

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on
Thursday, 23 September 2010 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, Brian Burling, Tom Bygott, Nigel Cathcart, Jonathan Chatfield, Pippa Corney, Douglas de Lacey, Simon Edwards, Sue Ellington, Jose Hales, Roger Hall, Sally Hatton, Tumi Hawkins, Liz Heazell, Mark Hersom, James Hockney, Mrs PE Jarvis, Sebastian Kindersley, Janet Lockwood, Mervyn Loynes, 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, Robert Turner, Bunty Waters, John F Williams, John G Williams and Nick Wright

Officers: Holly Adams Democratic Services Team Leader
Alex Colyer Executive Director, Corporate Services
Steve Hampson Acting Chief Executive
Fiona McMillan Acting Legal & Democratic Services Manager and
Monitoring Officer

Apologies for absence were received from Councillors David Bird, Francis Burkitt, Jaime Dipple, Steve Harangozo, Lynda Harford, Mark Howell, David Morgan, Peter Topping and Tim Wotherspoon.

PRESENTATION

The Chairman invited the leaders of the political groups to sign the East of England Charter for Elected Member Development to confirm that the Council was working towards Charter Status for Elected Member Development, one of the corporate actions agreed by Council on 22 April 2010. Some Members indicated that they would not support their Group Leader signing the Charter without a debate on the issue, the East of England's standard wording appearing to form a Council resolution, and the matter was referred to the next meeting of the Environmental Services Portfolio Holder, as the lead Councillor for Member Development.

42. DECLARATIONS OF INTEREST

There were no declarations of interest.

43. MINUTES

The Chairman was authorised to sign the minutes of the 22 July 2010 Council meeting as a correct record, subject to incorporation of the following amendments:

- **Appointment of a Chief Executive / Head of Paid Service, Electoral Registration Officer and Returning Officer** (minute 33): "~~Councillor Ray Manning~~ **Councillor Simon Edwards**, as Chairman of the Appointments Panel of the Employment Committee..."
- **Fringe Sites Joint Development Control Committee – Review of Site Boundaries** (minute 35): "...opposed the site boundaries as development on the site could see Girton village *parish* become part of Cambridge City..."

In response to comments from Members, the Acting Chief Executive confirmed that the voting machines had been working properly at the previous meeting and was confident that the machines would continue to record accurately how Members had voted.

44. ANNOUNCEMENTS

The Chairman welcomed to the meeting Steve Hampson, Acting Chief Executive, and Jean Hunter, who would begin her appointment as Chief Executive on 27 September 2010.

Members' attention was drawn to the painting in the Council Chamber of a Hercules aircraft, donated by the Marshall Group to commemorate Council's 22 July 2010 resolution to recognise Marshalls' unique contribution to South Cambridgeshire. A copy of the illuminated scroll containing the text of the Council resolution had been hung beneath the painting.

The Village Hero and Best Kept Village Awards trophies, engraved and donated by local businesses and displayed at the meeting by the Chairman, would be awarded at a ceremony on 1 October 2010.

The Chairman announced that he had written on the Council's behalf to express condolences to the widow of the late Councillor Eustace Bullman on the recent loss of her son.

The Leader reported that the Treasury had approved a £750,000 grant for the Northstowe Eco-Town Demonstrator Project, of which £320,000 would be used by South Cambridgeshire District Council to enhance the homes of residents at Rampton Drift. The Council no longer would proceed with buying two homes to use as demonstrators after residents preferred to have the energy-saving devices installed in their own homes. A residents' group would guide the improvements, with the Climate Change Working Group providing input, and the Demonstrator Project would be linked to the Sustainable Parish Energy Project and to local universities assisting with monitoring.

45. QUESTIONS FROM COUNCILLORS AND THE PUBLIC

45 (a) From Graham Ford to the Environmental Services Portfolio Holder

A revised question was not received, and therefore this question was not put.

45 (b) From Cllr John Batchelor to the Planning Portfolio Holder

Councillor Batchelor asked, "I would appreciate it if the Portfolio Holder would pass on my thanks to John Koch and his team for their excellent work in defending the District Council's position at the Linton Wind Farm Appeal. That said I have been shocked at the wasteful nature of the appeals process. The Linton appeal has been ongoing since February and only closed last week. Can the Portfolio Holder tell me how much this appeal has so far cost the tax payers of South Cambridgeshire?"

Councillor Nick Wright, Planning Portfolio Holder, replied that Councillor Batchelor's gratitude had been passed to officers and that the appeal costs had been calculated as approximately £75,000 in legal costs, consultants' fees and accommodation costs, and the equivalent of at least £20,000 in officer time. The Council had submitted an application for costs against the appellant on the grounds that the appellant had failed to address properly the issue of aircraft safety; the outcome was unlikely to be received before November 2010 at the earliest.

Councillor Batchelor, as a supplementary question, expressed concern about the expense of the appeals process and queried whether the Council would be able to afford further such appeals. Councillor Wright shared Councillor Batchelor's concerns, but said that the Council would defend to the best of its ability each decision the authority had taken. The Planning White Paper proposed changes to the Planning Inspectorate which could affect the way appeals were conducted, restricting appeals to determining whether or not the Council had been procedurally correct in how it reached a decision.

45 (c) From Cllr Bridget Smith to the Leader

Councillor Bridget Smith asked the Leader, "I know that I am not alone in wishing to congratulate the staff from every service area for showing such resilience during the past few extremely difficult months and in managing to carry out their duties to such very good effect. The October spending review is obviously going to cause great stress for us all. What is each of the portfolio holders planning to do in order to support their own departmental staff in these very challenging times?"

The Leader agreed with Councillor Smith's commendation of staff, which he hoped was shared by all Members, and assured Council that the Executive would continue to support staff. He felt that the Comprehensive Spending Review ought to have been concluded earlier in the year to end councils' uncertainty. Councillor Smith felt that this had not addressed her question and asked that the Leader detail how each Portfolio Holder individually supported staff in their service areas.

The Leader, noting that Members would have their own individual approaches and that the pressures facing areas could be service-specific, felt confident that all Executive Members had been supporting and would continue to support staff. He encouraged Members to attend Portfolio Holders' meetings and contribute to their discussions, especially if they had concerns about a particular service area.

45 (d) From Cllr Steve Harangozo to the New Communities Portfolio Holder

Councillor Sebastian Kindersley, on behalf of Councillor Stephen Harangozo, asked, "In view of the need to use all opportunities to reduce the district's carbon emissions, will the portfolio holder agree that the awarding of capital grants to local organizations be made conditional on their committing (in writing and with a follow-up 'method statement') to reduce their carbon emissions by at least 10% in total within two financial years?"

Councillor David Bard, New Communities Portfolio Holder, agreed with the sentiments behind the question, and felt that this approach would have been useful when the Council was able to offer large capital grants, but current grants were more modest and the suggested requirement could discourage smaller organisations from applying. He asked the Climate Change Working Group to consider how such a proposal could be introduced practically.

45 (e) From Cllr Tumi Hawkins to the Housing Portfolio Holder

Councillor Tumi Hawkins asked the Leader on behalf of the Housing Portfolio Holder, "This Council has up till now obtained valuations for its property and land assets from just one Agent. Could the Housing Portfolio Holder please explain when and why the Council selected Pocock & Shaw for this task, and why it pays the company to carry out valuations, considering the fact that householders wanting to sell properties often get this service free and from multiple agents."

The Leader explained that a tender exercise was carried out every three years and the contract was awarded to a single organisation to provide consistency of results. Householders would be offered the service free because the agents hoped to market the property; the Council did not sell its property through external agencies and therefore was charged for valuations.

In response to Councillor Hawkins' supplementary question, asking whether the Council would revise its arrangements and seek alternatives, the Leader explained that the current contract would run until 2011, after which time it would be reviewed. He emphasised that a valuation was a guide only and the market ultimately determined the sale price.

45 (f) From Cllr Lynda Harford to the Northstowe Portfolio Holder

Councillor Sebastian Kindersley, on behalf of Councillor Lynda Harford asked, "There would appear to be mixed messages coming from cabinet about the future of Northstowe. It has always been understood that there was an interdependence between this new development and the proposal to upgrade the A14 which is now on hold. Could the portfolio holder please take this opportunity to define the probability of the Northstowe project proceeding independently of the A14 upgrade?"

The Leader, on behalf of the Northstowe Portfolio Holder, replied that the Northstowe Area Action Plan reflected the interdependence of development at Northstowe and the upgraded A14, but did make allowance for 1,800 homes to be built in advance of road improvements. It was his personal opinion that this would be unviable as infrastructure such as sewerage for the entire development would need to be laid before construction of the first homes, but that a decision on commencement of development rested with the joint promoters.

45 (g) From Cllr Frances Amrani to the Housing Portfolio Holder

Councillor Frances Amrani asked, "Teversham Parish council and myself have been informed in writing that just over £6K per year is allocated from a commuted sum from the original developers for the Foxgloves estate in Teversham for land maintenance. Over the past two years residents have received an average of three rough grass cuts per year; with no tree or shrub maintenance. £2000 per cut doesn't seem to offer good value for a relatively small amount of grasscutting. Discussions and complaints on this topic have used up a disproportionate amount of officer time. What reassurance can the Housing PFH give that residents can expect a better service next year and beyond, and that officers will be supported in securing this delivery?"

The Leader, on behalf of the Housing Portfolio Holder, replied that the grounds maintenance at the Foxgloves estate was funded entirely from a commuted sum from the developers, which produced an annual income of approximately £6,000, with the Council's contractors carrying out the work. In 2008 the Council instigated a special project to ensure that trees and shrubs on all its land were cut back to ensure safe clearance of pathways, clear views of play areas and removal of any planting likely to cause property damage. This project cost in excess of £28,000 from the Council's General Fund and the scale of the work meant that no significant pruning would be required for several years. The Leader explained that the General Fund was used to cross-subsidise grounds maintenance on the Foxgloves estate last year, but that the need to reduce spending overall meant that the cross-subsidy had not continued. As there were no Council houses in the vicinity of the Foxgloves estate, the Council made a formal offer to the Parish Council to take over the responsibility for grounds maintenance and to transfer the commuted sum to the Parish Council, but the offer was declined.

In response to Councillor Amrani's supplementary question, which asked if the £6,000 commuted sum were being used to fund grounds maintenance elsewhere, the Leader replied that it was not, and repeated the offer to transfer responsibility for grounds maintenance and the commuted sum to the Parish Council.

45 (h) From Cllr Mike Mason to the Environmental Services Portfolio Holder

Councillor Mike Mason asked, "With reference to the continuing problems experienced by many members using the new secure email system, together with the changes introduced on the Web Site, would Councillor Ellington now agree to give IT training and competence, top priority in the Member Development Task and Finish Group."

Councillor Sue Ellington, as lead Member for Member Development, supported the need for further training, but noted that when officers organised five computer training sessions for Members, set at different times and dates to accommodate as many Members as possible, only fifteen Members expressed an interest, of whom only twelve attended. Councillor Ellington felt that the sessions had been extremely useful and that Members needed to accept that it was their responsibility to ensure that they had the training necessary to undertake their role. In response to Councillor Mason's supplementary question about how to address the lack of response from Members, Councillor Ellington expressed her disappointment at the Council's decision not to sign the Member Development Charter at this time, and said that the Member Development Task and Finish Group would be reviewing the responses received to the Member Training Needs Assessment, which could help establish individual development programmes.

45 (i) From John Toomey, UNISON Regional Officer, to the Finance and Staffing Portfolio Holder

Mr Phil Gooden, the outgoing Regional Officer for UNISON, was given leave by the Chairman to ask this question instead of Mr Toomey. Mr Gooden stated that, in light of the proposal to defer until November a decision on the Revised Redundancy Policy, he would withdraw the question if the Leader could provide assurance that valuable lessons had been learnt about the need for consultation.

Councillor Simon Edwards, Finance and Staffing Portfolio Holder, concurred that thorough consultation with unions and staff was essential, and confirmed that this would be undertaken before the matter returned to Cabinet and Council in November. He explained that Cabinet, at the time of its recommendation to Council, had understood that the consultation already undertaken had been adequate, but that they were willing to engage in further discussions if it were the will of Council to defer the matter.

46. PETITIONS

None received.

47. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:

47 (a) Review of the Organisational Change and Redundancy Policy (Cabinet, 9 September 2010)

Cabinet had recommended that Council adopt the revised Organisational Change and Redundancy Policy, but, following concerns expressed by the unions and officers that the consultation had been insufficient, the Leader proposed, seconded by the Deputy

Leader, that the recommendation be referred back to Cabinet for reconsideration following further consultation. Councillor Edwards undertook to arrange a Member briefing on the existing policy and the changes proposed in advance of the 11 November 2010 Cabinet meeting.

Council **DEFERRED** a decision on the review of the Organisational Change and Redundancy Policy until 25 November 2010.

47 (b) **Clarifying Scrutiny Procedures and Related Definitions (Constitution Review Working Party, 8 September 2010)**

Councillor James Hockney, Scrutiny and Overview Committee Chairman, presented the Constitution Review Working Party's recommendations, which had been referred by Council back to the Working Party after concerns had been expressed that the proposed changes could weaken the scrutiny function. Councillor John Batchelor, seconding the proposal, explained that the changes, which had been supported unanimously by the Working Party, would actually strengthen the Scrutiny and Overview Committee by enabling it to refer a matter to Council when it felt that the original decision-taker was unprepared to consider the recommendations made by the Scrutiny and Overview Committee after a call-in.

Council **RESOLVED** that the following changes be incorporated into the Council's Constitution:

Definitions (the two following paragraphs to be added)

"Whip" means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply sanction by the group in respect of that councillor should he / she speak or vote on any particular matter.

A **Decision** is when an issue ultimately is decided by the appropriate decision-maker. A recommendation is not a decision.

Scrutiny and Overview Committee Procedure Rules (new text in ***bold italics***)

12.1 Call-in should be used only in exceptional circumstances and can relate only to executive decisions made ~~or to be made~~ by the executive decision takers referred to in the Budget and Policy Framework Rules, Rule 7

12.9 If, having considered the decision, the Scrutiny and Overview Committee is concerned about it or agrees that the decision is a departure, it may take one of the following courses:

12.9.1 refer the decision back to the executive decision taker for re-consideration, setting out in writing the nature of its concerns. If referred back, the executive decision taker shall then ~~re-consider~~ **respond** within five working days, ~~amending~~ **re-considering** the decision ~~or not~~, before **confirming the original decision, adopting a final-an alternative decision or adopting a course of action leading to a final decision, such as but not limited to further consultation or exploration of other options, and confirming the deadline by which the final decision will be taken.** ~~If the decision had been made before call-in, it~~ **The final decision, once taken,** may be implemented immediately.

12.9.2 refer the matter to Council, ~~unless the executive decision taker has indicated a preparedness to reconsider the matter;~~ or

12.9.3 not refer the matter back or to Council, in which case the decision if made

may be implemented immediately following the Scrutiny and Overview Committee meeting.

Councillors Douglas de Lacey, Deborah Roberts and Neil Scarr recorded their opposition to the decision.

47 (c) Review of Procedures for Public and Member Questions at Full Council (Constitution Review Working Party, 8 September 2010)

Councillor Charlie Nightingale, Chairman of the Constitution Review Working Party, proposed that Council adopt the revised procedures for questions at Council meetings. Councillor John Batchelor seconded the proposal, explaining that Council had referred the changes back to the Working Party after expressing concern that the extent of public involvement could be limited, but that the Chairman would retain the discretion to accept questions after the deadline. The earlier deadline would enable additional time for officers to co-ordinate a detailed response, which often required input from across Council departments and from the Council's partners.

Council unanimously **RESOLVED** that the revised procedures for public and Members' questions at full Council, amending Council Standing Orders 1, 2, 10 and 11, be adopted.

47 (d) Climate Change Working Group: Revised Terms of Reference (Climate Change Working Group, 8 July 2010)

Councillor David Bard, seconded by Councillor Simon Edwards, presented the revised Terms of Reference, which would strengthen the focus of the Climate Change Working Group and clarify its reporting lines and Council unanimously **RESOLVED** to adopt the revised Climate Change Working Group Terms of Reference.

48. FINANCIAL REGULATIONS

Councillor Simon Edwards, on behalf of the Corporate Governance Committee Chairman and Vice-Chairman, proposed amendments to the Financial Regulations of the Constitution. Councillor Manning seconded the proposal. The amendments arose from a restructure of the Accountancy Service and would ensure the continuing prompt payment of invoices by extending signing authority to more officers. The amendments did not require the addition of any new posts to the establishment.

Council **RESOLVED** that the following changes be incorporated into Paragraph 6 (Operation of Bank Accounts) of the Financial Regulations in the Constitution:

- the addition with immediate effect of the post of Principal Accountant (Housing);
- the deletion of the posts of Finance Project Officer and Principal Accountant (General Fund and Costing) with effect from 30 September;
- the addition of the post of Principal Accountant (General Fund and Projects) with effect from 1 October 2010; and
- the deletion with immediate effect of the posts of Corporate Manager (Finance and Support Services) and Head of Revenues.

49. CHANGE OF APPOINTED MEMBERS AND SUBSTITUTE MEMBERS TO THE PLANNING COMMITTEE 2010/2011

On the proposal of Councillor Pippa Corney, seconded by Councillor Ray Manning, Council **RESOLVED** to appoint Councillor David McCraith to the Planning Committee in place of Councillor Peter Topping, and to appoint Councillor Ben Shelton as the

Conservative Group's fourth substitute member.

50. CHANGE OF APPOINTED MEMBERS TO THE SCRUTINY AND OVERVIEW COMMITTEE 2010/11

On the proposal of Councillor James Hockney, seconded by Councillor Ray Manning, Council **RESOLVED** to appoint Councillor Richard Barrett to the Scrutiny and Overview Committee in place of Councillor David Morgan and to amend the Conservative Group's substitute list to (in order): Councillors Charlie Nightingale, David Bird, Valerie Barrett and Mervyn Loynes.

51. TO MAKE TWO APPOINTMENTS TO THE SOUTH CAMBRIDGESHIRE DIRECT LABOUR ORGANISATION (DLO) MANAGEMENT BOARD

Council considered a request to make a formal appointment of two councillors to the Direct Labour Organisation (DLO) Management Board. Councillors Richard Barrett and Hazel Smith had already been attending these meetings without formal appointment.

On the proposal of Councillor Ray Manning, seconded by Councillor Simon Edwards, Council **RESOLVED** to appoint Councillors Richard Barrett and Hazel Smith to the South Cambridgeshire Direct Labour Organisation (DLO) Management Board for the remainder of their current terms of office.

52. QUESTIONS ON JOINT MEETINGS

The Leader was asked to comment on the future of the Local Authority Agreement (LAA) reward grants to the Connexions bus service. He replied that the Cambridgeshire Together Board would be meeting on 24 September and would be receiving an update, but that it was his understanding that no further funding would be forthcoming from Government. He also noted that the Board would be considering the number of partnership groups it had established, with a view towards amalgamation of workstreams to reduce the overall number of meetings.

53. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES

Councillor Mike Mason, the Council's appointee to the Old West, Swaffham and Waterbeach Level Internal Drainage Boards, expressed his gratitude to the Chairman for his letter of condolence to the family of Mr Ross Chilvers, the late engineer for the Ely Group of Internal Drainage Boards, with whom the Council had worked for many years. Councillor Mason, along with Councillors Peter Johnson and Tim Wotherspoon, had attended Mr Chilvers' funeral on behalf of the Council.

Councillor Mason reported that he and Councillor Wotherspoon had attended the Association of Drainage Authorities Annual General Meeting on 22 September 2010.

54. CHAIRMAN'S ENGAGEMENTS

The Chairman's announcements, with the inclusion of the August 2010 presentation to the Council by the Marshall Group of the painting of a Hercules aircraft, were **NOTED**.

The Meeting ended at 3.35 p.m.
