



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of the Meeting of East Cambridgeshire
District Council held in the Council Chamber,
The Grange, Nutholt Lane, Ely on Thursday
11 July 2013 at 6.30pm

P R E S E N T

| | |
|------------------------------------|-------------------------------|
| Councillor Allen Alderson | Councillor Richard Hobbs |
| Councillor Michael Allan | Councillor Bill Hunt |
| Councillor Ian Allen | Councillor Tom Hunt |
| Councillor Christine Ambrose Smith | Councillor Tom Kerby |
| Councillor David Ambrose Smith | Councillor Peter Moakes |
| Councillor Sue Austen | Councillor Chris Morris |
| Councillor Anna Bailey | Councillor James Palmer |
| Councillor David Brown | Councillor Tony Parramint |
| Councillor Tony Cornell | Councillor Philip Read |
| Councillor Lavinia Edwards | Councillor Charles Roberts |
| Councillor Kevin Ellis | Councillor Mike Rouse |
| Councillor Colin Fordham | Councillor Robert Stevens |
| Councillor Jeremy Friend-Smith | Councillor Hazel Williams MBE |
| Councillor Sheila Friend-Smith MBE | Councillor Gareth Wilson |
| Councillor Tony Goodge | Councillor Pauline Wilson |
| Councillor Elaine Griffin-Singh | Councillor Andy Wright |
| Councillor Lindsey Harris | |

19. **PUBLIC QUESTION TIME**

A question was submitted by Mrs Howell regarding Agenda Item 11 – Constitutional Review and Amendments Report. In her absence, the Chief Executive read out the question and the Principal Solicitor provided a response, as follows:

Question -

‘Ref; The Constitutional Review on Councillor Call-in procedure. Agenda Item No.11

East Cambs is breaking new ground with this and has to be seen to be acting fairly and with due consideration.

As drafted the proposal to allow 13 District Councillors to sign a “call-in document” within 5 days of a particular decision is too short a time scale. Councillors would not have time to consult with their constituents should they wish to do so AND gather 13 signatures to submit to the Chief Executive.

At the moment constituents usually learn what is happening at the Council through the Council website or in the local press.

Decision lists of committees seem to take 2 days to get onto the website as do press releases. A committee taking place on Wednesday or Thursday might get reported in the papers the following Thursday – 6 working days later and outside the proposed deadline, leaving absolutely no time for public reaction to filter through to Members, also leaving no time at all for members to put in hand the “Call- In” procedure. I trust that this was not the intention.

Question: Would you please consider extending the time limit on call-in so that should such an eventuality arise, a call-in can actually be achieved?

Thank you.’

Response from the Principal Solicitor:

The timescale for a “call-in” to be made is within 5 working days of the meeting and excludes the day of the decision. In practical terms the process allows more time as times will usually include a weekend and in reality the process covers a period of 7 days. The intention of these timescales is to allow a balance to be struck between implementation of the decision and the process being used as a delaying tactic. 5 working days is a reasonable length of time to ensure this balance.

The written response to Mrs Howell is appended to these minutes.

20. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Beckett, Burton, Morrison, John Palmer, Schumann and Willows.

21. **DECLARATIONS OF INTEREST**

Cllr Roberts declared a personal interest in Agenda Item 10 – Schedule of Items Recommended from Committees and Other Member Bodies – East Cambridgeshire Local Plan, as he is the Chairman of Stretham and Wilburton Community Land Trust.

22. **PRESENTATION BY DAVE WHITE, WASTE STRATEGY TEAM LEADER, ON WASTE COLLECTION SERVICE CHANGES**

Dave White, Waste Strategy Team Leader, attended the Council meeting to deliver a PowerPoint presentation on Waste Collection Service Changes within East Cambridgeshire. Tabled at the meeting was a leaflet that was imminently due to be distributed to all households within the district, a copy of the presentation and a schedule of events that the Recycling Team would be attending to promote the Waste Collection Service Changes.

A summary of the presentation is as follows:

- East Cambridgeshire District Council originally was a recycling pioneer and one of the first authorities to introduce kerbside recycling. However, services had not continued to progress and now the district recycled less than any other authority in the Cambridgeshire District.
- Recycling performance is deteriorating. In 2008/2009 recycling performance was 37%. In 2012/2013 this had reduced to 34%.

- Following a successful bid to the Departments for Communities and Local Government (DCLG) the Council was awarded £4,993,512.30 via its 'Supporting Weekly Collections Fund' Scheme. The aim of the grant was to encourage Councils to retain or return to weekly refuse collections. If refuse collections were weekly, funds were targeted at improving recycling services. The maximum bid amount that could have been received was £5 million.
- Currently paper, glass and cans, which have to be separated, were collected via a black box. A wheeled bin, where materials could be mixed, would replace the black box scheme. In addition plastic, tetrapak and cardboard would also be collected via this wheeled bin. Currently garden waste, food waste and cardboard is collected via a brown sack. A separate wheeled bin would replace this service. Due to the value of cardboard this would no longer be collected with compostable waste, but with the recyclables. There would be no change to the black bag service other than a yearly supply of black bags would be delivered once a year rather than a replacement bag issued each week.
- Alternative services will be provided where space or access issues prevent a wheeled bin service, for instance the black bag and brown sack service would be retained with a clear plastic sack issued instead of a black box.
- Changes to the waste collection service were required in order to: improve the districts recycling rate from 34% to 45-50%; comply with the EU target that had been imposed on central government that plastic kerbside recycling should be introduced by 2015 and authorities should be achieving a recycling target of 50% by 2020; to recycle a wider range of materials; to provide a simpler service for users; to increase customer satisfaction with services and increase service alignment with neighbouring councils.
- Failure to achieve the EU targets would result in fines, which would ultimately be passed to the offending authorities or to those authorities that had done the least to improve its recycling performance.
- A breakdown of how the funding obtained via the 'Supporting Weekly Collections Fund' Scheme had been used was presented.
- Prior to the implementation of the new waste collection service the Council had undertaken a public consultation exercise which had generated 347 responses. The responses had mostly been positive and a sample of the responses was provided. Overall, 53% of respondents were in support of wheeled bins.
- The Place Survey conducted in 2009 indicated that the public were least satisfied with the doorstep recycling service provided by East Cambridgeshire District Council in comparison to Fenland District Council, Cambridge City Council, South Cambridgeshire District Council and Huntingdonshire District Council.
- The Recycling Team would be attending a wide variety of events to promote the Waste Collection Service Changes and would be using various forms of media. The Team had recently attended Ely Aquafest and all comments received from the public, with the exception of one, inferred that it was about time the Council improved its recycling service, which was positive and reassuring.
- Progress with the project to date was on budget and on schedule. Additional temporary staff had been recruited (1 Project Manager, 2

Project Officers and 4 Promotions Officers), vehicles, wheeled bins and recycling facility services had been purchased. There would be no changes to collection days and a survey of properties had been conducted to assess their suitability to receive the new service.

- The wheeled bins would be delivered over 10 weeks commencing on 2 September 2013.
- Recyclables and garden and food waste will be collected on alternate weeks to reduce the number of bins that are placed out for collection and to reduce the number of vehicles in an area at any one time.
- Photographs of some of the vehicles purchased were displayed and the uses explained.
- The Waste Strategy Team Leader concluded by encouraging Members to attend the AmeyCespa Recycling Open Day on 22 August. The Recycling Team would be in attendance to pre-launch the new Waste Collection Service. AmeyCespa would also be offering tours of the facilities.

Following the conclusion of the presentation, Members asked questions/made statements and a summary of the discussions and officer responses are as follows:

- There were additional properties in Reach that should be on the list of addresses that were not suitable for the new service.

It was explained that the list of properties unsuitable for the new service was evolving and the public or Members could contact the Recycling Team if a property was unsuitable for a wheeled bin service. The same also applied if a property was listed as unsuitable but could accommodate wheeled bins. A member of the Recycling Team could make a visit and discuss a suitable alternative with the homeowner.

- The newly purchased caged vehicle would be used to collect recyclable waste from narrow lanes and drives.
- Burwell was not listed on the schedule of events that the Recycling Team would be attending.

It was explained that all Parish Clerks had been contacted for details of events that the Recycling Team could attend. The Recycling Team welcomed suggestions of other events which they would endeavour to attend.

- What will happen to the redundant black boxes?

It was expected that homeowners would retain the black boxes. However, if requested, the Council would collect any unwanted black boxes.

- An individual had been informed by the Council that any compostable waste in excess of the wheeled bin could be placed in a black bag and that it would be collected.

This is incorrect. Black sacks will not be collected if they contain garden waste. Households generating garden waste in excess of the bin capacity should be encouraged to home compost or to take the waste to a household recycling site. The Waste Strategy Team Leader was surprised that someone would have been incorrectly informed as there is information available on the Council's website and scripts are provided for the Customer Relationship Management Team for use when answering queries. However, he would look into this further. Each household will be provided with only one wheeled bin for recyclables and one wheeled bin for compostable waste and there were no current plans to offer additional bins. Cambridge City Council had provided additional bins which they were in the process of recovering and in Huntingdonshire residents were able to have an additional wheeled bin at a charge. The Council was able to review the service in a year and this may be something that Members wished to consider in the future.

- The Council received a high number of Veolia related calls regarding the waste and recycling service. With the additional funding that Veolia had obtained as a result of the changes to the waste collection service it was hoped that the Council would take the opportunity to renegotiate its contract and that there would be a significant improvement in service.

A high number of calls related to black or brown sacks not being delivered. These calls should decrease as the black sacks would be distributed annually and the brown sacks would be replaced with a wheeled bin service. The Waste Strategy Team Leader confirmed that there had been renegotiations on the Veolia contract which he was happy with and that he would continue to monitor the level of calls.

- It was scheduled that kitchen waste would be collected fortnightly and therefore smells and flies could be generated. Cambridge City Council collected this waste weekly.

Provided that the bin lid was securely shut this would prevent smells, flies and maggots.

- Impressed with the project. However, concern was expressed that the revised waste service placed an additional financial pressure on the Council's budget from 2015.

As the district will be recycling more, the Council will receive additional funding via recycling credits from Cambridgeshire County Council. The Council will also own the materials and will therefore obtain additional funding. The operational costs of the service are the responsibility of Veolia. The new vehicles have 360° cameras fitted which would enable drivers to better operate the vehicle and encourage the drivers to better care for the vehicles. The financial implications on the Council's budget for the waste collection service were accounted for in the Council's Medium Term Financial Strategy.

- At the end of the subsidised term there would be an additional cost to the Council and any income generated would be insufficient to cover costs such as replacement vehicles.

The Council had purchased high quality bins in order that they would last many years and the life expectancy of the vehicles was 7 years. The Waste Strategy Team Leader would be able to provide Cllr Wright with specific financial information for post 2015 subsequent to the meeting.

- Waste and Recycling Team were congratulated for their hard work. Would the value of the cardboard offset the paper loss as a result of a co-mingled service.

A co-mingled service required less vehicles and crew. It was uncertain whether the cardboard would offset the paper loss. However, the value of paper was decreasing. Including cardboard in the compostable waste was creating problems at the AmeyCespa plant.

- In response to a question about the alignment of the waste collection service with other neighbouring councils, it was explained that two thirds of the service would be aligned with other neighbouring councils and it was hoped that in the future there would be a full alignment of the service.
- Would the Council restrict the number of black bags that it collected per property?

The Council was not legally allowed to limit the number of black bags that it collected from each property.

- Waste and Recycling Team had done an excellent job within the confines that it had been given. Who should queries be directed to? An elderly resident was concerned as she was physically unable to lift the lid of a wheeled bin.

Any member of the Waste and Recycling Team could be contacted with any queries. If a person was unable to use a wheeled bin, an alternative service would be offered if the Waste and Recycling Team were contacted.

The Chairman of the Community and Environment Committee, Cllr Hobbs, concluded by expressing appreciation to the Waste Strategy Team Leader and for the presentation. It had been very important for Councillors to receive the presentation in order to gain an understanding of the changes to the Council's waste service. Cllr Hobbs urged Councillors to use the Waste and Recycling Team to answer any queries that they may have and he also requested that a response be given to Cllr Wright regarding the implications of the waste service on future budgets.

23. **MINUTES**

It was resolved:

That the Minutes of the meeting held on 14 May 2013 be confirmed as a correct record and signed by the Chairman.

24. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked Members for their well wishes during his recent illness and also thanked the Vice-Chairman for carrying out civic and ceremonial duties during his absence.

25. **PETITIONS**

No petitions had been received.

26. **MOTIONS**

No motions were received.

27. **QUESTIONS FROM MEMBERS**

A question was received from Cllr G Wilson which was tabled at the meeting and was accompanied with a response as follows:

'Following our abolition of the Scrutiny Committee and in view of the Guide to the Localism Act statement that:

"Council overview and scrutiny committees play a crucial role in examining the work of local public bodies, helping make sure they offer a good service to residents. In the future, committees will have greater flexibility about how they carry out this scrutiny role."

How is it proposed that East Cambs District Council carries out this duty?"

Response from the Chief Executive, John Hill

The Council has a number of constitutional mechanisms in place to bring local public and non-public bodies to account, specifically:

- Policy Committees can request presentations and/or specific evidence from those bodies for those areas of interest that fall within the terms of reference of that Committee.

For example, Finance and Governance Committee, when reviewing the Localisation of Council Tax Benefit Scheme, could request Anglia Revenues Partnership or Citizens Advice Bureau to attend to provide background information to inform their decision.

- Committees can make recommendations for the instigation of Service Reviews to Personnel and Corporate Services Committee including reference to the need for external scrutiny.
- If appropriate, there may be a request for a Members Seminar and/or presentation to full Council.

The Head of Legal and Democratic Services will review the current Constitution to ensure that these arrangements are explicit and fully embedded.

28. **SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES**

Council considered a report, N52, previously circulated, detailing a recommendation from the Development and Transport Committee meeting on 2 July 2013 regarding the East Cambridgeshire Local Plan.

Due to the close proximity of the date of the Development and Transport Committee meeting to the date of the agenda dispatch for Council, the full minute including the recommendations, was circulated separately to the agenda along with the additional papers that were tabled at the Development and Transport Committee meeting on 2 July 2013.

Members were referred to the additional papers that had been previously circulated which included the minute and recommendations from the Development and Transport Committee meeting on 2 July 2013.

The 5 Appendices that accompanied the report that was presented to the Development and Transport Committee on 2 July 2013, including the East Cambridgeshire Local Plan, were circulated separately to the Council agenda due to the size of these documents, to all Members of Council on Monday 24 June 2013, at the same time as the documents were circulated to Members of Development and Transport Committee.

The officer's report to the Development and Transport Committee on 2 July 2013 was included within the Council agenda.

The Head of Planning and Sustainable Development explained that the East Cambridgeshire Local Plan was a major piece of work for the authority and established a long-term framework to manage growth in the district, which was also supplemented by the Masterplan documents.

The Forward Planning Team had worked closely with the Town/Parish Councils to identify local needs and priorities. The Head of Planning and Sustainable Development explained that this had been an extremely valuable exercise.

The high level of engagement that the Forward Planning Team had undertaken with the public was demonstrated by the low number of responses to the consultation exercise – 494 – and that only minor changes had been proposed to the document.

The Head of Planning and Sustainable Development explained that having a robust planning policy framework was essential, particularly with the projects that would be emerging in the future such as the Ely Cinema, improvements to the Ely Station Gateway, the re-opening of the Soham Railway Station as well as Community Land Trust projects.

It was explained that the next stage in the process was for Members to approve that the pre-submission draft Local Plan be submitted to Government for inspection. Once Council had received comments from the Inspector a further report would be presented to Council. The Head of Planning and Sustainable Development noted that there was a commitment in the Local Development Scheme to commence a review of the Local Plan in 2 years time, post adoption.

Cllr Moakes, as Chairman of the Development and Transport Committee, in proposing the recommendations, commended the Local Plan and acknowledged the significant amount of work that had been required of the Forward Planning Team. Cllr T Hunt echoed these sentiments and he stated that when considering the problems nationally, the process in developing the Local Plan had been relatively straightforward.

Cllr Allen also congratulated the Head of Planning and Sustainable Development and the Forward Planning Team. However, he was unable to support the document as the Local Plan incorporated an out-of-town cinema, an out-of-town supermarket and an out-of-town leisure centre. He therefore requested a recorded vote.

Cllr S Friend-Smith MBE requested a separate vote on each recommendation. Cllr S Friend-Smith MBE also congratulated the Forward Planning Team. However, Cllr S Friend-Smith MBE reported that at the Development and Transport Committee she had abstained from voting on the Local Plan for reasons that she felt strongly about that had emerged as a result of the Masterplan process. Cllr S Friend-Smith MBE stated that although she had felt privileged to be part of the Masterplan process, the Local Plan incorporated an out-of-town leisure centre. For this reason, Cllr S Friend-Smith MBE stated that she had abstained from voting on the Local Plan at the Development and Transport Committee and not because she had underestimated the amount of work by the Forward Planning Team.

Cllr Brown supported the recommendations by the Development and Transport Committee. Cllr Brown requested that the Development and Transport Committee consider whether a renewal energy technology policy should be developed. At the moment, the Council did not have such a policy. People were increasingly being encouraged to develop using green energy and the implications for the district and local community needed to be considered. An adopted policy would assist the Council should it receive such an application. Cllr Moakes, as Chairman of the Development and Transport Committee confirmed that this would be considered by the Development and Transport Committee.

Cllr G Wilson stated that the Forward Planning Team had completed some excellent work. Although Cllr G Wilson did not agree with everything contained within in the Local Plan, he stated that he would support the submission of the Local Plan to Government as it was important that the Council have an approved document, otherwise developers would assume that any type of development was

acceptable. Cllr G Wilson noted that not all aspirations in the Local Plan would come to fruition and that he was pleased that Town and Parish Councils had been consulted.

Cllr James Palmer noted that growth in the district was occurring and therefore it was important to plan for this and to provide more homes and employment opportunities. Cllr James Palmer was proud of the Community Land Trusts that were being developed and expressed appreciation to the Head of Planning and Sustainable Development and to the Chairman of the Development and Transport Committee, Cllr Moakes.

Cllr Moakes welcomed Cllr G Wilson's comments and he noted that the Local Plan offered the district control regarding the type of development it allowed. Cllr Moakes accepted that some elements of the Local Plan might not come to fruition, but the Local Plan was a long-term document up to 2031. Cllr Moakes commended the Local Plan to Members.

Cllr S Friend-Smith MBE stated that she did not object to the pre-submission draft Local Plan being submitted to Government, but with the content of the Local Plan.

A recorded vote having been requested was taken on the first recommendation from the Development and Transport Committee regarding the Local Plan, which was carried, with Members voting as follows:

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| For (27) | Cllrs Alderson, Allan, C Ambrose Smith, D Ambrose Smith, Bailey, Brown, Cornell, Edwards, Ellis, Fordham, Goodge, Griffin-Singh, Hobbs, B Hunt, T Hunt, Kerby, Moakes, Morris, James Palmer, Parramint, Read, Roberts, Rouse, Stevens, Williams MBE, G Wilson and Wright. |
| Against (2) | Cllrs Allen and Austen |
| Abstention (4) | Cllrs J Friend-Smith, S Friend-Smith MBE, Harris and P Wilson |

A recorded vote having been requested was subsequently taken on the second recommendation from the Development and Transport Committee regarding the Local Development Scheme, which was carried, with Members voting as follows:

| | |
|-----------------------|---|
| For (27) | Cllrs Alderson, Allan, C Ambrose Smith, D Ambrose Smith, Bailey, Brown, Cornell, Edwards, Ellis, Fordham, Goodge, Griffin-Singh, Hobbs, B Hunt, T Hunt, Kerby, Moakes, Morris, James Palmer, Parramint, Read, Roberts, Rouse, Stevens, Williams MBE, G Wilson and Wright. |
| Against (2) | Cllrs Allen and Austen |
| Abstention (4) | Cllrs J Friend-Smith, S Friend-Smith MBE, Harris and P Wilson |

It was therefore resolved:

Development and Transport Committee – 2 July 2013

East Cambridgeshire Local Plan

- i. That the pre-submission draft Local Plan (as published in February 2013) and any necessary accompanying evidence be submitted to Government as soon as feasible and that subsequent minor changes to the Schedule of Proposed Minor Modifications prior to submission be delegated to the Head of Planning, in consultation with the Chairman of Development and Transport Committee;
- ii. That the revised Local Development Scheme (attached as Appendix 5 of the submitted report) be approved and adopted by the District Council.

29. **CONSTITUTIONAL REVIEW & AMENDMENTS REPORT (“REFERRAL-UP” & “COUNCIL CALL-IN” & CHANGES TO MEMBER CODE – UPDATING THE PRINCIPLES OF PUBLIC LIFE); & FILMING/ BLOGGING IN COUNCIL MEETINGS**

The Council received a report, N53, to consider a mechanism for further scrutiny of decisions, and minor amendments to the Principles of Public Life in the Member Code of Conduct in the Constitution as well as an amendment to the Council Procedure Rules to allow filming and blogging during public meetings.

Member’s attention was drawn to the revised motion that was tabled at the meeting. The revised motion proposed an amendment to 2.1.1 (b) of the officer’s report, which suggested a $\frac{1}{3}$ (13) of the Membership of Council, covering at least two political groups, ask for the matter to be called in to Council. The revised motion proposed that this be amended to 5 Members of the Council who could be from any political group.

Cllr Allen referred to footnote 4 which stated that ‘*A decision will be urgent if the delay caused by the call-in process would seriously prejudice the Council’s or the public’s interests. This will be categorised as urgent on the decision list.*’ and he stated that if an item of business was likely to be categorised as urgent that it should also be identified as such on the published agenda.

Cllr Allen enquired whether since the abolition of the Scrutiny Committee, Councillor Call for Action still existed and, if so, how a Councillor Call for Action would be implemented since it had been a matter for the Scrutiny Committee to consider these. The Chief Executive stated that he would ask the Head of Legal and Democratic Services to clarify the situation to Members via email regarding Councillor Call for Action.

Cllr Wright agreed that an item of business that was likely to be categorised as urgent should be identified as urgent on both the published agenda and the

decision list. This was particularly important as he felt that it was sometimes questionable when an officer considered a matter to be urgent.

Cllr G Wilson welcomed the revised motion. Cllr G Wilson stated that the revision of the number of Members that could call-in a matter to Council was a sensible suggestion, which he supported.

Members were satisfied to approve the revised motion subject to clarification of the position on an urgent decision to ensure that urgent decisions were clearly designated on both the agenda and the report as well as on the decision list.

It was resolved:

To authorise the Monitoring Officer to amend the Constitution, namely:

- i. the inclusion of a Policy Committee¹ “Referral-up” & Councillor “Council call-in” mechanism² where:
 - a) the Committee decides that the decision³ should to be taken by full Council; or
 - b) 5 Members of the Council ask for the matter to be called in to Council;

(a) & (b) will not apply to “urgent”⁴ decisions.
- ii. to update or remove the description of Principles of Public Life (Part 5 (i)-(vii) in the Members’ Code of Conduct.
- iii. Council Procedure Rules to allow filming and blogging during public meetings.

[And in respect of the above, any resolution is deemed to include any consequential amendments to wording in other parts of the Constitution where required. A decision under (i) may to be brought back to Council within 6 months, should any guidance/ legislative changes arise in respect of Committee systems and Scrutiny].

30. **POTENTIAL INQUORATE PARISH COUNCIL - LOCAL GOVERNMENT ACT 1972 SECTION 91 – ASHLEY PARISH**

Council received a report, N54, previously circulated, to consider whether to delegate power to make an Order under section 91 of the Local Government Act 1972.

At full complement, Ashley Parish Council had 7 Parish Council Members. However, it currently has 3 vacancies and would become inquorate if the membership dropped below 3.

¹ Does not include Licensing or Planning Committee.

² In the Council Procedure Rules/ Committee Terms of Reference.

³ Final decision.

⁴ A decision will be urgent if the delay caused by the call-in process would seriously prejudice the Council's or the public's interests. This will be categorised as urgent on the decision list.

Section 91 of the Local Government Act 1972 allowed the District Council to appoint a sufficient number of Parish Councillors on a temporary basis, to enable the work of the Parish Council to continue until it had co-opted or elected sufficient Councillors to be quorate.

At present Ashley Parish Council was quorate and an order not required. However, it was understood that difficulties may arise and to prevent any unnecessary delay, Council was requested to delegate authority to the Chief Executive, in consultation with the Group Leaders, to make the Order in the form of Appendix A, of the officer's report, to appoint Parish Councillors at Ashley, should the need arise, to ensure the Parish Council was quorate and can continue to act.

It was resolved:

That Council delegates authority to the Chief Executive, in consultation with the Group Leaders, to make the Order in the form of Appendix A of the officer's report, to appoint Parish Councillors at Ashley, should the need arise, to ensure the Parish Council is quorate and can continue to act.

31. **ACTION TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY**

Council received a report, N55, previously circulated, to note the action taken by the Chief Executive on the grounds of urgency to withdraw Paragraph 6 of the Mooring Byelaw.

In 2012 the Council undertook a statutory consultation on amending the Mooring Byelaw. Cambridgeshire County Council was one of those consulted during the consultation process and raised no objection to the amendments proposed.

At the conclusion of the consultation process, the provisional Byelaw was submitted to the Secretary of State for approval. Subsequently an application was made by a member of the public to register the Slipway at Ely Waterside, for which Paragraph 6 of the Mooring Byelaw applied. On considering the application from the member of public, Cambridgeshire County Council found it to be a designated public highway.

Having sought advice from Counsel on whether this invalidated the whole or part of the Mooring Byelaw it was indicated that Paragraph 6 of the Mooring Byelaw was unlawful, that it should not be enforced and that the draft Mooring Byelaw should be amended to delete reference to Paragraph 6.

Therefore urgent action was required to ensure that the Council did not enforce an unlawful provision in the Byelaw and that relevant Council Officers could be instructed not to enforce Paragraph 6 of the Mooring Byelaw.

It was resolved:

That the action taken by the Chief Executive on grounds of urgency be noted

The meeting concluded at 7.44pm.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Mrs J Howell
Address Redacted

This matter is being dealt with by:

John Hill

Telephone: 01353 665555
E-mail: john.hill@eastcambs.gov.uk
My Ref: JH/ls/letts/Council110713-Howell

17th July 2013

Dear Mrs Howell

COUNCIL – 11TH JULY 2013 – PUBLIC QUESTION TIME

Thank you for your question to Council in relation to the Constitutional Review on Councillor call-in procedure (ref: Agenda Item No. 11).

I was able to read out your preamble and the specific question to Council. The Council's Principal Solicitor, Ms Amanda Apcar, gave a verbal response which I have detailed below.

Response from Principal Solicitor

The timescale for a 'call in' to be made is within 5 working days of the meeting and excludes the day of the decision. In practical terms, the process allows more time as it will usually include a weekend and in reality the process covers a period of 7 days. The intention of the timescales is to allow the balance to be struck between implementation of the decision and the process being used as a delaying tactic. Five working days is a reasonable length of time to ensure this balance.

Can I also update you on the outcome of the discussion under Agenda Item No. 11, which I believe is pertinent to your question?

The Council agreed that 5 Members (not 13 as appeared in the original report) are required to ask for the matter to be called in to Council.

In addition, the Council also clarified that in the event of a decision being categorised as urgent and therefore not appropriate for call in, both the agenda item as well as the decision list should make this clear.

Thank you again for submitting your question.

Yours sincerely

John Hill
Chief Executive

cc Amanda Apcar, Principal Solicitor
Jeanette Thompson, Head of Legal and Democratic Services
Melanie Sage, Democratic Services Officer