

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on
Thursday, 27 January 2011 at 2.00 p.m.

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

Councillors: Frances Amrani, David Bard, Richard Barrett, Val Barrett, John Batchelor, Trisha Bear, David Bird, Francis Burkitt, Brian Burling, Tom Bygott, Nigel Cathcart, Jonathan Chatfield, Pippa Corney, Douglas de Lacey, Jaime Dipple, Simon Edwards, Sue Ellington, Jose Hales, Roger Hall, Steve Harangozo, Lynda Harford, Sally Hatton, Tumi Hawkins, Liz Heazell, James Hockney, Mark Howell, Mrs PE Jarvis, Sebastian Kindersley, Janet Lockwood, Ray Manning, Mike Mason, Raymond Matthews, David McCraith, Lorraine Morgan, Cicely Murfitt, Alex Riley, Deborah Roberts, Neil Scarr, Ben Shelton, Bridget Smith, Hazel Smith, Surinder Soond, Jim Stewart, Edd Stonham, Peter Topping, Robert Turner, Bunty Waters, John F Williams, John G Williams, Tim Wotherspoon, Nick Wright and Vacancy

Officers: Holly Adams Democratic Services Team Leader
Gary Duthie Senior Lawyer
Jean Hunter Chief Executive

Apologies for absence were received from Councillor Mark Hersom and Peter Johnson.

PRESENTATION - WINDMILL ESTATE, FULBOURN

Prior to the formal start of the Council meeting Councillors received a presentation about the Windmill Estate, Fulbourn. Speakers provided brief accounts of how well the development on the Windmill has gone so far and what they hope to be achieved next. A rolling slide show of pictures from the Windmill accompanied the speakers.

Speakers:

Nick Clarke, Cambridgeshire County Councillor, Fulbourn Electoral Division
Stephen Hills, Corporate Manager (Affordable Homes), South Cambridgeshire District Council
Jo Patten, Chairman, Fulbourn Parish Council
Julie Petrucci, owner representative, Residents' Panel
John Walton, Regional Development Manager, Accent Nene

69. DECLARATIONS OF INTEREST

Councillor Cicely Murfitt	Declared a personal non-prejudicial interest in agenda item 6, Members' Allowances 2011/12, as the current Licensing Committee Chairman. Notwithstanding this interest, she participated in the debate and vote, as she was speaking about the post generally.
Councillor Tony Orgee	Declared a personal non-prejudicial interest in agenda item 11(a), Motion about the 3+3 Group, as a Cambridgeshire County Council member of the 3+3 Group. Notwithstanding this interest, he remained in the room during the debate and vote, but chose not to participate other than in fulfilment of his duties as Vice-Chairman of the Council.
Councillor Mark Howell	Declared a personal non-prejudicial interest in agenda

- item 11(b), Motion about the Windmill Estate, Fulbourn, as an employee of a Registered Social Landlord. Notwithstanding this interest, he participated in the debate and vote.
- Councillor Robert Turner Declared a personal non-prejudicial interest in agenda item 11(b), Motion about the Windmill Estate, Fulbourn, as the former Cambridgeshire County Councillor for Fulbourn and formerly a member of the Windmill Estate Project Steering Group. Notwithstanding this interest, he participated in the debate and vote.

70. NOTICE OF MOTION STANDING IN THE NAMES OF COUNCILLORS SEBASTIAN KINDERSLEY AND MARK HOWELL

With the agreement of Council, Standing Order 2.1(xii), Agenda for Ordinary Meetings – consideration of motions, was suspended for the duration of this item to allow debate on this motion at the start of the Council meeting, for the benefit of the members of public attending for this item in particular.

The Windmill Estate redevelopment project at Fulbourn had been agreed by full Council on 23 November 2006, at which time Council had also agreed that it would not seek to use compulsory purchase powers to facilitate the redevelopment. Councillor Sebastian Kindersley, proposing the motion, drew attention to the shared views of Fulbourn Parish Council, residents of the Windmill Estate and Cambridgeshire County Council, and those of the wider community, that the option to issue compulsory purchase orders as a last resort should be restored to enable the District Council to have the full range of options available when negotiating with residents of the estate to enable the project to be completed. Councillor Mark Howell, Housing Portfolio Holder, seconded the motion.

Clarifications were sought and given:

- the proposal was to restore the option to use compulsory purchase as a last resort only once all other negotiations and options had been exhausted, not to proceed to compulsory purchase;
- the resolution to use compulsory purchase powers could be made only by full Council, and the Secretary of State would make the final decision to issue a Compulsory Purchase Order (CPO) after thorough public scrutiny;
- it could take up to two years for the compulsory purchase process to complete;
- Fulbourn Parish Council's vote in favour of restoring the compulsory purchase option had been made "with regret", with ten votes in favour, two against, and one resignation. Council regretted the resignation and acknowledged the strength of feeling of all parties.

For the proposal

Members speaking in support of the proposal felt that the 2006 decision had been taken in light of the compensation, relocation and / or hardship packages offered to residents by Accent Nene, the Council's Registered Social Landlord partner in the project, the terms of which had exceeded the Council's expectations and had helped resolve the doubts of many of the existing residents. The completed phases of the development had been highly regarded by residents, many of whom had accepted the offer of a new house on the Estate, and the full development would provide social housing for sixty further families. Members, remarking upon the number of requests for housing assistance they heard from their residents, and specifically the outcome of the Fulbourn Housing Needs Survey showing the dire need for decent affordable homes in the village, acknowledged the difficulty they would face to justify voting against a proposal which would deliver affordable housing. Restoring the compulsory purchase option would

regularise the status of the Estate, as no other areas of South Cambridgeshire were exempt from the possibility, and would give the owner-occupier concerned the opportunity to look again at the offer from Accent Nene, or to negotiate a revised offer, as it was unlikely that he would receive as generous a settlement if a CPO were served.

Against the proposal

Members speaking against the proposal felt that ownership of private property was a basic human right and that, should the Council seek compulsory purchase of any property on this site, it would be unable to object on moral grounds should compulsory purchase of property in any other of its villages be initiated. The owner of the property in question had indicated his desire to remain in his current house and the Council ought to uphold its 2006 decision, upon the terms of which it was likely that the owner had considered any personal opportunities in the past five years.

A vote was held and, with 38 votes in favour, 12 against and 2 abstentions, Council **RESOLVED** that Compulsory Purchase powers may be used if there were no other alternative way of ensuring the completion of the Windmill Estate project in Fulbourn.

Councillors Tom Bygott, Simon Edwards, Sally Hatton and Deborah Roberts asked that their votes against the decision be recorded.

71. MINUTES

The Chairman signed the minutes of the 25 November 2010 Council meeting as a correct record.

72. ANNOUNCEMENTS

The Leader paid tribute to David Morgan, who had recently resigned as a councillor due to his work commitments, recalling former Councillor Morgan's passionate support of his ward and his detailed research of issues facing residents.

Councillor Sebastian Kindersley congratulated residents of the South Cambridgeshire villages connected to the Caxton and Madingley exchanges for the significant achievement of being two of the six winners of the BT Race to Infinity national campaign for fibre-optic broadband.

73. PETITIONS

None received.

74. MEMBERS' ALLOWANCES 2011/12

The Leader introduced the recommendations of the Independent Remuneration Panel (IRP) on Members' Allowances, noting that members were also contributing to Council savings, as this would be the third consecutive year that allowances were frozen, and that Cabinet members had previously accepted a reduction which took their allowances back to pre-2004 levels.

Councillor John F Williams, seconded by Councillor Janet Lockwood, proposed that recommendation (b), the reduction in the Special Responsibility Allowance (SRA) paid to the Licensing Committee Chairman to £250 per annum, be amended to retain that SRA at £500 per annum, the difference to be funded by reducing proportionately the other SRAs. He acknowledged that Council had agreed the gradual phasing out of this SRA in 2009/10 to reflect the reduction in the number of meetings, but also that the role

continued to require significant involvement working with officers on complex issues, chairing lengthy meetings to help direct the Council's licensing policies, and the responsibility for appointing panels capable of determining individual applications. Councillor Alex Riley spoke in favour of an allowance payable to licensing panel chairmen.

At the invitation of the Chairman, the Senior Lawyer advised that, in terms of the overall budget for members' allowances, Council could resolve to retain the £500 per annum SRA for the Licensing Committee Chairman without significant impact, simply by agreeing recommendation (a), not to increase any aspect of members' allowances for 2011/12. Councillors Williams and Lockwood agreed to withdraw their amendment.

Council **RESOLVED** that there be no increase to any aspect of the Members Allowances for the municipal year 2011/12.

75. APPOINTMENTS TO OUTSIDE BODIES

Volunteers having agreed to serve as the Council's representatives, Council **RESOLVED** to appoint:

- (a) Councillor Simon Edwards as a Trustee to Mepal Outdoor Centre until May 2012; and
- (b) the Environmental Services Portfolio Holder as the authority's representative on Environmental Protection UK (formerly the National Society for Clean Air and Environmental Protection) until May 2014.

76. QUESTIONS ON JOINT MEETINGS

Councillor Tom Bygott reported that there had been one brief decision item about trees, and that the rest of the Joint Development Control Committee: Cambridge Fringes 2 December 2010 agenda had been for information only. No questions were asked.

77. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

Council **NOTED** Councillor Mike Mason's report on the Ely Group of Internal Drainage Boards, subject to his amendment that there were ten, rather than nine, districts covered by the Ely Group.

78. QUESTIONS FROM COUNCILLORS

78 (a) From Councillor Frances Amrani to the Leader of Council

Councillor Frances Amrani acknowledged the hard work of officers and the Environmental Services Portfolio Holder for delivering the blue bin scheme, its popularity with residents, and the revenue generated, and asked the Leader, "I have recently learned that the materials collected from the blue bins are not being sorted and processed within the District at the present time. Could the Leader please confirm what distances the materials are being transported for sorting and processing, and by what date it is expected they will be handled locally?"

The Environmental Services Portfolio Holder, responding at the invitation of the Leader, explained that full details about sorting and processing were in the winter 2010/11 edition of *South Cambs magazine*, and that the sorting process was dependent entirely upon the availability of suitable facilities. There were not any such facilities currently in South Cambridgeshire, therefore a temporary arrangement had been agreed whereby Donarbon in Waterbeach would bulk recyclables for transportation to North London, with

a local sorting facility opening at Donarbon later in 2011. Due to the absence of plastics recycling facilities in this country, plastics were being shipped to China for recycling.

In response to Councillor Amrani's follow-up question, the Portfolio Holder gave her assurance that none of the materials collected in the blue bins wound up in landfill, adding that the Council had to pay for landfill use.

78 (b) From Councillor Dr Stephen Harangozo to the Leader of Council

Councillor Stephen Harangozo asked the Leader, "Central to the Council's commitment to reducing its carbon emissions by 10% by early 2012 is a significant reduction in business mileage. Does the Leader agree that progress on this is not yet sufficient and could he confirm he is willing to back further reasonable measures to secure the necessary improvement so that that the Council's leadership role on climate change is not undermined?"

The New Communities Portfolio Holder, responding at the invitation of the Leader, referred to the Council's Travel for Work plan, and also the decisions taken by Cabinet on 13 January 2011 to rationalise the authority's staff car usage and travel allowances. An increased passenger allowance would be offered to further encourage car sharing, and the Portfolio Holder reported that the use of teleconferencing for small internal meetings was increasing.

Councillor Harangozo, noting that if the Council did not treat the business mileage issue with sufficient seriousness it would fail to meet its carbon emission reduction targets, asked the Portfolio Holder what his message to staff would be. Councillor Bard reminded members that the Chief Executive maintained a watching brief on business mileage and planned to take action if necessary, and said that his message would be, "Is your journey really necessary and could teleconferencing be used instead?" Waste collection rounds were being reviewed to maximise efficiency and minimise carbon emissions.

79. NOTICES OF MOTION

79 (a) Standing in the names of Councillors Lynda Harford and Alex Riley

Councillor Lynda Harford proposed the motion, seconded by Councillor Alex Riley, subject to an amendment that "accurate records" rather than "minutes" be kept of 3+3 Group meetings. She explained that she had moved the recommendation because she had been told that the 3+3 Group allowed the two authorities to discuss privately matters concerning Northstowe without the presence of the joint promoters, and questioned why the member representatives for the wards most likely to be affected were excluded.

The Senior Lawyer, at the invitation of the Chairman, advised members that Council did not have the powers to amend the 'constitution' of this joint body unilaterally, if 'constitution' in the Motion were interpreted as a reference to the body's rules of engagement or terms of reference. Council could choose, however, to determine the South Cambridgeshire appointments, in line with the wording of the motion, if Council defined 'constitution' as referring to the membership. The 3+3 Group was not a decision-making body and, in a time of reduced resources, it was questionable whether either authority would be amenable to undertake formal administration of its meetings, especially as to do so would create the appearance that this informal body enjoyed a greater status than it actually had in law.

The Northstowe Portfolio Holder explained that the 3+3 Group was an informal group of

senior councillors from both authorities which met from time to time as necessary, and demonstrated his history of ensuring that information about the Northstowe development was in the public domain. The Northstowe Joint Development Control Committee had full responsibility for development control matters; the 3+3 Group would not involve itself with planning, but with questions of viability, affordability and deliverability of services from the two authorities during and after development completion. There were more than seventy members of the Northstowe Parish Forum, including representatives of all the parishes, wards and electoral divisions likely to be affected by the development, and records of these meetings were included in the Northstowe Portfolio Holder meeting agendas. He undertook to ensure that accurate records of the 3+3 Group meetings would also form part of his Portfolio Holder meeting agendas, that he would establish a formal means of briefing directly the members of wards likely to be affected, and supported the motion.

Council **RESOLVED**, on the interpretation of 'constitution' as a reference to the membership of the 3+3 Group:

- (a) to modify the constitution (membership) of this group in order that it may benefit from, at the very least, the participation of members whose wards will be disproportionately affected by the development.
- (b) that the Northstowe Portfolio Holder establish a formal means of briefing the members of affected wards after each 3+3 Group meeting; and
- (c) that accurate records of the 3+3 Group's meetings including any already held be published to demonstrate commitment to open and transparent democracy in respect of this hugely important project.

Council **NOTED** that the 3+3 Group Terms of Reference had been published.

In response to concerns raised by some members, the Senior Lawyer clarified that, although the words "next business" had been spoken, the Chairman had determined that a majority of Councillors had voiced their support of the resolution and therefore it was appropriate to proceed to the next item without a formal vote to move to next business.

79 (b) Standing in the names of Councillors Mike Mason and Ray Manning

Councillor Mike Mason explained that his proposal was an opportunity to right what he saw as a longstanding wrong, the ability of water companies to charge householders an annual £30 standing fee for surface water drainage, even if the householder did not receive the service. A process was available for householders to opt out of the scheme and the Leader, seconding the motion, explained that officers had sent members details of the opt-out process within the past two years, which he hoped had been shared with all parish councils. The Environmental Services Portfolio Holder undertook to have an action plan drawn up to disseminate details directly to residents through *South Cambs magazine* and other channels, and reminded members of her standing offer to assist with any local drainage issues brought to her attention.

Council **RESOLVED** to:

- (a) publicise details to all householders and give assistance wherever possible to enable the standing charge on water services bills for surface water drainage to be deleted; and
- (b) make representation to Ofwat and central government with view to amendment or repeal of the clause within the Water Act which allows the water companies to levy this standing charge by default.

80. CHAIRMAN'S ENGAGEMENTS

The Chairman's engagements since the last Council meeting were **NOTED**.

The Meeting ended at 3.43 p.m.
