

Request for Call In

Decision taker	Cabinet
Title of decision called in	Sale of land at Station Road, Foxton
Date of publication of decision	17 August 2017
Date Decision called in	20 August 2017

Councillors requesting the call-in:

- Cllr Deborah Roberts
- Cllr Tumi Hawkins
- Cllr Hazel Smith
- Cllr Anna Bradnam
- Cllr Henry Batchelor
- Cllr Cicely Murfitt
- Cllr Douglas de Lacey
- Cllr Janet Lockwood

Detailed reason/s for call-in (set out in correspondence from Cllr Roberts dated 20 August 2017):

1. The decision is contrary to the councils agreed policy framework.
2. It is outside the provision of Article 13 of the Constitution

Policy Framework .
Contrary to Article 13 of the Constitution

In regard to this the Constitution makes quite clear that policy framework includes following established practice . This includes, holding portfolio holder meetings which must be open to the public and councillors.

The Constitution states the following

At 21 Attendance of meetings of the Executive

a) A councillor may attend and may speak at any meeting of the Executive where a matter on the agenda is stated to relate specifically to his or her ward.

22

22.1 Decisions by individual members of the Executive shall be made in public.

Part 4

Delegation Rules

1.4.1 Wherever appropriate the view of the local member will be taken into account

Part 4

6 at 6.1 Local members

It is essential that there should be full consultation with the local member before decisions are taken that will effect their ward.

Decision Making

13.02 Principles of decision making.

a) Proportionate; the action to be taken shall be proportionate to the desired outcome.

APPENDIX C

- b) There should be due consultation.
- c) Respect of Human Rights (I would suggest as in Article 8 peaceful enjoyment of your property for those present residents of Station Road , Foxton who do not wish to see this development take place)
- d) Presumption in favour of openness .

Throughout the time that this matter has been under consideration by South Cambridgeshire District Councils housing department and two housing portfolio holders involvement (Cllr Howell and Cllr Harford) the above policies have not been observed.

Further information submitted by Cllr Roberts in correspondence dated 20 August 2017:

I now wish to lay out the time line of events that show this to be the case. from 2011 to the present (2017)

The council was I understand first approached by Endurance Estates back in 2011 with a request to grant vehicular access across SCDC land at Station Road Foxton . This to facilitate development of land behind Station Road.

Email from SCDC to Foxton PC 14th February 2012 confirm this as fact. The Council state that they intend to seek a decision in March of that year. The email also states that the applicant had already approached the tenant of 31 Station Road who has given agreement for removal of part of her garden .

Email on the 22th March 2012 from the housing dept to the parish council confirm that further discussion has taken place between the housing dept and the developer. It goes on to say that it (housing dept) intends to take a report to the next Housing Portfolio Holder meeting on the 16th May 2012.

A follow up email on the 26th March states that that date was incorrect and that the Housing Portfolio Holder will be having his meeting on the 13th June 2012.

Please note by this time Foxton Parish Council had put forward a request to have the land transferred by SCDC to itself.

The reason being that it (The PC) had for as long as can be remembered maintained the land to a high standard with no financial contribution asked for nor offered by SCDC .

The PC had also had its request for the land to be classified as Green Space in the emerging plan supported by SCDC planners .

Therefore the land was acknowledge by both parties (PC and SCDC) as important and worthy of protection and indeed retention now and in the future.

The email from housing confirms that this issue will be included on the agenda for the 13th June.

Please note at this point both myself and the members of Foxton Parish council marked our diaries for attending such a meeting which was going to be our first opportunity to express our own and residents views.

At no time leading up to this proposed meeting had I or the PC been invited to meet the Portfolio Holder .

Nor indeed had we been asked our views but simply informed that the council was in discussion with the applicants agent Endurance Estates.

Local input or knowledge was seemingly not considered of worth in the debate before the set PFH meeting on the 13th June 2012

APPENDIX C

An email is received by the Parish Council from the housing dept .
This is written on the 11th June 2012 just two days before the meeting is expected to happen

It states that and I quote Cllr Mark Howell has decided to remove the item from the agenda as he is not prepared to make a decision on this until/unless planning permission is obtained for the proposed scheme.

So this matter will not be considered at the meeting on 13th June.

Myself and the PC believed this assurance that no further negotiations would therefore be taking place between SCDC and Endurance Estates until any future planning application had received consideration.

However, on the 4th July I received an email from Cllr Howell .

In it he told me that he had had a meeting (seemingly on the 3rd July 2012) with Tim Holmes of Endurance Estates (I recall finding out that had taken place after close of the offices in the evening). I was not invited or indeed informed that such a meeting was going to take place neither was the PC. Schuyler Newstead was in attendance on behalf of the dept.

In that email Cllr Howell states;

After a discussion with Mr Holmes, in the presence of Mrs Newstead , I give permission to access across SCDC land should planning permission be obtained . The price of that access will be determined on the amount of affordable housing in relation to private housing on the site. The price of the land has been determined by Pocock and Shaw who the council have used as valuers. I have given verbal permission and advice is being taken if I have to now make a formal decision in a PFH meeting or can I sign a notice.

So there we have it, done and dusted, closed private meeting , verbal agreement (no doubt carefully noted by Mr Holmes and therefore a verbal contract) to give access. Council has already had an outside valuation done and agreed by Endurance's Mr Holmes. Local member only informed after everything agreed, no contact made with the parish council who have to find out from me. The Seven Principles of Public Life include that of " openness " it was completely missing in this case.

At finding out what had occurred and been agreed both myself and the PC made complaints. Foxton PC sent a formal letter on the 24th July 2012 laying out their view that the agreement made by Cllr Howell and SCDC was ill considered and in contravention of the rules of due process, financial regulation and public scrutiny and that all aspects of this decision should be rescinded and that all aspects of their complain be thoroughly investigated. This to my knowledge has ever been done . A formal letter of complaint went through the internal process but was dismissed by the then CE Jean Hunter who told the PC to go to the Local Gov Ombudsman if it was not satisfied. She would of course have known that this is not possible. A PC cannot make such a complaint only an individual.

The matter then appeared to have been put on the back burner as it never appeared on a PFH meeting after this nor apparently was it ever signed off. One can assume that the problem at the time was that the plan to build outside the village envelope in a group village was not being supported by the planners and that the housing dept having realised that Cllr Howell's verbal agreement and subsequent email to myself confirming such had in fact not been in line with proper procedure /policy had decided it was best put on the back burner in the hope the developer would go away and it could all be forgotten.

APPENDIX C

We now move onto 2015 to 2017.

On the 13th May 2015 housing officers write to Mr Tim Holmes again. This is to confirm his recent further approach regarding Station Road is being dealt with by the housing dept. He is informed at a new valuation is going to be asked for from SCDC valuers, the ball is clearly once again rolling. A planning application is received S/2148/16/OL and goes to the December 2016 Planning Committee meeting, in the light of the lack of the Local Plan and the problem of the five year land supply situation it is approved. The approved drawings and plans clearly show that the access would be for a single track road only. No one from housing came to the planning committee meeting to challenge this proposal as being unacceptable for any reason though clearly it was not going to be built to a width that would make it from the highways dept perspective up to an adoptable standard. The planning approval shows details for the road remained to be agreed. However conditions in the approval clarify that it had to be built in the manner approved with details regarding a future management plan agreed.

However, behind stage the Housing Dept was having further negotiations with Endurance. This time to move forward the sale of part of the garden land in its control at 31 Station Road to facilitate the widening of the proposed new access road. They took advice from the Highways officers in March/April of this year. This was in writing.

The Highways had been asked various questions one of which was answered thus " Question - A widened access could, in principle cater for a larger inflow of traffic that could facilitate further development in the future
Answer from highways. This is correct.

So, once again actions are being considered that directly effect Foxton and the quality of life of its residents. The land behind this development is in the same ownership and it has always been a fear of both residents, myself and the Parish Council that the approval could and would lead to further moves to development. An email sent to me on the 11th April 2017 by Ms Fletcher of the Housing Dept informs me that a request for further land being released is being considered. The email only confirms what the Housing Dept and the portfolio holder are doing at no time am I asked my opinion or invited to come to Cambourne to discuss. I then asked that having informed the PC of what was afoot a meeting with the PC should be arranged to take place with the PFH at Cambourne. This was agreed by the PFH, however, only after she had told them that she would meet but didn't really consider there was much point in her doing so! The meeting did not take place till the second week in June 2017. There are minutes made of that meeting by the PC.

There should have been a Housing Portfolio Holders meeting on the 21st June 2017 this was cancelled. However, on the 23rd June 2017 the sale of Land at Station Road, Foxton the Housing Portfolio Holder signed off the Sale of Land at Station Road, Foxton.

Document SCDC Record of Executive / Chief Officer Decision

Neither I as local member or the Parish Council was told that such was going to happen nor invited to attend. Once again we have an act carried out with no regard to openness due process or consultation. This land deal included both the original requested land but now also the additional garden land.

APPENDIX C

Once discovered this action was requested by the required numbers of councillors to be taken before the Scrutiny and Overview Committee for examination .

It was however then decided by officers that as they had not followed one particular rule of process , that being if a local member objected to an Executive councillors decision the matter would have to go to the Cabinet. Naturally it being sent to Cabinet would also negate any in depth questioning as to all the background activities and agreements that had taken place that had gone against other Constitutional rules. The Cabinets role would only be a decision to sell or not to sell the land it would not consider the rules that had been breached or ignored.

Cabinet met on Tuesday 15th August 2015.

The agenda makes statements that are simply not consistent with the council's previous actions or agreements in past correspondence and meetings regarding what they had or had not done, had or not not agreed and therefore cannot be regarded as in any way factual or could be justified as reasons for approval.

There were four options available to the Cabinet , before the vote Cllr Topping gave a summing up this did not include going through one by one the options before them . He then simply moved options one and two. This was approved. The options approved gave approval for the sale of both parcels of land.

However , this was disproportionate to what was needed to be achieved as worded in the Constitution thus ;

" the action to be taken shall be proportionate to the desired outcome "

The desired outcome could be achieved without the sale of the extra land at 31 Station Road , Foxton.

Only one planning application has at this time been given planning approval , this being for 22 houses nine of which are affordable. The original sale agreement would have facilitated the building of these houses with quite adequate access arrangements being provided as had been agreed in the planning process.

There is simply no requirement in housing terms (the planning conditions will deal with the road details and future maintaining there of) to give approval for the sale of the garden land. It only becomes so if the real agenda is that the Housing Dept have a " hope value " in mind. The Cabinet was told by myself that should it agree to only the sale of the original land and not the extra then the objections of myself and the PC would end thereby allowing of the sale process to continue immediately. The HPF refused this offer instead demanded that all her recommendations be agreed to.

This has left myself and others with no alternative but to call on the Scrutiny Committee to look at this whole sorry saga and if they see fit then hold the Executive and its Portfolio Holders to account for their actions. Hopefully to then recommend that the Cabinet reviews its decision. It is imperative that this is done to show those we are elected to serve that the council is open, honest and accountable at all times and importantly that there is due regard to the rules and due process by all involved in South Cambridgeshire District Councils decision making.