

MINUTES OF COUNCIL MEETING

23 April 2009
6.00pm – 12.20am

Present: The Mayor (Councillor Dixon), Councillors Al Bander, Armstrong, Baker, Benstead, Bick, Blackhurst, Blair, Blencowe, Boyce, Bradnack, Cantrill, Dryden, Ellis-Miller, Hart, Herbert, Hipkin, Howell, Kightley, Liddle, Lynn, McGovern, McPherson, Newbold, Nimmo-Smith, Pitt, Reid, Rosenstiel, Sanders, Shah, Smart, Smith, Taylor, Todd-Jones, Upstone, Walker, Ward, Wright

For the Information of the Council**09/15 MINUTES**

The minutes of the Meeting of the Council held on 26 February 2009 were confirmed as a correct record and signed by the Mayor.

09/16 MAYOR'S ANNOUNCEMENTS**1. APOLOGIES**

Apologies were noted from Councillors Levy, Stuart and Zmura.

It was noted that notice of resignation had been received from Councillor Marian Holness.

2. AIR TRAINING CORPS

A Freedom March and civic reception was planned for Saturday 2nd May by Cadets from No. 104 (City of Cambridge) Squadron Air Training Corps. It was requested that Members let Sue Edwards know by 24 April 2009 if they wished to attend.

3. REACH FAIR

The annual proclamation of Reach Fair would take place on Bank Holiday Monday, 4th May 2009 and the guest list had now closed. Newly minted pennies were on sale and Members were asked to make every effort to purchase them from the Sergeant-at-Mace.

4. TICKETS FOR THE ANNUAL MEETING OF THE COUNCIL

Members would shortly receive notification of the opportunity to apply for guest tickets to attend the Annual Meeting of the Council. Each Councillor was entitled to bring one guest who would be allocated a seat around the perimeter of the Chamber. Members were asked to let Members' Services know as soon as possible so that seating arrangements could be organised.

5. HONORARY COUNCILLOR LAVENA HAWES

With sincere regret the death of Honorary Councillor Lavena Hawes was reported to Full Council. Lavena was appointed to the Council in 1973, representing Market Ward, a seat she held continuously until 1991. She served as Mayor in 1988-9 and was the second Liberal Democrat Councillor to serve as Mayor and was the seventh lady to hold this office.

Since retiring from the Council, Lavena was elected an honorary Councillor, a position she greatly enjoyed and valued, and she was a stalwart supporter of Civic events throughout all her time with the City Council.

Members stood in silence in memory of Honorary Councillor Lavena Hawes.

6. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Todd-Jones	09/17	Member of Friends of the Earth
McGovern	09/21	Colleague is member of the Independent Remuneration Panel
Ward	09/28	User of Cambridge Airport

09/17 PUBLIC QUESTION TIME

1. Mr Paul Sanderson

Mr Sanderson addressed the Council to request a Committee Review of recent Council action on his home at 136 Perne Road, in respect of which a compulsory purchase order had been made. He felt that the decision had been based on incorrect information and requested a meeting with the Executive Councillor for Housing to discuss the issue further.

The Executive Councillor for Housing stated that a judicial review had taken place in 2008 at the request of Mr Sanderson and the Judge ruled in favour of the Council. A hearing in the High Court was now planned for 11th May 2009 and the Council would abide by the courts decision. She felt that the issue had to be taken through the appropriate channels and the request for a further meeting was declined.

Mr Sanderson questioned why the decision could not be made locally and stated that he had not been informed by his legal representative of the hearing on 11th May. He agreed to check the details but thanked the Council for the opportunity to make this statement.

2. Ms Lulu Agate

Ms Agate addressed the Council and stated that a formal petition on behalf of Cambridge Friends of the Earth (FOE) was due to be presented. 600 on-line and over 400 written signatures had been collected in opposition to the removal of trees on Station Road and the site at CB1, but unfortunately not all signatories provided an address and many did not live in the City.

A meeting had been held with the Executive Councillor for Climate Change and Growth and the Council's Arboricultural Officer to discuss the issue and FOE were surprised to learn that the Council had no influence on how the applicant conducted public consultation. It was felt that information provided to the public needed to be clearer, and concern was also raised that when these meetings took place, the Council had already made the decision.

The Executive Councillor for Climate Change and Growth thanked the Cambridge Friends of the Earth (FOE) for their comments. The application had been discussed in detail through the Committee process and Councillors had not raised any issues regarding trees. FOE were formal consultees on the CB1 application but the Executive Councillor did acknowledge that better guidance for applicants regarding public consultation and a 'Considerate Applicant Procedure' could be beneficial.

Ms Agate thanked the Council for the opportunity to speak and looked forward to working with the Executive Councillor and the Arboricultural Officer in the future.

09/18 CHANGE OF AGENDA ORDER

As representatives of Cambridge Friends of the Earth were present at the meeting the Mayor used his discretion, under paragraph 4.2.1 of the Council Procedure Rules, to alter the order of the business so that Agenda Item 7c and 7d were taken next.

09/19 MOTION C: Trees

Councillor Reid proposed and Councillor Baker seconded the following motion:

The City Council acknowledges the understandable concerns of residents about trees which have been felled recently in the City or which are due to be felled under planning consents, and acknowledges residents' concerns as to whether felling is justified.

The Council recognises that trees are living organisms that have to be managed and that this can involve felling them. But the Council is very keen to ensure that decisions about felling trees are fully publicised and, where they are sensitive decisions, they are made by Councillors in public meetings. It therefore will make changes to its procedures as follows:

- Trees on the City Council's own land: a new protocol for tree works will be presented to Community Services Scrutiny Committee for endorsement on 25 June. It includes full public consultation procedures and has been trialled in relation to recommendations to fell trees at Midsummer Common.
- Trees owned by the County Council on the public highway: the County Council has responsibility for trees on the public highway and it subcontracts this responsibility to the City Council, with the exception of works to implement the Guided Bus. The City Council will request that the above protocol is agreed by the County Council for trees on the public highway.
- Trees on private land: where these are subject to permission for tree works, whether they be protected by Tree Preservation Orders or in Conservation Areas, the enhanced public consultation procedures in the new protocol for tree works will be applied. In addition the delegation procedures will be reviewed in order that sensitive proposals are made in committee by Councillors.

- Procedures for all tree works will be published on the City Council website and in a leaflet, and seminars will be offered to concerned parties. Opportunities will also be taken to explain those procedures at meetings of Area Committees.

The Council notes that its policy towards tree works is set out in its Arboricultural Strategy of July 2004 and in the Cambridge Local Plan of July 2006, Policy 4/4.

Under Procedure Rule 13.8.1, it was agreed to deal with the business at the meeting.

Councillor Blencowe proposed and Councillor Walker seconded the following amendment:

The City Council acknowledges the understandable concerns of residents about trees which have been felled recently in the City or which are due to be felled under planning consents, and acknowledges residents' concerns as to whether felling is justified.

The Council shares the shock felt by many Cambridge residents at the rate of mature tree destruction in the City over the last six months on land in the public realm, including felling by both the City Council and County Council.

The Council

- a) agrees that proposals for significant or sensitive tree felling in the public realm should be required to first go through effective public consultation and then be reviewed by the Planning Committee.
- b) Asks that the Terms of Reference for this two stage process be developed by the Chair of Planning Committee and opposition spokespersons, and then considered by Planning Committee with a view to implementation as a matter of urgency.
- c) Asks the Director of Environment and Planning pending adoption of the proposed procedure, to ensure effective public consultation on what he judges to be applications for significant or sensitive tree felling in the public realm and to refer such applications to the Planning Committee for determination.

The Council recognises that trees are living organisms that have to be managed and that this can involve felling them. But the Council is very keen to ensure that decisions about felling trees are fully publicised and, where

they are sensitive decisions, they are made by Councillors in public meetings. It therefore will make changes to its procedures as follows:

- Trees on private land; where these are subject to permission for tree works, whether they be protected by Tree Preservation Orders or in Conservation Areas, the enhanced public consultation procedures in the new protocol for tree works will be applied. In addition the delegation procedures will be reviewed in order that sensitive proposals are made in committee by Councillors.
- Procedures for all tree works will be published on the City Council website and in a leaflet, and seminars will be offered to concerned parties. Opportunities will also be taken to explain those procedures at meetings of Area Committees

The Council notes that its policy towards tree works is set out in its Arboricultural Strategy of July 2004 and in the Cambridge Local Plan of July 2006, Policy 4/4.

On a show of hands the amendment was lost by 22 votes to 12.

Resolved (unanimously) that

The City Council acknowledges the understandable concerns of residents about trees which have been felled recently in the City or which are due to be felled under planning consents, and acknowledges residents' concerns as to whether felling is justified.

The Council recognises that trees are living organisms that have to be managed and that this can involve felling them. But the Council is very keen to ensure that decisions about felling trees are fully publicised and, where they are sensitive decisions, they are made by Councillors in public meetings. It therefore will make changes to its procedures as follows:

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- Trees owned by the County Council on the public highway: the County Council has responsibility for trees on the public highway and it subcontracts this responsibility to the City Council, with the exception of works to implement the Guided Bus. The City Council will request that

the above protocol is agreed by the County Council for trees on the public highway.

- Trees on private land: where these are subject to permission for tree works, whether they be protected by Tree Preservation Orders or in Conservation Areas, the enhanced public consultation procedures in the new protocol for tree works will be applied. In addition the delegation procedures will be reviewed in order that sensitive proposals are made in committee by Councillors.
- Procedures for all tree works will be published on the City Council website and in a leaflet, and seminars will be offered to concerned parties. Opportunities will also be taken to explain those procedures at meetings of Area Committees.

The Council notes that its policy towards tree works is set out in its Arboricultural Strategy of July 2004 and in the Cambridge Local Plan of July 2006, Policy 4/4.

09/20 MOTION F: Tree Felling

Motion withdrawn

09/21 RECOMMENDATIONS OF COMMITTEES FOR ADOPTION

Resolved (by 22 votes to 1) that

The City Council retains the 2008/09 Members' Allowances Scheme for the 2009/10 Municipal year.

09/22 TO CONSIDER A REPORT FROM THE APPOINTMENT SUB COMMITTEE (CHIEF EXECUTIVE)

The next item on the agenda was to consider the process for appointing an interim Chief Executive, if one was needed, for the period between the retirement of the present Chief Executive and his successor taking up the appointment.

The Council resolved to exclude the press and public on the grounds that, if they were present, there would be disclosure to them of information defined as exempt from publication by virtue of paragraphs 1 and 3 of Part 1 of

Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Directors, Council officers and the Sergeant at Mace were also excluded from the Chamber. The Chief Executive, Head of Legal Services, Head of HR and the note taker remained.

Resolved (by 36 votes to 0) that

1. the Council seeks to appoint one of its Directors as interim Chief Executive.
2. the Leader, Group Leader of the Labour Group and Chief Executive interview those Directors who wish to be considered for the role, in order to make a recommendation on the appointment to Council on the 21st May.
3. the Head of Human Resources is authorised to determine an appropriate level of honorarium, after consultation with the Leader, Group Leader of the Labour Group and Chief Executive.

09/23 ORAL QUESTIONS

1. From Councillor Hart to the Executive Councillor for Customer Services and Resources

The City Council owned property, previously used as a Nursery School in Wadloes Road, Abbey, has been unoccupied for nearly a year. I understand that the Council is seeking another tenant. The property is maintained to an adequate level by the property department, however, in recent months local residents have expressed concern regarding the future of this building.

What action has been taken to secure another tenant? And what is the plan of action for the property if it is still empty after one year?

2. From Councillor Herbert to the Leader

What evidence can he provide the Council to justify his press statement that £7.2 million of the council's money, including 80% of the £5,000,000 in Landsbanki in Iceland, is expected to be recovered?

3. From Councillor Hipkin to the Executive Councillor for Environmental and Waste Services

What measures, if any, should be taken to ensure that domestic waste collections are not undertaken at such speed as to result in a stream of litter being left in their wake?

4. From Councillor Howell to Executive Councillor for Environmental and Waste Services

What is the Council doing to find solutions to the problems of damaged grass verges around the City?

5. From Councillor Newbold to the Leader

How many lights were left on at the South Area Housing Office throughout 'Earth Hour' (and are also left on regularly at weekends) contrary to the Leader's press statement calling on everyone else in Cambridge to support the Earth Hour switch off, and to follow the Council's supposed example on energy efficiency?

6. From Councillor Wright to the Executive Councillor for Customer Services and Resources

How many agency staff are currently employed by Cambridge City Council, is this an increase on recent years? What if any, is the extra cost involved to the council by employing agency staff and what impact might this have on the ability of the council to deliver continuity of service to the public and to members?

The Executive Councillor or Leader as appropriate was asked to make a written response to the following questions that were not covered in the allocated 30 minutes:

7. From Councillor Walker to the Executive Councillor for Customer Services and Resources

What rights do residents have in the 'Love Cambridge' Partnership?

8. From Councillor Howell to Executive Councillor for Environmental and Waste Services

How many instances of graffiti have been cleaned off by the City Council since May last year i) Across Cambridge ii) in Coleridge ward, and how many of these resulted in reports to the police and a crime being recorded?

9. From Councillor Herbert to the Executive Councillor for Customer Services and Resources/Executive Councillor for Housing

Why were Coleridge Ward Councillors not told the value or detail of major works that the Council agreed a developer would undertake to former Tiverton House sheltered housing, before the building has still to be sold by the Council, and what did Executive Councillors know about these works?

10. From Councillor Wright to the Executive Councillor for Customer Services and Resources

How many solar panels have been installed to date by Cambridge City Council? Have technical problems been experienced in their operation? What plans are there to increase the number of such installations?

09/24 MOTION A: Recycling facilities on parks and open spaces

Councillor Blencowe proposed and Councillor Walker seconded the following motion:

The Council asks that the Executive Councillor for Environmental and Waste Services provide appropriate recycling facilities on our main parks and open spaces during the summer months so that residents and visitors alike, whilst enjoying them, are both given the opportunity and encouragement to recycle.

Under Procedure Rule 13.8.1, it was agreed to deal with the business at the meeting.

Councillor Rosenstiel proposed and Councillor Smith seconded the following amendment:

Delete all after "This Council" and insert:

notes the pilot scheme for recycling street litter currently being undertaken in the City Centre and hopes that, following its evaluation, such provision can be extended across the City in due course.

The amendment was carried by 20 votes to 14

RESOLVED (by 19 votes to 0) that

This Council notes the pilot scheme for recycling street litter currently being undertaken in the City Centre and hopes that, following its evaluation, such provision can be extended across the City in due course.

09/25 MOTION B: St George's Day

Councillor Pitt proposed and Councillor Dryden seconded the following motion:

The Council notes that this meeting falls on St George's Day.

St George is the patron saint of England, and of many other cities and countries in Europe and the Middle East. He is tightly connected to English tradition, yet also, as a Roman Soldier from the Middle East, a symbol of multiculturalism.

The Council also notes the dangers of allowing national symbols that belong to the entire population to become associated with extremists and believes we should celebrate St. George's Day in an inclusive way.

Celebrating April 23rd is particularly appropriate as England's national day because of its associations with Shakespeare, associations which have also contributed to its adoption as the UNESCO International day of the Book.

Cambridge is an important City in England with strong connections to education and books, and the Council believe we should mark England's traditional national day, whilst recognising the diversity of our community.

The Council therefore requests the Executive to investigate possibilities for suitable inclusive celebrations of this date in future years.

Under Procedure Rule 13.8.1, it was agreed to deal with the business at the meeting.

Resolved (by 24 votes to 8) that the motion be agreed as set out above.

09/26 MOTION D: Councillor Led Review - Folk Festival Ticketing and Icelandic Investments

Councillor Herbert proposed and Councillor Newbold seconded the following motion:

The Council

a) regrets the decision by the Leader to break his commitment for an independent, external inquiry into the 2008 Folk Festival ticketing loss of now £645,000.

b) while supporting the implementation of its recommendations as an interim arrangement, considers the recent review by Civic Affairs Committee to be incomplete and an inadequate substitute.

c) regrets that, unlike other councils similarly affected, there has been no effective council review on the potential loss of £9,000,000 plus interest in Icelandic bank Landsbanki and its subsidiary, and the lessons to be learnt.

d) asks the Chair of Civic Affairs Committee to bring forward a report at its next meeting proposing a Councillor-led review, with remit to be then agreed by all political parties, covering both losses including reviewing:

- council risk management and treasury management
- the responsibilities of Executive Councillors for overseeing policy delivery and investigating performance and risk management
- the role of other Councillors in financial and wider scrutiny of the Executive and Council

e) asks the Leader to produce as part of his Annual Statement a clear and accessible report for Cambridge residents explaining both issues, the lessons learnt, and the actions planned to prevent such losses in future.

Under Procedure Rule 13.8.1, it was agreed to deal with the business at the meeting.

Councillor Nimmo-Smith proposed and Councillor Cantrill seconded the following amendment:

DELETE AFTER 'The Council' and insert

- Notes the thorough audit the Civic Affairs Committee has given to the report on the investigation into the failures surrounding the online ticketing contract for the 2008 Festival and commits itself to following through the recommendation;
- Welcomes the decision by Community Services Scrutiny Committee at its special meeting on 22 April to agree the principle of establishing a member led Committee to inquire further into a range of matters relating to the 2007 and 2008 Folk Festival and their wider implications for the Council
- Notes that the investigation into the Folk Festival had highlighted a need to reaffirm and clarify the respective roles of officers and members, and in particular executive members, in relation to projects, including procurements, and instructs officers to report to the Civic Affairs Committee on appropriate revisions to the constitution, including consideration of the rules on delegations to officers, the executive procedure rules, the contract procedure rules, and the officer/member protocol
- Notes the report to Strategy and Resources Scrutiny Committee on 17 November 2008 appraising the implications to the Council of the deposits at risk following the collapse of the Icelandic banks, and where interim changes were made to the Council's treasury management policy in the light of continued uncertainty in the banking sector generally;
- Welcomes the report of 17 April from the administrators of the UK based Heritable Bank that project a base case return to creditors, including the £4 million owed to Cambridge City Council, of between 70-80 pence in the pound in the long term;
- Notes the 20 March progress report from the Local Government Association in relation to the Iceland based bank Landsbanki hf of "positive signs that depositors will be treated as having preferential creditor status under Icelandic legislation" and in this event that "councils are likely to recover a very significant part of their deposits through this route", while recognising that the administration process in Iceland is complex and will take a long time;
- Expects further reports to be presented to the Strategy and Resources Scrutiny Committee as matters relating to the banking sector and the prospects for recovery of the sums owed, and national guidance on the appropriate accounting standards become

clearer, reviewing the Council's treasury management policy and the longer term implications for the Council's finances.

- Repudiates the notion that there is any meaningful connection between the circumstances that gave rise to the failure of the Folk Festival online ticketing contract, and the unprecedented collapse of the banking sector internationally.

The amendment was carried by 19 votes to 12

RESOLVED (by 20 votes to 12) that the Council

- Notes the thorough audit the Civic Affairs Committee has given to the report on the investigation into the failures surrounding the online ticketing contract for the 2008 Festival and commits itself to following through the recommendation;
- Welcomes the decision by Community Services Scrutiny Committee at its special meeting on 22 April to agree the principle of establishing a member led Committee to inquire further into a range of matters relating to the 2007 and 2008 Folk Festival and their wider implications for the Council;
- Notes that the investigation into the Folk Festival had highlighted a need to reaffirm and clarify the respective roles of officers and members, and in particular executive members, in relation to projects, including procurements, and instructs officers to report to the Civic Affairs Committee on appropriate revisions to the constitution, including consideration of the rules on delegations to officers, the executive procedure rules, the contract procedure rules, and the officer/member protocol.
- Notes the report to Strategy and Resources Scrutiny Committee on 17 November 2008 appraising the implications to the Council of the deposits at risk following the collapse of the Icelandic banks, and where interim changes were made to the Council's treasury management policy in the light of continued uncertainty in the banking sector generally;
- Welcomes the report of 17 April from the administrators of the UK based Heritable Bank that project a base case return to creditors, including the £4 million owed to Cambridge City Council, of between 70-80 pence in the pound in the long term;
- Notes the 20 March progress report from the Local Government Association in relation to the Iceland based bank Landsbanki hf of "positive signs that depositors will be treated as having preferential

creditor status under Icelandic legislation” and in this event that “councils are likely to recover a very significant part of their deposits through this route”, while recognising that the administration process in Iceland is complex and will take a long time;

- Expects further reports to be presented to the Strategy and Resources Scrutiny Committee as matters relating to the banking sector and the prospects for recovery of the sums owed, and national guidance on the appropriate accounting standards become clearer, reviewing the Council’s treasury management policy and the longer term implications for the Council’s finances.
- Repudiates the notion that there is any meaningful connection between the circumstances that gave rise to the failure of the Folk Festival online ticketing contract, and the unprecedented collapse of the banking sector internationally.

09/27 MOTION: Duration of the Meeting

Resolved at 10.30pm under Council Procedure Rule 10.1 that the meeting not be adjourned.

09/28 MOTION E: Growth Sites

Councillor Newbold proposed and Councillor Dryden seconded the following motion:

Given that

- major housing development proposed for the Cambridge North East Fringe will not proceed, that there is now a serious risk of the same outcome at Cambridge East, and that development of Northstowe has also stalled, and
- there is a major risk that this will increase opportunities for developers to propose and appeal potentially inappropriate sites,

the Council asks the Executive Councillor for Climate Change and Growth:

- a) to review the deliverability of the current sites and housing number allocations in the evolving Local Development Framework and,

b) working with neighbouring authorities and others, reconsider the need for alternative, additional sites in the Cambridge sub-region that will meet demanding standards for high quality transport and access, and deliver both affordable housing and sustainable communities.

Under Procedure Rule 13.8.1, it was agreed to deal with the business at the meeting.

Councillor Reid proposed and Councillor Ward seconded the following amendment:

Delete and replace with:

The City Council confirms that it views Cambridge East as a highly sustainable location for housing development given its proximity to Cambridge, which will remain an important engine of economic growth for the region and for the UK.

The City Council calls for government departments and quangos to act in concert in order to:-

- Secure a plan to move Cambridge airport within the region, in order to pave the way for the development of up to 12,000 dwellings and to safeguard local jobs.
- Protect local Defence Estates airfields from housing development until the airport relocation plan has been finalised
- Oppose a green belt review of Cambridge in this Regional Spatial Strategy review, since all sites that may be looked at prior to development at Cambridge East have been examined closely in recent years and found worthy of protection.

The amendment was carried by 19 votes to 12

RESOLVED (by 19 votes to 11) that

The City Council confirms that it views Cambridge East as a highly sustainable location for housing development given its proximity to Cambridge, which will remain an important engine of economic growth for the region and for the UK.

The City Council calls for government departments and quangos to act in concert in order to:-

- Secure a plan to move Cambridge airport within the region, in order to pave the way for the development of up to 12,000 dwellings and to safeguard local jobs.
- Protect local Defence Estates airfields from housing development until the airport relocation plan has been finalised
- Oppose a green belt review of Cambridge in this Regional Spatial Strategy review, since all sites that may be looked at prior to development at Cambridge East have been examined closely in recent years and found worthy of protection.

09/29 MOTION G: Regional Governance

Councillor Nimmo-Smith proposed and Councillor Smart seconded the following motion:

The Council notes the consultation on formal arrangements for local councils to make decisions on the drafting of the new Single Regional Strategy for the East of England Region.

The Council is opposed to the current proposals for a Leaders Board, in line with Government policy, dominated by County and Unitary Councils and offering few places for district councils and no certainty that Cambridge would be one of these.

Given Cambridge's key role in the regional economy, and as the planning and housing authority for the urban area that is designated as the primary centre for development and change in the sub-region, the Council believes that it is essential that Cambridge City Council has a statutory place on the Leaders Board, and instructs officers to work with the Leader and Executive Councillors to promote alternative arrangements that would secure this.

Resolved (by 27 votes to 0) that the motion be agreed as set out above.

09/30 WRITTEN QUESTIONS/INFORMATION MINUTES

Members noted the written questions and answers circulated around the Chamber and received the Records of Decision and Minutes of Committees which were for information.

The Council concluded its business at 12.20am

MAYOR