

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Council held on  
Thursday, 22 September 2011 at 2.00 p.m.

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

Councillors: Richard Barrett, Val Barrett, John Batchelor, Trisha Bear, Francis Burkitt, Brian Burling, Tom Bygott, Jonathan Chatfield, Pippa Corney, Simon Edwards, Alison Elcox, Sue Ellington, Lynda Harford, Sally Hatton, Tumi Hawkins, Liz Heazell, James Hockney, Mark Howell, Clayton Hudson, Caroline Hunt, Sebastian Kindersley, Douglas de Lacey, Mervyn Loynes, Ray Manning, Mick Martin, Mike Mason, Raymond Matthews, David McCraith, Cicely Murfitt, Charles Nightingale, Deborah Roberts, Neil Scarr, Ben Shelton, Bridget Smith, Hazel Smith, Surinder Soond, Jim Stewart, Edd Stonham, Peter Topping, Robert Turner, Bunty Waters, John Williams and Nick Wright

Officers:	Holly Adams	Democratic Services Team Leader
	Alex Colyer	Executive Director, Corporate Services
	Steve Hampson	Executive Director, Operational Services
	Jean Hunter	Chief Executive
	Fiona McMillan	Legal & Democratic Services Manager

Apologies for absence were received from Councillors Nigel Cathcart, Jose Hales, Roger Hall, Steve Harangozo, Mark Hersom, Pauline Jarvis, Peter Johnson, Janet Lockwood, Ted Ridgway Watt, Alex Riley and David Whiteman-Downes.

### 43. DECLARATIONS OF INTEREST

Councillors John Batchelor, Sebastian Kindersley and Tony Orgee all declared personal, non-prejudicial interests in any agenda items relating to Cambridgeshire County Council as they were all elected County Councillors. Notwithstanding these interests, they remained in the room and participated in debates and voting.

Councillor Bridget Smith declared a personal and prejudicial interest in agenda item 7(d), Review of Polling Districts and Polling Places, as a director of Gamlingay Community Centre Ltd, which stood to benefit financially if the Community Centre were used as a polling station. As a result of this interest, Councillor Smith withdrew from the Chamber for the duration of item 7(d) and took no part in the debate and vote.

### 44. MINUTES

The minutes of the 21 July 2011 meeting were agreed as a correct record subject to the following amendments:

- Minute 29, Announcements: to record that Councillor Sebastian Kindersley had proposed, and Councillor Ray Manning had seconded, the motion to suspend Standing Order 21.4 Recording of Business;
- Minute 40(c), Question from Councillor Bridget Smith to the Leader of Council: "...as they had not been **as** fully involved in the process **as they might have been, as they might not have believed that the results would affect them as much.**"

#### 45. ANNOUNCEMENTS

Council welcomed Councillor Mervyn Loynes back from his recent ill health, and asked the Chairman to send the Council's best wishes to Councillor Peter Johnson for a speedy recovery.

The Chairman sought Council's agreement to suspend Standing Order 21.4 Recording of Business to allow the proceedings to be recorded, and explained that this would be the last time he would make this request of Council as, at its 24 November 2011 meeting, Council would be asked to amend the wording of Standing Order 21.4 in favour of recording in any format. The Chairman clarified that Council would be allowing any attendees, not just councillors, to record the meeting.

In response to the Chairman's request, Councillor Sebastian Kindersley, seconded by Councillor Edd Stonham, proposed that Standing Order 21.4 Recording of Business be suspended to allow recording in any format to take place at the meeting.

Members speaking in favour of the motion stated that:

- Recording meetings through a variety of media made the Council's business more accessible to a greater range of residents;
- There was no obligation on councillors to record proceedings, but those who wished to do so were able both to listen to debate and record it, as tweeting took only a few seconds; and
- South Cambridgeshire was a high-tech area with a large number of residents who engaged through social media and the Council should not vote to exclude those who wished to use new communications methods.

Members who opposed the motion stated that:

- Councillors who recorded proceedings were being disrespectful of the meeting and not paying sufficient attention to the business on which they were to vote;
- Council officers should not use social media; and
- It was objectionable for people to tweet or blog while in a meeting.

Suspension of a standing order required two-thirds of councillors present and voting in favour: the vote was held and, with 43 members present, of whom 26 members voted in favour, 11 voted against and 6 abstained, the motion was declared **LOST**.

The Leader announced that the recent Boundary Commission proposals would be referred to the next meeting of the Electoral Arrangements Committee for consideration.

#### 46. QUESTIONS FROM THE PUBLIC

None received.

#### 47. PETITIONS

None received.

**48. TO CONSIDER THE FOLLOWING RECOMMENDATIONS:****48 (a) Procedure for the Annual Establishment of, and Appointments to, Committees and other Bodies (Constitution Review Working Party, 8 September 2011)**

Council considered a new procedure for the establishment of, and appointments to, committees at Annual Council meetings. All councillors had received a copy of the procedure in August and no representations had been made. The Constitution Review Working Party had recommended the procedure to Council unanimously.

On the proposal of Councillor Ray Manning, seconded by Councillor Tony Orgee as Chairman of the Constitution Review Working Party, Council **RESOLVED** to incorporate into Part 4 of the Council's Constitution the Procedure for the Annual Establishment of, and Appointments to, Committees and other Bodies.

**48 (b) Revised Gifts, Hospitality and Sponsorship Policy (Constitution Review Working Party, 8 September 2011)**

The Constitution Review Working Party had recommended to Council adoption of a revised Officer Code of Conduct and separate Gifts, Hospitality and Sponsorship Policies for Members and for Officers, all of which took into account recent best practise guidance and included the provisions of the Bribery Act 2010, which had come into force on 1 July 2011. Council asked that the words 'for the most part' be removed from the Guidance for Officers, and recognised that a list of minor typographical errors had been submitted to officers for correction before publication.

In response to a query, the Legal and Democratic Services Manager advised that the policy indicated that officers should not accept tips in return for services, and undertook to ensure that this advice was communicated to all staff.

On the proposal of Councillor Tony Orgee, seconded by Councillor Sebastian Kindersley, and subject to the amendments made at the meeting, Council **RESOLVED** to incorporate into Part 5 of the Council's Constitution the revised Officer Code of Conduct and the separate Gifts, Hospitality and Sponsorship Policies for Officers and for Members.

**48 (c) Climate Change Action Plan 2011-2013 (Sustainability, Planning and Climate Change Portfolio Holder's meeting 9 September 2011)**

The Leader, on behalf of the Sustainability, Planning and Climate Change Portfolio Holder, had recommended the Climate Change Action Plan 2011-2013 for adoption, noting that members had considered it in great detail at recent meetings.

Councillor Peter Topping, Sustainability, Planning and Climate Change Portfolio Holder, assured members that sufficient financial resources existed to support the actions, and noted that, although there was some discontent expressed at the meeting about a reference in the plan to climate change being "man made", South Cambridgeshire residents expected the Council to take steps to address its impact. He paid tribute to Councillor Stephen Harangozo for his support and enthusiasm for the plan and commended the plan to Council.

On the motion of Councillor Ray Manning, seconded by Councillor Peter Topping, Council **RESOLVED** to adopt the Climate Change Action Plan 2011-2013.

Councillor Deborah Roberts recorded her vote against adoption of the Climate Change Action Plan 2011-2013.

**48 (d) Review of Polling Districts and Polling Places (Electoral Arrangements Committee, 12 September 2011)**

Councillor Robert Turner, Chairman of the Electoral Arrangements Committee, presented the Committee's recommendations following the review of polling districts and polling places. Councillor Simon Edwards asked that recommendation (e) clarify that the Electoral Services Team could be asked to look for an alternative location in Cottenham for voting to take place.

On the motion of Councillor Robert Turner, seconded by Councillor Raymond Matthews, Council **RESOLVED** that:

- (a) all existing polling districts and polling places within South Cambridgeshire be retained;
- (b) the polling district of WH2 – Whittlesford South be retained and the polling place for this district be defined as The Parishes of **Duxford** and **Whittlesford**;
- (c) subject to completion and assessment of suitability, to adopt the Eco-hub as the polling station for **Gamlingay**;
- (d) subject to assessment of suitability, to adopt the Cade Memorial Hall as the polling station for **Eltisley**; and
- (e) as **Cottenham** Parish Council has indicated that the Sports and Social Club may be demolished and re-built, the Electoral Services Team be requested to investigate and locate an appropriate replacement building for the voting to take place, should the need arise.

**49. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA): REVISED POLICY**

Councillor Francis Burkitt, Corporate Governance Committee Chairman, presented the revised Regulation of Investigatory Powers Act 2000 (RIPA) Policy. He explained that the Council used this power rarely, but very responsibly and only in the public interest: it had been used only six times since 2009/10 to investigate incidences of benefit fraud or fly-tipping, all of which had resulted in successful prosecution of offenders, saving public funds and protecting the environment for the benefit of residents. The Corporate Governance Committee would monitor future use of the policy.

In response to members' queries it was clarified that:

- The inclusion of officers' names was based on good practice advice from the external trainer who provided training to the Council, based on advice from the Office of Surveillance Commissioners, and that the Executive Director (Corporate Services) would have the authority to ensure that the list was updated as required;
- The Council had never used a Covert Human Intelligence Source (CHIS) and had no plans to do so; and
- The policy addressed the possibility of other family members or neighbours being captured by surveillance operations, known as 'collateral damage', and that the possibility of this must be considered carefully before taking action;
- The Protection of Freedoms Bill was currently going through Parliament and, once enacted, local authorities could require Magistrates' approval before using RIPA powers.

Members thanked the Legal and Democratic Services Manager and the Fraud Manager for their work on the revised policy and advice given to the Corporate Governance Committee Chairman.

On the proposal of Councillor Francis Burkitt, seconded by Councillor Simon Edwards, Council **RESOLVED** to:

- (a) adopt the updated policy;
- (b) designated the Executive Director (Corporate Services) as the Council's Senior Responsible Officer in respect of the operation of RIPA and to delegate authority to the Executive Director (Corporate Services) to change the Senior Responsible Officer where required and to arrange authorisation of other officers to ensure the effective operation of RIPA;
- (c) delegate responsibility to the Corporate Governance Committee to receive quarterly updates on the Council's use of RIPA powers and to review the RIPA policy on an annual basis and make amendments as necessary.

Council **NOTED** the information contained in the report about the authority's use of surveillance powers in 2010-11.

## **50. APPOINTMENTS TO THE LICENSING AND SCRUTINY & OVERVIEW COMMITTEES 2011/12**

Following the resignation of Councillor Mervyn Loynes from the Licensing Committees and the Scrutiny and Overview Committee for the remainder of the 2011/12 civic year, Council **APPOINTED**

- (a) Councillor Ben Shelton to the Licensing Committee, Licensing Committee (2003 Act) and Licensing Committee (2005 Gambling Act) in place of Councillor Mervyn Loynes for the remainder of 2011/12;
- (b) Councillor Alison Elcox to the Scrutiny and Overview Committee in place of Councillor Mervyn Loynes for the remainder of 2011/12; and
- (c) Councillor Val Barrett as the Conservative Group's fourth substitute member of the Scrutiny and Overview Committee for the remainder of 2011/12, in place of Councillor Alison Elcox.

## **51. QUESTIONS ON JOINT MEETINGS**

In response to a question from Councillor Sebastian Kindersley about the adoption of farm crime as a South Cambridgeshire Crime and Disorder Reduction Partnership (CDRP) target priority, Councillor Tom Bygott, who had attended the CDRP meeting on 26 July 2011, explained that South Cambridgeshire was a rural authority, providing a voice for rural life and that the Cabinet supported a reduction in farm crime as a target priority. Councillor James Hockney noted that the CDRP targets had been discussed in detail at the 6 September 2011 Scrutiny and Overview Committee meeting.

## **52. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES**

None received.

## **53. QUESTIONS FROM COUNCILLORS**

### **53 (a) From Cllr John Batchelor to the Leader of Council**

Councillor John Batchelor asked, "I believe the Economic Development Portfolio Holder has not held any public Portfolio Holder Meetings and does not intend having any in the future. If this is the case how can Scrutiny monitor his activities and provide democratic accountability?"

Councillor Nick Wright, Economic Development Portfolio Holder, explained that he had

not ruled out having any meetings but did not believe that it would be appropriate to convene any at this point. He would be taking quarterly reports to Cabinet, as Economic Development was important across all portfolios and service areas. These reports would include a set of annual priorities, and regular financial monitoring and oversight of actions taken to meet the agreed priorities. Cabinet, at its 8 September 2011 meeting, had agreed the first set of annual priorities; in future years Cabinet would be asked to agree the priorities at the beginning of each financial year in line with the annual service planning process. Councillor Wright added that Scrutiny monitors and opposition spokesmen were welcome to question him at Cabinet meetings, and offered to schedule informal briefings at the request of monitors and spokesmen.

Councillor Batchelor welcomed Councillor Wright's suggestions, but expressed concern about the proposed informal briefings, asking as his supplementary question how monitors would be able to hold the Portfolio Holder to account on behalf of taxpayers. Councillor Wright replied that he would be willing to reconsider but was not anxious to hold meetings just for the sake of having meetings, and that the briefings would be open to all members to provide any background information on the material in the Cabinet reports.

**53 (b) From Cllr Mike Mason for the Leader of Council**

Councillor Mike Mason asked, "In view of the disquiet expressed by members of the Planning Committee at its last meeting, concerning the drainage conditions now being negotiated for the proposed development at Cambourne, will the Leader give a detailed and categorical assurance that the concerns of the Swavesey Internal Drainage Board have been addressed and agreed by all parties prior to signing?"

Councillor Sue Ellington, Environmental Services Portfolio Holder, replied that the Planning Committee, on 7 September 2011, had delegated powers to officers to approve the Cambourne 950 development proposals in consultation with the Planning Committee Chairman and / or Vice-Chairman, the Environmental Services Portfolio Holder and the Leader. An assurance was given at the Planning Committee meeting to consult with the Swavesey Internal Drainage Board (IDB), of which Councillor Ellington was a member. Councillor Ellington noted that negotiations between the District Council, the IDB and the Environment Agency continued and assured Councillor Mason that Swavesey IDB members had been consulted and informed of the development proposals. Developers had undertaken to ensure that the IDB's request for a guarantee of maintenance in perpetuity to a flood risk of 1 in 10 of drains along Rampton Road to Webb's Hole would be included within the planning application.

The Portfolio Holder, in response to Councillor Mason's supplementary question, undertook to continue to seek the Environment Agency's agreement to maintain the area of drain beyond Webb's Hole.

**53 (c) From Cllr Bridget Smith to the Leader of Council**

Councillor Bridget Smith asked, "Could the Leader please tell us with whom, when and at what meetings he or his colleagues made the case for the inclusion of more than one District Councillor to represent the five District Councils on the Cambridgeshire Community Wellbeing Partnership and would he agree that just one fails the Government's requirement for this Board to be 'introducing more democratic accountability through Member representation?'"

Councillor Sue Ellington, Environmental Services Portfolio Holder, explained that the Board would receive project proposals from a number of Community Wellbeing network

panels, one of which would serve as the mechanism for the District Councils, and possibly the City Council, to have their input.

Councillor Ellington, in response to Councillor Smith's supplementary question, confirmed that the District Council Board member would be drawn from the network panel and assured members that South Cambridgeshire's priorities would be put before the Board. She also noted that the Board would be a shadow board for the first year and there would be opportunities for the District Councils to make representations for a different governance model if they felt that the initial structure were insufficient for their needs. It was also confirmed that the District Council network panel members would not be 'dual-hatted' District and County Councillors, so would represent only the District Councils.

**53 (d) From Cllr James Hockney to the Leader of Council**

Councillor James Hockney, noting the high level of public response to a petition and Facebook page opposing development of 13,000 homes at Waterbeach Barracks, asked, "Does the Leader agree that we will not need a further major new settlement in order to achieve our housing targets within the next plan period?"

Councillor David Bard, Vice-Chairman of Council, replied on behalf of Councillor Tim Wotherspoon, Northstowe & New Communities Portfolio Holder, who was unable to be present at the meeting due to his attendance as a Council representative at an event in Cambridge. Councillor Bard explained that he would respond generally and not comment on any specific site, and assured members that a review of the Council's Local Development Framework had begun. Part of the review would be an assessment of potential development sites, the criteria for which included the projected population growth.

In response to Councillor Hockney's supplementary question, Councillor Bard emphasised that the onus would be on developers, not the Council, to demonstrate that any particular site would be viable for development.

**53 (e) From Cllr Sebastian Kindersley to the Leader of Council**

Councillor Sebastian Kindersley asked, "In July 2010 the Local Public Service Agreement (LPSA) Reward Grant Phase 2 was withdrawn; leaving South Cambridgeshire DC without £468,468 that had been committed to local and community projects. It also left the Council £57,121 overspent owing to payments already made but not recompensed by the County Council which acted as Banker to the scheme. The County has now received upwards of £4.5m to complete the LPSA commitments but is refusing to hand over the cash to the Districts. This means that - for example - the Connections Youth Bus purchased in phase 1 cannot now be used in the area.

"When I questioned the Leader about this at Cabinet on September 8th he extremely unhelpfully refused to discuss the matter at all despite opportunities to do so under items 4 and 10 of the Agenda. Given that refusal we are unaware what efforts - if any - he has made to keep this cash for the use of local people and projects; where he made these efforts and with whom.

"As Chairman of the Local Strategic Partnership - the overseeing Board in charge of this debacle - could Cllr Manning please tell us and South Cambridgeshire's citizens why he allowed this money to be taken by the County Council without even bothering to call a meeting of the LSP to discuss or agree it?"

Councillor Ray Manning, Leader of Council, replied that at least £57,121 would be returned to the Community Chest for grants of up to £1,000 for smaller projects, as announced at his 15 September 2011 Portfolio Holder meeting. He spoke in favour of the County Council's proposal to use funds to deliver high-speed broadband across Cambridgeshire, which would benefit all residents and increase opportunities for new businesses and jobs outside the City. He denied having been unhelpful at the Cabinet meeting, clarifying that he welcomed questions from non-Executive members about issues on the agenda or which directly affected their individual wards, and explained that it had not proven possible to schedule a meeting of the Cambridge City and South Cambridgeshire Local Strategic Partnership Board to discuss the County Council's decision before the County Council Cabinet meeting.

Councillor Kindersley, as his supplementary question, stated that the County Council had always intended to invest in high-speed broadband whether or not it used the LPSA reward grant, and queried whether the Leader's support for the County Council decision was in the best interests of South Cambridgeshire residents. Councillor Manning stated that the use of LPSA reward grant at the start of the high-speed broadband project would reduce capital costs, thereby decreasing the amount of interest payments, which would benefit South Cambridgeshire taxpayers. He added that he felt that the use of the reward grant to increase availability of high-speed broadband was a practical solution for the benefit not only of South Cambridgeshire but also of all Cambridgeshire residents.

#### **54. NOTICE OF MOTION**

##### **54 (a) Standing in the name of Councillor Tumi Hawkins**

Councillor Tumi Hawkins stated that she had proposed her motion to give Council the opportunity to acknowledge the service provided by the Direct Labour Organisation (DLO) and offer staff best wishes for the future, and to receive clarification as to why the Cabinet had decided to put the contract out to tender. Councillor Ray Manning, seconding the motion, agreed with the wording of the motion as written and hoped that DLO staff knew that the Council had not wanted this outcome, but had previously been heavily criticised by the Audit Commission for not putting the contract to tender.

Councillor Douglas de Lacey proposed an amendment, seconded by Councillor Deborah Roberts, that the motion state that "Council is hugely disappointed that the DLO was not awarded the contract". Councillors Hawkins and Manning accepted this proposal and therefore the amendment became part of the substantive motion.

Councillors discussed the improvement in the DLO service since it was reorganised in 2004, the benefit and profit brought to the authority by the DLO, and the tenants' high levels of satisfaction. Councillor Hawkins regretted that members had been advised that they could not call-in the decision to award the tender to Mears, as advice had been given that this could have exposed the Council to legal action by the successful tenderer. Councillor James Hockney, Scrutiny and Overview Committee Chairman, noted that councillors had had the opportunity to raise their concerns by calling-in the original decision to put the contract out to tender, but that no members had done so.

Councillor Mark Howell, Housing Portfolio Holder, explained that the Audit Commission had given the authority two out of three stars for its housing service, and had supported the decision to put the DLO contract to tender to ensure that tenants would receive a good quality of service at lower cost. DLO staff would be transferred to the successful contractor, so tenants would continue to work with the same operatives.

The Chairman reminded Council that it was his responsibility to rule on the application of



### Standing Orders.

It was **RESOLVED** that “Council is hugely disappointed that the DLO was not awarded the contract, but recognises and is appreciative of the excellent service that staff of the DLO have to date, given to the Council in general and to Council Tenants in particular. Their performance was all the more remarkable in the face of the long period of uncertainty surrounding their future. It is to their credit, and speaks of their professionalism and dedication that their service ratings improved and remained very high.

“We ask the Executive Director to pass on our gratitude to all the DLO staff, and to say that we wish them the very best as they move employment to Mears, an arrangement that the Council envisages will secure their employment and give them greater opportunity to continue to provide excellent service to Council tenants for the foreseeable future.”

### 55. CHAIRMAN'S ENGAGEMENTS

The Chairman explained that ‘YOPEY’ was the Young Person of the Year Award and that the fourth annual award service had been held at Peterborough Cathedral. He spoke of feeling inspired by the activities of the young people nominated for awards and remembered that the first YOPEY awards had been held in Cambourne under the Chairmanship of Councillor Cicely Murfitt.

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**The Meeting ended at 4.10 p.m.**

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