

COUNCIL



THURSDAY, 9 JANUARY 2020 - 4.00 PM

PRESENT: Councillor Mrs K Mayor (Chairman), Councillor A Miscandlon (Vice-Chairman), Councillor I Benney, Councillor C Boden, Councillor G Booth, Councillor A Bristow, Councillor J Clark, Councillor S Clark, Councillor D Connor, Councillor M Cornwell, Councillor Mrs M Davis, Councillor D Divine, Councillor Mrs J French, Councillor K French, Councillor A Hay, Councillor Miss S Hoy, Councillor M Humphrey, Councillor Mrs D Laws, Councillor A Lynn, Councillor D Mason, Councillor A Maul, Councillor N Meekins, Councillor P Murphy, Councillor D Patrick, Councillor M Purser, Councillor W Rackley, Councillor C Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor M Tanfield, Councillor S Tierney, Councillor D Topgood, Councillor S Wallwork, Councillor Wicks, Councillor Wilkes and Councillor F Yeulett

APOLOGIES: Councillor Mrs S Bligh and Councillor C Marks

C51/19 PREVIOUS MINUTES

The minutes of the meeting of 4 November 2019 were confirmed and signed.

C52/19 CIVIC ENGAGEMENTS UPDATE.

Councillor Mrs Mayor drew member's attention to the civic activities undertaken by herself and the Vice-Chairman in the weeks preceding Full Council.

C53/19 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Mrs Mayor thanked all members who attended the Community Carol Service on Sunday 8 December at St Johns Church in March. The event was well attended and got the festive season off to a good start.

Councillor Mrs Mayor thanked all staff who took part in the staff Christmas visits to all of the Fenland District Council offices. The visits took place on the 17 and 18 December, and were carried out by the Vice Chairman, Councillor Miscandlon.

Councillor Mrs Mayor gave members advance notice that she will be jointly hosting, along with the Chairman of the Fenland Twinning Association, a tea party on 22 January 2020 in the Council Chamber. The aims are to raise the profile of the Council's twinning links with Germany and Australia, to increase involvement in the district's twinning activities and to look at increasing the membership of the association.

C54/19 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.

Councillor Mrs Mayor said that no questions had been received submitted under Procedure Rule 8.6 and asked if there were any questions under Procedure Rule. 8.4 from Councillor Tanfield as

Leader of the Opposition.

Councillor Tanfield wished everybody a Happy New Year.

Councillor Boden also wished everybody a Happy New Year and congratulated Councillor Bristow with regard to his son who has become a member of the House of Commons.

Councillor Tanfield asked the Leader whether there will be any training for members who will be involved with the Investment Committee. Councillor Boden stated that there will not be a Committee, it will be an Investment Board and the members who will form part of the board, will hold the experience and knowledge to be able to assist in the workings of the Board. He added that in light of the question that has been raised, he will discuss with officers whether an element of training will be helpful.

Councillor Tanfield said that usually as a director of a company that deals with financial services, there needs to be the demonstration of being a competent and approved person and she would like assurances that this is the case. Councillor Boden stated that there is no proposal for any member of the Council to be a board member of any limited company. He added that the Investment Board is not a limited company, it is a sub-committee of Cabinet, and therefore those rules would not be relevant. He stated that even if it was proposed that members would be board members of LATCo or any of its subsidiaries, the FCA rules would not apply in that case either. Councillor Tanfield questioned whether that also applied to any officers who were on the Board. Councillor Boden responded and said that given the nature of the decisions that they will be making, he would not expect there to be the need for any training, however this will be thoroughly checked by officers.

Councillor Tanfield asked whether there will be an audit committee within LATCo. Councillor Boden stated that the vast majority of limited companies would not have an Audit Committee. The Council has a different method for governance and control.

Councillor Tanfield stated that although the Board will be a sub-committee of Cabinet, she would like clarification from the Local Government Association with regard to proportionality, and whether it is acceptable for all members of the board to originate from the same political party. Councillor Boden confirmed that clarification will be sought from the LGA.

C55/19 TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.

Members asked questions of Portfolio Holders in accordance with Procedure Rules 8.1 and 8.2 as follows:

- Councillor Patrick addressed Councillor Murphy and asked for an update with regard to the possibility of the re-introduction of the free collection of brown bins. Councillor Murphy replied that there are no plans to reinstate the free collections. He added that Central Government will make the decision over the next few years as to whether they will fund a free collection and if they do, this free service will be passed onto residents.
- Councillor Cornwell addressed Councillor Wallwork with regard to the Council's representation on the County Council Health Committee and the Health and Wellbeing Board. He added that there does not appear to be any information or recommendations available following these meetings, on any action or progress affecting the residents of Fenland and asked whether there is a system in place to report back. Councillor Wallwork replied that there has only been one meeting, since she was elected, with the next meeting being scheduled for late January. She gave assurances that the information is circulated following this meeting, and added that the new draft strategy should be available for

consultation at the start of February. Councillor Cornwell thanked Councillor Wallwork and said that it is important that all members are kept apprised with regards to the subject of health, so that all members are able to answer questions from residents if approached.

- Councillor Cornwell addressed Councillor Mrs French with regard to Civil Parking Enforcement (CPE), stating that at the last meeting and following on from a question raised at the July Council meeting, there had been an expectation to see a draft report on the subject which still not had been circulated and he asked Councillor Mrs French to provide an update. Councillor Mrs French stated that it is a very long and drawn out process and work is currently underway to look at how East Cambridgeshire Council deal with parking enforcement. She added that there are different options to consider, some of which would be costly to the Council. Councillor Boden advised members that he has attended a number of meetings on the subject with officers, along with Councillor Mrs French to explore the options. He added that the time frame to introduce CPE would take longer than two years and outlined the various possibilities. Firstly Cambridgeshire County Council would need to review street signage, yellow lines and other existing traffic regulations that exist across Fenland to ensure they were correct and consistent with the law. Councillor Boden added that with regard to past performance, it is his understanding that a significant number would have to be changed in order to satisfy a CPE application being made, and that process will take 9 months and will incur a charge from County Council in excess of £90,000. Councillor Boden continued by stating that there is concern amongst the community which may mean that the Civil Parking Enforcement becomes a reality, even with the cost implication and the extended time it will take to implement. The options include paying Cambridgeshire Constabulary to have dedicated staff to carry out the work allocated to them by the District Council. The second option is the possibility of the devolution of powers from the Police to the local authority and/or Parish and Town Councils to allow them to carry out enforcement work and the third is to use environmental regulations, to take action against those persons who are parking on double yellow lines outside of school premises with their engines idling. Councillor Boden concluded by stating that all options are being looked into and a decision on the way forward will be reached within the next few months. Councillor Cornwell thanked the Leader for the information he has provided and added that in his opinion it may be prudent to issue a press release to reflect this information and see what feedback is received from the local community. Councillor Boden stated that he will ask Councillor Tierney the Portfolio Holder for communications to give some thought and consideration with regard to a press release.
- Councillor Booth addressed Councillor Murphy with regard to the associated charge for brown bin collections. Councillor Booth added that there was a motion which was considered by Cabinet in May 2019, where the abolition of the brown bin charge was discussed and he would like clarification as to when the decision was made to disregard that motion. Councillor Murphy said that he has always stated he will wait to see what course of action Central Government will adopt. Councillor Murphy agreed to come back to Councillor Booth with that information.
- Councillor Bristow stated that he appreciates that there is a working party that is reviewing the rail services within the fens, however he would like to know what letters and communication there has been with Greater Anglia and Cross Country rail companies. He added that the companies had previously been advertising that an hourly service would run to Cambridge by the end of 2019, however this has not commenced. Councillor Boden stated that Greater Anglia are updating all of their rolling stock, however it is clear that the plans they have in place to swap the old stock to new stock have not run smoothly as it has been reported that there have been software issues which have caused operating issues. Councillor Boden stated that it will be up to the Government to decide whether Greater Anglia is a fit and proper organisation to run a railway service. Councillor Bristow added that Greater Anglia have stated that when they took the franchise that they would introduce a faster service, however this was retracted once they won the franchise. Councillor Boden added that as a franchisee, Greater Anglia has not performed well and for those customers, who rely on a branch line service, they have performed very poorly and the assurances that

were made at the start of the franchise have not come to fruition.

- Councillor Sutton addressed Councillor Boden and stated that at the last Council meeting, it had been agreed that a letter would be written to the Parish Councils with regards to the issues concerning the arrangements for street lighting. He added, he was aware that this letter had been sent and he now felt it would be prudent for a meeting to take place imminently with Councillor Boden, Councillor Mrs Davis, Councillor Connor, Councillor Booth, Councillor Mrs French and himself to discuss the matter further. Councillor Boden stated that street lighting is a difficult and complex situation, given that half the Parish Councils who have street lights are part of the Fenland District Council contract and half are not. Councillor Boden confirmed that Councillor Mrs Davis and Councillor Connor along with their Parish Clerks have already attended a meeting with himself, which proved to be very informative. He stated that he will be happy to meet with any Parish Council and Councillors and added that he is keen to find a satisfactory resolve, but further information regarding the Fenland District Council contract is still being obtained, including how the contract can be utilised in the future. It was agreed that a meeting would be arranged.
- Councillor Sutton addressed Councillor Mrs Laws with regard to the new Local Plan and the Level 2 Strategic Flood Risk Assessment (SFRA). He stated that he has not seen anything within the documents that he has read which contains information concerning SFRA. He stated that it is imperative that consideration is given to include a crosspatch level 2 SFRA within the new Local Plan. Councillor Mrs Laws assured Councillor Sutton that this will happen and added that it is important that the new plan is fit for purpose, which encompasses both Parish and Market Towns. Councillor Mrs Laws stressed that water issues are firmly on the working parties agenda and will not be ignored.

(Councillor Seaton arrived in the Council Chamber)

- Councillor Sutton questioned whether the figures provided in the Portfolio Holder reports with regard to the Anglia Revenues Partnership are a true and accurate reflection with regard to levels of service. Councillor Mrs French responded and added that she is aware of some minor issues and following a meeting she had attended in June 2019 she has been made aware that there are a large number of empty homes within the district, which Councillor Hoy is investigating. A number of questions will be raised at the forthcoming Overview and Scrutiny Committee when ARP will be present and hopefully some answers will be sought.
- Councillor Sutton addressed Councillor Boden, with regard to an explanation as to the meaning of WVI (waste vertical integration). Councillor Boden stated that is an interesting concept and it is where savings are made by integrating everything from the original attempts to reduce waste, through to the collection of waste ending with the disposal of waste, including the conversion of waste into power. It is something that the County Council are looking into, however it would need the cooperation of the authority that has the responsibility of the disposal, along with all of the authorities who have the responsibility for collection. He added that some local authorities are not as engaging with County Council as others.
- Councillor Booth addressed Councillor Mrs French and stated that Parish Councils are currently trying to set their precepts and there is concern around how street lighting can be budgeted for. Councillor Booth asked when information will be disseminated to the Parish Councils to assist with budget setting and Councillor Mrs French said she was unable to provide an answer at this time.
- Councillor Tierney advised members that there are two Cabinet post holders for environment. Councillor Murphy is the Portfolio Holder for operational matters and Councillor Tierney is for strategic matters.

The Chairman stated that as Councillor Bristow was in attendance at the meeting, that this item would now be removed from the agenda.

C57/19 COUNCIL TAX REDUCTION SCHEME REVIEW (CTRS) - 2020/21

Members considered the Council Tax Reduction Scheme (CTRS) 2020/21 report, presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Connor, Council AGREED the Council Tax Reduction Scheme (CTRS) effective from 1 April 2020 as set out in this report and at Appendix B be approved.

C58/19 COMMERCIAL AND INVESTMENT STRATEGY

Members considered the Commercial and Investment Strategy report presented by Councillor Boden.

Councillor Boden advised members that on Page 281, appendix B of the report there is a diagram which contains a couple of anomalies with regard to the inter relationship between various bodies involved in the proposal. He also advised members that the Chairman of Overview and Scrutiny will be attending the Investment Board meetings as an observer and the overview of the officers on the Local Authority Trading Company (LATCo) board will be given to an elected member, rather than a non-executive member and will be in an observation capacity only.

Proposed by Councillor Boden, seconded by Councillor Hay, Councillor Mrs Mayor opened the item for discussion.

Members asked questions, made comments and received responses as follows:

- Councillor Hay stated that she welcomes the proposal. She added that she has a query contained within appendix 1, with regard to the core principles of the assets, where it states 'to minimise management and risk, preference is for single occupancy investments'. She stated that in her opinion, it could increase the risk. She added that if a property has multiple tenants and one ceases their tenancy, there will still be an income generated, however if a sole tenant ceases their tenancy then all revenue is lost. She asked whether consideration has been given to this. Councillor Boden confirmed that full thought had been given to the balance of the core principles.
- Councillor Yeulett stated that in principle he is in favour of the strategy, although he has concerns. He added that at Overview and Scrutiny Committee, questions were raised concerning risk, investment, expertise and accountability. Councillor Yeulett provided 2 examples of councils who have encountered issues in financial and property investments, where they have been unable to redeem finances. Councillor Yeulett stressed the importance of being able to access funds without any delay. Councillor Yeulett made reference to a Sunday Telegraph newspaper article from December 2019, which states that the Bank of England and Financial Conduct Authority are reviewing whether redemption terms should be changed, due to concerns that local authorities are exposed to large losses following investments in commercial property. Councillor Yeulett added that he would ask for a cautious approach when considering any proposed investments and stated that he has concerns with regard to the proposed structure and stated that he would like to see a wider member involvement with the process. Councillor Boden provided assurances that this Council will change its attitude and management to risk going forward ensuring a sensible assessment before decisions are made.
- Councillor Boden stated that the Council is looking at investments in property and not investments in equities, which provides a greater reassurance and stability. He added that the property funds that the Council will be investing in will only be institutional investments

and not retail opportunities. He stated that the understanding and nature and format of the underlying assets which the council decides to invest in, will form a major aspect of the councils appraisal of the process of investment. Councillor Boden assured members that there will be active monitoring of the councils portfolio by officers along with the support of the councils treasury management advisors.

- Councillor Yeulett asked for confirmation as to whether the necessary skills are held within the council to deal with the proposed strategy. Councillor Boden confirmed that the Section 151 Officer will be prudent and oversee all aspects of the work in a thorough manner. He added that with regard to investments, the authority already uses external consultants to provide us with advice and guidance and we are currently taking advice from the advisors with regard to property investments.
- Councillor Patrick addressed Councillor Boden with regard to the Nene Waterfront Development and stated that although he is very supportive of the regeneration, he questioned whether consultants will be instructed to assist with the project at a highly inflated cost. Councillor Boden gave assurance to Councillor Patrick that this will not be the case.
- Councillor Booth stated that he has concerns with regard to the demographic deficit when the Investment Board is set up and added that it will only have three Council members on the Board with the Chairman of Overview and Scrutiny attending in an observation capacity. He questioned how other members will have an oversight of the progress being made and added that having three members on the Board assisting with major decision making responsibilities is too restrictive. With regard to the strategy and direction, he has concerns that there is no clear definition within the report with regard to what the Council's objectives are from setting up a LATCo. Councillor Booth expressed the view that the Governance and scrutiny needs to be in place at the start of the project and then appropriate level of scrutiny going forward.
- Councillor Boden thanked for Councillor Booth for his concerns and gave strong assurances that there will be a high level of scrutiny. He stated that the LATCo will be scrutinised by the Investment Board, there will be reports to Cabinet and Council and also further scrutiny from Corporate Governance and Overview and Scrutiny Committees. Councillor Boden confirmed that internal auditors will be involved with the Investment Board and will require details from LATCo. It is expected that LATCo will only be dealing with straightforward investment opportunities and there are no plans to deal with complicated leases or joint ventures. He stated that with regard to the Investment Board, they will have the support of the Chief Executive, Monitoring Officer and the Section 151 Officer, who will ensure that the necessary expertise is in place before any decisions are made. Councillor Boden stated that with regard to strategy and direction, there have been no specific targets set as of yet, partly because it would be unrealistic to do so. Councillor Boden expressed the view that having too much member involvement at the start of the project is not a good idea.
- Councillor Sutton said that he will not be supporting this strategy. He supports the idea, but has concerns surrounding the delivery and management of the project.
- Councillor Booth asked for clarity as to when was it decided that the Investment Board would be able to utilise and borrow sums up to a maximum of £25 million. Councillor Boden stated that the figure of £25 million is a figure to propose to Council as a limit for total investments, with the expectation that the limit will not be reached for a long period of time.
- Councillor Sutton requested a recorded vote.

In favour of the proposal: Councillor Boden, Councillor Benney, Councillor Bristow, Councillor S Clark, Councillor Connor, Councillor Mrs Davis Councillor Mrs French, Councillor Miss French, Councillor Hay, Councillor Humphrey, Councillor Miss Hoy, Councillor Mrs Laws, Councillor Lynn, Councillor Mason, Councillor Murphy, Councillor Purser, Councillor Rackley, Councillor Seaton, Councillor Skoulding, Councillor Tierney, Councillor Topgood, Councillor Wallwork

Against the proposal: Councillor Booth, Councillor Cornwell, Councillor Divine, Councillor Patrick, Councillor Sutton, Councillor Yeulett, Councillor Wicks, Councillor Wilkes

Abstentions: Councillor John Clark, Councillor Meekins, Councillor Maul, Councillor Tanfield

Council AGREED to adopt the recommendations within the report of the Commercial Investment Strategy.

C59/19 CREATION OF ELECTIONS AND BUDGET EQUALISATION RESERVE

Members considered the Creation of Elections and Budget Equalisation Reserve report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Booth, Councillor Mrs Mayor opened the item for discussion.

Members asked questions, made comments and received responses as follows:

- Councillor Booth stated that he will support the proposal. He expressed the view that although there is an equalisation reserve, he would hope that it will not become normality where there are surpluses. He added that service costs for the next 4 to 5 years need to be reviewed going forward.

Proposed by Councillor Boden, seconded by Councillor Booth, and Council AGREED to adopt the recommendations within the report.

C60/19 COMBINED AUTHORITY EXECUTIVE COMMITTEE APPOINTMENTS

Members considered the Combined Authority Executive Committee Appointments report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Skoulding, and Council AGREED to adopt the recommendations within the report.

5.54 pm

Chairman