affordable housing dwellings space standards are to be at least as high as existing dwellings
- c) The new estate is to be visually more consistent with the village vernacular as assessed by a panel of residents and neighbours
- d) Reducing the cost of fuel and water to residents
- e) Improving facilities and the estate environment, for example providing facilities for children's play which will reduce conflict with other residents
- f) Reducing the incidence of crime and the perceived fear of crime
- g) Providing better accommodation for cars and bicycles to reduce scope for and fear of car crimes

7.6 The Scheme aims to enhance the sustainability of the village and help meet existing and future local housing needs through:

- a) Increasing the supply of housing in Fulbourn
- b) Increasing the supply of social rented and intermediate housing on the estate
- c) Providing a mix of dwelling types that best reflect housing needs over the long term
- d) Providing housing that is flexible in its use so as to be suitable for households of different ages and maturity, e.g. complying with Lifetime Homes requirements

8. INFORMATION RELATING TO ANY GOVERNMENT POLICY STATEMENTS

8.1 None

9. SPECIAL CONSIDERATIONS AFFECTING THE ORDER SITE

9.1 None

10. VIEWS EXPRESSED BY GOVERNMENT DEPARTMENTS

10.1 None

11. INFORMATION TO PERSONS AFFECTED BY THE COMPULSORY PURCHASE ORDER

11.1 Compensation payable to owner occupiers under the relevant legislation includes payment of the market value of the property, a home loss payment of 10% of the value of the property and a disturbance payment for the reasonable costs of moving. Additionally, owner-occupiers living on the estate at the time of proposals were provided with additionally options enabling them to buy a new property on a rent free equity share basis.

12. DETAILS OF ANY RELATED APPLICATION OR APPEAL

12.1 None

13. DOCUMENTS, MAPS AND PLANS

13.1 A list of documents related to the Scheme will be provided in due course and arrangements will be made for them to be available for public inspection at the Council Offices during normal office hours.

14. INQUIRIES PROCEDURE RULES

14.1 This statement is not intended to discharge South Cambridgeshire District Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event of a public local inquiry being held.

15. CONTACTS FOR FURTHER INFORMATION

15.1 Any queries in relation to this CPO can be raised with the Council's case officer in respect of the Scheme:-

Schuyler Newstead
Housing Development and Enabling Manager
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Telephone: 01954 713332

Email: schuyler.newstead@scambs.gov.uk

A copy of this Statement and the CPO is available for inspection on the Council's website at:-

<http://www.scambs.gov.uk>

This page is left blank intentionally.



BLOCK PLAN. scale 1:500



LOCATION PLAN. 1:2500 (Copyright licence no. L.A. 100022500)

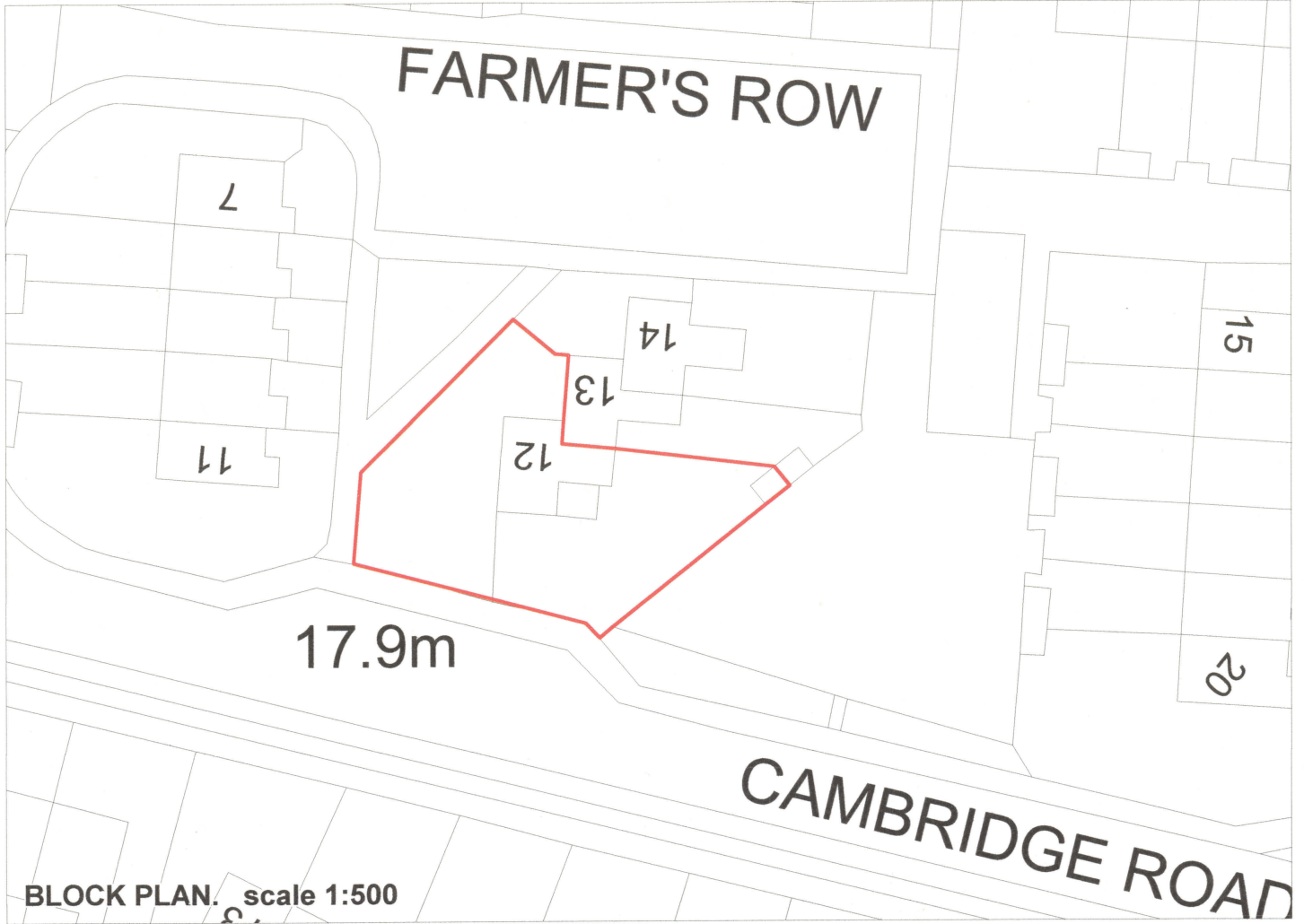


26 Grandridge Close, Fulbourn

MAP REFERRED TO IN THE SOUTH
 CAMBRIDGESHIRE DISTRICT COUNCIL
 (GRANDRIDGE CLOSE FULBOURN) COMPULSORY PURCHASE ORDER 2011

Date: 13th May 2011

This page is left blank intentionally.



BLOCK PLAN. scale 1:500



LOCATION PLAN. 1:2500 (Copyright licence no. L.A. 100022500)



12 Farmers Row, Fulbourn

MAP REFERRED TO IN THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (FARMERS ROW FULBOURN) COMPULSORY PURCHASE ORDER 2011 Date: 13th May 2011

This page is left blank intentionally.

APPENDIX E

**THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (GRANDRIDGE
CLOSE FULBOURN) COMPULSORY PURCHASE ORDER 2011**

The Housing Act 1985
and the Acquisition of Land Act 1981

The South Cambridgeshire District Council (in this order called "the Acquiring Authority") makes the following order:-

1. Subject to the provisions of this order, the Acquiring Authority is under s.17 of the Housing Act 1985 and Part II of the Acquisition of Land Act 1981 hereby authorised to purchase compulsorily the land described in paragraph 2 for the provision of housing accommodation.

2. The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red on a map prepared in duplicate, sealed with the common seal of the Acquiring Authority and marked "Map referred to in The South Cambridgeshire District Council (Grandridge Close Fulbourn) Compulsory Purchase Order 2011".

SCHEDULE

Number of Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1.	26 Grandridge Close, Fulbourn, Cambridge CB1 5HN	Timothy Harris			

Date []

EXECUTED as a DEED by affixing)
THE COMMON SEAL of SOUTH)
CAMBRIDGESHIRE DISTRICT)
COUNCIL in the presence of:)

on behalf of the Chief Executive

This page is left blank intentionally.

This page is left blank intentionally.

Patient Reference Group (PRG)

The purpose of the PRG will be to provide a mechanism to communicate the views of the patients the patients and local community about health care issues to Sawston medical Practice (SMP). This will help inform SMP in informing decisions about the healthcare they provide

The PRG will:

1. Review and help develop communication strategies to inform patients and the community about the healthcare provision offered by SMP
2. Develop a mechanism to collect the views about the needs of patients and the local community as regards healthcare. This will include the commissioning of a patient survey. Also, as appropriate, focus groups may be established for specific topics.
3. Publicise the results of feed back and the patient survey.
4. Make recommendations to SMP arising from patients and the community feedback about healthcare provision, mindful of the constraints associated with statutory and professional demands of the SMP.
5. Work with SMP to communicate health awareness to its patients and local community, and also to encourage appropriate use of the healthcare services in order to optimize their effectiveness.
6. Assist with attracting funds to the 'Friends of Sawston medical Practice' and with establishing priorities for use of the funds.

The PRG is a voluntary body composed of the following members:

- a representative from John Huntingdon Charity (JHC to nominate)
- a representative from South Cambridgeshire District Council (SCDC to nominate)
- the practice manager
- a GP Partner
- 2 practice staff members *
- 4 patient representatives*

The standing members will have the ability to co-opt up to 2 additional members for a period of 2 years.

* The standing members of the PRG will seek applications for the practice staff and patient representative positions. The representatives will be selected based on relevant skills and interests. These positions will be held for a period of 2 years.

Meetings require a quorum of 6, and meetings held every 2 months.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

26 May 2011

AUTHOR/S: Executive Director (Corporate Services)

WRITE OFF OF OUTSTANDING DEBTS**Purpose**

1. To notify Council of debts written off under powers delegated to the Finance Portfolio Holder and the Chief Financial Officer as required by the Constitution.
2. This is not a key decision, however, the Council's Constitution requires that an annual report regarding the use of delegated authority to write off debts be submitted to Council.

Recommendation

3. It is recommended that Council **note** the amounts written off under delegated powers.

Background

4. The Council's Constitution sets out delegated authority to write off irrecoverable debts. The Chief Financial Officer is authorised to approve the write off of debts up to level 2 (£25,000) and the Finance Portfolio Holder to approve write offs in excess of that amount. The Chief Financial Officer has further delegated authority to write off irrecoverable debts below £2,500 to the Head of Accountancy through the scheme of officer delegation.

Considerations

5. Whilst the Council's revenue collection rates remain high there are inevitably cases where it proves impossible to collect outstanding amounts. These may be due to legal restrictions, such as in the case of insolvency or death; because the debtor has absconded and cannot be located; or because it is not economic to take further action in consideration of the amount of the debt and the particular circumstances.
6. All appropriate options to recover the debt are attempted before the debt is considered for write off.
7. Provisions for bad debt are made annually in the Council's accounts and it is generally recognised to be good accounting practice to write off debts as soon as possible once it has been established that collection is unlikely.
8. During the 2010/11 year authorisation was given to write off amounts as shown in the first table. The amounts are expressed as a percentage of the 2010/11 collectible charges in the second table.

Table 1 – Value of debt written off

Type of Debt	Total Amount Authorised by	
	Portfolio Holder	Chief Financial Officer
Rent	-	66,719.69
Council Tax	-	179,103.89
Non-Domestic Rates	53,688.46	155,318.79
Sundry Debt	-	47,490.64
Housing Benefit Overpayment	-	15,945.55
Council Tax Benefit Overpayment	-	6,323.15

Table 2 – Value of debt written off as a percentage of charge

Type of Debt	As % of 2009/10 Collectible Charge	
	Portfolio Holder	Chief Financial Officer
Rent	-	0.31%
Council Tax	-	0.22%
Non-Domestic Rates	0.09%	0.25%
Sundry Debt	-	0.84%
Housing Benefit Overpayment	-	5.50%
Council Tax Benefit Overpayment	-	N/A

* Collectible overpayments of Council Tax Benefit are debited to Council Tax accounts and therefore it is not representative to show the write off as a percentage.

Table 3 – Number of debts written off

Type of Debt	Number of Debts Written Off	
	Portfolio Holder	Chief Financial Officer
Rent	-	201
Council Tax	-	320
Non-Domestic Rates	1	55
Sundry Debt	-	258
Housing Benefit Overpayment	-	32
Council Tax Benefit Overpayment	-	14

Options

9. None.

Implications

10. Financial
- | | |
|--|--|
| | <p>The financial implications vary dependant upon the type of debt as outlined below.</p> <p>(a) Council Tax</p> <p>The write off of debts represents a loss of income to the Council's Collection Fund. An allowance of 0.5% for bad debt is</p> |
|--|--|

	<p>made when setting the tax base used to calculate the level of Council Tax. If there is an overall deficit on the collection fund at the end of the financial year this is shared by all the major preceptors, the County Council, and Police and Fire Authorities.</p> <p>(b) Rent</p> <p>There is a direct loss of income to the Council's Housing Revenue Account. Bad debt allowances are set according to a statutory scale based on the value of individual debts.</p> <p>(c) Business Rates</p> <p>Debts written off are offset against the Council's contribution to the National Non-Domestic Rating Pool and are therefore borne by central Government.</p> <p>(d) Sundry Debts</p> <p>Write offs represent a direct loss of income to the Council's General Fund or Housing Revenue Account as appropriate.</p> <p>(e) Overpayments of Housing and Council Tax Benefit</p> <p>Whilst the write offs are a direct loss of income to the Council's General Fund, the Council still receives a subsidy from central Government in respect of the Housing Benefit paid in the majority of cases. The actual amount of subsidy varies depending on the reason for the overpayment.</p>
Legal	<p>The Council has a statutory responsibility to collect certain charges such as Council Tax, Non-Domestic Rates, and overpayments of benefits, and must act reasonably in attempting to collect all money due. Other charges can be subject to legally binding contractual arrangement.</p> <p>In some situations, such as insolvency, the Council is precluded from recovering debts and obliged to write them off.</p> <p>Whilst not a legal requirement it is considered good accounting practice to write off bad debts as soon as it is evident that they are uncollectible.</p>
Staffing	None
Risk Management	Debts written off during the year are within the budgeted provisions and there are no risk management implications
Equality and Diversity	None
Equality Impact Assessment completed	Yes. Partial EQIA's have been carried out on our Billing & Collection policy, Benefit Administration and Fraud Prevention Policy without any adverse impact
Climate Change	None

Consultations

11. None

Consultation with Children and Young People

12. None

Effect on Strategic Aims

13. Efficient revenue collection with minimal levels of debts written off is essential to ensure that budgeted funding is available to enable the Council to provide services.

Conclusions / Summary

14. The Council has very good revenue collection rates and has maintained good accounting practice by regularly reviewing debts and writing them off where there is no likelihood of recovering them.

Background Papers: the following background papers were used in the preparation of this report:

None

Contact Officer: Phil Bird – Revenues Manager
Telephone: (01954) 713335

Date of change(s)	By whom agreed	Details of change(s)	When publicised
26 May 2010	Chief Executive	Powers and Functions Delegated by the Planning Committee (Table 3) – amendments to job titles following re-organisation of Planning and New Communities	4 August 2010, Weekly Bulletin
27 May 2010	Council	<ul style="list-style-type: none"> • Corporate Governance Committee Risk Management Responsibilities (Part 3, Table 1) • Powers Delegated by Planning Committee (Part 3, Table 3) • New Petition Scheme (Part 5) • Council Standing Orders (Part 4) • Executive Procedure Rules (Part 4) • Committee sizes (Part 3, Table 1) 	4 August 2010, Weekly Bulletin
14 July 2010	Chief Executive	<ul style="list-style-type: none"> • Additions to Part 2, Article 12: 12.03 Functions of the Monitoring Officer (j) To appoint a deputy who shall undertake the Monitoring Officer’s duties where the Monitoring Officer is unable to act owing to absence or illness. [as per s5, Local Government & Housing Act 1989] 12.04 Functions of the Chief Finance Officer (f) To appoint a deputy who shall undertake the Chief Finance Officer’s duties where the Chief Finance Officer is unable to act owing to absence 	4 August 2010, Weekly Bulletin

Date of change(s)	By whom agreed	Details of change(s)	When publicised
		or illness. [as per s114, Local Government Finance Act 1988]	
22 July 2010	Council	<ul style="list-style-type: none"> • Article 9 (The Standards Committee) • Part 3, Table 4: Joint Arrangements (Joint Development Control Committee - Cambridge Fringes). 	4 August 2010, Weekly Bulletin
23 September 2010	Council	<ul style="list-style-type: none"> • Definitions • Scrutiny and Overview Committee Procedure Rules • Council Standing Orders • Financial Regulations • Management Structure 	29 September 2010, Weekly Bulletin
11 November 2010	Leader	<ul style="list-style-type: none"> • updated Register of Significant Partnerships (Article 11, Schedule A) and Partnerships Toolkit (Article 12, Schedule B) 	24 November 2010, Weekly Bulletin
12 November 2010	Chief Executive	<ul style="list-style-type: none"> • Council Standing Order 2.1: Revised wording to reflect changes made by Council on 23 September 2010 to Standing Order 1.1(b). 	24 November 2010, Weekly Bulletin
9 December 2010	Chief Executive	<ul style="list-style-type: none"> • Article 4: the Full Council – 4.01 (a) Policy Framework: added, Licensing Act 2003 policy and Gambling Act 2005 policy • Executive Matters Reserved to the Executive and Portfolio Holders – by Portfolio: Matters reserved for the Leader (Environmental Services): 47 – To approve Licensing Committee policies and 	23 December 2010, e-mail to Elected Members, SMT, EMT

Date of change(s)	By whom agreed	Details of change(s)	When publicised
		<p>procedures, subject to consultation with the Licensing Committee, with the exception of the Licensing Act 2003 policy and the Gambling Act 2005 policy, which need the approval of Full Council.</p> <p>[Both amendments reflects provisions set out in the relevant statutes.]</p>	
20 December 2010	<p>Leader</p> <p>Chief Executive</p>	<ul style="list-style-type: none"> • By the Leader to the Executive Scheme of Delegation – by Portfolio: Environmental Services • Executive Scheme of Delegation – by Portfolio: Environmental Services –to reflect the provisions set out in the relevant statutes to have Licensing Act 2003 and Gambling Act 2005 policies agreed by full Council. 	<p>23 December 2010, e-mail to Elected Members, SMT, EMT</p> <p>23 December 2010, e-mail to Elected Members, SMT, EMT</p>
27 January 2011	<p>Council</p> <p>Chief Executive</p> <p>Chief Executive</p>	<ul style="list-style-type: none"> • adoption of the Members' Allowances Scheme 2011/12 on 27 January 2011 • to incorporate new VAT amounts for mileage claims • update job titles of members of Executive Management Team 	<p>9 February 2011, Weekly Bulletin</p> <p>9 February 2011, Weekly Bulletin</p> <p>9 February 2011, Weekly Bulletin</p>
24 February 2011	Council	<ul style="list-style-type: none"> • adoption of the Council's Aims and Approaches 	Not republished until after Council 14 April 2011 (new Aims and Approaches did not start until 1 April 2011)
1 April 2011	Chief Executive	<ul style="list-style-type: none"> • replacement of 2010/11 Members' Allowances Scheme with 2011/12 Members' 	Not republished until after Council 14 April 2011

Date of change(s)	By whom agreed	Details of change(s)	When publicised
6 April 2011	Chief Executive	Allowances Scheme <ul style="list-style-type: none"> • revision of mileage rates in Members' Allowances Scheme in accordance with changes to HMRC rates 	Not republished until after Council 14 April 2011
14 April 2011	Council	<ul style="list-style-type: none"> • additional definitions of key decisions (Definitions) • minor amendments to Executive Procedure Rules (Part 4) • amendment to level of parish council co-opted membership on Standards Committee (Article 9) 	14 April 2011 Council minutes (published 6 May 2011)
9 May 2011	Chief Executive	<ul style="list-style-type: none"> • amendment to paragraph 6.2 of the Terms of Reference for the Joint Development Control Committee: Cambridge Fringes to replace reference to "Director of Joint Planning" with "respective Head of Service for each authority; in case of South Cambridgeshire District Council (SCDC) this will be the Head of New Communities." • amendment to Appendix 2 of Northstowe Joint Development Control Committee Scheme of Delegation to replace references to "Joint Planning Director" with "Head of New Communities" 	11 May 2011, Weekly Bulletin