

COUNCIL

12 MAY 2016 - 4:00PM



PRESENT: Councillor S Bligh, Councillor C Boden, Councillor G G R Booth, Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor M Buckton, Councillor T R Butcher, Councillor J F Clark, Councillor S Clark, Councillor M Cornwell, Councillor S R Court, Councillor Mrs C R Cox, Councillor M Davis, Councillor Mrs J French, Councillor S Garratt, Councillor A Hay, Councillor D Hodgson, Councillor Miss S Hoy, Councillor M J Humphrey, Councillor S J E King, Councillor D Laws, Councillor D Mason, Councillor Mrs K F Mayor, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D C Oliver, Councillor C C Owen, Councillor R Skoulding, Councillor W Sutton, Councillor M Tanfield, Councillor G Tibbs, Councillor S Tierney, Councillor F H Yeulett.

APOLOGIES: Councillor D W Connor, Councillor S Count, Councillor D Green, Councillor C J Seaton

1/16 TO ELECT A CHAIRMAN OF THE COUNCIL FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £3,850 PLUS TRAVELLING EXPENSES TO BE PAID TO THE PERSON ELECTED.

It was proposed by Councillor Sutton and seconded by Councillor Tanfield and **resolved that Councillor Mrs Carol Cox be elected as Chairman of the Council for the period to the next Annual Meeting and that she be paid an allowance of £3,850 plus travelling expenses.**

The Chairman made her Declaration of Acceptance of Office and addressed the Council. Councillor Mrs Cox thanked Members for re-electing her and stated it was a great privilege to be able to continue for another year; she had very much enjoyed the past year and had received excellent support from the Vice-Chairman Mrs Kay Mayor. The Chairman stated it had been most enjoyable as they had been to extensive outings, services and events, met some lovely people, had always been made welcome and she looked forward to carrying out these duties for another year.

2/16 TO ELECT A VICE-CHAIRMAN OF THE COUNCIL FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £940 PLUS TRAVELLING EXPENSES TO BE PAID TO THE PERSON ELECTED.

It was proposed by Councillor Sutton and seconded by Councillor Tibbs and **resolved that Councillor Mrs Kay Mayor be elected as Vice-Chairman of the Council for the period to the next Annual Meeting and that she be paid an allowance of £940 plus travelling expenses.**

The Vice-Chairman made her Declaration of Acceptance of Office and addressed the Council. Councillor Mrs Mayor thanked everyone for their support and stated she would continue to support the Chairman for the forthcoming year.

3/16 TO CONFIRM AND SIGN THE MINUTES OF THE MEETING OF 25 FEBRUARY 2016

The minutes of the meeting of 25 February 2016 were agreed and signed subject.

4/16 **CIVIC ENGAGEMENT UPDATE - FOR INFORMATION ONLY**

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

5/16 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

TWINNING VISIT - The Chairman informed Members that Fenland would be visiting Nettetal as part of the Twinning Partnership. The visit will take place between 8 and 12 September 2016 and should Members be interested in attending the visit she asked them to liaise with Councillor Cornwell accordingly.

CIVIC RECEPTION - The Chairman confirmed to Members that she was holding the Chairman's Annual Civic Reception on Friday 22 July 2016; Members would receive their invitations in due course.

INVESTORS IN PEOPLE (IIP) - Paul Medd, Chief Executive announced that Fenland District Council had received Investors in People (IIP) re-accreditation. The Council was recently reassessed against the National IIP framework. This involved the external IIP Assessor interviewing a representative sample of staff from all services across the organisation. Whilst the assessor recognised that, in line with other councils, Fenland has continued to make challenging on-going efficiency savings, she also recognised that the Council continued to perform within the top quartile of District Councils. The assessor's feedback highlighted that the organisation had managed to retain staff and had motivated them to continue to deliver high quality services to Fenland residents. The assessor was impressed with this continued approach despite the financial need to streamline processes and become more efficient. Importantly, staff are proud to work for Fenland District Council and enjoy the work they do, in delivering Members' priorities for local people and businesses.

MJ AWARDS COMMENDATION - LOCAL AUTHORITY OF THE YEAR - Paul Medd, Chief Executive stated he was delighted to announce that Fenland District Council had been commended in the 'Local Authority of the Year' category for the 2016 MJ Awards. Over 500 councils submitted entries this year so it was a real achievement that the hard work of both Members and officers at Fenland had been recognised. The Council were challenged to show that it was delivering sustainable savings whilst continuing to deliver high quality services for local people. We were able to demonstrate that we have achieved over £8million of savings since 2010; successfully meeting the austerity challenges posed by Central Government, whilst largely protecting important frontline services. As Members would be aware, the hard work undertaken on the Comprehensive Spending Review continues to build on this, ensuring the Council remains fit for the future. Obtaining this positive national recognition helps to further raise the profile of the Council and demonstrates a successful track record of delivery, which promotes Fenland's best interest in conversations with Government and when pursuing external funding. Apart from some minimal officer time in writing the submission, this positive recognition had not incurred any costs to the Council.

6/16 **MEETINGS OF THE COUNCIL TO DETERMINE THAT:**

(1) THE ANNUAL MEETING OF THE COUNCIL IN 2017 BE HELD ON THURSDAY 11 MAY;

(2) THE ORDINARY MEETINGS OF THE COUNCIL IN 2016/17 TO BE HELD AS FOLLOWS:

THURSDAY 21 JULY 2016;

THURSDAY 15 SEPTEMBER 2016;

THURSDAY 3 NOVEMBER 2016;
THURSDAY 15 DECEMBER 2016;
THURSDAY 23 FEBRUARY 2017.

The suggested dates for the meetings of the Council were proposed by Councillor Yeulett and seconded by Councillor Sutton and agreed by Members.

7/16 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 Leader as follows:

Councillor Booth stated the Council had recently released informal guidance for developers when conducting community engagement exercises for rural parishes and asked if the Leader could confirm what weight would be given to the evidence provided through these exercises. Councillor Clark responded stating the material was informal guidance which was produced in response to the number of questions the Council were getting from applicants and developers about what they needed to do to undertake a satisfactory community consultation exercise. This was informal guidance which supported the adopted policy which had been in place since May 2014 and had been shared with the Developer's Forum. The informal guidance was therefore there to assist applicants in meeting the policy requirements of the Local Plan. When assessing applications, the planning team will be ensuring that a satisfactory community consultation has taken place which achieves this element of the Local Plan.

Councillor Booth asked the Leader if he could confirm what democratic oversight had been taken when considering the informal guidance and could he confirm why no consultation had been undertaken with Parish Councils. Councillor Clark stated that the informal guidance was developed and agreed with the Portfolio Holder for Planning following requests from applicants for more information on what they needed to do to undertake a satisfactory community consultation exercise. It was also shared with the Developer's Forum. The Council were currently in the process of reviewing the guidance and would anticipate that as part of that, the Parish and Town Councils would be consulted. Councillor Booth stated he believed that Wisbech St Mary Parish Council had written to both the Leader and Steve Barclay MP regarding the guidance and have requested a meeting; the Leader confirmed he had received a letter from them.

Councillor Booth asked if the Leader could confirm if all Category one Parish street lighting had now been replaced and all connections completed; could he provide an update on the tender process for street lighting maintenance and had Cabinet considered the request for a new survey as part of the tender process, following the meeting between Councillor King and Parish Councils regarding the concern on accuracy of Balfour Beatty survey information. Councillor Clark stated that a number of questions had been raised by Councillor Booth in respect of Parish street lighting relating to the maintenance arrangements, condition surveys and category one defective light replacements. The previous arrangement for maintenance with Balfour Beatty expired on 31 March 2016. FDC Officers have been negotiating with Balfour Beatty in respect of a possible new arrangement but also investigating alternative options. In order to ensure continuity of service and to allow the options to be fully assessed, a three month agreement has been put in place with Balfour Beatty which runs until the end of June 2016. It should also be noted that the Member agreed Comprehensive Spending Review option to 'turn off some District street lights' is influencing this exercise and is intended to be incorporated in the options appraisal. With regard to the condition survey, the Leader reiterated that Balfour Beatty were the County Council's PFI street lighting provider for the whole of Cambridgeshire and as such are fully qualified and competent to undertake this survey. Additionally, many of the CAT2 street lights are 25 to 50 years old and well past their design life. As such there was no proposal to undertake a new

survey. Finally, the 77 originally identified category one lights have all been completed, including connections. There remains 70 lights identified and subsequently agreed for replacement to be actioned, for which this work was being taken as a priority. Councillor Booth commented that it had been agreed on a number of occasions that the quality of the information from Balfour Beatty had been woefully lacking and when additional information had been requested then the same information was received. Councillor Booth commented regarding design life stating this did not necessarily mean that the street lights needed replacing; the Parish asked Skansa to carry out a sample survey and it was found that a number of the lights that Balfour Beatty had stated were not up to scratch Skansa had stated had another 6 year life span therefore the information provided by Balfour Beatty versus another qualified provider were at odds and this called into question the accuracy of the data. Balfour Beatty have stated that certain lights need replacing when they did not exist in the location and had not for a number of years. Councillor Clark agreed that Balfour Beatty could have carried out a better job but the Council were consulting other providers and with regards to the life cycle of the lamps; he would come back with a reply later; he stated he was informed earlier today that one Parish reported that Balfour Beatty gave a survey on two lights that were not even in the village although that village had now found an extra street light. Councillor Booth stated this was the point he was trying to make and stated that whoever took over the maintenance of the lights following the tender process; he was of the opinion that they needed to conduct a full survey and work with the Parishes to produce a maintenance schedule because at the moment the information was of poor quality and there was a need to work together to determine whether there was a need to replace the street lighting as he did not think that some of them needed replacing; it needed to be planned over a longer period in order that it did not hit council taxpayers. Councillor Clark agreed with Councillor Booth's comments and stated a lot of lessons had been learnt and still more to be learnt and hopefully going forward the Council could improve.

Councillor Booth asked the Leader if he would be willing to give a commitment that any final decision on the proposed Selective Licensing Scheme be referred back to Full Council, instead of the decision being taken by Cabinet. At the recent Member Seminar there were a high number of concerns raised on the proposals being submitted. Councillor Clark stated this was an executive decision and therefore would be made by Cabinet. However, to ensure that Members were fully engaged, he confirmed that a further Member Seminar and discussion would be held prior to any decision being made by Cabinet and before any submission to the Secretary of State in relation to this matter. Councillor Booth explained he raised this question because he had been contacted by a resident within his ward who was a landlord and would be effected by this issue and he was concerned to hear that Councillors would not get the final say on the scheme and only a proportion of Members would get to vote and his view was that as elected representatives Members should be voting on the Scheme because of the impact it would have. There were a number of potentially unintended consequences from introducing the Scheme therefore Members needed to really carefully consider which was why he proposed that this should come back to Full Council for that debate to take place. The problem with the Member Seminar was that it was not in the public domain and he believed the public wanted to know what the discussions were and how the Council had voted. Councillor Clark explained the process was still on-going and Fenland, although represented businesses, it also represented people who cannot best represent themselves therefore it was a question of weighing up the process and he would be held accountable to the decisions made by Members therefore he would let it run its course.

Councillor Humphrey asked for clarification as Councillor Booth stated it was from his ward and his understanding was that the Selective Licensing Scheme was for Wisbech only. Councillor Booth explained that a resident of his ward owned a property that he let out within Wisbech and he suspected this would be the same for many Members across the whole of the district.

Councillor Mrs Bucknor thanked officers very much, across all levels, for ensuring that Community House would remain open for at least another year. They did a lot of work for this and she was thankful as it had made a difference to a lot of people; she also asked for her thanks to be sent to

Roddons who she assumed planned to continue free renting of the property.

Councillor Mrs Bucknor stated she was disappointed that not all County Council Members were present due to the issue of the closure of Doddington Hospital. Whilst it did not come within this Council's remit, she had received advise that the radiology unit was closing and would appreciate it if Fenland could send a strong letter of support stating the importance that it remained ; this was extremely worrying for so many people. Councillor Clark asked if Councillor Mrs Bucknor could pass this onto him via an email he would then follow it up and give his support as Fenland did not want to lose these facilities.

Councillor Mrs French stated that the MP had today guaranteed that the unit was safe for 12 months. Councillor Owen stated he was very concerned as March would be greatly affected by the proposals regarding Doddington Hospital irrespective of the email that Councillor Mrs French had just referred to. He hoped that Fenland would protest as a Council most strongly about the closure of the outpatient clinics at Doddington Hospital forthwith now and in 12 months' time, as Councillor Mrs French had informed Members, the x-ray department would be lost. The Chairman, Councillor Mrs Cox stated she had been advised that this was not the appropriate time to raise this issue. Councillor Cornwell explained he believed there was a risk to the radiology section and the future of not only Doddington Hospital but also the Queen Elizabeth Hospital in Ely. It had been announced this morning that there was a stay of execution for 12 months as Cambridgeshire Community Services, the current provider of the patient services at both locations had agreed to extend the contract for one year to give the CCG time to properly contract out.; this was being monitored very carefully. All issues were up for re-examination and revisiting; there was a lot of work being carried out and Fenland was involved in the periphery and were therefore aware and ready to call it in via the County Health Committee if necessary. He assured Members this was being monitored and not being ignored as local services were needed for the people of Fenland.

Councillor Mrs Davis added that there was a meeting scheduled for next Friday that would be hosted by Steve Barclay MP and would include invitations to all GPs in the area, all Chairmen of the PPGs and local councillors.

Councillor Mrs Bucknor stated that Fenland had made severe cutbacks and Councillors' priority was to protect frontline services however she was concerned with a number of reports she had received regarding acute staffing levels within the Council and it would appear that Fenland was now top heavy with management. She stated she would like to receive a breakdown of staff by department to enable her to have her assurances swayed on this. Councillor Clark stated he would look into this and come back to Councillor Mrs Bucknor. Councillor Booth asked if this information could be shared with all Members to which Councillor Clark confirmed it could be.

Councillor Mrs Bucknor asked if the Leader shared Councillor Tierney's view that she should be ashamed of supporting the current proposal for the Selective Licensing Scheme. Councillor Clark stated he was sure that Councillor Mrs Bucknor would not expect him to comment on this.

8/16 MEMBERSHIP OF COMMITTEES, PANELS AND OUTSIDE BODIES

Councillor Clark presented the Membership of Committees, Panels and Outside Bodies Report.

The item was proposed by Councillor Sutton and seconded by Councillor Mrs Laws.

Councillor Mrs Bucknor stated she had spoken to all opposition Members and they were happy to remain on all the committees they were presently on.

Councillor Garratt asked if those on outside bodies would change. Councillor Clark stated he reserved the right to make changes after the one-to-one appraisals if he felt it necessary but he

had no intention of making changes on either committees or outside bodies.

It was AGREED that the schedule of appointments and political allocations set out in the report be ADOPTED.

9/16 REVISED STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

Councillor Oliver presented the Revised Statement of Licensing Policy - Licensing Act 2003 Report.

The item was proposed by Councillor Mrs Bucknor and seconded by Councillor Mrs French.

Councillor Booth supported the report and asked for an update on how resourcing would work going forward. Councillor Oliver stated the present position was the Licensing Department remained as it was but the addition of additional officers being able to assist through Environmental Health therefore there should be an improved service.

It was AGREED that the revised Statement of Licensing Policy and the Special Policy for a Cumulative Impact Zone be ADOPTED.

10/16 REVISED GAMBLING STATEMENT OF POLICY - GAMBLING ACT 2005

Councillor Oliver presented the Revised Gambling Statement of Policy - Gambling Act 2005 Report.

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

It was AGREED that the revised Gambling Statement of Policy be ADOPTED.

11/16 REVISED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Councillor Oliver presented the Revised Hackney Carriage and Private Hire Licensing Policy Report.

The item was proposed by Councillor Miscandlon and seconded by Councillor Humphrey.

Councillor Tierney stated he was on the Licensing Committee and supported the report as it was properly debated and voted on but he wished to take this opportunity to raise his concern at the level of bureaucracy and additional costs that were being steadily added to Hackney Carriage Drivers. He explained he had raised these issues at the Licensing Committee and his arguments were defeated but he wished to take this opportunity to raise the point so that were there to be anything further coming forward in the future then Members could be reminded as he thought the Council were very close to a tipping point with the Hackney Carriage Drivers.

Councillor Booth reiterated Councillor Tierney's comments as he recalled when this was looked at in 2011 that similar comments had been made and the concern was that the Council had started to add a burden on the traders. He stated it was his understanding that after a certain point that all new vehicles would need to be wheelchair accessible vehicles and therefore asked that if someone started up their own business with just one car then would it have to be a wheelchair accessible car or would it only come into force after a business had a certain number of taxis. Councillor Oliver explained this had been discussed at length at committee and it had been decided that as taxis were renewed then they would need to be wheelchair accessible vehicles. Fenland does not have a very high percentage of vehicles that are wheelchair accessible and when the report was produced there were only two within the whole of the District. Councillor Booth had concerns that individual businesses would have a large burden put on them and the

consequence would be more pressure to increase fares; he wondered if there was a different mechanism Fenland could use to achieve a better outcome. Councillor Oliver explained that this would be monitored.

Councillor Cornwell commented that the report stated "the driver must not smoke in the licenced vehicle at any time" and yet in the next sentence stated "the use of electronic cigarettes, personal vaporizers and electronic nicotine delivery systems is all prohibited at all times - only whilst carrying fare paying passengers" and therefore asked what was the rule because in one sentence it stated "at all times" and in the next "only whilst carrying fare paying passengers". Councillor Oliver stated this was a fair point and would come back to Councillor Cornwell with an answer.

Councillor Owen stated the answer was simple, if a driver was in his taxi without any passengers then the smoking of e-cigarettes was allowed but whilst with passengers was not.

Councillor Booth stated he did not oppose the points system for Hackney Carriage Drivers but did notice that concern had been raised by the industry regarding the proposal to allocate points if they were parked on double yellow lines which was contrary to what the police had informed them, that they were allowed to load and unload on double yellows unless it was in a restrictive area and asked what the outcome was from this as this would affect residents. Councillor Oliver explained that the legislation stated that parking on double yellow lines was an offence but there are times when loading and unloading was allowed if the signage permitted and this would be down to the officers to decide whether the driver was contravening the Traffic Act or whether they were legitimately dropping off or picking up. Councillor Booth stated this seemed that the Council were adding another layer of bureaucracy therefore it needed to be pragmatic and ensure a good service would be provided for the residents of the district.

Councillor Humphrey stated that the Licensing Committee meeting had been a difficult one and points were raised and debated. This service was important and the Committee came up with a policy that was acceptable of everyone and he hoped it was approved.

It was AGREED that the revised Hackney Carriage and Private Hire Licensing Policy be APPROVED.

4:43pm

Chairman