

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Council held on  
Thursday, 26 July 2012 at 2.00 p.m.

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

**Councillors:** Richard Barrett, Val Barrett, Trisha Bear, Tom Bygott, Nigel Cathcart, Pippa Corney, Alison Elcox, Sue Ellington, Jose Hales, Roger Hall, Lynda Harford, Sally Hatton, Tumi Hawkins, Mark Hersom, James Hockney, Mark Howell, Caroline Hunt, Sebastian Kindersley, Douglas de Lacey, Mervyn Loynes, Ray Manning, Mick Martin, Raymond Matthews, David McCraith, Cicely Murfitt, Charles Nightingale, Robin Page, Ted Ridgway Watt, Alex Riley, Deborah Roberts, Ben Shelton, Hazel Smith, Surinder Soond, Jim Stewart, Edd Stonham, Peter Topping, Robert Turner, Bunty Waters, David Whiteman-Downes, John Williams, Tim Wotherspoon and Nick Wright

<b>Officers:</b>	Patrick Adams	Senior Democratic Services Officer
	Alex Colyer	Executive Director, Corporate Services
	Jean Hunter	Chief Executive
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer

Apologies for absence were received from Councillor Francis Burkitt, Brian Burling, Jonathan Chatfield, Neil Davies, Simon Edwards, Steve Harangozo, Roger Hickford, Clayton Hudson, Pauline Jarvis, Peter Johnson, Janet Lockwood, Neil Scarr and Bridget Smith.

### **PRESENTATIONS**

The Chairman presented a 25 year Long Service Award to Dawn Graham who reached this milestone on the same day as the meeting.

The Chairman presented the Municipal Journal 2012 Excellence in Democratic Services award, for which the District Council had been highly commended, to the Environmental Services Portfolio Holder.

### **21. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **22. MINUTES**

The minutes of the meeting of Annual Council on 24 May 2012 were agreed as a correct record, subject to the following amendments:

- The first word under minute 8 be amended to read "Council".
- In the first paragraph under minute 19(b) the word "program" was corrected to "programme".

The minutes of the meeting of LDF Council on 28 June 2012 were agreed as a correct record, subject to the following amendments:

- The inclusion of Councillor Tricia Bear's apologies.
- The inclusion of Councillor Cicely Murfitt's declaration of a personal interest in the Bourn airfield site.
- In the first paragraph under minute 6 the date be amended to 12 July.

- Under the heading Windfall development in minute 6 the end of the second sentence be amended to read "... which could largely negate the need for new developments."

## **23. ANNOUNCEMENTS**

The Chief Executive announced that Councillor Lynda Harford had resigned from the Liberal Democrats and joined the Conservatives and Councillor Edd Stonham had resigned from the Liberal Democrats and joined the Independent Group. She explained that as this altered the political membership of the Council the membership of the committees would have to be amended to reflect this. The Chairman agreed to accept an urgent item on the agenda to resolve this matter.

## **24. PETITIONS**

It was noted that an e-petition in support of a public swimming pool in Cambourne had received over 200 signatures and would be formally accepted at the next meeting of Council.

## **25 (a) ESTABLISHMENT OF, AND APPOINTMENTS TO, CIVIC AFFAIRS COMMITTEE**

Councillor Ray Manning proposed and Councillor Sebastian Kindersley seconded the establishment of a Civic Affairs Committee. Members of Council made the following comments in favour of the proposals:

- Merging three Committees into one would save on resources.
- Making the Committee open to the public would ensure transparency of decision making.
- New legislation meant that the membership of the Standards Committee had to change, making this a sensible time to establish a new Committee.

Members of Council expressed the following concerns:

- The conduct of councillors should not be a political issue and a guarantee should be given that a party whip will never apply to its members.
- Members would be required to discuss matters relating to the Code of Conduct, the Constitution and electoral arrangements, but might only have one area of expertise or interest.

A vote was taken and Council overwhelmingly

**AGREED** that

- a) A Civic Affairs Committee of 13 members be established and its terms of reference be agreed;
- b) The Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee be disestablished;
- c) The Constitution be updated accordingly to reflect the changes outlined in the appendices to this report.

## **25 (b) Review of Political Group Representations on Committees and Joint Committees**

Following a change in the political balance of the Council and request by the Leader of the Conservative Group in accordance with Section 15 of the Local Government and Housing Act 1989, the Chairman agreed to allow this matter onto the agenda, as an urgent item.

Councillor Ray Manning proposed and Councillor James Hockney seconded the following changes in the political membership of the authority. A vote was taken and Council unanimously

**AGREED** the membership of the Civic Affairs Committee and alterations to the following Committees.

Body	Size	Conservatives	Liberal Democrats	Independent Group
Civic Affairs	13	8	3	2
Planning	15	8	3 (-1)	2 (+1)
Scrutiny and Overview	13	8(+1)	4 (-1)	1
JDC: Cambridge Fringes	6	4	1 (-1)	1 (+1)

Council **AGREED** to appoint to the above Committees the following members and substitute members as nominated by the political groups.

#### **Civic Affairs Committee**

##### **Conservatives**

Mick Martin (Chairman)  
Alison Elcox (Vice-Chairman)  
Simon Edwards  
Ray Manning  
Raymond Matthews  
Tony Orgee  
Robert Turner  
Bunty Waters

##### **Liberal Democrats**

Jose Hales  
Janet Lockwood  
Jim Stewart

##### **Independent Group**

Douglas de Lacey  
Edd Stonham

Substitutes in hierarchical list:

##### **Conservatives**

- 1) Roger Hall
- 2) Tim Wotherspoon
- 3) Mark Howell
- 4) Richard Barrett
- 5) Charlie Nightingale

##### **Liberal Democrats**

Hazel Smith

##### **Independent Group**

Remaining five members

#### **Planning**

Following the resignation of Councillor Mervyn Loynes from this Committee, Councillor Lynda Harford was appointed by the Conservative Group as his replacement. The Independent Group appointed Councillor Sally Hatton as its additional member to this Committee and appointed Councillor Edd Stonham as its first substitute.

#### **Scrutiny and Overview Committee**

Councillor Lynda Harford to remain on the Committee, but as a Conservative member.

#### **Joint Development Control: Cambridge Fringes**

Councillor Lynda Harford to be replaced by Councillor Douglas de Lacey. Councillor Neil Scarr to serve as the Independent Group substitute on this Committee.

### **25 (c) Code of Conduct 2012 and Complaints Procedure**

Councillor Ray Manning proposed and Councillor Mark Howell seconded the revised Code of Conduct and Complaints Procedure. Members of Council expressed the

following concerns:

- Reliance on criminal law made the sanctions to be imposed on errant Councillors unclear.
- The Chief Constable had indicated that such matters would not be a priority for the Police.
- The requirement to publish all interests on the Council's website was too onerous on parish councillors, who are essentially volunteers.

Members also noted that the new system gave the opportunity for both sides of a complaint to be heard by the Monitoring Officer before any decision was taken to progress a complaint which was a welcome improvement on the previous statutory process and that opportunities for alternative resolution of complaints had been built into every stage of the complaints handling process, which should mean less formal hearings were needed.

In response to questioning, the Monitoring Officer stated that parish councils would be expected to handle complaints about their parish councillors using a parish complaints system in the first instance and it had been suggested they might wish to consider drafting in parish councillors from neighbouring parish councils to hear complaints. It was hoped that this would be welcomed by parish councils giving them the opportunity to resolve complaints at a local level and should mean less use of resources for the District Council's complaints handling system, as up until now the majority of standards investigations had involved parish councillors. It was noted that following Council's decision, a copy of the new Code of Conduct would be sent to all parish councils with a recommendation that parishes adopt the same code to give consistency across the District.

A vote was taken and Council overwhelmingly

**AGREED** to

- a) Adopt the Code of Conduct as attached in Appendix A
- b) Approve the Complaints Procedure Flowchart attached in Appendix B
- c) Approve the Code of Conduct Complaints Procedure attached in Appendix C.

On the suggestion of the Chairman, Council

**AGREED** to instruct the Chairman to write to the Secretary of State for Communities and Local Government, outlining the Council's concerns with the requirements of the Government's new Standards regime.

## **25 (d) Declaration of Interests and Dispensations**

Councillor Tony Orgee proposed and Councillor David Bard seconded this proposal regarding the dispensation procedure. The Monitoring Officer explained that Gary Duthie, Senior Lawyer was the Council's Deputy Monitoring Officer and could deputise when the Monitoring Officer was unavailable. The Monitoring Officer added that parish councils would be responsible for granting their own dispensations and guidance had been sent to all parishes advising them of their new powers.

Council overwhelmingly **AGREED** to

- a) Delegate the power to grant a dispensation to the Monitoring Officer (in consultation with the Chairman of the Civic Affairs Committee and the Independent Person) with all dispensations granted to be reported back to the Civic Affairs Committee; and

- b) Approve the dispensations procedure attached at Appendix A.

**25 (e) Appointment of an Independent Person**

Councillor Tony Orgee proposed and Councillor David Bard seconded the appointment of Kathleen English as the Council's lead Independent Person, with Eric Revell as the deputy Independent Person. A vote was taken and Council unanimously

**AGREED** To

- a) Appoint Kathleen English to the position of lead Independent Person until the end of June 2013.  
b) Appoint Eric Revell to the position of deputy Independent Person until the end of June 2013.

**26 (a) Amendment to Executive Procedure Rules (Constitution Review Working Group 10 July 2012)**

Councillor Ray Manning proposed and Councillor Tim Wotherspoon seconded the amendments to the Executive Procedure Rules, as proposed by the Constitution Review Working Group.

In response to the suggestion that frequent portfolio holder meetings provided more transparency of the decision making process, Councillor Ray Manning stated that the aim was for portfolio holder decisions to continue to be made in public, but to avoid having unnecessary portfolio holder meetings where no decisions were taken. It was noted that at most Councils decisions made by portfolio holders were not taken in public.

A vote was taken and Council overwhelmingly

**AGREED** That Executive Procedure Rule 3.1 be amended as follows, in order to allow greater flexibility in terms of scheduling formal meetings:  
Individual Portfolio Holders will normally hold meetings in accordance with schedules which co-ordinate with the work programme for that Portfolio. Dates for such meetings should, wherever possible, be agreed in advance for the Civic Year. Portfolio Holder meetings shall be held in public, in accordance with the provisions of procedure rules 1.3 and 1.6 above, **DELETE at least on a quarterly basis.**

**26 (b) Amendments to Contract Regulations (Constitution Review Working Group, 10 July 2012)**

Councillor Nick Wright proposed and Councillor James Hockney seconded the amendments to the Contract Regulations, as laid out in the agenda. On the proposal of the Chairman, this recommendation was amended to delegate to Councillors Douglas de Lacey and Tim Wotherspoon the task of agreeing minor amendments to the verbs included in the Contract Regulations. A vote was taken and Council overwhelming

**AGREED** The changes to Contract Regulations recommended by the Constitution Review Working Group, subject to the amendment of modal verbs in the Regulations, to be jointly agreed by Councillors de Lacey and Wotherspoon.

**26 (c) Amendments to Standing Orders (Constitution Review Working Group, 10 July 2012)**

Councillor Ray Manning proposed and Councillor Roger Hall seconded the amendments to the Standing Orders, as recommended by the Constitution Review Working Group.

Concerns were raised regarding the proposal for Council to appoint the Chairmen and Vice-Chairmen of its committees as it was likely to lead to political appointments approved by the ruling group.

A vote was taken and Council overwhelmingly

**AGREED** the following changes to the Council Standing Orders:

*Annual Council Meeting*

- (a) 1.1(b) (vi) Receive any announcements from the Chairman, **(add) Leader of the Council** and / or Head of Paid Service
- (b) 1.1(b) (viii) appoint up to **five (delete four)** substitute members per committee from each political group in a hierarchical list to all committees and sub-committees other than the standards committee *(this reference to the Standards Committee will be deleted, subject to agreement of the recommendations in respect of the Civic Affairs Committee set out above)*
- (c) 1.1(b) (xii) receive the Leader of Major Opposition Group's **written Annual Statement on his/her Group's priorities for action and objectives for the forthcoming municipal year**

*Selection of Councillors on Committees and Outside Bodies*

- (d) **1.2 (vi) (the council meeting will) appoint the Chairmen and Vice-Chairmen of the committees established under Standing Order 1.2(a)(i) above.**

*Notice of Motions*

- (e) 12.1(a) (Notices of Motion)... must be delivered to the proper officer not later than **seven (delete six)** working days before the date of the meeting.
- (f) 12.1(b) (Motions for the removal of the Leader from office etc)... must be delivered to the proper officer not later than **seven (delete six)** working days before the date of the meeting.

*Point of Order, Point of information, Personal explanation*

- (g) 14.12 A member may raise a point of order at any time **(add) by standing and stating 'Point of Order'**.
- (h) 14.13 A member may raise a point of information at any time **(add) by standing and stating 'Point of Information'**.
- (i) 14.14 A member may make a personal explanation at any time **(add) by standing and stating 'Personal explanation'**

**27 (a) Annual Review of the Risk Management Strategy (Corporate Governance Committee, 29 June 2012)**

Councillor David McCraith proposed and Councillor Ted Ridgway Watt seconded the endorsement of the Risk Management Strategy. A vote was taken and Council unanimously

**AGREED** to endorse the Risk Management Strategy and to note the Strategic Risk

Register.

**27 (b) Procurement Strategy (Finance and Staffing Portfolio Holder)**

This item was withdrawn from the agenda, as it was a repetition of the item on “Amendments to Contract Regulations”, which had been discussed earlier in the meeting.

**28. APPOINTMENT TO THE PLANNING COMMITTEE**

This item was withdrawn from the agenda as it had been discussed under the urgent item: “Review of Political Group Representations on Committees and Joint Committees.”

**29. CHAIRMAN'S ENGAGEMENTS**

These were circulated at the meeting and noted. The Chairman thanked all officers involved in the Park Life event at Milton Country Park.

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**The Meeting ended at 3.20 p.m.**

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