

COUNTY COUNCIL: MINUTES

Date: Tuesday, 4th September 2001

Time: 10.30 a.m. – 12.55 p.m.

Place: Shire Hall, Cambridge

Present: Councillor: P W Silby (Chairman)

Councillors: P D Bailey, C M Ballard, R S G Barnwell, I C Bates, Dr T J Bear, B S Bhalla, A J Bowen, S V Brinton, J Broadway, M Y Chapple, R L Clarke, J E Coston, P J Downes, R Driver, J A P Eddy, M Farrar, H J Fitch, S A Giles, J L Gluza, P D Gooden, A Hansard, G F Harper, W G M Hensley, J L Huppert, S F Johnstone, J D Jones, A C Kent, I C Kidman, S J Kime, S J E King, M L Leeke, V H Lucas, A R Mair, R B Martlew, A K Melton, E Meyland-Smith, S B Normington, M K Ogden, L J Oliver, A G Orgee, D R Pegram, J A Powley, P A E Read, J E Reynolds, R C Speechley, A B Stenner, P L Stroude, J M Tuck, J K Walters, R Wilkinson, L J Wilson and F H Yeulett

Apologies: Councillors: C M Carter, B Hardy, V A Hearne-Casapieri, G J Heathcock, L W McGuire and C E Shaw

14. MINUTES: 19th JUNE 2001

The minutes of the meeting of the Council held on 19th June 2001 were approved as a correct record, subject to the addition of Councillor Meyland-Smith to the list of those present at the meeting, and signed by the Chairman.

15. CHAIRMAN'S ANNOUNCEMENTS

Geoff Taylor

The Chairman advised Members that Geoff Taylor, the Council's Corporate Solicitor, would be leaving the Council in October after 27 years' service. She thanked him for his contribution to the work of the Council during this time and wished him well for the future.

Head of Legal Services

Members noted that Joy Postings had been appointed as the Council's new Head of Legal Services and would be joining from Uttlesford District Council.

Foot and Mouth Outbreak

The Chairman reminded Members that Cambridgeshire had been fortunate so far in remaining free from foot and mouth disease, which had recently affected many other parts of the country. She paid tribute to Council staff for their hard

work in responding to the crisis, commending the contributions of Trading Standards, the Countryside Team, Civil Protection, Libraries and County Farms.

Members noted that Trading Standards was continuing to operate a dedicated telephone help line and to carry out checks on animal transport vehicles.

Doorstep Initiative

The Chairman reported that the East of England Doorstep Initiative had been launched on 6th August 2001 to raise awareness of and improve Trading Standards' ability to deal with rogue doorstep sellers. The Chairman thanked John Lawrance and other Trading Standards staff for their contributions to this initiative.

Council Website

The Chairman informed Members that use by the public of the Council's website was increasing, with the number of 'hits' rising from 380,000 in February 2001 to 500,000 in June 2001. Members also noted that for the second year running, the Council's website had been placed in the top 20 following a national survey of 442 local authority websites. The Chairman asked for her thanks to be conveyed to all those staff involved in this achievement.

16. REPORT OF THE CABINET

The Council noted information reports from the meetings of the Cabinet held on 21st June 2001 and 17th July 2001, covering:

Key decisions -

- Single Capital Pot Submission – Capital Strategy and Corporate Asset Management Plan
- Local Transport Plan – Annual Performance Report
- Cambridgeshire and Peterborough Waste Local Plan – Results of Negotiations with Objectors and Progress towards the Revised Deposit Plan
- Cost Recovery for Additional Safety Cameras
- Changes to Landfill Contracts following the 2001 Waste Best Value Contract Review
- Information Age Government Vision

Other decisions/matters -

- Medium Term Service Priorities 2002-2006
- Prospects 2001/2002: the Agenda for 2001/2002 and Thereafter
- Financial Outturn for 2000/2001
- Budget Monitoring 2001/2002
- Social Services Inspectorate Reports
- Criteria for Allocation of Grant Aid to Social Services Voluntary Organisations for 2002/2003
- New Environment Strategy

- Structure Plan Review – Progress Report
- The Queen’s Speech – 20th June 2001.

Members commented and asked questions of the relevant Cabinet members about these items. In response to these questions, the following items were identified for further action:

- Councillor S F Johnstone, the Cabinet Member for Environment and Transport, agreed to write to Councillor J L Gluza identifying which Council had paid for replacement lamp-posts recently erected in Cambridge as part of street improvement works; she would also provide an update on progress with the works to Elizabeth Way bridge in Cambridge
- in view of Councillor P J Downes’s concern that residents in his electoral ward had not yet received the recent consultation document on CHUMMS (the Cambridge to Huntingdon Multi-Modal Study), Councillor S F Johnstone agreed that consultation responses received after the published closing date would be forwarded for consideration
- Councillor J K Walters, the Leader of the Council, agreed to write to Councillor P J Downes clarifying the basis of the statement made during the Chairman’s announcements that almost half of the population of Cambridgeshire now had access to the internet and to electronic information services in their own homes
- Councillor J K Walters invited Councillor A C Kent and any other interested members to forward to him their comments on Prospects 2001/2, the statement of key developmental issues for the Council this year adopted by the Cabinet
- Councillor J E Reynolds confirmed that, following discussion by the Cabinet on 3rd September 2001 of the programme for the consideration of the draft Structure Plan, it was proposed that the Council in December would be asked to consider the draft Plan, including the location of any new settlement.

17. THE COUNCIL’S CONSTITUTION

The Council considered a report from the Chief Executive which recommended amendments to the Council’s Constitution in the following areas:

- addition of two annexes to the Council Procedure Rules, setting out guidelines on the conduct of Oral Question Time and County Council Written Questions
- addition to Cabinet Procedure Rules concerning the right of two or more Cabinet members to ask for items of business to be included on the Cabinet agenda
- addition of a protocol on Media Relations as an annex to the protocol on Expectations of Scrutiny
- revisions to the Operating Principles for Service Development Groups
- an amendment to Section 5 of the delegations to the Director of Social Services (relating to Children and Family Services), to replace two references to the ‘Services Appeals Committee’ with references to the ‘Cabinet Appeals and Guardianship Sub-Committee’

- amendments to reflect regulations recently issued by the Government, including the addition of the Adult Learning Plan to the Policy Framework, the transfer of functions relating to rights of way from the Cabinet to the Development Control Committee and an arrangement for draft proposals for public consultation associated with alterations to, or the replacement of, a development plan to be endorsed by the Strategic Planning Service Development Group
- addition to the terms of reference of the Services Appeals Committee to include the discharge of guardianship under the Mental Health Act 1983.

Councillor J K Walters proposed as a further change that paragraph 7.1(b) of the Council's Financial and Contract Procedure Rules be amended to substitute the word 'may' for 'would' so that it reads as follows:

“in **exceptional circumstances** by the Cabinet – any such decision **may** be a 'key decision' in accordance with Article 13 of this Constitution”.

The Council received a briefing note which explained that the purpose of this change was to bring into line two parts of the Constitution that would potentially be in conflict. The proposed change was seconded by Councillor J E Reynolds.

In response to a point of order from Councillor M L Leeke, Councillor J K Walters accepted that as only limited written notice had been give to the proposed change in the Constitution, it would not be appropriate to seek a permanent change to the Constitution and offered to withdraw the recommendation. However, following debate the Council agreed to approve the change as an interim measure, pending the submission of a written report to the next meeting on a permanent change to the Constitution.

Members were advised that there were some on-going concerns about the protocol on Media Relations for Scrutiny Committees which would be further discussed at the next meeting of the Scrutiny Management Panel and that changes to the protocol agreed by the Council may be brought to a future meeting.

It was resolved;

- (i) that the various additions and amendments to the Council's Constitution referred to in the report be approved and take effect immediately; and
- (ii) that, as an interim measure and pending the submission of a report to the next meeting of the Council, paragraph 7.1(b) of the Council's Financial and Contract Procedure Rules be amended to substitute the word 'may' for 'would' so that it reads as follows: “in **exceptional circumstances** by the Cabinet – any such decision **may** be a 'key decision' in accordance with Article 13 of this Constitution”.

[Voting pattern: *nem con*]

18. WRITTEN QUESTIONS

Members noted that no written questions had been submitted under Rule 9 of the Council Procedure Rules.

19. ORAL QUESTIONS

A number of oral questions were asked under Rule 9 of the Council Procedure Rules:

- Councillor J D Jones asked Councillor J A Powley, the Cabinet Member for Social Services, how it was proposed to address the current pressures on the Occupational Therapy service
- Councillor J L Gluza asked Councillor R Wilkinson, the Cabinet Member for Education, Libraries and Heritage, whether the shortage of pre-school places in east Cambridge might be addressed by using the Romsey/Sedley school sites for additional provision
- Councillor P L Stroude asked Councillor J A Powley about delayed discharges from hospital and payments due to pensioners
- Councillor P J Downes asked Councillor R Wilkinson to ask the temporary Board of Governors of the new primary school at Hinchingsbrooke, Cromwell Park Primary School, to reconsider its name, as he believed that it did not accurately reflect the history of the site
- Councillor T J Bear asked Councillor J K Walters, the Leader of the Council, to check whether ESPO purchased paper from the Asian Pulp and Paper Company, which he believed sourced its materials unsustainably from south east Asian tropical rainforests.

A full transcript of the questions and responses is available.

20. MOTIONS

The County Council considered two motions submitted under Rule 10 of the Council Procedure Rules:

Moorings of the River Cam in Cambridge City

Councillor B S Bhalla moved a motion, seconded by Councillor J L Gluza, concerning proposals by Cambridge City Council to impose restrictions and fees on moorings along stretches of the River Cam in Cambridge. Councillor B S Bhalla explained that the motion as printed on the Council agenda should be revised to reflect the fact that it concerned a matter within the remit of the Cabinet. The motion, duly revised, was as follows:

“The Council notes that Cambridge City Council has decided to introduce mooring restrictions on stretches of the River Cam in Cambridge and is also consulting on proposals to introduce mooring fees on land under its control. This Council is concerned that the combination of these restrictions and the introduction of charges may have an adverse impact on the use made of other

parts of the River Cam, including stretches of the River Cam in the County Council's ownership.

Accordingly the Council asks the Cabinet to consider the issue and, in particular, whether Cambridge City Council should be asked:

- (a) to consult fully on its proposals for both mooring restrictions and charges prior to any decision being taken to implement such changes;
- (b) to consider undertaking with the County Council, the Conservators of the River Cam and other interested parties a joint review of the issue of moorings on the River Cam including any restrictions and charges which might be applied."

Following discussion, the revised motion was approved.

[Voting pattern: *nem con*]

(Councillor R Driver declared a non-pecuniary interest in this item under the National Code of Conduct, as the Council's representative on the Conservators of the River Cam. In accordance with the provisions of the Code, he remained in the Council Chamber and was able to speak and vote.)

Consultation on the proposed merger of East Cambridgeshire and Fenland Primary Care Trusts (PCTs)

Councillor S V Brinton moved the following motion, seconded by Councillor H J Fitch:

"This Council notes with concern the present consultation on the proposed merger of East Cambridgeshire and Fenland PCTs, which is being carried out over the holiday period of August, with submissions due during September.

It further notes that the Government's consultation papers focus on the size of a PCT, relative indices of deprivation, and on traditional local authority boundaries, rather than on the current service delivery arrangements.

During August, health professionals and local people in the East Cambridgeshire area have expressed serious concern that the artificial creation of a joint Fenland and East Cambridgeshire PCT will cut across much of the innovative and relevant cross-area working currently taking place in the southern part of the county of Cambridgeshire, and parts of West Suffolk, particularly Newmarket.

This Council urges the Department of Health to reconsider the merger of the East Cambridgeshire and Fenland PCTs for the following reasons:

- (a) East Cambridgeshire PCT works closely with colleagues in the southern part of the county, looking towards Addenbrookes Hospital and Lifespan, rather than Peterborough Hospitals and Kings Lynn;

- (b) the duty of this Council and our District colleagues for Community Planning means that we too have to ensure that our inter-relating services link with the most natural community boundaries, and this would indicate a merger with Fenland is less appropriate;
- (c) the need for Social Services to work closely with colleagues in hospitals and PCTs must also follow these natural communities.

The Chief Executive is asked to write to the Department of Health to express the concerns of the Council.”

Councillor J A Powley moved an amendment to substitute the following words, which was seconded by Councillor S B Normington:

“This Council notes the consultation on the proposed merger of East Cambridgeshire and Fenland Primary Care Organisations into a single Trust.

The Council notes that three meetings are scheduled with the Health Authority and Primary Care Organisations over the next four weeks to discuss the consultation document. These meetings include separate sessions with the Key Partnerships Service Development Group, Director of Social Services and Chief Executive. As these meetings form an integral part of the consultation process, it would be premature for the Council to reach a firm position at this meeting. Also the Cabinet has not yet had an opportunity to discuss the issue and formulate advice for the Council. Accordingly the Council agrees to defer the matter until the next Council meeting on 16th October and that the Chief Executive be asked to write to the Health Authority asking for a six day extension to the consultation period so that this Council may consider its expressed views.”

Following discussion, a recorded vote was taken and the amendment was carried by 31 votes to 21. Details of the recorded vote are set out in the appendix to these minutes.

On adoption, the amendment became the substantive motion and was carried.
[Voting pattern: nem con]

(Councillor S J E King declared a pecuniary interest under the National Code of Conduct in relation to this item and withdrew from the Council Chamber whilst it was discussed.)

Chairman