

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on
Thursday, 26 April 2007 at 2.00 p.m.

PRESENT: Councillor Mrs CAED Murfitt – Chairman
Councillor JH Stewart – Vice-Chairman

Councillors: Dr DR Bard, RE Barrett, JD Batchelor, AN Berent, NCF Bolitho, RF Bryant, EW Bullman, BR Burling, Mrs PS Corney, NS Davies, Mrs SJO Doggett, SM Edwards, Mrs SM Ellington, Mrs A Elsby, Mrs VG Ford, Mrs JM Guest, R Hall, Dr SA Harangozo, Mrs SA Hatton, Mrs EM Heazell, JA Hockney, MP Howell, Mrs CA Hunt, PT Johnson, Mrs HF Kember, SGM Kindersley, Mrs JE Lockwood, RMA Manning, RB Martlew, MJ Mason, RM Matthews, DC McCraith, DH Morgan, CR Nightingale, A Riley, Mrs DP Roberts, NJ Scarr, Mrs HM Smith, Mrs DSK Spink MBE, RT Summerfield, RJ Turner, Dr SEK van de Ven, Mrs BE Waters and NIC Wright

Officers:	Steve Hampson	Executive Director
	Greg Harlock	Chief Executive
	Richard May	Democratic Services Manager
	Fiona McMillan	Assistant Solicitor

Apologies for absence were received from Councillor TD Bygott, NN Cathcart, JP Chatfield, AG Orgee, JA Quinlan, Mrs VM Trueman, JF Williams and TJ Wotherspoon.

PRESENTATION

Mr John Willis, Chief Executive of the Varrier Jones Foundation, addressed the meeting on the subject of low and hi-tech disability aids. He advised that many adaptable everyday devices and more complicated technologies helped to break down psychological barriers to disability and extend the normal expectations of what disabled persons could achieve. Mr. Willis gave examples of such devices. The Chairman of the Council thanked Mr. Willis for a very informative talk which had encouraged Council to practice lateral thinking.

1. DECLARATIONS OF INTEREST

Councillors JD Batchelor, SGM Kindersley, DC McCraith, AJ Orgee and RJ Turner declared personal non-prejudicial interests as elected Cambridgeshire County Councillors.

Councillors Mrs HM Smith and RT Summerfield declared personal non-prejudicial interests in Agenda item 8c – Milton Country Park Future Management, as members of Milton Parish Council, the 'Save Milton Country Park' campaign group and the Milton Community Centre and Grounds Recreation Committee. Notwithstanding these interests they remained in the meeting and took part in the discussions and voting.

2. MINUTES OF THE LAST COUNCIL MEETING

COUNCIL RESOLVED

That the Minutes of the meeting held on 22 March 2007 be confirmed as a correct record and signed by the Chairman.

3. MINUTES OF THE TRANSFORMATION COMMITTEE HELD ON 21 NOVEMBER 2006

COUNCIL RESOLVED

That the Minutes of the Transformation Committee held on 21 November 2006 be approved as a correct record and signed by the Chairman.

4. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Mrs SM Ellington to the meeting and offered the support of the Council following her recent bereavement.

The Chairman reported that:

- Pictures had been placed in the canteen showing examples of schemes which had received awards and commendation in the Natural Heritage Awards. The awards recognised local efforts to improve natural heritage in the district's villages, and provided good examples of communities coming together to enhance their natural environments.
- The Chief Executive of the County Council had written in response to a letter sent urging action to be taken to improve road safety on the A1307. A copy of the letter would be available to view in the Members' Lounge.
- The Chairman's Charity Concert was taking place on 28 April. All Members were encouraged to attend.

The Chairman congratulated Tara King, the Council's Assistant Licensing Officer, for recently achieving a merit in the Certificate of Higher Education in Licensing Law. Myles Bebbington and Tara King in the Council's Licensing team had now achieved this qualification among only 140 licensing practitioners nationally. All the Licensing team now held qualifications which were recognised nationally.

The Chairman advised that Councillor RF Bryant would be standing down from the Council following the local elections. Councillor Bryant had been elected in 1999 and had served in various capacities including Chairman and Vice-Chairman of the Council, Chairman of the Constitution Review Working Party, and member of the Planning, Scrutiny and Standards Committees. Councillor Bryant had raised a large amount for his designated charities when Chairman of the Council, and had lit the Orwell Millennium Beacon. The Chairman expressed sincere thanks for Councillor Bryant's support and sorrow at his forthcoming departure from the Council.

Councillors RMA Manning, JD Batchelor and Dr SEK van de Ven paid further tribute to Councillor Bryant.

Councillor Bryant thanked the Chairman and Members for their kind words and stated that he would miss the camaraderie between Members and Officers during a time of momentous change for the Council.

Councillor SGM Kindersley advised that Nick Grimshaw, the Council's Conservation and Design Manager, would shortly be leaving the Council. He asked the Chairman to pass on the sincere thanks of the residents of Hatley to Mr Grimshaw for his achievement of the renovation of St. Denis Church, Hatley, in the face of numerous challenges over several years.

5. QUESTIONS FROM COUNCILLORS AND THE PUBLIC

There were no public or Member questions.

6. PETITIONS

No petitions had been received since the last Council meeting.

7. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:**7 (a) Improvement Plan (Cabinet, 12 April 2007)**

Council **RESOLVED** that the Improvement Plan (the latest version of which was circulated at the meeting) be approved, and that the Chief Executive, in consultation with the Leader of the Council, be authorised to agree any further changes to the plan prior to submission to the Audit Commission.

7 (b) Policy for the Award of Discretionary Housing Payments (Cabinet, 12 April 2007)

Council **RESOLVED** that the policy for the award of discretionary housing payments be adopted in order to facilitate future awards from the financial year 2007/08 onwards.

7 (c) MILTON Country Park - Future Management (Cabinet, 12 April 2007)

Councillors Mrs HM Smith and RT Summerfield declared personal non-prejudicial interests in this item as members of Milton Parish Council, the 'Save Milton Country Park' campaign group and the Milton Community Centre and Grounds Recreation Committee. Notwithstanding these interests they remained in the meeting and took part in the discussions and voting.

Council **RESOLVED** that the disposal of the SCDC land in the park, and the land on a 999-year lease from the Stokes, be approved in principle, on the basis of a 99-year lease on a peppercorn basis to the organisation which is selected to take on the management.

7 (d) Review of the Constitution - Recognition of Members' roles and responsibilities within the Constitution and agreement of a revised Protocol on Member Officer relations (Constitution Review Working Party, 12 April 2007)

Prior to consideration of this item, Council received paper copies of the following additional information:

- (1) Amendments to the Protocol on Member/Officer Relations, as recommended by the Scrutiny and Overview Committee on 19 April 2007 (previously circulated electronically).
- (2) Minor amendments and additions to the Member role descriptions.

Council **RESOLVED:**

- (1) That the following additions to Article 2 of the Constitution be approved:

Recognition of political groups

"Members shall be entitled to join political groups. In accordance with the Local Government (Committees and Political Groups) Regulations 1990, a political group shall be treated as constituted when there is delivered to the Chief Executive a notice in writing which:

- (i) is signed by two or more Members of the Council who wish to be treated

- as a political group;
- (ii) states that Members of the Council who have signed wish to be treated as a political group;
- (iii) states the name of the political group;
- (iv) states the name of the Member who shall be the Leader of the political group.”

Definitions of Controlling and Opposition Groups

“The Political Group or groups of the Council whose Members have been appointed to the Cabinet by the Leader of the Council shall be identified as the Controlling Group or Groups. For the purposes of political control, the Cabinet shall collectively be identified as the Executive.

“The Political Group with the largest number of seats on the Council and whose Members have not been appointed to the Cabinet by the Leader of the Council shall be identified as the Major Opposition Group.

“Other Political Groups with seats on the Council and whose Members have not been appointed to the Cabinet by the Leader of the Council shall be identified as Minor Opposition Groups.”

- (2) That the Protocol on Member / Officer Relations be approved, replacing the existing version at Section H of Part 5 of the Constitution, subject to the inclusion of changes recommended by the Scrutiny and Overview Committee.
- (3) That the Member role descriptions be approved and incorporated into Part 5 of the Constitution, subject to the inclusion of further minor recommended changes circulated prior to the meeting.
- (4) That the following recommendation of the Independent Remuneration Panel be approved:

“That a Special Responsibility Allowance equivalent to 30% of the Special Responsibility Allowance paid to the Leader of the Council be paid to the Leader of the Major Opposition Group, with effect from the start of the 2007-2008 civic year.”

- (5)
 - (a) That the role of Opposition Spokespersons at Portfolio Holder meetings be recognised within Part 4 of the Constitution.
 - (b) That the recognition of a ‘Shadow Cabinet’ be not supported.
 - (c) That the Leader of the Major Opposition Group be required to produce an annual report to Council.

8. REVISED CODE OF CONDUCT

Council **RESOLVED** that the revised Code of Conduct be adopted for incorporation into the Constitution with effect from 3 May 2007.

9. MEMBER TOOLKIT AND CONTRACT

Prior to consideration of this item a revised recommendation sheet was circulated to those present encapsulating the Breach of Roles Protocol and Member Undertaking (previously circulated electronically).

Council **RESOLVED:**

- (1) That the following local procedure be agreed and included in the Member Toolkit, to be followed where there are potential breaches of the Code of Conduct and other protocols:
- If a complaint is made to the Chief Executive or Monitoring Officer about the behaviour of a Member that Member will receive a written invitation from the Chief Executive and/or Monitoring Officer to attend a meeting to discuss the issue. The Member's relevant group leader will also be invited to attend the meeting and the Chairman of the Standards Committee may also be invited to attend. If the complaint is deemed to be a valid complaint following initial investigation by the Chief Executive and/or Monitoring Officer, the Member will be asked to apologise, where appropriate, or receive a written warning that such behaviour is not welcome at the Council and asking that there be no recurrences. The Member will be warned at this stage that if the type of behaviour happens again then it will be recommended that a complaint be made to the Standards Board for England.
 - If the Chief Executive or Monitoring Officer, following an initial investigation of the facts, deems that a complaint against a Member is likely to be upheld and that under the SBE system the conduct is of a type likely to attract a penalty (other than censure or a recommendation for training) then such a complaint would be referred directly to the SBE.
 - If a Member has previously been found to have breached the Code of Conduct (either by the Council or the SBE) and a similar complaint is made again (*and the Chief Executive or Monitoring Officer, following an initial investigation of the facts, deems that a complaint against a Member is likely to be upheld*) such a complaint will also be referred directly to the SBE.

If, following an initial investigation, the Chief Executive or Monitoring Officer is unable to ascertain the facts at issue in a complaint against a Member and it concerns a possible breach of the Code of Conduct then it will be recommended that a referral is made to the SBE so that a full investigation can take place.

- (2) That the following Member undertaking be approved for signing at the Annual Meeting of Council, at which Members will be issued with their copies of the Member Toolkit:

"I acknowledge the need to establish a culture of high ethical standards within South Cambridgeshire District Council and understand that by signing this undertaking I am demonstrating my commitment to achieving this.

I agree to abide by and respect the rules, procedures, policies, protocols and guidance set out in the Member Toolkit as follows:

- Letter to all Members introducing Member Toolkit from the Chairman of Council, Leader of Council & Chief Executive
- Breach of code/protocols procedure
- 10 General Principles of Conduct (Statutory Instrument 2001/1401)
- SCDC Code of Conduct (2007)

- Statutory guidance issued on the revised Code of Conduct
- Councillor’s Guide to Pre-Determination & Bias
- Gifts & Hospitality – additional guidance for Councillors
- Procedural Guidance for Planning & Licensing Committees
- Whistleblowing Policy
- Member/Officer Relations Protocol
- Member Role Descriptions
- Skills Framework for Elected Members (IDeA)
- Protocol on the Use of IT by Members
- A Councillor’s Guide (IDeA)

Signed

.....
District Councillor

Dated.....”

- (3) That the contents of the Member Toolkit be approved, subject to (1) and (2) above.

The voting on the Resolution was recorded as follows:

FOR: (42)

Dr DR Bard	RE Barrett	JD Batchelor
AN Berent	NCF Bolitho	RF Bryant
BR Burling	Mrs PS Corney	NS Davies
Mrs SJO Doggett	SM Edwards	Mrs SM Ellington
Mrs A Elsby	Mrs VG Ford	Mrs JM Guest
R Hall	Dr SA Harangozo	Mrs SA Hatton
Mrs EM Heazell	JA Hockney	MP Howell
Mrs CA Hunt	PT Johnson	Mrs HF Kember
SGM Kindersley	Mrs JE Lockwood	RMA Manning
RB Martlew	RM Matthews	DC McCraith
DH Morgan	Mrs CAED Murfitt	CR Nightingale
NJ Scarr	Mrs HM Smith	Mrs DSK Spink MBE
JH Stewart	RT Summerfield	RJ Turner
Dr SEK van de Ven	Mrs BE Waters	NIC Wright

AGAINST (0)

ABSTAINED (2)

MJ Mason	A Riley
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DID NOT VOTE (2)

EW Bullman	Mrs DP Roberts
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10. SECOND ANNUAL SCRUTINY AND OVERVIEW COMMITTEE REPORT TO COUNCIL

Council received the Annual Report of the Scrutiny and Overview Committee.

With the Chairman’s permission, Council considered the following recommendation from the Scrutiny and Overview Committee:

“That, for the new municipal year 07-08,

- (a) It would be desirable for non-executive members to choose to serve on one of the following:
- Scrutiny & Overview Ctte (5.30pm start)
 - Planning Committee
 - Licensing Committee
- N.B. It would be possible to have a fourth option.
- (b) Executive members should not serve on any of the above.
- (c) Members with suitable experience be asked by the Scrutiny and Overview Committee to serve as additional members of Task and Finish groups as appropriate.”

Council **RESOLVED** that the proposals be referred to the Constitution Review Working Party for detailed consideration.

11. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

There were no updates from Members appointed to outside bodies.

12. CHAIRMAN'S ENGAGEMENTS

The Chairman's engagements since the last meeting were noted.

The Meeting ended at 4.23 p.m.
