

COUNCIL

5 NOVEMBER 2015 - 4:00PM



PRESENT: Councillor S Bligh, Councillor C Boden, Councillor G G R Booth, Councillor M Buckton, Councillor T R Butcher, Councillor S Clark, Councillor M Cornwell, Councillor S Count, Councillor S R Court, Councillor Mrs J French, Councillor D Green, Councillor A Hay, Councillor D Hodgson, Councillor Miss S Hoy, Councillor M J Humphrey, Councillor S J E King (arrived at 4:24pm), Councillor D Laws, Councillor D Mason, Councillor Mrs K F Mayor, Councillor A Miscandlon, Councillor P Murphy, Councillor D C Oliver, Councillor C C Owen, Councillor C J Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor M Tanfield, Councillor G Tibbs, Councillor S Tierney, Councillor F H Yeulett.

APOLOGIES: Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor J F Clark, Councillor D W Connor, Councillor Mrs C R Cox, Councillor M Davis, Councillor S Garratt, Councillor Mrs F S Newell,

36/15 TO CONFIRM AND SIGN THE MINUTES OF THE MEETING OF 17 SEPTEMBER 2015.

The minutes of the meeting of 17 September 2015 were agreed and signed.

37/15 CIVIC ENGAGEMENTS UPDATE - FOR INFORMATION ONLY

Councillor Mrs Mayor updated Members on the Civic Engagements undertaken by herself and the Chairman since the last Full Council.

38/15 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Chairman's Annual Coffee Morning - Councillor Mrs Mayor thanked Members who supported the coffee morning in aid of Macmillan Cancer Relief; the event was a roaring success due to the generosity of Councillors, staff and the community with £480.47 raised in aid of this good cause.

Chairman's Christmas Carol Service - Councillor Mrs Mayor reminded Members that the Chairman's Christmas Carol Service was taking place on Sunday 13 December at 3pm at St Peter's & St Paul's Church, Wisbech. All Members were welcome to attend.

Fenland In Bloom - Councillor Murphy thanked the Chairman for allowing him to speak and stated:

The Fenland in Bloom and Street Pride groups have been working across the district improving town and village streetscapes for over a decade now. Spurred on by entering the Anglia in Bloom competition over the years, these groups have undertaken many community enhancing projects and given thousands of hours in volunteer time. 2015 has seen another successful year for the groups, with many winners and special awards coming to Fenland. This is due to the fantastic work carried out, not only by the In Bloom groups, but also by the partnership of the In Bloom groups working closely with local schools, the community payback team, Streetpride groups and the teams within Fenland District Council.

Our standards this year were very good and our tally of awards was impressive:

Villages - Parson Drove - Silver Gilt

Small Towns - Whittlesey and Chatters - both Silver Gilt

Large Towns - March - Silver Gilt, Wisbech - Gold

Urban Communities - Waterlees - Silver Gilt

Large Parks - West End Park, March and Wisbech Park - both Silver Gilt

Medium Parks - St Peters Church Gardens, Wisbech - Gold

Cemeteries - New Road in Chatteris, Eastwood in March and Mount Pleasant in Wisbech - all Silver

Churchyards - St Peters Churchyard, Chatteris - Silver Gilt

We also received:

- 15 Special Award Nominations resulting in the Best Young Persons Project (12 to 18 years of age) being won by The Royal British Legion Youth Members of Chatteris
- 2 Green Flag Awards - St Peters Garden and Wisbech Park

Councillor Murphy thanked, on behalf of Fenland District Council, and himself for all the time and effort put into this, and the community (because with them this would never have happened).

Councillor Murphy then invited the following to accept their trophies and congratulations:

Brian Massingham and Penny Stocks of Wisbech in Bloom - Gold winners for Best Large Town

Bridget Holmes of St Peters Church Friends Group, Wisbech - Gold winners of Best Medium Park and also the Green Flag Award

Sue Beel of The Friends of Wisbech General Cemetery - Gold winners of Best Cemetery

Staff Update - The Chairman introduced and welcomed Nick Harding, the new Shared Head of Planning to the Council.

39/15 TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.

Under Procedure Rule 8.4, the Leaders of the Main Opposition Groups put their questions to the Deputy Leader of the Council as follows:

Councillor Mrs Bucknor was not present at the meeting.

The Leader, Councillor Clark was not present at the meeting due to being taken home ill just before the meeting commenced.

Councillor Booth stated he had forwarded his questions earlier to the Leader and hoped that Councillor Sutton as Deputy Leader would be able to answer them. Councillor Sutton stated he would do his best but that it might be easier for the lengthy answers to be circulated after the meeting.

Councillor Booth asked:

- Following the appointment of Balfour Beatty to undertake maintenance of the District and Parish Council lighting stock, could it be confirmed how many columns and what cost has been incurred for the replacement of District Council lighting columns? Councillor Sutton responded stating that in 2013/14 ten Cat 1 street lights were replaced at a cost of £10,811.10 and in 2014/15 sixty-three were replaced at a cost of £71,988.60. This year Balfour Beatty have identified a further twenty-seven of which a quotation is being awaited prior to an order being placed.

- Of the District Council lighting columns that have been replaced, what level of detail has been provided by Balfour Beatty and has detailed information been provided as to what reason each lighting column needed to be replaced? Councillor Sutton stated that this involved a lengthy answer; he was happy to read it out but thought that it would be more beneficial to be circulated after the meeting. Councillor Booth stated he would like the answers in writing but his concern was due to the issue of the parish council street lighting and he wondered if the District Council were receiving the same level of service from Balfour Beatty as the parish councils were and as a District Council, were those decisions being made based upon limited information, the same as the parishes were. Councillor Sutton stated that the answer in writing would address these issues.
- Can an update be provided on when detailed information of why each of the individual category 1 & 2 street lighting columns will be provided to Parish Councils explaining the specific reason why they need replacing? Councillor Sutton stated a written response would be provided.
- Regarding the action on energy within the Portfolio Holder briefing report, it stated that "Climate Energy" the provider has been placed into administration. Can it be confirmed what will happen for 133 Fenland residents who have paid a deposit as the report is ambiguous, will they get their money back and what support will be provided by the Council, what involvement did the District Council have in the scheme and what due diligence was completed on this company that has now gone into administration? Councillor Sutton stated he had a lengthy response and it would be circulated to all Members after the meeting. Councillor Booth asked for a summary answer to which Councillor Sutton stated that "Climate Energy" was a private company and there were six other local areas involved and the detail would be provided within the written response. Councillor Booth stated that the situation regarding responses to his questions was not ideal and he was concerned that Fenland residents had paid money out to an organisation that they may not receive back.

40/15 TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.

Under Procedure Rule 8.2, Members put questions to Portfolio Holders as follows:

- Councillor Booth asked Councillor Sutton regarding the progress reported provided on the Cambridgeshire-wide Flood and Water Supplementary Planning Document and stated that concerns had been raised regarding the option of SUDs being managed by private management companies when planning permission is granted? Will the SPD allow this option or are the council willing to include in the policy that SUDs should be managed by Internal Drainage Boards. This would give more public accountability over the management of these resources. Councillor Sutton responded stating the SPD was a County Council issue supported by the local districts; the SUDs are a process of dealing with surface water (usually rainfall) at source by mimicking natural drainage and reducing flood risk. They have multi-functional benefits including improving water quality. The draft SPD which has just been through public consultation discusses the adoption and maintenance of SUDS and recommends that a statutory organisation takes on this role as this will guarantee maintenance of the drainage system in perpetuity. In terms of a comprehensive approach to SUDS management, in simple terms it is really early days and the nature and future maintenance options will depend on the nature of the SUDs being proposed and what options are available. There is no indication at present that the IDBs or any other publically accountable bodies will be willing to become responsible for SUDs in the future. This is very much a current topic and Cambridgeshire County Council as the Lead Local Flood Authority and the statutory consultee for SUDs proposals are in on-going discussions with the LPAs and the various drainage bodies to achieve the best outcomes. At the moment there are pros and cons for every option of which organisation is best to do

most of the adoption. Whilst a public or statutory body would be the preferred option, in principle a management company is one of the options open to a developer which is acknowledged in the SPD and this would need to be taken into consideration in any final SUDS approval which would be backed up by a S106 Agreement.

- Councillor Tierney asked Councillor Oliver for an update with regard to Constantine House. Councillor Oliver stated that the owners of Constantine House have not complied with the Section 215 to complete the necessary works by 26 October and did not exercise the right to appeal the Notice therefore Legal were now pressing ahead with a prosecution. A summons was sent to the owner on 3 November requiring them to attend Court with the date of the first hearing set for 2 December 2015 at 10am at King's Lynn Magistrates Court. This building is recognised as being significant and a key building in Wisbech and it is important to remember that it is privately owned and full responsibility for repair rests with the owners. Over a long period of time Fenland has done its utmost to work with the owners, as it does with all dilapidated buildings; all efforts have been directed at finding the best and most effective way to get the required repairs completed. Despite a large amount of hard work from Council officers Fenland has not been able to get the owner to finish the works and will now have to wait for the legal process to take its course but still hope that the owner will comply with the notice.
- Councillor Hodgson stated that a year ago he had met with Alan Pain and Graham Nourse regarding the information leaflet for planning permission to work from home and asked Councillor Sutton when this would be reviewed. Councillor Sutton responded stating as agreed officers have reviewed for the existing leaflet policy guidance for 'working from home' which provides basic guidance to small business operators as to whether planning permission is required for their business. For instance, limited business operations such as a small scale child care business may be able to operate from a residential property as permitted development. The content of the current guidance note has been re-assessed against national guidance and that provided to the public via the planning portal. The guidance note is considered to remain consistent with the national advice offered and as such it is not felt necessary to alter this guidance.
- Councillor Hodgson stated that the new indoor bowls club in Wisbech had formed a new committee and decided that they should have a representative from Fenland District Council and Wisbech Town Council and therefore asked Councillor Tanfield if this could be added to the outside bodies list. Councillor Tanfield responded stating that during their recent discussion it was not thought that a Fenland District Council representative would be very helpful over the first few months but this would be looked into and would advise him accordingly.
- Councillor Hodgson stated that there are now flag signs in Wisbech that point to the Information Centre and that the brown signs will now be revised too. There is a tourism sign up in front of the Wisbech One Stop Shop which lead tourists into the One Stop Shop rather than the Information Centre and therefore asked Councillor Tanfield if this could be taken down. Councillor Tanfield responded stating she had spoken to the relevant officers and this sign would be taken down.
- Councillor Humphrey asked if the responses to Councillor Booth's earlier questions could be shared with all Members to which Councillor Sutton stated they would be circulated to all Members.
- Councillor Mrs French stated that the report quoted 57 HMOs had been inspected in Wisbech but with no further detail and therefore asked Councillor Oliver if further details could be provided in future to allow Members to be aware to which Councillor Sutton replied stating this could be provided
- Councillor Mrs French stated that prior to anything appearing in the local press regarding the Syrian refugee Update could Members be made aware of any progress made on this and/or if Refugees will be taken in within the district to which Councillor Sutton stated he would endeavour to ensure this happened.
- Councillor Tierney stated he was dismayed that some Members have used public forums outside of the Chamber to suggest that the lack of progress with regard to dilapidated

buildings was down to a lack of political will, which he thought was an unfair comment and therefore he used the opportunity at the Members Forum to ask officers if this was the case to which officers stated this was categorically not the case and he therefore asked Councillor Sutton if he would agree that if Members outside of the Chamber wished to repeat this in the future then they would not just be making a political statement but also directly calling officers liars. Councillor Sutton thanked Councillor Tierney for his comment and stated he was correct; social media could be a great tool but this was the bad side of social media. Councillor Mrs French stated she was glad that Councillor Tierney had brought this up as she had read this and thought it was appalling that Members were calling officers liars and if it happened again she would take a snapshot as evidence.

- Councillor Booth asked Councillor Murphy when the plan regarding requiring a further bin collection round versus housing development growth likely to be completed and would it form part of the CSR to which Councillor Murphy responded stating that 70 properties would be altered this year but next year a round review would be carried out which would affect further properties.
- Councillor Booth commented that Connecting Cambridgeshire had stated that broadband would be installed by December and therefore asked Councillor Seaton when this would be completed for Parson Drove and Wisbech St Mary ward. Councillor Seaton stated this was Councillor Oliver's expertise and Councillor Oliver responded stating he had been told that the majority of the work should be finished by December but he would look into this and come back to him in writing with a definite answer.
- Councillor Booth stated he had several questions regarding street lighting and asked Councillor King if he could confirm what page TR22 Managing a vital asset: Lighting Supports; it sets out the timescale for action relating to replacement of category 1 and 2 street lighting. Councillor King thanked Councillor Booth for the prior notice of his questions and explained that these were technical questions he was unable to answer personally but he had collated some information and if Councillor Booth required further information then he would happily come back to him at a later date. He explained that the contractor used was Balfour Beatty who have used the principles within the TR22 in assessing the different conditions of the various street lighting columns and these findings have been summarised into a more simplified categorisation method based on the TR22 model and Balfour Beatty are a fully accredited street lighting contractor and have recommended appropriate remediation periods in order to bring the street lighting up to date therefore there is not a page in the TR22 however this does not mean that Balfour Beatty have not applied the same principles in assessing the condition of the columns. Councillor Booth stated that he had suspected what he had suspected after having read the lengthy document that there was not specified timescales and it was on an individual basis therefore he asked if there was a Risk Management Strategy Model held by the District Council as the Operating Authority for replacement of its own street lighting and Parish Council street lighting stock and would this be shared with Parish Councils when consideration was needed as to when street lighting needed to be replaced. Councillor King responded stating that a Risk Management Strategy Model had not been used for the replacement of the street lighting or the recommendation for the Parish Council Street Lighting, however, due to the age of the columns, the condition survey was essential in order to inform the replacements; the TR22 was the basis upon which Balfour Beatty assessed the columns. Councillor Booth stated that was the answer he was expecting but not the one he was hoping for, he stated that it appeared that they had "picked and chosen" as it did state having a strategy in place.
- Councillor Booth asked if Fenland District Council held information on the following criteria for individual street lighting columns - current age, action age, certified guarantee period and scaling factors from risk assessments and would this be passed to Parish Councils. Councillor King responded stating that this information was not held but it was very important to remember that Fenland was the commissioner of the works and not the people that did the assessments, that was down to Balfour Beatty and their expertise. He suspected that Balfour Beatty did use a Risk Management Model in order to assess the

street lights but this would not necessarily be shared with the Council as it was the Council that was commissioning the work from them.

- Councillor Booth asked Councillor King in relation to arrangements with Balfour Beatty for maintenance of street lighting, were the specifications for replacement and maintenance the same as those used for PFI contract in place with the County Council and were the standards used for highway lighting the same as those required for footway lighting. Councillor King responded stating the maintenance standard was exactly the same for the PFI contract, however, the design standards for highway lighting are not the same as for footway lighting; there are differences in terms of height, column spacing and speed of vehicles etc and these are assessed according to the type of road whereas footway lighting is designed for a specific purpose.
- Councillor Booth stated that the principles set out in TR22 stated having a strategic model that was agreed with the operating authority, which would be the District Council and it appeared to him that the District Council had not gone through this process of determining when it would be appropriate because TR22 mentions the spreading out of the maintenance schedule over how long money is available as opposed to just three years therefore he asked Councillor King for assurance that going forward this model would be used because presently the District Council are not challenging Balfour Beatty as they do not engage with the District or Parish Council regarding the amount of money available and over a time period that is possible. Councillor Booth suspected that if the Councils engaged with Balfour Beatty then this could be approached in a more pragmatic manner instead of stipulating a deadline of three years, instead it could be planned over a longer period of time to create less of a financial impact on the Councils. Councillor King stated that Councillor Booth had raised some good points and reiterated that the starting point had been the survey of street lights and because street lights have a certain life span, which is usually considered 25 years, obviously a number of lights did require replacing. However, the data that Councillor King had provided to the Parish Councils showed that the three years commenced from the start of the inspection therefore they did not all have to be replaced in three years, just three years from the date of inspection which was the advice from Balfour Beatty. Councillor King stated he was happy to go back to Balfour Beatty to see if further information was available but the lights are the property of the Parish Councils and it is the Parish Councils' decision as to when these are replaced; Fenland District Council has replaced the ones that were identified as category 1 and in need of imminent replacement; but for category 2 lights, the decision was down to the Parish Councils but he was very happy to try and facilitate further discussions with Balfour Beatty and the Parish Councils. Councillor Booth stated that Parish Councils would definitely appreciate that and with regard to the replacement within three years, which was Balfour Beatty's suggestion, but according to the TR22 three years was not set in stone and therefore a more practical approach was needed as to when each individual column would need replacing. Councillor King stated he would ask Balfour Beatty the questions that Councillor Booth had raised.
- Councillor Booth asked if the answers to his questions could be circulated in writing to all Members to which Councillor King confirmed they would be.

41/15 ANGLIA REVENUES PARTNERSHIP (ARP) - MOVING TO A SINGLE MEMBER JOINT COMMITTEE

Councillor Seaton presented the Anglia Revenues Partnership (ARP) - Moving to a Single Joint Member Committee Report.

The item was proposed by Councillor Booth and seconded by Councillor Sutton.

It was AGREED that the Anglia Revenues Partnership should comprise of one Member per Authority, with two substitutes and the option of one of the substitutes to attend Joint Committee Meetings and take part in debate (but not vote).

42/15 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – MEMBER CONDUCT

Councillor Miss Hoy presented the Amendments to the Council's Constitution - Member Conduct Report.

The item was proposed by Councillor Seaton and seconded by Councillor Boden.

It was AGREED that:

- **The recommendations of the Conduct Committee be endorsed to amend the process for the handling of initial complaints in relation to member conduct;**
- **The Monitoring Officer be authorised to make those amendments as suggested in Appendix A of the report to Conduct Committee annexed to the report to the Constitution.**

43/15 REVIEW OF MEMBERS' ALLOWANCES SCHEME

Ged Dempsey, Chairman of the Independent Remuneration Panel presented the Review of Members' Allowances Scheme Report.

Ged Dempsey presented the recommendations of the Independent Remuneration Panel (IRP) to Members stating:

The IRP comprises of three independent Members who met on a number of occasions before formulating the report and recommendations before Members today. He thanked all the Councillors who had provided information or attended the interviews on Members' Allowances. The panel were impressed with the passion and commitment of all the Members involved and the manner in which they put their local residents first. The panel received a full range of views and information and these were considered in great detail and this was invaluable in formulating the recommendations. The panel also considered the range of further information which included looking at allowance levels in neighbouring authorities, government regulations with regards to the allowances scheme and the outcomes of previous reviews in 2011; the panel also received some very helpful training to understand the legislation and the panel reviewed best practice. The report before Members shows the IRP's recommendations and the rationale to support them. The panel have been able to recommend retaining the basic allowance with it's current level as well as some amendments to several special responsibility allowances.

Ged Dempsey added a personal thanks to the assistance that the panel received from Carol Pilson, Jane Webb and Geoff Kent; their support was invaluable, they were available at the drop of an email or a phone call and the panel were very grateful of their support. He also thanked his fellow panel members - Ian Ramshaw and Rosemary Green for their support in bringing the report forward to commend to the Council.

The Item was proposed by Councillor Booth and seconded by Councillor Mrs Hay.

Councillor Mrs French stated that the last review was adopted in 2011 and therefore she would expect that these recommendations would come into effect, if agreed, in November 2015, why wait another six months. The Chairman stated that when a new scheme is adopted it has to be implemented from the new financial year unless the Independent Remuneration Panel states differently.

Councillor Booth commented that a further review had been requested in two years' time, yet he thought that legislation stated that there should be one review every four years and did not think a

review in two years' time was appropriate. Carol Pilson, Monitoring Officer, stated that Councillor Booth was correct and the statutory minimum was that Members' Allowances should be reviewed every four years but within the scope that was agreed in May, the panel were asked to pass comment on how frequently the Allowances Scheme should be reviewed and the Panel were of the view that it should be reviewed in two years' time to take account of any changes. Carol Pilson stated that Members only had to have regard for the recommendations and if it is the wish of the Council that it should not be reviewed for another four years, then that decision could be taken today.

Councillor Booth stated he wished to propose an amendment that a review be held in four years' time instead of the two years suggested.

The motion was not seconded and therefore fell.

It was AGREED that:

- **The Council has regard for the recommendations of the IRP in formulating a Members' Allowance Scheme, to come into effect from 1 April 2016 and authorises the Monitoring Officer to make such typographical amendments as are necessary to produce clean text copies of the Constitution.**

The recommendations include:

- **Members acknowledge receipt on behalf of the Authority of the Independent Remuneration Panel's report.**

Basic Allowance

- **The Basic Allowance to remain at the current rate of £4,677.**

Special Responsibility Allowances (SRA)

- **SRA payments to remain at the current rate with the following exceptions:**
 - **The higher and lower allowances for the Cabinet to be replaced with one consistent allowance for all Cabinet Members of £8,500;**
 - **The allowances for the Chairman of Overview & Scrutiny and Chairman of Planning to be reduced slight from £8,148 to £8,000;**
 - **Delete the allowances for the Vice Chairman of Overview and Scrutiny and Vice Chairman of Planning;**
 - **The allowance of the Main Opposition Group to remain the same however in the scenario that there is more than one Group Leader that qualifies for this allowance, the allowance will be provided in full to each Main Opposition Group Leader and not split;**
 - **The allowance for the Other Opposition to be reduced to £2,000. In the event there is more than one Group Leader who qualifies for this allowance, the allowance will be split equally between the Group Leaders;**
 - **The levels of Special Responsibility Allowances to be set as at 5.11 of the report;**
 - **SRA Payments to stay the same throughout the period these allowances apply;**
 - **SRA Payments to be limited to 1 per Member**

Co-Optees' Allowance

- Co-optee's allowance to be reinstated at a rate of £500 per annum.

Travelling and Subsistence

- Travelling and Subsistence rates to remain the same as now.

Dependents' Carers' Allowance

- Rates and criteria to remain the same with the additional clause, "Individual arrangements can be made with the Council via the Leader of the Council and Monitoring Officer for flexible financial arrangements for Dependents' Carers' Allowance which would not exceed the payments made under the current criteria, reflecting the individualising of social care packages nationally."

Backdating Allowances

- The Council's new Members' Allowances Scheme to be effective from 1 April 2016

Annual Adjustment of Allowances

- To remove the indexation of Members' Allowances to employees pay awards. For allowances to increase by 1% per year from 1 April 2017-1 April 2019, however not exceeding employee pay awards. In the event employee pay awards are less than 1% from 1 April 2017, Members' Allowances increases will match those of employees. However Special Responsibility Allowances will not be reviewed or uplifted each year

Independent Person and Deputy Independent Person

- Rate to remain the same

Pensions

- To remove reference to Pensions as the law has changed which means Councillors are not eligible to enter the Local Government Pension Scheme.

Equipment and Associated Consumables

- To update this section to reflect the recommendations of Overview and Scrutiny and decision of Cabinet regarding Councillors becoming paperless.

Future Review

- The next review of Members' Allowances to take place no later than 2 years from the date of this meeting.

5:00pm

Chairman