

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on
Thursday, 31 January 2013 at 2.00 p.m.

PRESENT: Councillor Tony Orgee – Chairman
Councillor David Bard – Vice-Chairman

Councillors: Richard Barrett, Val Barrett, Trisha Bear, Francis Burkitt, Brian Burling, Nigel Cathcart, Pippa Corney, Neil Davies, Simon Edwards, Alison Elcox, Sue Ellington, Roger Hall, Lynda Harford, Tumi Hawkins, Mark Hersom, Roger Hickford, James Hockney, Clayton Hudson, Caroline Hunt, Peter Johnson, Douglas de Lacey, Janet Lockwood, Mervyn Loynes, Ray Manning, Mick Martin, Raymond Matthews, David McCraith, Cicely Murfitt, Charles Nightingale, Robin Page, Deborah Roberts, Neil Scarr, Ben Shelton, Bridget Smith, Hazel Smith, Surinder Soond, Jim Stewart, Robert Turner, Bunty Waters, David Whiteman-Downes, John Williams, Tim Wotherspoon and Nick Wright

Officers:	Alex Colyer	Executive Director, Corporate Services
	Jean Hunter	Chief Executive
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer
	Graham Aisthorpe-Watts	Democratic Services Team Leader

Apologies for absence were received from Councillors Tom Bygott, Jonathan Chatfield, Jose Hales, Sally Hatton, Mark Howell, Pauline Jarvis, Sebastian Kindersley, Ted Ridgway Watt, Alex Riley and Edd Stonham.

54. DECLARATIONS OF INTEREST

Councillor Simon Edwards declared a non-pecuniary interest in minute number 60(a) as he was a shareholder of a company that owned residential property in the district.

55. REGISTER OF INTERESTS

No changes were reported by Members with regard to their Register of Members' Financial and Other Interest forms.

56. MINUTES

The Chairman invited Council to consider the minutes of the previous meeting held on 22 November 2012 as an accurate record.

Minute 45 referred to two petitions that had been received by the Council. The Chairman agreed at the meeting on 22 November that the petitions would be appended to the minutes of the meeting. This was not reflected in the record of the meeting and the petitions had not been appended to the minutes. In explanation, the Council was informed that it would not have been practical to attach the petitions to the minutes due to their size. An email was sent to all Members of the Council on 27 November 2012 with details relating to both petitions.

The minutes of the meeting held on 22 November 2012 were confirmed and signed by the Chairman as a correct record, subject to the third paragraph of minute number 45 being amended to read: -

“Both petitions would be appended to the minutes of this meeting”.

57. ANNOUNCEMENTS

Councillor Ray Manning, Leader of the Council, was pleased that the recent snowfall had not adversely affected the Council's level of service and wanted to record Members' thanks to staff for going the extra mile and serving the district's residents during the bad weather.

Councillor Tony Orgee, Chairman of the Council, echoed the Leader's comments and paid particular praise to the Council's Planning Policy Team who, despite the bad weather, held a road show for residents which was very well attended.

The Chairman had written to the Secretary of State for Communities and Local Government further to the resolution by Council at the last meeting as referred to in minute number 52(b). All Members of the Council would be provided with a copy of any response as soon as it was received.

The Leader took this opportunity to highlight that the South Cambridgeshire Youth Council had recently held its first meeting. Members of the Youth Council would be attending meetings of the Scrutiny and Overview Committee and were also planning to accompany the Leader for a day at the Council. The Leader was very pleased to see Members of the Youth Council show this level of interest in the District Council.

58. QUESTIONS FROM THE PUBLIC

No questions from members of the public had been received.

59. PETITIONS

No petitions had been received.

60. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:

60 (a) Localised Council Tax Support (Cabinet, 14 January 2013)

Council considered a recommendation from Cabinet to approve the draft Localised Council Tax Support Scheme, including the amendments proposed to current council tax discounts and exemptions, as set out in the hyperlink contained within the report, pursuant to Section 13a(2) of the Local Government Finance Act 1992 (as amended).

Councillor Simon Edwards, Deputy Leader and Portfolio Holder for Finance and Staffing, moved the proposal as laid out in the agenda and, in presenting the report, explained that the government had introduced major changes to the welfare system. These reforms introduced Localised Council Tax Support, which would replace Council Tax Benefit, and were based on an upfront fixed budget at a proposed 10% reduction of current national expenditure from 1 April 2013. Transitional funding was available for 2013/14, provided that the Council adopted a Scheme inclusive of a number of factors as set out in the report. Furthermore, the Council had levels of discretion to vary some statutory exemptions from Council Tax and raise additional Council Tax, also specified in the report.

It was noted that a number of rules and principles set out by the Department of Communities and Local Government needed to be reflected in the design of a local Scheme for the Council, protecting those considered as vulnerable. This meant that

pensioners were protected on the basis of their entitlement as set out in the current rules for Council Tax Benefit and the scheme needed to cover the duties of the local authority in relation to equalities, disabilities, child poverty and prevention of homelessness.

Councillor Edwards highlighted that extensive consultation on the proposals relating to the Localised Council Tax Support Scheme had commenced in August 2012, including a range of workshops with Members and major preceptors. The proposed Scheme would see over 75% of claimants protected to the level of support they currently received and those claimants in the unprotected group would receive at least 91.5% of the support receivable under the current Council Tax Benefit Scheme.

Members were reminded that the Council's Scrutiny and Overview Committee and Cabinet had considered and supported the proposals prior to this meeting.

Councillor Ray Manning, Leader of the Council, seconded the proposal.

The following points were made during discussion: -

- the Localised Council Tax Support Scheme had been produced in response to primary legislation;
- the proposals had changed frequently as a result of feedback received from numerous consultation events that had been held and significant effort had been made to ensure that the Scheme was as fair as possible to the people of South Cambridgeshire;
- the cost of the reductions did not have to be passed on to the people of the district, some of whom had very low disposable incomes and were already struggling to make ends meet;
- the introduction of this Scheme could result in an increased rate of homelessness in the district. It was not clear what preventative measures were being put in place or how the Council would meet increases in demand in terms of the allocation of resources;
- this Council, like others in the country, should fund the 10% reduction from within its own budget;
- the proposed Scheme was disproportionately unfair to a small group of people who would struggle to cope with an approximate 8% increase;

Councillor Simon Edwards' response in summing up the debate was noted as follows: -

- with regard to not having to pass on the cost, the fact of the matter was that this was a grant that could not change once awarded. If a circumstance occurred such as a large employer moving from the district or ceasing as a business, the District Council would not receive any further funding from the government to compensate for any loss. This represented a huge financial risk to the authority, which was why the proposed Scheme did not reflect the District Council funding the reduction from within its own budgets. This risk also applied to major preceptors and not just the District Council;
- staff from the Council's Benefits Team and Customer Contact Centre were working together to plan for the delivery of effective support in respect of those people adversely affected by the proposed Scheme. It was anticipated that the main volume of enquires would be received by the Council in April upon the issuing of 2013/14 Council Tax bills;
- the most vulnerable people in the district were being protected as a result of introducing the proposed Localised Council Tax Support Scheme.

With 30 votes in favour, 12 against and 3 abstentions

Council **APPROVED** the draft Localised Council Tax Support Scheme, including the amendments proposed to the current council tax discounts and exemptions, as set out in the hyperlink contained within the report, pursuant to Section 13a(2) of the Local Government Finance Act 1992 (as amended).

The required number of Members, as defined in the Constitution, demanded the undertaking of a recorded vote. Votes were cast as follows: -

For

Councillors David Bard, Richard Barrett, Val Barrett, Francis Burkitt, Brian Burling, Pippa Corney, Simon Edwards, Alison Elcox, Sue Ellington, Roger Hall, Lynda Harford, Roger Hickford, James Hockney, Clayton Hudson, Caroline Hunt, Peter Johnson, Mervyn Loynes, Ray Manning, Mick Martin, Raymond Matthews, David McCraith, Cicely Murfitt, Charlie Nightingale, Neil Scarr, Ben Shelton, Robert Turner, Bunty Waters, David Whiteman-Downes, Tim Wotherspoon and Nick Wright.

Against

Councillors Trisha Bear, Tumi Hawkins, Mark Hersom, Douglas de Lacey, Janet Lockwood, Robin Page, Deborah Roberts, Bridget Smith, Hazel Smith, Surinder Soond, Jim Stewart and John Williams.

Abstain

Councillors Nigel Cathcart, Neil Davies and Tony Orgee.

60 (b) Amendments to the Council's Constitution (Civic Affairs Committee, 17 December 2012)

Council considered a number of recommendations from the Civic Affairs Committee which set out proposed amendments to the Council's Constitution.

Councillor Mick Martin, Chairman of the Civic Affairs Committee, moved the proposal as laid out in the agenda subject to the addition of the following: -

“(xii) any further amendments to the Constitution as a direct consequence of these changes being made”.

He then presented the report and emphasised that the proposed changes were either in response to newly published regulations or added clarity around the way in which the Council conducted its business.

This proposal was seconded by Councillor Alison Elcox, Vice-Chairman of the Civic Affairs Committee.

Councillor John Williams referred Members to recommendation (ii) of the report regarding the new definitions of a key decision. He moved an amendment to ensure that the second definition of a key decision referred to the whole district rather than the term ‘an area of the district comprising two or more wards’. The Council's Monitoring Officer reported that the wording of this definition had been lifted from The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, further to which the amendment was withdrawn.

The term 'significant' was queried by the Civic Affairs Committee, which appeared in both definitions of a key decision, and officers at the meeting of the Committee on 17 December 2012 agreed to investigate the meaning of this term. The Monitoring Officer reported that the local authority had to have regard to any guidance issued by the Secretary of State in this respect and that at the time of this meeting no such guidance had been published.

Councillor Bridget Smith made reference to recommendation (iv) of the report with regard to the taking of decisions by Portfolio Holders outside of public meetings and specifically referred to a decision that she understood Council had made on 27 September 2012 whereby decisions by Portfolio Holders had to be made at public meetings. The Monitoring Officer stated that Portfolio Holders were entitled to take decisions outside of public meetings and agreed to investigate the decision referred to by Councillor Bridget Smith by inspecting the minutes.

(The Chairman temporarily adjourned consideration of this item to enable the Monitoring Officer to inspect the minutes of the meeting held on 27 September 2012).

The Monitoring Officer read out the relevant minute in response to the point made by Councillor Bridget Smith, and informed Council that no decision had been made with regard to Portfolio Holder decisions on 27 September 2012 and that this had been the subject of a question to the Leader of the Council.

Further discussion ensued on this issue and an amendment was moved by Councillor Deborah Roberts, seconded by Councillor de Lacey, to insert the words "local members and parish councils, if necessary, shall be consulted and asked their opinions" after the first sentence of recommendation (iv), as laid out in the agenda. With 15 votes for, 29 votes against and 1 abstention, the amendment was lost.

Upon voting on the original motion, with 35 votes in favour, 5 votes against, 4 abstentions and 1 vote not being cast the Council

APPROVED

- (i) The adoption of the revised Access to Information Procedure Rules attached to the report at Appendix A.
- (ii) The amendment of the Constitution to reflect the new definitions of a key decision.
- (iii) The amendment of paragraph 1.2 of the Executive Procedure Rules to read "the Executive will meet at least six times per year at times to be agreed by the Leader".
- (iv) The amendment of paragraph 3.1 of the Executive Procedure Rules to read "individual Portfolio Holders may take decisions outside of a formal meeting where expedient to do so. Formal meetings, when held, will be held in public in accordance with the provisions of procedure rules 1.3 and 1.6 above".
- (v) The amendment of reference to prejudicial interests in the Executive Procedure Rules to read "disclosable pecuniary interests".
- (vi) The removal of the following paragraph under the Responsibility for Council Functions on pages 41 and 42 of the Constitution in respect of the Corporate Governance Committee: -

- “(ii) to receive quarterly, the strategic risk register covering reports and other associated documents presented to the appropriate portfolio holder, together with the minutes of the portfolio holder meetings, to monitor that the strategic risk register has been properly considered by the portfolio holder”.
- (vii) The addition of the process set out in Appendix C of the report to the Scrutiny and Overview Committee Procedure Rules as the process to be used when a Councillor Call for Action is received.
- (viii) The allocation of the Scrutiny and Overview Committee as the Council’s Crime and Disorder Committee, ensuring that it meets in this capacity at least once a year or as required, and amends the Constitution accordingly.
- (ix) The use of the term “Task and Finish Group” throughout the Constitution in place of “Task and Finish Panel”, where appropriate.
- (x) The deletion of paragraph 2.2 of the Council Procedure Rules.
- (xi) The retention of the Scrutiny and Overview Committee’s existing name.
- (xii) Any further amendments to the Constitution as a direct consequence of these changes being made”.

61. APPOINTMENT TO THE PLANNING COMMITTEE

Councillor Douglas de Lacey proposed and Councillor Deborah Roberts seconded the appointment of Councillor Neil Scarr to the Planning Committee, with Councillors Douglas de Lacey, Neil Davies, Sally Hatton and Robin Page being appointed as named substitutes, and Council unanimously

APPROVED the appointment of Councillor Neil Scarr to the Planning Committee and the appointment of Councillors Douglas de Lacey, Neil Davies, Sally Hatton and Robin Page as named substitutes.

62. NORTHSTOWE TRANSPORT WORKING GROUP: MEMBER APPOINTMENTS

Councillor Tim Wotherspoon proposed and Councillor Ray Manning seconded the appointment of Councillors Ray Manning, Alex Riley and Hazel Smith to the Northstowe Transport Working Group, with Councillors Tim Wotherspoon, Lynda Harford and Trisha Bear being appointed as named substitutes, and Council unanimously

APPROVED the appointment of Councillors Ray Manning, Alex Riley and Hazel Smith to the Northstowe Transport Working Group and the appointment of Councillors Tim Wotherspoon, Lynda Harford and Trisha Bear as named substitutes.

63. QUESTIONS ON JOINT MEETINGS

There were no questions on joint meetings.

64. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

No reports from Members appointed to outside bodies had been received.

65. QUESTIONS FROM COUNCILLORS**65 (a) From Councillor Bridget Smith**

Councillor Bridget Smith asked the following question to the Portfolio Holder for Corporate and Customer Services: -

“In this month’s Scrutiny and Overview Committee meeting Councillor Hockney reported on the success of the new delivery service for the South Cambs magazine. It was brought to his attention that reports indicate that deliverers are being paid significantly less per copy under this contract than under the old contract. Under the old contract it is understood that they were paid 9p per copy. Under the new contract they are paid 4p per copy plus 1p per copy fuel allowance. Under the old contract they had to deliver 69 copies per hour in order to earn the minimum, legal wage. Under the new contract they have to deliver 124 copies per hour in order to earn the legal, minimum wage. It was pointed out that this was probably an impossibility in most of our rural villages. Between 60 to 80 deliveries per hour is possibly more realistic. Has the portfolio holder investigated this and if there is indeed a problem, and we are employing people through a contract on less than the legal minimum wage, what is he going to do about it?”

Councillor James Hockney, Portfolio Holder for Corporate and Customer Services, responded by firstly stating that he fully supported the Minimum Wage Act. He then reminded Council that all companies contracted by the authority as part of its procurement processes were obliged to pay minimum wage. The Council’s contract with the company responsible for delivering the Council’s magazine made it clear that all such legislation must be followed and adhered to.

Councillor Hockney read out extracts from the contracts that the delivery company had in place with its deliverers, which made it clear that as a deliverer the person was entering into an average-rate-of-pay agreement, based on estimated rates that conformed to the requirements of the minimum wage legislation. The delivery company also emphasised to its deliverers that they should record and report the distances they covered and the number of magazines they actually delivered in order that the rate could be properly estimated so that they were paid correctly. This method of payment was externally audited and any discrepancies could be brought to the attention of the external auditors for investigation.

As a supplementary, Councillor Bridget Smith then asked: -

“How are we monitoring that we are getting good value for money?”

Councillor Hockney reported that the design and production of the magazine had now been brought in-house and would save £11,000 per year of tax payer’s money.

In addition, he was very pleased with the performance of the delivery company, stating that it was one of the best that the Council had appointed.

66. FROM COUNCILLOR JANET LOCKWOOD

Councillor Janet Lockwood asked the following question to the Leader of the Council: -

“Could the Leader give details of SCDC representation to the Joint Strategic Transport Partnership meetings and say whether our representatives will be attending the important planned monthly meetings in the first 6 months of 2013?”

Councillor Ray Manning, Leader of the Council, confirmed that the correct name of the body referred to in the question was the Cambridge and South Cambridgeshire Strategic Transport and Strategic Planning Group. Councillors Pippa Corney, Sebastian Kindersley and Tim Wotherspoon were the appointed Members from South Cambridgeshire District Council, with Councillor Ray Manning appointed as a substitute.

Councillor Lockwood sought assurances that the appointed Members would attend these meetings as they were so important to South Cambridgeshire. Councillor Manning responded by saying that he would make every effort to attend in his capacity as substitute when required, but was unable to attend the last meeting.

67. NOTICES OF MOTION

No notices of motion had been received.

68. CHAIRMAN'S ENGAGEMENTS

Council noted the list of engagements attended by the Chairman and Vice-Chairman since the last meeting, as outlined on the agenda, subject to the following: -

- on the 13 December 2012 the Chairman handed 50 presents over to Fulbourn Hospital that had been collected from members of staff at South Cambridgeshire Hall. The Chairman reported that the hospital had expressed its thanks for the gifts on behalf of the patients and he put on record his thanks to District Council staff for their generosity;
- the Chairman had attended the annual Cambridgeshire Duke of Edinburgh Gold Awards on 5 January 2013 and was reassured to see the amount of work undertaken by some young people in the district;
- the Chairman had today visited Chesterton Sports Centre for an event involving disabled young people from ten Cambridgeshire schools. He had presented certificates at the end of the morning's activities, which involved approximately 220 young people.

The Meeting ended at 3.15 p.m.
