



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## Agenda Item 4

Minutes of the Meeting of East Cambridgeshire  
District Council held in the Council Chamber,  
The Grange, Nutholt Lane, Ely on Thursday  
17 July 2014 at 6.00pm

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### **PRESENT**

Councillor Allen Alderson	Councillor Bill Hunt
Councillor Michael Allan (Vice-Chairman)	Councillor Tom Hunt
Councillor Ian Allen	Councillor Neil Morrison
Councillor Christine Ambrose Smith	Councillor James Palmer
Councillor David Ambrose Smith	Councillor Tony Parramint
Councillor Sue Austen	Councillor Charles Roberts
Councillor Anna Bailey	Councillor Hamish Ross
Councillor Derrick Beckett	Councillor Mike Rouse
Councillor David Brown	Councillor Joshua Schumann
Councillor Tony Cornell (Chairman)	Councillor Robert Stevens
Councillor Lorna Dupré	Councillor Hazel Williams MBE
Councillor Lavinia Edwards	Councillor Gareth Wilson
Councillor Kevin Ellis	Councillor Pauline Wilson
Councillor Lis Every	Councillor Andy Wright
Councillor Colin Fordham	
Councillor Jeremy Friend-Smith	
Councillor Sheila Friend-Smith MBE	
Councillor Tony Goodge	
Councillor Lindsey Harris	

## 22. **PUBLIC QUESTION TIME**

The following question was asked by Mrs Jane Howell from Haddenham:

Reference Agenda Item 8 – Notice of Motions under Procedure Rule 10

### (a) Constitutional Amendments – Planning

*'I note that these amendments have been drafted by the Chief Executive and Deputy Monitoring Officer.*

*Q1: Would you please identify who the Deputy Monitoring Officer is and would you also confirm his or her legal qualifications? An authority such as this needs the best legal advice available particularly as you no longer have a Standards Committee. The amount of Planning activity, which is and will be going through East Cambs over the next 10 years, will require experienced and scrupulous monitoring.*

*Items 8 (i) - (iii) are not clearly drafted and could be legally challenged.*

*Q2: Re. Point (i) – Could you explain why you found it necessary to add this amendment and under what circumstances it would be implemented?*

*I would have thought that the Chief Executive and Leader have enough to do without arbitrating on Planning Committee Agendas.*

*When a Member calls-in an application to be heard at committee it's usually to represent one of their constituent's interests.*

*Q3: Re. Point (ii) On what possible basis would a Member feel the need to withdraw their support for their constituent and how many Members have expressed their desire to do so in the last year?*

*Q4: What is the reason and purpose for removing the requirement that substitutes go on site visits?*

*Surely it is essential that all Members of the Planning Committee are fully acquainted with the application in order to discuss and debate it fairly.*

The Chief Executive stated that he could respond to Q1. The Motion listed here from Members, related to a previous delegation given by full Council to the Chief Executive and Deputy Monitoring Officer. The Deputy Monitoring Officer was Amanda Aparcar who was a qualified Solicitor.

The Leader of the Council, Councillor Palmer, responded to the overall questions by stating that the motion was to be debated in full by all Councillors at this meeting and Mrs Howell was very welcome to listen to the debate as a member of the public.

23. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Elaine Griffin-Singh, Councillor Richard Hobbs, Councillor Chris Morris and Councillor Philip Read.

24. **DECLARATIONS OF INTEREST**

No declarations of interests were received.

25. **MINUTES**

The Minutes of the Council meeting held on 15 May 2104 were received. Councillor Allan highlighted an amendment to the Minutes as detailed in the resolution.

It was resolved:

That the Minutes of the meeting held on 15 May 2014 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 16 'Annual Review – Corporate Priorities and Risk Register 2013/14' – page 8 first paragraph: delete words 'if he' in second line.

26. **ELECTION RESULT – SOHAM SOUTH BY-ELECTION**

The Chairman congratulated Cllr Hamish Ross on being elected as a Conservative District Councillor for the Soham South Ward following the By-Election on 19 June 2014 and welcomed him to his first Council meeting. The Leader of the Council, Cllr James Palmer, also expressed his pleasure at Cllr Ross' election and stated that, along with Cllr Every, he had 2 new Members who he was sure would be a good addition to the ranks. Members echoed these sentiments with a round of applause.

It was resolved:

That the By-Election result be noted.

27. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

Local Government Boundary Commission for England Submission – Council Size

Members will recall that at the special Council meeting on 15 April 2014, Members approved the inclusion of the following points in a submission to be made to the Local Government Boundary Commission for England to facilitate our inclusion in their electoral review programme from 2015/16 onwards:

- (i) a revised Council size of a maximum of 27 Members;
- (ii) confirm the whole election cycle for future District elections;
- (iii) an implementation date of May 2019 for elections to the revised boundary arrangements;

The Chief Executive in consultation with the Leader of the Council now has completed the submission to the Boundary Commission in accordance with the above points, a copy of which has been circulated for Members information this evening.

Individual Electoral Registration

At the Annual Council meeting on 15 May 2014, Members received a report on Individual Electoral Registration (IER). The Cabinet Office and Electoral Commission now have produced a handy leaflet providing a guide for Members to IER, copies of which have been tabled this evening.

28. **PETITIONS**

No petitions had been received.

29. **MOTIONS**

(a) Constitutional Amendments - Planning

The following Motion, as amended, was proposed by Cllr James Palmer and seconded by Cllr Josh Schumann:

*This Council instructs the Chief Executive and Deputy Monitoring Officer (under the authorisation given to them by Special Council on 15 April 2014 ref Agenda 6) to make the necessary constitutional amendments to ensure that:*

- (i) In the event of amendments to the draft and published agenda of Planning Committee that the case officer is obliged to consult with the Chairman of Planning Committee and in the event of the Chairman disagreeing with the proposed action, that this matter is referred to the Chief Executive for final decision in consultation with the Leader of the Council.*
- (ii) In the event of call-in from a Member to request that a planning decision be made by Planning Committee (ref 3(41/42) para 5.3 and 5.4), that there be a right to withdraw this request prior to the publication of the agenda.*
- (iii) That the absolute requirement for a substitute member of the Planning Committee to attend a site visit before he/she can determine the application at Committee be removed.*

Councillor Beckett raised a point of order requesting clarification of the phrase 'draft and published agenda'.

Councillor Palmer, in responding to the point of order and proposing the motion, stated that the reason for the motion was to debate the democratic process relating to Planning. Point (i) was not about the Chief Executive and Leader of the Council controlling the Planning Committee but ensuring Member consultation on the Agenda composition. Point (ii) would allow for withdrawal of an item by the Member that had requested the 'Call-in' of a Planning application, where amicable agreement had been reached, to stop unnecessary consideration by the Committee. Point (iii) reflected the fact that local Members had an awareness of the topography of the District and had IT tools at their disposal to gain views of the specific site of Planning applications, so did not necessarily need to go on site visits.

Councillor Ian Allen expressed surprise at the content of the proposed motion and stated that the phrase 'draft and published Agenda' was confusing in the context of the other words 'prior to publication'. The Chairman and Councillor Palmer confirmed that the phrase 'prior to publication' had been deleted in the amended motion.

Councillor Stevens commented that, as Planning Committee was supposed to be non-political, it would have been nice if the Spokespersons for the Committee had been consulted on the motion. He considered that the principle of the motion was acceptable, but stated that caution was required since he understood that Call-in of an application appeared on the website and therefore interested parties would need to be made aware of any withdrawal, as they could be intending to attend the Committee to speak on the application. With regard to point (iii), Cllr Stevens had been informed of the history to this issue and would generally encourage all Members to attend site visits, but he did not believe that substitutes should be treated differently than Members of the Committee and agreed that if Councillors could not attend site visits, suitable geographic websites were available to view locations.

Councillor Sheila Friend-Smith spoke in support of point (ii), as she had not called-in an application since she had agreed with the recommendation, but then had no say in subsequent amendments to the application.

Councillor Gareth Wilson stated that he had been a Member of the Planning Committee for 12 years and regarded the proposals as useful tidying up amendments. He also believed that it was important for Members to attend site visits, but acknowledged that it may not always be possible for substitutes to do so, especially if they were requested to substitute at short notice.

Councillor Bill Hunt stated that the amendments seemed a commonsense approach and was glad that they were being supported by the other Groups.

Councillor Wright welcomed the motion but expressed concern that it needed the most senior Member of the Council to propose such a motion, to get Councillor control on the issues. He stated that 25 years ago there were few Officer delegations and no site visits. However, on the grounds of making the Council more efficient, limited delegations were introduced for simple applications. A senior Councillor at that time had stated that Members would regret such an approach which would set a precedent for the future. He had been proved correct and Councillor Wright believed that the entire range of delegations needed to be examined, and for Planning in particular, as the public expected Members to be involved in the decision-making processes of the Council.

Councillor Dupré expressed agreement with Councillor Wright's comments and stated that the motion was about the procedural dynamics of the Council. She supported point (iii) as websites giving street views could be used by a Member if they could not attend site visits. However, point (i) did not give greater Member control, but escalated it to another Officer in consultation with another Member. Point (ii) could result in the potential for behind the scenes influence on a Member to withdraw a Call-in, which would

be against the non-party political nature of Planning Committee. Therefore, Councillor Dupré asked for an assurance that this was not the intention.

Councillor Goodge commented that point (i) still gave the Chief Executive primacy rather than Members.

Councillor Ian Allen asked if the non-attendance of Councillors at site visits could be a reason for Legal challenge and the Principal Solicitor stated that this was unlikely to be the case.

The seconder of the motion, Councillor Schumann, thanked the majority of Councillors for supporting the motion and answered Councillor Dupré's comment on undue influence by stating that Councillors answered to their electorate to a greater extent than their Leader with regard to Planning matters. He believed that the motion was a matter of consistency, efficient management and continuity in the Planning process, to prevent Members, Officers and the public's time being wasted unnecessarily.

It was resolved:

On being put to the vote, the motion was carried.

(b) Employee Pay Protection

The following Motion was proposed by Cllr Gareth Wilson and seconded by Cllr Jeremy Friend-Smith:

*This Council feels that changing the redundancy rules while in the middle of a redundancy process is morally wrong and we wish ECDC to be regarded as a good employer.*

*We therefore instruct the Chief Executive to retain our existing policy for pay protection arrangements to two years for those staff who have accepted a reduction in their salary with changed conditions of employment in the restructuring set of proposals that have been introduced. Reducing the period from two years to one year is a fundamental change in our employment policy and it should have been discussed by all Members at a full Council Meeting and agreed before the redundancy procedure was started.*

Councillor Gareth Wilson in proposing the motion, stated that the Council was going through a difficult time with a large number of redundancies and some Officers accepting a lower salary. In the past, they would have received two years protection, which would have enabled them to get their finances in order. The Council now was asking several of the longest-serving members of staff to do this and many had said yes in the spirit of co-operation to implement the new structure in the interests of reducing costs to the Council and the residents of the District. However, the Council should not have changed the rules in the middle of the process and should be striving to be regarded as an excellent employer, which now was included as a corporate objective in the Service Delivery Plans. This was why the rules

should not be changed in the middle of the process and the Council should retain the existing policy of two years pay protection. This would not apply to a large number of people but some have very long service with the Council. The proposal would not cost the Council anything in the current financial year and only cost the Council a small amount of money in future years as follows:

2015/16 £31K  
2016/17 £21K

This modest sum would show a number of loyal staff that we were an excellent employer, improve staff morale, help prevent the loss of those staff and be worth the cost to maintain good employee relations.

Councillor Beckett requested clarification as to whether pay protection was part of the redundancy procedure or contract of employment of staff.

Councillor Bailey also clarified that the existing policy was now 1 years pay protection, as this had come into force. She stated that it was inevitable, as part of any large-scale redundancy process, that the Employer would have to consider existing policies to see if they were still appropriate for today's context. The pay protection policy had been reviewed and was considered to be out of date. People would not plan in advance for the eventuality of being made redundant and changing the redundancy policy was not morally wrong when there were wider issues to be considered at the time. These included the fact that people could be receiving an enhanced salary for a prolonged period for a post with a smaller range of responsibilities, whilst there may be other people undertaking a role with a similar level of responsibilities on a lower salary. So it was a matter of equality, fairness and proportionality. Pay protection was not found in the private sector and 1 years protection gave staff time to adjust to the lower salary level. This change in the policy had been subjected to a great deal of scrutiny and consultation and had first been raised in January when the Joint Consultative Committee and UNISON had been consulted. Any change would have significant cost implications and the Council had to strike a balance between providing an appropriate transitional period for staff, whilst supporting the principle of equal pay. This was why Councillor Bailey could not support the motion.

In response to Councillor Beckett's question, the Chief Executive reported that there were a number of relevant policies relating to staff and the staff affected would have revised contracts of employment which reflected the new pay protection position.

Councillor David Brown commented that this issue had been debated at Personnel and Corporate Services Committee already and voted against.

Councillor Pauline Wilson stated that the matter had not been decided by Personnel and Corporate Services Committee, as it had been implemented by the Chief Executive, but was merely part of a report for noting. Therefore, it was not possible to utilise the Call-in arrangements, since it was a decision of the Chief Executive. Councillor Pauline Wilson believed that this would be

grounds for an Employment Tribunal in the private sector on the basis of unfair dismissal. If Members supported the motion it would show that we were a good employer and improve staff morale. We should be putting our staff first.

Councillor Beckett asked for further clarity on the issue of the change to pay protection rules and contracts of employment. The Chief Executive stated that affected staff would have to sign new contracts of employment for their new posts which would state the revised pay protection of one year.

Councillor Bill Hunt stated that the Council was in difficult times and he understood that to staff their job was one of the most important things in their life and change was scary when people had commitments such as mortgages, etc. So the Council was showing that it was a caring employer by giving one years protection. £50,000 was not an insignificant amount of money and the Council had a commitment to the Council Tax payers of the District who probably would not have the same salary protection.

Councillor Palmer stated that he was concerned when people talked of morality as this meant different things to different people. The change had been the subject of extensive consultation and discussion since January, so was not something new.

Councillor Goodge stated that people with an old contract containing two years protection had a legitimate expectation that this should continue.

The Chief Executive stated that affected staff had a clear choice between accepting the new contract of employment or taking redundancy. Councillor Allen asked if all staff were now subject to the 1 year pay protection rule and the Chief Executive confirmed that this was the case.

Councillor Wright stated that Councillors were not employment law experts but the main part of the motion was the first sentence that stated it was morally wrong in terms of the timing of the changing of the rules.

Councillor Bailey reiterated that the consultation on the change to the pay protection policy ran concurrently with the redundancy consultation.

The seconder of the motion, Councillor Jeremy Friend-Smith, referred to the fact that you would expect the rules of a game to be the same at the beginning as at the end. There had been a number of redundancies and some staff were staying on to do a similar job at a lower salary. But the main change was the reduction in pay protection from two to one year. This should have been changed before the redundancy negotiations had been commenced.

In summing-up, Councillor Gareth Wilson reiterated his view that the sums of money were not substantial compared to the overall Budget and that the matter was about a moral principle. The previous motion had agreed Member involvement in the decision-making processes, but the decision on



pay protection was taken by the Chief Executive and not discussed by Members. Members should not abrogate their responsibility to staff in this way. The Council had been regarded as a good employer with accreditation such as Investors in People (IIP). But staff morale had seriously deteriorated in the past few months and we needed to get back to the positive position before the changes took place. The Council should protect its most loyal staff by retaining the policy of two years pay protection. That was why Councillor Wilson was asking Members to vote for the motion.

On a point of order, Councillor Bailey stated that the motion should be amended to 'previous' policy, as the pay protection policy had already been changed to one year.

A recorded vote having been requested on the motion, this was taken and declared to be LOST, with Members voting as follows:

**For (15)** Cllrs Allen, Austen, Beckett, Dupré, Fordham, J Friend-Smith, S Friend-Smith MBE, Goodge, Harris, Morrison, Stevens, Williams MBE, G Wilson, P Wilson and Wright.

**Against (18)** Cllrs Alderson, Allan, C Ambrose Smith, D Ambrose Smith, Bailey, Brown, Cornell, Edwards, Ellis, Every, B Hunt, T Hunt, Palmer, Parramint, Roberts, Ross, Rouse and Schumann.

**Abstention (0)**

It was resolved:

That the motion be declared to be lost.

30. **QUESTIONS FROM MEMBERS**

No questions were received.

*Councillors Rouse and Schumann left the meeting at 7.10pm and did not return.*

31. **POLITICAL PROPORTIONALITY & MEMBERSHIP OF COMMITTEES & SUB-COMMITTEES**

The Council received a report, P41, giving details of the revised political balance of the Council and the implications for the allocation of seats on Committees arising from the result of the Soham South By-Election on 19 June 2014.

It was reported that the Group Leaders had agreed to the ceding and gaining of places as follows in accordance with the revised proportionality calculations: the Liberal Democrats to cede a place on Licensing Committee to the Independent Group, the Conservative Group to cede a place on Regulatory and Support Services Committee to the Independent Group. Councillors Palmer and Wright then proposed the following changes to the

membership of Committees and Sub-Committees, etc, in accordance with the revised proportionality calculations:

Conservative Group – Councillor Alderson to be appointed to Commercial Services Committee and Councillor Ross to be appointed to Corporate Governance and Finance Committee.

Independent Group – Councillor Read to be removed from Corporate Governance and Finance Committee and Councillor Fordham to be appointed to Licensing Committee.

Councillor Gareth Wilson referred to a report to be submitted to the meeting of the Corporate Governance and Finance Committee on Monday 21 July 2014 regarding the re-establishment of the Hearings Sub-Committee/Panel to conduct any hearings required into potential breaches of the Members Code of Conduct by District and Parish Councillors. The Principal Democratic Services Officer explained that it was not unusual for a parent Committee to establish a Sub-Committee during the year and that the proportionality for the Sub-Committee and appointment of Members to the Sub-Committee could be considered by the parent Committee.

It was resolved:

1. That the details of the revised political balance of the Council, as set out in Appendix 1 of the submitted report, be noted.
2. That in accordance with the ceding and gaining of places agreed by Group Leaders in accordance with the revised proportionality calculations, the following changes be made to the membership of Committees and Sub-Committees, etc:

Conservative Group – Councillor Alderson to be appointed to Commercial Services Committee and Councillor Ross to be appointed to Corporate Governance and Finance Committee.

Independent Group – Councillor Read to be removed from Corporate Governance and Finance Committee and Councillor Fordham to be appointed to Licensing Committee.

The meeting concluded at 7.12pm.

Chairman.....

Date