

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Scrutiny and Overview Committee held on  
Monday, 28 March 2011 at 10.30 a.m.

**PRESENT:** Councillor James Hockney – Chairman  
Councillor Bridget Smith – Vice-Chairman

**Councillors:** Val Barrett (substitute)                      Jose Hales  
Roger Hall    Tumi Hawkins  
Liz Heazell    Mike Mason  
Charles Nightingale (substitute)                      Tony Orgee  
Bunty Waters

Councillors Sue Ellington, Hazel Smith and Nick Wright were in attendance, by invitation.

**Officers:** Patrick Adams                                      Senior Democratic Services Officer  
Caroline Hunt    Local Development Framework Team Leader  
Jackie Sayers    Scrutiny Development Officer  
Claire Spencer    Senior Planning Officer (Transport Policy)

Apologies for absence were received from Councillors Mark Hersom, Peter Johnson and Ben Shelton.

### **65. DECLARATIONS OF INTEREST**

Councillors present declared the following interests:

Councillor Roger Hall declared a personal interest as a District Councillor for villages on the A14.

Councillor Mike Mason declared a personal interest as the Councillor for Histon and Impington who would be affected by the Plan.

Councillor Tony Orgee declared a personal interest as a County Councillor.

Councillor Bridget Smith declared a personal interest as the member champion for children and young people, who had been consulted on the Transport Plan in question.

Councillor Nick Wright expressed a personal and prejudicial interest in any discussion regarding improvements affecting the A14 at Conington where he owned land, should this matter arise. This issue did not arise and so no action was required by Councillor Wright.

### **66. PUBLIC QUESTIONS**

There were no pre-submitted questions from the public.

### **67. CALL IN: CAMBRIDGESHIRE LOCAL TRANSPORT PLAN 3**

Councillor James Hockney introduced this item by setting the parameters for the call-in of the decision taken by the Planning Portfolio Holder on 8 March 2011 to endorse the Council's District Statement for inclusion within Cambridgeshire Local Transport Plan 3 (LTP) and to support the emerging Local Transport Plan 3. He explained that the Committee should look at the process and not discuss the actual merits of the Plan itself. He further explained that the decision had been called in on the following grounds from the Council's principles of decision-making:

- Due consultation and the taking of professional advice from officers
- Presumption in favour of openness, helpfulness and consistency
- Consideration of available options and giving reasons for decisions

The Chairman stated that he was satisfied that Councillor Wright had taken professional advice from officers and so had decided to restrict discussion on the first ground to “due consultation”. He also decided to combine discussion on consultation with points on presumption in favour of openness, helpfulness and consistency.

### **First and Second Grounds: Due consultation and consideration of available options and giving reasons for decisions**

#### ***Consultation with councillors***

In response to questioning Councillor Wright stated that all Councillors had been notified of this issue in the Weekly Bulletin on 4 occasions, Forward Plan and the Planning Portfolio Holder meeting agenda. He therefore considered that Councillors had been consulted. It was suggested that Councillors had not been made aware that the support of the District’s statement was so important and the Executive should review the way in which it advertises the taking of key decisions to the wider membership.

Councillor Wright stated that where the Council is dealing with issues on which there is large Councillor interest, such as Gypsies and Travellers, arrangements were already made to involve the wider membership. However, he agreed that the Executive should consider alternative ways in which important issues could be brought to the attention of all Councillors.

Councillor Wright stated that he recognised and valued Councillor Mason’s knowledge on matters such as the guided bus and welcomed his input. He had read the e-mail on the Cambridgeshire LTP that Councillor Mason had sent the afternoon before the meeting and Councillor Mason’s comments had been noted in the draft minutes of his Portfolio Holder meeting. No alternative proposal had been suggested. Councillor Wright concluded that he had agreed with the officer recommendation.

Councillor Mason stated that he had provided with his email a 2008 article about the Guided Bus and the text of a 2010 email, which Councillor Wright was aware of, and so Councillor Wright had had more than a day’s notice of his views before taking his decision regarding the consultation over the County Council’s LTP. Councillor Wright reiterated that he did take note of Councillor Mason’s views and that this was noted in the minutes.

The Local Development Framework Team Leader explained that the Council had supported the provision of the Guided Bus in 2003 and again in 2008 and that it was key to the delivery of the development strategy for the district contained in the Local Development Framework.

#### ***Consultation by County Council***

The Local Development Framework Team Leader explained that Cambridgeshire County Council first started consulting on their LTP from January to July 2010. The Planning and New Communities Portfolio Holders, at their March 2010 meeting, had agreed the Council’s response to the consultation. She advised that the Plan itself was to be agreed by the County Council tomorrow and so if this Council’s comments were to be considered, they needed to be agreed today.

The Chairman stated that, whilst the Committee had the power to refer this matter to Council, this option should be discounted as it would be impossible to convene a meeting of Council before the County Council met to agree the LTP, so to refer the matter to Council would be detrimental to the reputation of the Committee and the Council as a whole. It was noted that a meeting of the Planning Portfolio Holder had

already been arranged to follow the meeting of the Committee, should it prove necessary.

The Local Development Framework Team Leader explained that the Council could jeopardise opportunities to secure Government funding if it did not submit its response, including a district statement, to the County Council before the County Council met to decide the plan, which it would do with or without the support of the District Council. It was noted that Cambridgeshire's other District authorities had submitted their comments to the County Council. The County Council had a legal requirement to submit the LTP to government by the end of March 2010.

In response to questions about the scope and potential for Community Transport to 'plug the gaps' in bus services, the Senior Planning Policy Officer (Transport) explained that the bid for Local Sustainable Transport Fund funding had to be submitted by the County Council before 18 April 2011, and that this was a separate issue.

### ***Working with Partners***

Councillor Wright assured the Committee that the Executive had liaised regularly with the County Council and other Partners over both this and other issues. He stated there had been joint working at officer level and with the Executive throughout the production of the review LTP.

Councillor Wright stated that queries had been raised with the County Council concerning the Guided Bus and that responses had been received. He acknowledged that Councillor Mason had seen these responses as unsatisfactory. Councillor Wright stated that the authority had concerns regarding the delivery of the Guided Bus, but this was only a small part of the overall Cambridgeshire LTP.

It was noted that the County Council had an obligation to ensure that children who lived a certain distance from their secondary school were provided with transportation.

### **Third Ground: Consideration of available options and giving reasons for decisions**

Councillor Mason suggested that the Portfolio Holder should have considered an alternative when taking his decision. Councillor Wright stated that he was confident that he had made the correct decision as the LTP was consistent with the Council's Objectives and important for the delivery of the growth strategy at the heart of the Local Development Framework. He reiterated that none of the other Councillors present at the meeting had made an alternative proposal. He considered that the report before him had set out the reasons for the decision.

The Local Development Framework Team Leader acknowledged that there was no specific reference in the officer report to options and explained that officers considered that the report as a whole made clear that there were no other reasonable options to the Council because of the importance of the LTP and the district statement in securing funding for key infrastructure to support the Council's development strategy.

### ***Views from members of the public at the meeting***

David Thurman from the ward of Histon and Impington expressed concern, as an accountant, at the rising cost and proposed funding of the Guided Bus. Councillor Wright suggested that these concerns would be better directed to the County Council. Robin Barrett, also from the ward of Histon and Impington, expressed surprise that the District Council was not including its concerns regarding the Guided Bus in its response to the County Council. Councillor Wright explained that he did have concerns regarding the Guided Bus, but that the District Council's statement was not the best place to express

these concerns.

***Suggested amendments to the proposed LTP district statement***

Councillor Liz Heazell suggested that the phrase in paragraph 1.2 of the Council's statement: "In many parts of the district public transport is good" was inaccurate as it did not reflect the results of the Committee's survey of bus services and should be amended to "some parts". The statement should also reflect the risk of a reduction in services as a result of the subsidy cuts for public transport services proposed by the County Council.

Councillor Heazell raised concerns about the capacity of Community Transport to help 'plug the gap' in bus services, as referred to in paragraph 6.4 of the Council's statement, and the need for more volunteers for the Voluntary Community Car scheme in particular and sought the inclusion of a specific statement that they will be consulted.

Officers advised that they were comfortable that these issues could be appropriately addressed.

**Conclusion**

In summing up, Councillor Hockney stated that Councillor Wright had taken into consideration Councillor Mason's concerns regarding Guided Bus and that this was recorded in the minutes of the portfolio meeting. He also noted that no alternative proposals had been suggested. He stated there had been consultation by the County Council between January and July 2010 and in addition they had been working in partnership with officers and the Executive. He also stated that, whilst the wider membership had been made aware in a broader sense, there was perhaps a lack of understanding of the importance of the District Statement, and that more active steps need to be taken in future to consult members on key items or to highlight particularly important reports as appropriate. He concluded that no options were put forward in the report given there were no reasonable alternatives, as it was important that the views of the Council be submitted to the County. There had been discussion of certain detailed wording in the District Statement, which should be considered by the Planning Portfolio Holder.

Councillor Mason proposed that the Committee refer this matter to Council. There being no seconder, the proposal fell.

Councillor Mason suggested that by not referring this matter to Council the Committee members were failing in their duty to the District's taxpayers. The Chairman asked Councillor Mason to withdraw this statement, but he declined to do so.

A vote was taken and, with 9 votes in favour, 1 vote against and 1 abstention, the Committee **AGREED** to refer the decision back to the Planning Portfolio Holder for reconsideration of the issues raised by the Committee regarding his proposed response to the County Council.

The Committee **RECOMMENDED** that decision makers in future take more active steps to consult or inform members and other interested parties on important decisions as appropriate, rather than relying on them to be aware of the substance of agenda items listed for Portfolio Holder meetings.

**68. TO NOTE THE DATES OF FUTURE MEETINGS**

The Committee **NOTED** the following meeting dates for the remainder of the municipal year:

**2011: 28 April at 7pm**

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**The Meeting ended at 11.55 a.m.**

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