

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Council held on
Thursday, 9 March 2006 at 2.00 p.m.

PRESENT: Councillor Mrs CAED Murfitt – Chairman
Councillor RF Bryant – Vice-Chairman

Councillors: SJ Agnew, Dr DR Bard, RE Barrett, JD Batchelor, RF Bryant, EW Bullman, NN Cathcart, Mrs SJO Doggett, SM Edwards, Mrs A Elsby, R Hall, Mrs SA Hatton, Mrs JM Healey, Mrs EM Heazell, JA Hockney, MP Howell, Mrs CA Hunt, HC Hurrell, Mrs HF Kember, SGM Kindersley, RMA Manning, RB Martlew, MJ Mason, DC McCraith, DH Morgan, Mrs JA Muncey, CR Nightingale, Dr JPR Orme, R Page, EJ Pateman, Mrs DP Roberts, NJ Scarr, J Shepperson, Mrs HM Smith, Mrs DSK Spink MBE, RT Summerfield, Mrs VM Trueman, Dr SEK van de Ven, Mrs BE Waters, Dr JR Williamson and NIC Wright

Apologies for absence were received from Councillors JP Chatfield, Mrs J Dixon, Dr SA Harangozo, JA Quinlan, Mrs GJ Smith, RJ Turner, DALG Wherrell, JF Williams and TJ Wotherspoon.

Before the start of the meeting, Council stood in remembrance of Councillor Dr John Heap, who had died the previous day.

1. VICE-CHAIRMAN

Council accepted Councillor RF Bryant as Vice-Chairman for the meeting.

2. DECLARATIONS OF INTEREST

Declarations of personal interests were declared by:

MJ Mason	By reason of a complaint against him registered by the Standards Board for England, no. 14128/06
NJ Scarr	As a member of one of the trade unions referred to in the report

3. STATEMENT BY THE CHAIRMAN

The Chairman made the following statement :

"Members - I hope you will agree with me when I say I must object most strongly to the front page and the article on page five of the Saturday edition of the Cambridge Evening News, which I found sickening.

"Was it really necessary to have photos of the four senior officers at SCDC plastered over the front page? These men are not criminals. They have committed no crime. They have served the council honourably and well, with loyalty and integrity, and what's more continue to do so. I admire them for this.

"The decision to proceed with restructuring the management was taken by members, not officers. These men do not have voting powers. To picture them lining up to pick and choose as much as they can get is indefensible and frankly ridiculous. Members will make decisions strictly in accordance with employment law and relevant local

government law.

"I find it hard to believe that the Cambridge Evening News does not appreciate the invidious position these men have been put in following the actions of a very small minority of members and the articles of that paper and can only conclude that the paper's aim is to cause as much harm and hurt as possible.

"I intend to support these officers in whatever way I can and would ask that before the Cambridge Evening News prints any more such articles it stops and thinks whether it really does have the welfare of the taxpayers of South Cambridgeshire at heart.

"Our taxpayers, and that includes all members of the council, will have no cause to thank the Cambridge Evening News if it continues to undermine the morale not only of these four officers, but also the entire workforce at SCDC, who have been shocked by the treatment suffered by their senior managers.

"What appears to be a deliberately destructive campaign by the Cambridge Evening News does nobody any good, least of all the staff who are trying their hardest to get services out to the taxpayers of South Cambs and are doing so with great success.

"Members I draw your attention to some of our successes."

The Chairman then outlined some of the achievements of the Council and awards recently received, and drew the Council's attention to compliments received by the Council covering all departments."

During the statement, Councillor R Page stood, stating that he wished to raise a point of order, but was requested by the Chairman to sit.

4. EXCLUSION OF PUBLIC

Councillor Mrs EM Heazell proposed, seconded by Councillor R Hall, that the public should be excluded from the rest of the meeting.

Councillor NJ Scarr proposed, seconded by Councillor Mrs DP Roberts, that the meeting remain open, on the grounds that only a small amount of the information due for discussion was specifically personal, and need not be disclosed.

Councillor Page made accusations against the Council as a whole and against the Head of Legal Services and, on the proposal of the Chairman, seconded by the acting Vice-Chairman, Council with 6 votes against,

RESOLVED that Councillor Page be not heard further.

Councillor Page left the meeting.

Councillor Mrs Heazell stated that she believed the discussion needed to be in private because of the possible behaviour of some Members, whereas Councillor Mrs Spink suggested that the major concern was the fear that press reports would give the public an inaccurate impression. The Leader pointed out that the reporter present was relatively new; and defended absolutely a free press, while drawing attention to the need to protect employees especially in view of recent press coverage. He therefore reluctantly supported exclusion of the public.

Councillor Mrs Roberts, supported by Councillor Hockney, proposed that the Chairman

call an informal meeting of all Members or with groups, to try to resolve the atmosphere which had grown up within the Council. They were advised to raise this matter at a later date if they wished to pursue it since no prior notice had been given.

The proposal to permit the public to remain was defeated by a majority vote, 6 voting against with 2 abstentions.

Council then, by 31 votes to 4, with 4 abstentions,

RESOLVED that the public be excluded from the remainder of the meeting on the grounds that consideration is likely to involve the disclosure of exempt information as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

Councillors Mrs SA Hatton and NJ Scarr recorded their votes against the resolution.

5. CHIEF EXECUTIVE'S POST

The Leader applauded the Chief Executive as an asset to the Council and for his willingness to work with Members for the greater good of the Council and the residents of the District. The Chief Executive had been offered the opportunity to retire early through redundancy and had indicated his wish to accept it. The Transformation Committee had taken specialist legal advice and recommended acceptance of the terms put forward.

The Leader further explained the potential financial implications should Council refuse the application for voluntary redundancy outright or reject the discretionary element of the proposed package, in view of recent events. Other than the discretionary element, the proposed payments were in accordance with the Council's policies on redundancy for any member of staff.

In response to queries, the Leader and officers explained that:

- i. The flexibility referred to related to the termination date, which could be adjusted to meet the needs of either Mr Ballantyne or the Council
- ii. A compromise agreement was where the employer and the employee reached agreement to refrain from instituting proceedings in relation to the contractual terms of employment. The agreement, once reached, was binding on both parties
- iii. The difference between the figures now presented and those originally shown as the total cost was because the present figures related to the year 2006/07 only, whereas the earlier figures showed rolled up benefits over a number of years. The Finance and Resources Director gave a revised total cost figure incorporating the information now being considered by Council.
- iv. If necessary to cover the interregnum, the Council would appoint an acting Chief Executive or Returning Officer
- v. The Council had complied with the Constitution and all statutory requirements in this matter

Councillor Dr Bard asked, and it was agreed, that flexibility on the termination date should be delegated to the Transformation Committee as a whole, with ratification by Cabinet.

Councillor Cathcart reiterated his concerns with the approach of the project; stating his preference for considering the second tier and the shape of the authority before taking the action now proposed. His concerns were shared by Councillors Mrs Roberts and NJ

Scarr. Councillor Mrs Spink, however, pointed out that a new Chief Executive would have his or her own ideas about the rest of the staff structure and suggested that Council should make this possible. The Leader added that the Heads of Service structure had been found fit for purpose. Councillor MJ Mason also expressed his unhappiness with the project, particularly the sidelining of the Employment Committee. He accepted the challenge of the Leader to provide the Chairman with evidence of non-compliance with policies.

Recorded votes were requested and agreed.

Council, by 31 votes to 7, with 2 abstentions, **RESOLVED** that

- (a) the application for voluntary redundancy from Chief Executive be accepted with a termination date of 30 June 2006, the Transformation Committee to discuss flexibility with the Chief Executive and the date to be ratified by Cabinet;
- (b) the terms for the redundancy of the Chief Executive as proposed by ALACE be accepted, subject to £7,000 for external placement advice being paid on invoices direct to any relevant consultants and to signature of a legally binding compromise agreement.

The votes cast were:

For the motion

SJ Agnew	RE Barrett	JD Batchelor
RF Bryant	EW Bullman	Dr DR Bard
Mrs A Elsby	R Hall	Mrs JM Healey
Mrs EM Heazell	MP Howell	Mrs CA Hunt
HC Hurrell	Mrs HF Kember	SGM Kindersley
RMA Manning	RB Martlew	DC McCraith
Mrs JA Muncey	CR Nightingale	Dr JPR Orme
DH Morgan	EJ Pateman	J Shepperson
Mrs HM Smith	Mrs DSK Spink	RT Summerfield
Dr SEK van de Ven	Mrs BE Waters	Dr JR Williamson
NIC Wright		

Against the motion

NN Cathcart	Mrs SJO Doggett	Mrs SA Hatton
MJ Mason	Mrs DP Roberts	NJ Scarr
Mrs VM Trueman		

Abstentions

SM Edwards	JA Hockney
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The Chairman did not vote.

Council further, by 30 votes to 6 with 2 abstentions, **RESOLVED** that

- (c) Cash limits for 2006/07 be amended by up to £45,000 to enable payments associated with the redundancy of the Chief Executive to be made;
- (d) The Head of Legal Services be appointed Proper Officer for the purposes of carrying out the functions of the Local Authorities (Standing Orders) (England) (Regulations).

The votes cast were:

For the motion

SJ Agnew

RF Bryant

Mrs A Elsby

Mrs EM Heazell

HC Hurrell

RMA Manning

Mrs JA Muncey

EJ Pateman

Mrs DSK Spink

Mrs BE Waters

RE Barrett

Dr DR Bard

R Hall

MP Howell

Mrs HF Kember

RB Martlew

CR Nightingale

J Shepperson

RT Summerfield

Dr JR Williamson

JD Batchelor

SM Edwards

Mrs JM Healey

Mrs CA Hunt

SGM Kindersley

DC McCraith

Dr JPR Orme

Mrs HM Smith

Dr SEK van de Ven

NIC Wright

Against the motion

NN Cathcart

MJ Mason

Mrs SJO Doggett

Mrs DP Roberts

Mrs SA Hatton

NJ Scarr

Abstentions

JA Hockney

DH Morgan

The Chairman did not vote.

The Chairman reminded Members that the information contained in the restricted paper remained so.

The Meeting ended at 3.40 p.m.
