

## CABINET

At a meeting of the Cabinet held on  
Thursday, 22 January 2004

PRESENT: Councillor Mrs DSK Spink MBE (Leader of Council)  
Councillor RT Summerfield (Deputy Leader of Council and Finance &  
Resources Portfolio Holder)

Councillors:	Dr DR Bard	Planning & Economic Development Portfolio Holder
	CC Barker	Environmental Health Portfolio Holder
	JD Batchelor	Information & Customer Services Portfolio Holder
	RF Collinson	Sustainability and Community Planning Portfolio Holder
	Mrs EM Heazell	Housing Portfolio Holder
	Mrs DP Roberts	Community Development Portfolio Holder

Councillors RF Bryant, Mrs SA Hatton, SGM Kindersley and Mrs LM Sutherland were in attendance, by invitation.

---

### Procedural Items

---

#### 1. MINUTES OF PREVIOUS MEETING

The Leader was authorised to sign as a correct record the minutes of the meetings held on 18th December 2003 and 8th January 2004, subject to the following amendment:

**Priorities and Spending Plans 2004/05 – 2006/07** (Minute 4, 8th January 2004, Page 4, final bullet point)

“...the postholder could act as a consultant to the Home Improvement Agency...”

The Chief Environmental Health Officer agreed to check the accuracy of the statement that, from a health Authority presentation, Teversham was the district's most deprived village (Minute 4, 18th December 2003).

*Following the meeting the Chief Environmental Health Officer confirmed that the statement had been made by the Director of Public Health, not the Health Authority, during which Teversham had been identified as one of the most deprived villages under the Multiple Deprivation Index 2000.*

#### 2. DECLARATIONS OF INTEREST

None.

---

### Recommendations to Council

---

#### 3. PRIORITIES AND SPENDING PLANS 2004/5 - 2006/7

Cabinet, at its meeting on 8<sup>th</sup> January 2004, had agreed to increase funding of the Continuous Improvement Plan (CIP) bids with recurring costs to £800,000, of which £300,000 would be new money and £500,000 savings. Portfolio Holders had agreed to

examine their budgets to identify £500,000 savings. The Chief Executive presented the report and apologised for its late publication, a result of the final Portfolio Holder meeting being on 16<sup>th</sup> January. After reviewing the figures, only £146,000 additional savings had been identified, as had, provisionally, £167,000 additional spend on refuse collection and street cleaning.

Two options were presented: to restrict the increase in spending to £450,000 to adhere to the original agreed limit of £300,000 with the newly-identified savings, resulting in the rejection of all but the inescapable CIP bids; or to maintain the original intention to spend approximately £800,000, resulting in a 2005/06 underlying Band D Council Tax of £183. The Chief Executive noted that recent government reports about capping Council Tax raised the question of whether it was wise to maintain Council Tax at £70 for 2004/05 whilst committing the Council to on-going expenditure: significant problems would arise if the expenditure were already committed and the government then capped the Council Tax.

The Chief Executive recommended that the best course of action, from a business point of view, would be to increase tax to £100 for 2004/05 and see if the tax were capped before embarking on additional expenditure. He stressed the need to bring the currently low level of tax in line with the higher underlying level of Council Tax and the continuing effect on the budget of subsidising the tax level. The Chief Executive drew attention to the huge discrepancy in government support: Audit Commission data demonstrated that the central government grant to South Cambridgeshire was £48.06 per head of population, compared to the average district grant of £84.10 per head of population. This level of grant was causing the Council to struggle with its budget while trying to maintain Council Tax at a sustainable level.

Members discussed the issue at length:

- The late receipt of the report, some members not having received it due to computer problems, made it difficult to have an informed discussion on such a complex and important topic;
- Councillors had publicly stated that there would not be an increase in Council Tax in 2004/05 and it would damage the integrity of the Council, and of members personally, to change position;
- £50,000 in 2004/05 for plastics recycling could be deleted as this would be covered by government grant
- There was a reasonable expectation of a £200,000 grant for e-government delivery
- The Council was now in a difficult position after having not levied a rate for many years, but this would not be easy to explain to residents or to the government, which calculated only a percentage increase;
- If the reasons were presented clearly by all Councillors as a united front, it was hoped that the electorate would understand the need for a possible increase in order to fund desired services such as affordable housing and recycling; and
- Central government funds for Northern Fringe development were not a certainty: the body to decide the funding had yet to be established, but a lack of funding could have serious implications for the cycleways and economic development grants budgets.

Cabinet

**AGREED** that a special meeting of the political group leaders, with Councillor RT Summerfield as substitute for Councillor MP Howell, be convened on 28<sup>th</sup> January 2004 at 10.00 am to discuss the results of consultation with members and with parish councils and to determine a recommendation to

Cabinet; and

**DEFERRED** discussion on this item to a special meeting of the Cabinet at 2.00 p.m. on 29<sup>th</sup> January 2004, at which all members of Council would be invited to speak; all members to be issued with a paper copy of the report and advised of the potential additional cost per Band D property.

The Finance and Resources Director cautioned that, after Cabinet's decision on 18<sup>th</sup> December to defer the approval of the estimates, all reports on the budget would inevitably be late as it was necessary for Cabinet to make its decisions before the Accountancy staff could proceed further with the estimates.

#### 4. **MANAGEMENT TEAM - TERMS OF REFERENCE**

The Chief Executive presented terms of reference for the Management Team, to be included in the Constitution. Item (a) of the Strategic Policy Role was amended to read, "The main focus of the work of Management Team is to ensure the delivery of Council policy and objectives." Management Team did not have any executive function or decision-making powers, but sought to ensure there was a framework of policies, as decided by Cabinet, and to keep Cabinet aware of any need for further policies. It was currently comprised of Directors and the Chief Executive confirmed that second tier officers were invited, and would continue to be invited, as required. He felt that it was necessary to maintain flexibility.

A discussion ensued about whether the Leader could attend Management Team meetings on behalf of the Cabinet or members of Cabinet request to attend; or whether officers should be left free to manage the organisation. The Chief Executive explained that officers had a statutory obligation to give impartial advice to members free of any political overtones: attendance by the Leader or other members could lead to implications of potential political influence over any Management Team recommendations. There had been a joint meeting of Cabinet and Management Team in November 2003 and the Chief Executive acknowledged that further informal joint meetings would be beneficial, although meetings should not be formally scheduled just for the sake of having a meeting.

Councillor RF Collinson proposed, seconded by Councillor Mrs DP Roberts, that the terms of reference be amended to include, "in exceptional circumstances where it is felt to be appropriate, Management Team has the discretion to request the Leader or members of Cabinet to attend meetings, and the Leader or members of Cabinet could request to attend Management Team meetings, for the discussion of specific issues". A vote was taken and with two in favour and five against the proposal was **LOST**.

Cabinet **AGREED** that the terms of reference would be amended to include in the Note: "Management Team normally comprises the Chief Executive and Directors, but may include others as required".

Cabinet

**RECOMMEND TO COUNCIL** that the amended Management Team terms of reference be included in the Constitution.

---

**Decisions made by the Cabinet and reported for information**

---

## 5. RISK MANAGEMENT STRATEGY

The Resources and Staffing Portfolio Holder introduced the report, noting that the Council needed to adopt a Risk Management Strategy as part of its overall Corporate Governance arrangements and as a key element in the identification and management of risks. He commended the Strategy to Cabinet, adding that a Risk Management Group had been established, with the Finance and Resources Director as Chairman.

Cabinet **ENDORSED** the proposed Risk Management Strategy, and

### **AGREED**

- (a) that risk management issues would be identified on all committee reports via a new "Risk Management Implications" section or other appropriate means;
- (b) that risk management be included on the Council's in-house employee training programme and / or Corporate Induction course;
- (c) that there be regular communication on risk management via Team Briefings; and
- (d) that risk management issues be included in the Project Management Toolkit and service planning guidance.

## 6. STRATEGY FOR THE PROCUREMENT OF GOODS AND SERVICES

Cabinet had, at its meeting on 16th October 2003, received a report from the Chief Executive and the Finance and Resources Director on a Best Value Strategy for Service Procurement, which referred to the purchase of goods and services but did not further cover that aspect of procurement, which was addressed by this strategy.

It was noted that Sustainability Implications were now incorporated in the section on the Effect on Corporate Objectives.

Cabinet **APPROVED** the Strategy for the Procurement of Goods and Services.

## 7. HUMAN RESOURCES (HR) STRATEGY

The Resources and Staffing Portfolio Holder explained that the report presented a framework for the preparation of a Human Resources (HR) Strategy and not the strategy itself. It was hoped that that completed strategy would be presented to Cabinet before the Comprehensive Performance Assessment (CPA) at the end of March.

Cabinet **APPROVED** the adoption of a Human Resources (HR) Strategy in accordance with the framework document.

## 8. LOCAL DEVELOPMENT FRAMEWORK

The Council had commenced work on Local Plan No. 3 when the government introduced the new Local Development Framework. The Planning and Compulsory Purchase Bill, expected in June/July 2004, would establish the new process, but the draft guidance appeared to suggest that no formal stages of the new-style plan-making be undertaken until the Bill was enacted. The Planning and Economic Development Portfolio Holder explained that it was necessary to continue with preparations in advance of the enactment in order to complete the process according to schedule. He cautioned that there was a minimal risk that some work could be invalidated by the enactment.

Cabinet

**AGREED** that the Council continue the preparation of the Local Development Framework without delay and, together with the Infrastructure Partnership, make representations to the government to introduce transitional arrangements to allow the submission to the Secretary of State of Local Development Frameworks which had been subject to consultation consistent with the Draft Regulations before enactment of the Planning and Compulsory Purchase Bill.

## 9. COLLECTIVE CABINET RESPONSIBILITY

Cabinet, at its meeting of 24th May 2001, had agreed that Cabinet members must not disagree with agreed Cabinet policy outside Cabinet meetings, but there had been queries about whether this collective Cabinet responsibility should apply both to decisions made by the Cabinet and to recommendations to Council. The Constitution Review Working Party recommended that Cabinet review its policy.

Members discussed the issue at length and the following points were made:

- If Cabinet made a democratic decision to recommend an issue to Council, it could demonstrate a lack of cohesive ability if Cabinet members then spoke against the recommendation at full Council;
- Cabinet minutes record the votes for and against recommendations to Council and all Members were invited to attend Cabinet meetings and would thus be aware which members supported or disagreed with a recommendation;
- Cabinet members who spoke against a recommendation at full Council could add a caveat that they were giving their own personal view and not speaking as an executive member;
- Members were elected to represent their wards and must be given the opportunity to speak on behalf of residents at full Council even if the residents' view contradicted the Cabinet recommendation;
- It could appear disorganised and disunited if a member who spoke out strongly against a policy approved by Council was the Cabinet member responsible for the implementation of that policy;
- Although all Councillors are equal and should have the right to speak freely at full Council meetings, collective responsibility should apply only to Cabinet members;
- There was no legal basis for Cabinet to constrain the right to free speech; and
- Members could resign if they were strongly opposed to a democratic decision taken by the Council.

Cabinet

**CLARIFIED** its decision of 24th May 2001 "that Cabinet members must not disagree with agreed Cabinet policy outside Cabinet meetings" to require collective Cabinet responsibility after a decision has been made by Cabinet, but not before a final decision has been made, i.e. before Council has made its decision on a recommendation; and

**DEFERRED**, pending legal advice, a decision on whether Cabinet members who could speak freely against a recommendation to Council should abide by collective responsibility after a final decision has been made by Council.

## 10. MEMBER TRAINING ADVISORY GROUP

Cabinet had the responsibility of appointing members of an Advisory Group, but as a structured approach to member training was a priority and it was hoped to begin meetings of the Member Training Advisory Group as soon as possible, Cabinet

**AGREED** to give the Portfolio Holder for Information and Customer Services delegated authority to invite members to the Member Training Advisory Group, if possible reflecting the political make-up of the Council.

## 11. TRAVELLERS CONSULTATIVE GROUP

*(Urgent item with permission of the Leader.)*

The Travellers Consultative Group, at its meeting on 20th January 2004, had recommended to Cabinet that a letter be written to the Deputy Prime Minister (DPM) requesting a meeting to detail South Cambridgeshire District Council's concerns with the present situation and implications of the amount of possible emigration from Eastern Europe after 1st May. The Community Development Portfolio Holder explained that after 1st May, when ten more countries would be admitted to the European Union, it was possible that up to 100,000 members of the Travelling community could migrate to the UK. Councillor Mrs DP Roberts noted the current influx of Irish Travellers, particularly in Cottenham, and its implications for the indigenous Travellers and the associated planning and law and order issues.

Councillor Mrs Roberts also updated members on the results of police investigations into the origins, activities and likely movement patterns of some of the recently-arrived Travellers. A full report would be presented to a meeting of the South Cambridgeshire Crime and Disorder Partnership Group. The possibility of a joint seminar with other authorities was considered but deferred pending the response of the DPM and the Local Government Association (LGA).

The Head of Community Services explained that there was a pressing need to complete a needs assessment survey. The District Council would be working with the Cambridgeshire County Council and local Travellers' organisations, first to establish trust between the Travellers and the local authorities, and then to conduct the survey work, which was best completed during the winter months when the population was least mobile. The Director of Development Services confirmed that completing the survey would increase the Council's chance of success in any court cases. He also outlined the legal process of the current injunctive exercise at Cottenham and members noted the necessity of having legal representation at planning appeals to assist the appeals officers, which would incur additional cost.

Members discussed the situation and, taking into account the potential cost, acknowledged that it was sensible to proceed with the needs assessment. The Planning and Economic Development Portfolio Holder confirmed that the legal expenses could impact on Council Tax and the budget and stated that the Council must be prepared to address the situation and inform residents. He recommended that the Council ask the government for financial assistance as this District was bearing the brunt of what was becoming a national problem.

Councillor Mrs Roberts requested a legal presence at all future meetings of the Travellers Consultative Group and thanked the Assistant Solicitor for her attendance at the last meeting. She also informed members of an e-mail from Mr Bill Forrester at the Office of the DPM (ODPM), stating that an invitation-only seminar to discuss Travellers issues would be held in Cambridge on 30th January, but that, from all Cambridgeshire authorities, only one officer from Fenland District Council had been invited. The Leader

and Chief Executive agreed to contact the ODPM to ask for more representation at the seminar.

Cabinet

#### **AGREED**

- (a) to write to the Deputy Prime Minister and request a meeting to discuss the current and possible situation in South Cambridgeshire, the letter to be copied to the Members of Parliament for South Cambridgeshire, South East Cambridgeshire, Cambridge City, GO-East and the Local Government Association.
- (b) to contact Mr Bill Forrester at the ODPM to request that a representative of South Cambridgeshire District Council attend the forthcoming seminar on 30th January 2004;
- (c) that there was a need to conduct a needs assessment survey of the Travelling community; and
- (d) that a joint seminar with other authorities in a similar situation would be considered following the response from the DPM and LGA.

#### **12. CPA SELF-ASSESSMENT**

The Chief Executive explained that the self-assessment prepared for the Peer Review Team formed the basis of the CPA self-assessment, revised to address criticisms from the Peer Review. A meeting with all officers involved would be held on 23rd January to review the document, but, as the self-assessment must be provided by 13th February, Cabinet approval could not be obtained before the deadline. Other local authorities had delegated authority to the political group leaders as signatories to approve the self-assessment for submission and Cabinet

**AGREED** to delegate authority to the Councillors RF Collinson, Mrs EM Heazell, Mrs DSK Spink and RT Summerfield (as substitute for Councillor MP Howell) as group leaders to sign the self-assessment for submission.

#### **13. FUTURE MEETINGS OF CABINET**

Cabinet, at its meeting of 27th November 2003, agreed future dates for meetings for the remaining months in the 2003/04 municipal year and that Cabinet should meet on a monthly basis in coming years. Annual Council was scheduled for 24th June 2004 and members considered the best time to schedule the monthly Cabinet meetings, in light of deadlines for reports and call-in, other scheduled meetings and leaving sufficient time for holidays. The Scrutiny Committee would be considering its own meeting dates at its meeting that afternoon.

Issues discussed included:

- Whether having both Cabinet and Scrutiny Committee meetings on the same day could encourage greater attendance at both. Conversely, whether having both meetings on the same day could lead to having to defer or adjourn longer Cabinet meetings, and to create additional pressure on officers writing reports for both meetings;
- Whether it would be possible to have all meetings within the same fortnight each month, leaving time for members and officers to schedule holidays in the remainder of the month. Conversely, whether it was appropriate to organise Council business on the basis of holidays;
- Whether having an earlier start time for Cabinet meetings would result in additional journeys if the briefings had to be scheduled the day before.

Councillors and members of the public could benefit if more than one meeting were held on the same day, limiting the number of trips to Cambourne, although it was noted that there would be fewer traffic problems than at present; and

- Called-in Cabinet decisions needed three weeks between the Cabinet meeting and the Scrutiny Committee meeting for all the processes to be followed.

Cabinet **AGREED** to meet on the second Thursday of each month for the municipal year 2004/05.

Councillor Mrs EM Heazell requested that, if Council meetings were scheduled on the last Thursday of each month, that date be used for member training purposes on months when no Council meeting was required.

---

**Standing Items**

---

**14. MATTERS REFERRED BY SCRUTINY AND OVERVIEW COMMITTEE**

None.

**15. RE-LOCATION OF OFFICES TO CAMBOURNE**

Nothing to report.

---

**Confidential Item**

---

**16. MANAGEMENT OF COMMERCIAL SERVICES**

This item was deferred due to legal reasons.

---

**The Meeting ended at 12.35 p.m.**

---