

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Scrutiny and Overview Committee held on
Thursday, 20 July 2006

PRESENT: Councillor R Hall – Chairman
Councillor RF Bryant – Vice-Chairman

| | | |
|--------------|----------------|-------------------|
| Councillors: | RE Barrett | Mrs SM Ellington |
| | Mrs EM Heazell | SGM Kindersley |
| | DC McCraith | Mrs CAED Murfitt |
| | CR Nightingale | Mrs HM Smith |
| | RT Summerfield | Dr SEK van de Ven |

Councillors Dr DR Bard, JD Batchelor, NN Cathcart, Mrs A Elsby, Dr SA Harangozo, Mrs SA Hatton, JA Hockney, Mrs JE Lockwood, EJ Pateman, Mrs DP Roberts and Mrs DSK Spink MBE were in attendance, by invitation.

| | | |
|-----------|---------------------|------------------------------------|
| Officers: | Cameron Adams | Strategic Development Officer |
| | Patrick Adams | Senior Democratic Services Officer |
| | Susan Gardner Craig | Human Resources Manager |
| | Nick Grimshaw | Conservation and Design Manager |
| | Steve Hampson | Executive Director |
| | Greg Harlock | Chief Executive |
| | Simon McIntosh | Head of Community Services |
| | Tim Wetherfield | Head of Policy and Communication |

1. APOLOGIES

Apologies were received from Councillors MP Howell, PT Johnson and DH Morgan.

In the absence of Councillor Howell, Councillor R Hall became acting Chairman and Councillor RF Bryant was appointed as acting Vice-Chairman.

2. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 15 June were accepted as a correct record subject to the following amendments:

- On page 5, second paragraph under the heading “Working with the bus operators” the second sentence was amended to read: “... provide an indication of whether the estimated cost of the scheme was accurate, although it was noted that the ticket machines were unable to count the exact number of times a concessionary pass was used.”
- On page 9, second paragraph the word “of” in the penultimate sentence was amended to “by”.

Councillor Mrs EM Heazell asked that the recorded comments made by Councillor Bard relating to Green Road, Sawston be amended. The Committee did not support this amendment.

3. DECLARATIONS OF INTEREST

Councillors JD Batchelor, SGM Kindersley and DC McCraith all declared personal interests as County Councillors.

Councillor RE Barrett declared a personal interest on item 10 "Developing a policy on Criminal Records Bureau (CRB) Checks" as he was obliged to receive a CRB check due to his work on the Health Scrutiny Panel.

Councillor SA Harangozo declared a personal interest in item 6 "Call-In: Climate Change Advisory Group" as part of his paid employment involved researching climate change.

4. PUBLIC QUESTIONS

None.

5. DRAFT AGENDA PROGRAMME AND PROGRAMME OF KEY DECISIONS

Bus services

Members of the Committee suggested that there was a need to re-examine the bus service to residents, with particular reference to:

- Reviewing the Frequently Asked Questions on the concessionary fares scheme on the Council's web site.
- The usefulness of the map of bus services on the County Council's web site.
- Lack of consultation on recent changes to the bus timetable.

Councillor Mrs DSK Spink, planning and economic development portfolio holder, stated that negotiations were continuing on the concessionary fares scheme and she hoped to have more to report by September. Councillor CR Nightingale stated that a committee of the County Council could be discussing the recent change to bus routes in Great Shelford.

The Committee **AGREED** to

- (a) Put an item on bus services onto the agenda programme
- (b) Send a letter to the County Council expressing concern about the level of bus services to the district's villages.

August's meeting

The Committee **AGREED** to keep August's Committee on the programme of meetings, but cancel the meeting if there was insufficient business.

East of England Plan Panel Report

Councillor Kindersley suggested that the Committee should discuss this report as it detailed proposals on:

- the possibility of further expansion at Cambourne and Northstowe
- the building of another new settlement south of Cambridge
- the disposal of waste from London

Councillor Heazell expressed concern that the site at Barrington could be used for the disposal of London waste.

Councillor Mrs Spink, planning and economic development portfolio holder, explained that officers had responded to this document, which discussed possible development in the area until 2020. It was noted that planning officers were currently engaged in the Local Development Framework public consultation and the Committee agreed that it should wait until this matter had been completed before scrutinising this issue.

The Committee **AGREED** to add this matter to the agenda programme.

6. CALL-IN: CLIMATE CHANGE ADVISORY GROUP

The Chairman explained that the decision taken by Cabinet not to establish a Climate Change Advisory Group and disband the informal Climate Change Group had been called-in and the Committee needed to decide whether to agree with Cabinet's decision or make an alternative recommendation.

Councillor JA Hockney, conservation, sustainability and community planning portfolio holder, suggested that the Climate Change Group should meet following the conclusion of his portfolio holder meeting, which would empower the Group as it would ensure its recommendations could be presented by him to Cabinet. He asserted that holding the Group meetings after the portfolio holder meetings would also be more cost effective and sustainable as officers and Members would attend only one meeting. He explained that the Group's work deserved to receive more publicity and as part of this policy the Strategic Development Officer would be e-mailing details of the climate plan update to all members.

Members of the Committee had the following concerns:

- Holding the Group meeting after the portfolio holder meeting would mean that Group members would have to wait an indeterminate amount of time for the portfolio holder meeting to end.
- Holding the Group meeting after the portfolio holder meeting might leave insufficient time for the meeting.
- The Group should meet at a specific time with enough scope for at least a two-hour meeting.
- It was suggested that the concession of allowing the Climate Change Group to meet as part of the portfolio holder meeting had only been an afterthought due to the reaction of non-executive members at the last Cabinet meeting.
- The Climate Change Group was not minuted, so bringing it under the auspices of the portfolio holder meeting used up more officer time.
- The Group had developed the climate change plan and held useful discussions.
- The Group should be able to make recommendations to all portfolio holders.
- The decision to disband the Climate Change Group could not be justified on the grounds that the Cabinet had also disbanded the ICT Advisory Group as this was not a relevant consideration.

Cabinet's decision

Councillor Hockney explained that the call-in of the decision made by Cabinet meant that the Climate Change Group could not meet after his portfolio holder meeting on 4th July as originally planned. He stated that Cabinet's decision had been unanimous and other Members had given their views then.

Views of non-Committee members

Other Members of the Council raised the following concerns:

- The work of the Climate Change Group was very important and the Group deserved to meet separately and not be part of another meeting.
- There was a lack of consultation regarding this decision before it was taken.
- The work carried out by the Group was particularly important given the growing evidence of climate change.
- An issue of this magnitude should not be the responsibility of a single portfolio holder.
- This was a cross-portfolio issue and the conservation, sustainability and community planning portfolio holder was not in a position to agree what was

- necessary for the whole Council.
- The Group was required to oversee and make suggestions on sustainable initiatives throughout the District.
- If the Group was subsumed into the portfolio holder meeting it would lose its identity and importance. However, others suggested that bringing it under the portfolio holder meeting would give the Group more prominence and allow its achievements to be recognised.
- The ideas of the Climate Change Group must be shared with other Councillors for them to have value. Under the old Group this was not happening.

Consultation

Councillor Hockney explained that he had consulted with a number of members following Cabinet's decision and his suggested solution had been a result of this. He stated that if an official advisory group was set up it would have to be politically proportionate and so the current membership of the Group would have to change. In response to questioning, Councillor Hockney suggested that the Climate Change Group could meet at the start of his meetings to prevent members of the Group from waiting an indeterminate length of time for the other business of his portfolio holder meeting to be completed.

Councillor Hockney proposed that the Committee should agree to allow the Climate Change Group to be set up within his portfolio meetings and then to review the situation in six months' time. He agreed that if members were clearly still dissatisfied in six months' time an alternative would have to be considered.

The Committee unanimously rejected the portfolio holder's suggestion.

It was noted that under the terms of paragraph 12.9.2 on page H5 of the Constitution, the Committee had the power to refer this matter with a recommendation to full Council.

A vote was taken and by 7 votes to 4 the Committee

AGREED to refer this matter to Council, instead of Cabinet, with the following recommendation:

- (a) Council should establish a Climate Change Meeting to be held on a set day at a set time, preferably on the same day as another meeting with a large attendance. This might assist in adhering to sustainability principles regarding transport costs and member and officer time.
- (b) Costs could be split proportionally between all portfolios or borne by Council as a whole because of the important impact of climate change on all portfolios.

7. PRESENTATION FROM THE CONSERVATION, SUSTAINABILITY AND COMMUNITY PLANNING PORTFOLIO HOLDER

Councillor JA Hockney began his presentation by explaining that the main aim of the Conservation section was to conserve the heritage of the District by developing working partnerships with residents and parishes and other local and national organisations.

Green Infrastructure Strategy

Councillor Hockney explained that one of the key challenges for the Conservation service was the implementation of the Green Infrastructure Strategy, which had been endorsed by Cabinet earlier in the month. This strategy will help the Council to secure

funding from the Government and other national bodies.

Use of technology

Councillor Hockney explained that technology will be used to assist with the delivery of the Conservation service in four different areas:

- Enhancing the web site
- Enhancing and refining the Planning Expert system
- Completely digitising the database of trees and woodlands
- Reviewing contact centre working

The Conservation Manager explained that most of the inputting on the digital database of trees and woodlands had been carried out and he had aspirations for developing its use.

Sustainability

Councillor Hockney listed the Council's Travel to Work Plan, the Council office's excellent BREEAM rating and the signing of the Nottingham Declaration as key achievements for the Sustainability section. The Strategic Development Officer explained that the Council was working towards the signing of the second version of the Nottingham Declaration. Councillor Hockney stated that the main challenges facing the section included advocating sustainable development at Northstowe and the implementation of the Climate Plan.

Traffic reduction

In response to questioning Councillor Hockney expressed his support for traffic reduction initiatives such as the Guided Bus Scheme, although he acknowledged that more needed to be done to deal with the extra traffic that would be caused by the construction of Northstowe. The Strategic Development Officer explained that the ultimate aim was to make Northstowe a zero carbon development by encouraging its residents to live, work and shop locally.

In response to concerns about cycleway lighting the Head of Community Services explained that he would raise this issue with the County Council, but expressed doubts that they would be prepared to install lighting on an existing cycleway.

Wind farms

In response to questioning Councillor Hockney stated that he was committed to renewable energy and aimed to ensure that wind turbines were constructed at Northstowe.

Community Strategy

Councillor Hockney stated that he was committed to working with the Council's partners in delivering the aims of the Community Strategy. The current strategy will expire next year and in the meantime the Council will carry out the necessary consultation to prepare the next strategy. A report will be taken to September's Cabinet as a first step.

Councillor Hall thanked Councillor Hockney, the Conservation Manager, the Head of Community Services and the Strategic Development Officer for their attendance and their answers. The Committee extended special thanks to the Strategic Development Officer for all his work for the Council on sustainability and wished him well in his new job.

8. PRESENTATION FROM THE HOUSING PORTFOLIO HOLDER

Councillor Mrs DP Roberts, the housing portfolio holder, began the presentation by thanking the housing staff for welcoming her in her new role. The portfolio holder had sent a letter to all housing staff thanking them for the work that they were doing. Councillor Mrs Roberts reported that she was on a fast learning curve regarding the housing service, although the experience of serving on the Housing Committee in the past had provided useful background knowledge.

DLO

Councillor Mrs Roberts paid tribute to the DLO and the work they have carried out recently in reducing their deficit. She believed that they would achieve the Council's aim of eliminating the deficit.

Windmill project

Councillor Mrs Roberts reported that it had taken three years to progress the project to its current point. The portfolio holder had met with the residents and Nene Housing and listened to the concerns expressed. She had faith in the project and hoped to move it towards a successful conclusion.

Choice based lettings

Councillor Mrs Roberts reported that this was a complex matter and she hoped to set up a task and finish group of approximately seven members to assist her in this matter. The Committee agreed that all political groups should be encouraged to find enough members to serve on this Group, to ensure that a much needed lettings policy could be developed.

Housing stock

Councillor Mrs Roberts stated that in her opinion the Council was the only real "social landlord". In response to questioning, she explained that the Government's policy of removing half the rent collected by councils, made the running of a council housing stock unviable financially. However, the Council had rejected the disposal of its housing stock and there were no immediate plans to attempt to reconsider this. She expressed the hope that the Government would recognise the unfairness of the existing system and change the rules to allow councils to keep all the rent paid by their tenants.

Staff reduction in Sheltered Housing

In response to suggestions that more staff redundancies were necessary in sheltered housing, Councillor Mrs Roberts explained that staffing levels in this section had already been substantially reduced and that a period of stability was now required following such a major reorganisation. Her aim was to have happy staff. Councillor Hockney stated that he had received reports from staff in this section that the situation was improving.

The housing portfolio holder agreed to discuss the McGuinness Trust housing estate in Swavesey with the local member Councillor Mrs Ellington outside the meeting. Councillor Mrs Heazell also offered to provide her own expertise on this matter.

Officer support

In response to the suggestion that it was unnecessary for portfolio holders to have officer support when answering the Committee's questions, Councillor Mrs Roberts stated that she had only been in post for a few months and she had found officer support necessary.

The Chairman thanked Councillor Mrs Roberts and the Executive Director for their attendance and informative answers.

9. COST OF STANDARDS HEARINGS

This item was taken after item 5.

Councillor Hall introduced this item on the cost of Standards Committee Hearing Panels and related cost. He highlighted the second paragraph of the report which advised Members that cases currently under investigation could not be discussed.

Cost and budgets

Councillor Mrs DP Roberts expressed her concern at the cost of the hearings and the possible future costs of further hearings, especially as no budget was in place and funding had to be vired from other budgets. She also expressed concern at the cost to the taxpayer for the work carried out by the Standards Board for England on the recent enquiry.

The Chief Executive explained that the £11,360 detailed in paragraph 13 related to this financial year. There was no budget for these costs. This expenditure was demand led, but if these costs were to continue then a separate budget would have to be established.

Cost of legal advice

In response to suggestions that the Council's legal services should be able to provide legal advice to Councillors without having to engage external solicitors, the Assistant Solicitor explained that Councillors had not always accepted the legal advice given by the Monitoring Officer, making it necessary for the Council to seek external legal advice. The Chief Executive explained that, as the Finance and Resources Director, he had authorised the cost of external legal advice with regard to planning law because of the number of Members who were challenging that of the Monitoring Officer.

Reducing costs through partnership working

The Assistant Solicitor explained that some form of external legal representation was required for the recent Panel hearing as both the Monitoring Officer and Assistant Solicitor had a conflict of interest which prevented them from attending the hearing. Efforts had been made to work in partnership with other Councils and East Cambridgeshire District Council had sent its Head of Legal Service to assist with the recent hearing at zero cost. However, other Councils had similar budgetary constraints to South Cambridgeshire District Council and there was a limit to the savings that could be made through partnership working.

Changes to the Code of Conduct

The Assistant Solicitor explained that a Government announcement was anticipated by the end of the year on changes to Code of Conduct, which were expected to allow local members to speak but not vote on local planning issues.

Training

It was suggested that appropriate training on the Code of Conduct could reduce the number of panel hearings. Councillor Ellington announced that she had recently been elected as Chairman of the Training Advisory Group and she suggested that greater use of visual aids, such as videos or DVDs, could be used to provide training without the hiring of a trainer. Concern was also expressed regarding poor attendance at training sessions. Councillor Mrs Roberts stated that the Monitoring Officer had warned that some areas of the Code of Conduct were "grey areas" and she expressed concern that if this was the case it would make training on the issue a greater challenge.

It was understood that training on this matter would become mandatory, although it was

unclear what sanction could be taken against Members who refuse to undergo the training.

Parish Councils

The Assistant Solicitor explained that training was also being offered to parish councils. The Council was responsible for conducting hearings regarding alleged breaches of the Code of Conduct by parish councillors and there was no additional funding from the Government for this new responsibility.

10. DEVELOPING A POLICY ON CRIMINAL RECORDS BUREAU (CRB) CHECKS

The Human Resources Manager presented this report, which recommended the development of a policy on Criminal Record Bureau (CRB) Checks for Councillors. She explained that the Human Resources section was responsible for the CRB check policy for officers but no policy existed for Councillors. Whilst relevant staff were subject to a CRB check before being offered employment there could be no such requirement for Councillors who were elected by the District's residents and were not employees of the Council. She concluded that the development of a policy had to be a member-led process.

Enhanced or standard checks

It was suggested that there could be a two-tier system with enhanced checks for Chairmen and Cabinet members and standard checks for others. The Human Resources Manager responded that enhanced checks were usually demanded only for those who work specifically with children or vulnerable adults. She advised that standards checks were sufficient for all Councillors.

Viewing the results of checks

The Human Resources Manager explained that the officer who receives the results of the checks also has to be responsible for administrative tasks, such as checking a Councillor's identification. It was therefore suggested that the Chief Executive and his PA should be responsible for the process.

Councillors who refuse to submit to a check

It was understood that members were most likely to be in contact with children and vulnerable adults whilst working with residents in their wards. It would be impossible for the Council to prevent councillors who refused to submit to the check, from continuing to carry out this work. It was suggested that the only action the Council could take in these circumstances was to exclude councillors who refuse to submit to a check from any work in an official capacity with children, young people or vulnerable adults.

Non-transferability of checks

The Human Resources Manager explained that unfortunately the results of checks carried out by another organisation, such as the County Council, could not be shared with another local authority, so those councillors with a dual role would have to submit to two tests.

It was suggested that all those standing for election in 2007 should be informed that all successful candidates will be subject to a standard CRB Check.

The Committee **RECOMMENDED** that Cabinet develop a policy on CRB checks which

- (a) will subject all newly elected Councillors to a standard CRB Check
- (b) will encourage all existing Members to agree to a standard CRB Check
- (c) will ensure the results of the CRB Checks be first reviewed by a manager of appropriate responsibility.

11. SCRUTINY AND OVERVIEW COMMITTEE WEBPAGE

The Committee **AGREED** to refer this matter to the Scrutiny Sub-Group for further development. The Chairman agreed to arrange a meeting of the Sub-Group in the near future.

12. MONITORING OF PORTFOLIO HOLDERS

The Committee **NOTED** the appointment of monitoring roles made by the Chairman and Vice-Chairman.

13. TO NOTE THE DATES OF FUTURE MEETINGS

The Committee **NOTED** the future dates of the Committee:

2006: August 17*, September 21, October 19, November 16 & December 21.

2007: January 18, February 15, March 15, April 19 & May 17.

All meetings to be held at 2pm.

*August meeting will be cancelled if there is insufficient business.

The Meeting ended at 5.45 p.m.
