

# Public Document Pack

## COUNCIL

A meeting of Council will be held as a virtual meeting via ZOOM Video Conferencing System on THURSDAY, 6 AUGUST 2020 at 4.00 PM and I request you to attend accordingly for transaction of the following business:

Due to the Covid-19 outbreak and the restrictions by the Government on gatherings of people, this meeting will be conducted remotely using the Zoom video conferencing system. There will be no access to this meeting at the Council offices, but there will be public participation in line with the procedure for speaking at Planning Committee.

The meeting will be available to view on YouTube [URL:  
https://youtu.be/Dt8HNVR4OiY](https://youtu.be/Dt8HNVR4OiY)

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 8)  
  
To confirm the minutes of 17 June 2020.
- 3 To receive any announcements from the Chairman of the Council and/or the Head of Paid Service.
- 4 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 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.
- 6 To receive reports from and ask questions of Cabinet members with portfolio holder responsibilities, in accordance with Procedure Rules 8.1 and 8.2. (Pages 9 - 44)
- 7 Treasury Management Annual Report 2019/20 (Pages 45 - 56)

The purpose of this report is to consider the overall financial and operational performance of the Council's treasury management activity for 2019/20.

- 8 Budget Update (Pages 57 - 66)

To provide members with an update to the 2020/21 budget in the light of the impact of COVID-19.

9 Parson Drove Neighbourhood Plan (Pages 67 - 94)

For Council to formally adopt the Parson Drove Neighbourhood Plan as a part of the Development Plan for Fenland.

10 Constitutional Amendments (Virtual Meetings Procedure Rules & Business and Planning Bill) (Pages 95 - 132)

The purpose of this Report is to notify Full Council of the changes that have been made to the Constitution since its last meeting, and for them to be ratified.

11 Constitutional Amendments (Amendment to Planning Scheme of Delegation) (Pages 133 - 144)

The purpose of this report is to consider revisions to the Planning scheme of delegation within the Council's Constitution.

Fenland Hall  
March

  
Chief Executive

Wednesday, 29 July 2020

**NOTE** The Council may, by resolution, as exemplified below, exclude the public from a meeting during the consideration of any item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present, there would be disclosure to them of exempt information as defined in Section 100 I of the Local Government Act, 1972

"Resolved that under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for Item No./Minute No. on the grounds that the item involves the disclosure of exempt information as defined in Paragraph of Part I of Schedule 12A of the Act"

## COUNCIL



**WEDNESDAY, 17 JUNE 2020 - 4.00 PM**

**PRESENT:** Councillor Mrs K Mayor (Chairman), Councillor A Miscandlon (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor C Boden, Councillor G Booth, Councillor J Clark, Councillor S Clark, Councillor D Connor, Councillor M Cornwell, Councillor S Count, 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 C Marks, 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

Members observed a minute's silence in memory of Councillor Alan Bristow, a District Councillor and former member of the Planning Committee, who passed away on 19 April 2020, and Kit Owen, a former District Councillor, who passed away on 1 May 2020.

**C1/20**      **TO ELECT A CHAIRMAN FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £4,116 PLUS TRAVELLING EXPENSES BE PAID TO THE PERSON ELECTED.**

It was proposed by Councillor Boden, seconded by Councillor Mrs French and resolved that Councillor Alex Miscandlon be elected as Chairman of the Council for the period to the next Annual Meeting and that he be paid an allowance of £4,116 plus travelling expenses.

The Chairman addressed the Council as follows:

'I wish to thank Councillor Boden and Councillor Mrs French for proposing and seconding me to be the Chairman of the Council and for all members in their support.

I am very aware of the honour that has been bestowed upon me following in the footsteps of previous Chairmen identified in the photographs around the Council Chamber at Fenland Hall.

I will endeavour to uphold the traditions and good practices of the Council and do my best to ensure that the good representation and reputation of Fenland District Council continues around Fenland and the surrounding area.

Thank you again'

Councillor Miscandlon stated that he would like to formally acknowledge and thank the previous Chairman, Councillor Mrs Mayor, for undertaking the role as Chairman of the Council from May 2017 to June 2020.

Councillor Mrs Mayor, addressed the Council as follows:

It has been an honour and a privilege to have served as both Vice Chairman and

Chairman over the last five years and to have had the opportunity to represent Fenland through attending and supporting other authorities and organisations at their civic functions and charity fund raising events.

I have met some truly inspirational people and made some good friends along the way. 2019 was an outstanding year in particular with three Royal visits to Fenland; two at Wisbech where I met the Duke of Gloucester and HRH The Prince of Wales and Duchess of Cornwall; and the third being at Chatteris when Princess Anne visited Stainless Metalcraft. I was also invited by our neighbouring District, South Holland, to a visit by the Duke of Kent where he unveiled a memorial in Spalding's Peace Garden.

What can I say about the past 4 months that hasn't already been said not just locally but also nationally and internationally; the coronavirus Covid-19 pandemic brought life as we all knew it to change dramatically and meant that many meetings were either cancelled or postponed and our meetings to be held virtually. Civic life as we knew it was brought to a very abrupt end and all planned events were sadly cancelled.

I would like to thank Members for giving me the opportunity to represent this Authority and to former Councillor David Hodgson and Councillors Maureen Davis and Alex Miscandlon for their support during their respective years as Vice- Chairman.

I should also like to express my sincere thanks to Cllr Mrs Laws who has this past year stepped into the breach as my consort when Ken's health has not permitted him to accompany me.

The role of Chairman would be extremely difficult without the support of the Chief Executive and Monitoring Officer for their guidance, so thank you to you and the Management Team as a whole.

Special thanks go to Members Services for their support and in particular to Jo for all that she does in the background; an immense amount of work and organisation regardless of the request.

And finally, thank you to you all for putting your trust in me, it was totally unexpected that I was asked to do a third term as Chairman and I will end by repeating that it has truly been an Honour and a Privilege.

## **C2/20**

### **TO ELECT A VICE-CHAIRMAN FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £1000 PLUS TRAVELLING EXPENSES BE PAID TO THE PERSON ELECTED.**

It was proposed by Councillor Purser, seconded by Councillor Boden and resolved that Councillor Rob Skoulding be elected as Vice-Chairman of the Council for the period to the next Annual Meeting and that he be paid an allowance of £1,000 plus travelling expenses.

The Vice Chairman addressed the Council as follows:

I would like to thank Councillor Boden and Councillor Purser for proposing and seconding the nomination to elect me as Vice Chairman of Fenland District Council and I thank all Members for your support. I will endeavour to support Councillor Miscandlon in his role as Chairman.

### **C3/20**      **PREVIOUS MINUTES**

The minutes of the meeting of 20 February 2020 were confirmed.

### **C4/20**      **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

The Chairman stated that this is the first meeting of full Council during the COVID-19 pandemic and he added that he would like to take the opportunity to offer his thanks on behalf of all Members of this Council, to those working to save lives and keep essential services running throughout Fenland, making sure our local NHS services have not been overwhelmed.

He added that Council staff have risen to the challenges COVID 19 has presented by providing support to vulnerable people shielding at home, facilitated the Small Business and Retail, Hospitality and Leisure Grant schemes therefore supporting local businesses, supported local residents that would otherwise have been homeless during the pandemic, continuing to run essential services such as Refuse collections and Street Cleansing as well as supporting and advising companies as well as local residents regarding COVID compliance.

### **C5/20**      **MEETINGS OF THE COUNCIL 2020/21**

The suggested meeting dates for the Annual Meeting of the Council and for the ordinary meetings of the Council for 2020/21 were proposed as follows;

The Annual Meeting of the Council in 2021 to be held on Tuesday 18 May 2021.

The ordinary meetings of the Council be held on;  
Thursday 6 August 2020  
Tuesday 8 September 2020  
Monday 14 December 2020  
Tuesday 23 February 2021

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

- Councillor Booth stated that at the Annual Council meeting in 2019, there was a debate with regard to the days on which meetings are held. He added that there was a commitment for meetings to be held on Thursdays, but this now does not appear to be the case and questioned why? Councillor Boden stated that at that time it had been decided that there should not be a list of dates considered at the Annual Council meeting this year where changes of dates had to be further proposed. He added that consultation took place with the Combined Authority and the County Council to ascertain dates of their meetings this municipal year to enable us to schedule our own dates around them whilst also considering Town and Parish Council meetings. He added it had not been possible to schedule meetings of the Council to all be held on a Thursday, due to the amount of meetings that take place elsewhere some of which Members also attend.

**The proposed dates for the Annual Meeting of the Council and for the ordinary meetings of the Council were proposed by Councillor Boden, seconded by Councillor Wilkes and AGREED by Members.**

### **C6/20**      **COMMITTEE STRUCTURE, POLITICAL BALANCE AND ALLOCATION OF SEATS**

Members considered the Committee Structure, Political Balance and Allocation of Seats report and received an update in relation to the Committee Structure.

Councillor Boden advised Members of the Council that he wished to advise them of a slight alteration to the composition of the Overview and Scrutiny Committee as detailed in page 21, Appendix B, section 3.4.

Councillor Count and Councillor Connor will form part of the Overview and Scrutiny Committee in place of Councillor Hay and Councillor Mrs Mayor.

Councillor Mrs Davis and Councillor Mrs Mayor will be substitute Members of the Overview and Scrutiny Committee.

**Proposed by Councillor Miscandlon, seconded by Councillor Boden and AGREED to approve the Committee Structure, Political Balance and Allocation of Seats report including the update as detailed by Councillor Boden.**

**C7/20      CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY  
APPOINTMENTS**

Members considered the Combined Authority Membership and Other Appointments report, presented by Councillor Boden.

Councillor Boden confirmed the following appointments to the Combined Authority's Committees:

Combined Authority Board: Councillor Boden, Substitute: Councillor Mrs French

Audit Committee: Councillor Benney, Substitute: Councillor Miss Hoy

Overview & Scrutiny Committee: Councillor Hay and Councillor Mason, Substitutes: Councillor Miscandlon and Councillor Tierney.

Councillor Boden added that the Transport Committee and the Housing Committee have been omitted from the report, and stated that the appointments to those committees are as follows.

Transport Committee Councillor Seaton, Substitute Councillor Tierney

Housing Committee Councillor Boden, Substitute Councillor Mrs Laws.

**Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED that the appointments and nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2020/21**

**C8/20      ITEMS TAKEN UNDER SPECIAL URGENCY IN THE LAST THREE MONTHS -  
FREEDOM LEISURE AND CONSTITUTIONAL AMENDMENTS REPORT**

Members considered and noted the Freedom Leisure report, presented by Councillor Boden.

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

- Councillor Miscandlon stated that at the time of the decision concerning Freedom Leisure, he held the position of Chairman of the Overview and Scrutiny Committee and before any decisions were made with regard to Freedom Leisure he had lengthy discussions with the Legal Team at the Council, before he approved the non- call in facility that had to be taken in a very timely manner.
- Councillor Booth, added that the debate that took place with regard to Freedom Leisure at the Overview and Scrutiny Committee meeting on 8 June 2020 can be viewed on You

Tube.

**Proposed by Councillor Boden, seconded by Councillor Connor and members AGREED to note the decision taken under special urgency in relation to financial support to Freedom Leisure due to Covid 19.**

Members considered the Constitutional Amendment report presented by Councillor Boden

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

- Councillor Booth stated that he has read the changes to the Constitution and expressed the opinion that whilst he appreciates that due to the pandemic there needs to be a new way of working he has concerns that some of the changes that have been introduced such as not allowing public speaking or petitions will stifle the democratic process. He added that the virtual Planning Committees have enabled members of the public to make representations, and therefore, members of the public should be able to present at meetings of the Council.
- Councillor Booth commented that some members may recall that a motion had been discussed previously at Council, where consideration had been given with regard to holding meetings of the Council virtually.
- Councillor Booth stated that the report states that political parties will have to vote against motions in the Constitution, which he is concerned to read. He also questioned what the review period is for these amendments. Councillor Boden stated that with regard to the review period, the legal requirement for the remote meetings lasts until the 7 May 2021.
- Councillor Boden commented that there was significant concern at many authorities with regard to the practical way to facilitate questions and petitions. Councillor Boden expressed the opinion that, progress has been made with virtual meetings taking place over the last few months and therefore he would like to discuss this further with Councillor Tanfield and Councillor Booth to review whether further changes can be made.
- Councillor Booth asked whether this can be reviewed within the next 3 months. Councillor Boden stated he will be happy to review this on an ongoing basis.
- Councillor Sutton expressed the opinion that he also has concerns with regard to page 49 and 8.1 with regard to the submission of motions, where it states that 'Members will have the ability to submit motions to Council as set out in the Constitution. In order for the Motion to be accepted, the Member submitting the motion will need to provide the Monitoring Officer with evidence that it is time critical'. He stated that if an elected member has a motion to be considered why should they have to prove it is time critical? He expressed the view that the report needs to be reviewed in time for the next Council meeting and he added he will only be supporting the report, if the time critical element is removed.
- Councillor Boden stated that the rules were put in place at the end of March, when there was a great deal of concern as to whether the technical abilities were in place in order to hold meetings remotely and in the last three months meetings have been able to be conducted in a satisfactory manner. He added that the paragraph that Councillor Sutton has alluded to at 8.1 is an item which he would like to review and to have removed.
- Councillor Boden stated that he has already stated that he will meet with Councillor Booth and Councillor Tanfield, and added that Councillor Sutton can also attend that meeting to review the documents. He added that he is reluctant to make any changes immediately, as it may reflect on other elements of the document being ratified today.
- Councillor Boden expressed the opinion that in light of the fact that the comment could impact on the next meeting of Full Council, he asked Officers whether they could clarify whether there was any reason why the second sentence of 8.1 could not be removed immediately without any detriment. He added that if there was any concern then it would have to be delayed to the next meeting of Full Council in August.
- The Monitoring Officer, Carol Pilson, stated that there are two options available as outlined by Councillor Boden. Firstly, Councillor Boden has given an undertaking to review the rules

and, therefore, she could utilise her powers between this meeting and the next Council meeting for those changes to be ratified at the meeting on 6 August. Alternatively, if Members wish to remove the one sentence immediately, by moving an amendment on that one particular sentence it would not cause a significant issue.

- Councillor Sutton expressed the view that he wished to move an amendment and thanked Councillor Boden for his consideration on the item.

Members considered the amendment to the Constitutional Amendment report proposed by Councillor Sutton.

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

- Councillor Mrs French stated that she supports the amendment to the document and added that she had attended a Cambridgeshire County Council Highways meeting, where motions and public speaking had been facilitated and suggested that officers may find it helpful to contact colleagues at the County Council to explore their operation of remote meetings.
- Councillor Tierney expressed the opinion that it is frustrating to have motions delayed however it is important to focus on time critical business as a priority during the pandemic.
- Councillor Boden stated that following the guidance of the Monitoring Officer, he is prepared to accept the amendment of the removal of the second part of the sentence as detailed in paragraph 8.1. He added that there is an adequate way that the Monitoring Officer can make changes, which can then be ratified by Full Council.
- Councillor Tanfield expressed the view that she is happy to support the proposal by Councillor Sutton. She added that we are all experiencing difficult and challenging times and the suggestion of looking at the method of operation for County Council meetings should be explored. She expressed the opinion that a regular review of the guidelines is welcomed.
- Councillor Hoy stated that she does not support the amendment. She added that she would rather wait until the next meeting of Full Council and then decide whether changes are required.

**Proposed by Councillor Sutton, seconded by Councillor Yeulett to remove the second sentence at both 8.1 of the Virtual Meeting Procedure Rules and 10.3 of the Council Procedure Rules which read 'In order for the motion to be accepted, the Member submitting the Motion will need to provide the Monitoring Officer evidence that it is time critical.' The amendment was APPROVED.**

Members considered the remainder of the Constitutional Amendment report proposed by Councillor Boden.

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

- Councillor Booth expressed the view Councillor Boden formulating a review of the Constitutional Amendment Report should be included.

**Proposed by Councillor Booth, seconded by Councillor Mrs French and agreed that the Constitutional Amendments be APPROVED.**

*(Councillor Cornwell declared an interest as his son is an employee of Freedom Leisure and left the meeting prior to the commencement of this item)*





# **Cabinet and Corporate Management Team**

## **Portfolio Holder Briefing Report**

**August 2020**  
**(For performance in April to June 2020)**

# Cabinet Members

 <p><b>Councillor Chris Boden</b> Leader of the Council &amp; Portfolio Holder for Finance</p>				
 <p><b>Councillor Ian Benney</b> Portfolio Holder for Economic Growth</p>		 <p><b>Councillor Sam Clark</b> Portfolio Holder for Social Housing &amp; Leisure</p>		 <p><b>Councillor Susan Wallwork</b> Portfolio Holder for Communities</p>
 <p><b>Councillor Mrs Jan French</b> Deputy Leader of the Council</p>		 <p><b>Councillor Miss Sam Hoy</b> Portfolio Holder for Housing</p>		 <p><b>Councillor Mrs Dee Laws</b> Portfolio Holder for Planning</p>
 <p><b>Councillor Peter Murphy</b> Portfolio Holder for Environment</p>		 <p><b>Councillor Chris Seaton</b> Portfolio Holder for Social Mobility &amp; Heritage</p>		 <p><b>Councillor Steve Tierney</b> Portfolio Holder for Transformation &amp; Communication</p>

## Communities

### Projects from Business Plan:

**Work with landlords to improve housing conditions and management standards in the district's private sector, including using the Council's enforcement powers** (Cllr Sam Hoy)

The Council has undertaken 7 positive interventions in response to new requests for service for Houses in Multiple Occupation (HMOs) across the district.

The Council has also investigated 54 complaints from tenants occupying privately rented accommodation in the same period. Council officers intervened to remove Category 1 hazards (serious faults) and Category 2 hazards (less serious faults) from properties to make them safe for the residents.

The geographical spread is as follows:

Town	HMOs investigated	Privately Rented Homes investigated
Wisbech	7	27
March	0	11
Chatteris	0	2
Whittlesey	0	0
Villages	0	14  Manea =3 Leverington =5 Guyhirn = 1 Wimblington =1 Morrow = 2 Parson Drove =1 Christchurch = 1

#### Private Sector Housing enforcement 01 April 2020 - 30 June 2020

	Numbers since 01 April 2020	Raised charge total £	Income received £
Improvement Notice	2	480.00	0
Prohibition	0	0	0
CPN (Intent)	2	24,000	0
CPN (Final)	6	57,500	11,201
Other	1	60.00	0
HMO applications	2	1,500	1,500

**Support property owners to bring long-term empty homes back into use, helping to address the district's housing needs (Cllr Sam Hoy)**

Over the last three months the Empty Homes Officer has focused on tracing and engaging with owners of empty homes and tasking them to prioritise their focus on bringing properties back into use; either by supporting them to sell their house, or referring them to local letting agents with a view to renting in the private sector. The officer has also established good links with partner agencies who can assist in tracing owners with no forwarding address; which has resulted in contacting owners and establishing action plans. The officer continues to work closely with benefit colleagues in ARP to help validate records and ensuring the Council Tax system is accurate in relation to empty homes.

Since the end of November 2019 when the officer commenced work 93 homes that had been empty for more than 6 months have been brought back into use. Of the 93, 42 were as a result of the proactive work of the officer. 22 homes have been brought back into use from April 2020.

**Prevent homelessness and reduce rough sleeping through working with individuals, families, landlords, housing associations and providers to meet the housing needs of residents in crisis (Cllr Sam Hoy)**

Housing Options Team and the Rough Sleeper co-ordinator work closely together to ensure anyone needing help due to homelessness or rough sleeping are given the best opportunity to find alternative accommodation. So far the Housing Options Team has prevented 52 households from becoming homeless since April 2020. 57 Rough Sleepers have also been found temporary accommodation of which 8 have subsequently been found permanent accommodation in the private rented sector. All rough sleepers are assessed for ongoing support needs to reduce any tenancy failure risk.

It has been hard to find accommodation due to the COVID 19 lockdown but the teams have worked extremely hard to achieve this result and will continue to do so over the coming months to reach the prevention target of 300 households.

### **Deliver four Golden Age Fairs across the district** (Cllr Susan Wallwork)

As a result of the pandemic no events have been held.

The council is holding a virtual Senior Citizens Advisory Board meeting in September to explore the use of the brand and to work to support the community impact from Covid-19.

### **Increase the use of local open spaces and collaborate with local activity providers and other partners to address health inequalities**

During the period of lockdown local open spaces have remained open and maintained so they may be enjoyed for exercise.

Although organised activities have not taken place skate parks and now play parks are open for use.

### **Other Projects:**

#### **Leisure Update** (Cllr Sam Clark)

With Government advice changing, Freedom Leisure is now able to reopen our local leisure centres from Saturday 25<sup>th</sup> July.

The team has been working hard ensuring that the facilities are Covid secure, with appropriate policies, procedures and training, following Government guidance, being put in place ready to welcome back customers.

The reopening will happen in a phased manner as this will be the most financially efficient way of reopening for the Council. All leisure centres will open in the morning and afternoon / evenings, and be closed in the middle of the day. The closed period is when demand is usually lowest. As customers come back and demand rises we will revise opening hours wider.

The Covid Secure guidelines mean a different way of using a leisure centre and this means booking in advance for every activity, reduced capacity – for instance every other piece of gym equipment will be out of use to allow for social distancing and cleaning regimes have changed substantially. Initially, with demand below usual

levels, we don't believe this will be an issue and customers will be booking all sessions in any case so people will not be turned away. As Government restrictions change over the coming months, we expect changes of practice within the leisure facilities that will increase capacity per hour.

Freedom is contacting customers regarding the reopening, with social media posts happening on a regular basis and the Freedom Team being prompt with replies – raising customer confidence.

The Freedom centres in Fenland offer a great experience to customers. Covid has changed that slightly, but as confidence grows that the risk of Covid is receding, we expect membership numbers to rise accordingly.

#### **Think Communities Update (including I Heart Wisbech)** (Cllr Susan Wallwork)

A proposed partnership agreement has been drafted with the support of Supporting Cambridgeshire to create a collaboration of Public Sector and Community and Voluntary Sector partners to work together as one team to build capacity in order to capture inward investment from funding bodies to help develop opportunities and projects in the town.

The agreement has been developed following 3 workshops to help build an understanding of the sort of partnership that would work in the context of the organisations working in Wisbech.

The collaboration will now start to meet to look at the potential investment opportunities and how best to work together to maximise the chances of being successful with submissions made.

#### **Pride In Fenland Awards** (Cllr Susan Wallwork)

The Pride In Fenland awards were postponed in March as a result of COVID 19 and will be rescheduled as soon as Government advice allows such an event to take place.

## **Health & Wellbeing Update (including Covid-19 Outbreak Plan implementation)** (Cllr Susan Wallwork)

In April, Upper Tier local authorities and in particular Directors of Public Health were tasked by central government with the development of a Covid-19 Outbreak Plan.

In Cambridgeshire this plan was approved at the end of June by a newly developed Public Health Board. The plan is a public facing document and explains how Covid-19 will be monitored and how outbreaks will be managed in certain high risk settings (schools, workplaces, health and care settings and within more vulnerable communities).

The district councils, their environmental health service, community hubs and other front line staff (such as housing and communities) are an important part of this outbreak management plan particularly in settings such as workplaces and more vulnerable communities).

The plan focusses on Prevention, Surveillance and Response and specific protocols exist for cases identified in these high risk settings.

Examples of the Council's role include; support for those self- isolating through the community hub service, identifying contacts in vulnerable settings such as Houses in Multiple Occupation and day to day contact and support for workplaces who have more than 1 positive case reported. All of this work is done in close partnership with Public Health England and public health teams from the County Council.

Delivery of the plan is overseen by the Public Health Board and supported by the Programme Delivery Group, Local Resilience Forum Strategic Coordinating Group and the Member Led Engagement Board.

The plan can be found by clicking on this link:

[-https://www.cambridgeshire.gov.uk/asset-library/Cambridgeshire-and-Peterborough-Local-Outbreak-Control-Plan-v12.pdf](https://www.cambridgeshire.gov.uk/asset-library/Cambridgeshire-and-Peterborough-Local-Outbreak-Control-Plan-v12.pdf)

## **Wisbech 2020 Update** (Cllr Chris Boden)

Although the COVID-19 epidemic has impacted on the original timescales, plans are still in place to review the various Council projects being delivered in the town of Wisbech (including the Wisbech 2020 Vision) with a view to aligning them more closely. Discussions will be held with the Wisbech 2020 Core Vision Group in due course.

## Key PIs:

Key PI	Description	Baseline	Target 20/21	Cumulative Performance	Variance (RAG)
ARP1	Council tax support – days to process new claims and changes	8 days	7.07	7.07	
ARP2	Housing benefit – days to process new claims and changes	8 days	4.18	4.18	
CELP1	Total number of private rented homes where positive action has been taken to address safety issues	602	400	61	
CELP2	Number of people prevented from becoming homeless	390	300	52	
CELP3	Number of empty properties brought back into use	NEW	Baseline	22	
CELP4	Amount of New Homes Bonus achieved as a result of bringing empty homes back into use	NEW	Baseline	Annual	
CELP5	Customer satisfaction with Golden Age events (as per event)	298	200	None held due to C-19	
CELP6	Number of Active Health local sessions per year that improve community health	NEW	600*	None recorded due to C-19	
CELP7	Customer feedback across Freedom Leisure facilities in Fenland	NEW	80%	None recorded due to C-19	

## Comments

These indicators are currently being met and are expected to achieve target at the end of the year, although an economic downturn could increase demand, thereby impacting processing performance.

Fenland has managed to spend 8.30% of Discretionary Housing Payment (DHP) funds allocated by the DWP to assist tenants in the local area.

All Benefits staff continue to work effectively from home.

Vacancies have been advertised for Council Tax Billing Officers. This role also involves some Council Tax Support assessment. Depending on the location of candidates some successful recruits are likely to be based in Fenland Hall.



## Environment

### Projects from Business Plan:

#### **Continue to deliver environmental enforcement using fixed penalty notices and the court process for serious offences** (Cllr Peter Murphy)

During the period from April to June streetscene officers have continued to investigate reports of environmental offences.

The main types of issues have been fly tipping and abandoned vehicles.

Between April and June there have been 92 instances of fly tipping reported. Streetscene Officers attended more than 80 of these cases and followed up evidence found at 6 sites.

1 of these resulted in a Fixed Penalty Notice being issued to a male from March who admitted leaving 3 bags of household rubbish outside the March Household Recycling Centre when it was closed. This has now been paid.

35 abandoned vehicles have been reported to us during this time and a further 15 nuisance vehicles. Upon investigation this required our contractor to remove 5 from the highway.

All fixed penalty notices served by Kingdom Officers up to the end of January this year have now either been paid, cancelled (whereby the council incurs no cost) or referred through the court's single justice procedure for prosecution.

#### **Deliver the Four Seasons events programme in partnership with our four market towns** (Cllr Peter Murphy)

Due to the situation with Covid -19 all community events have been postponed. This included St George's Fayre, Chatteris Midsummer Festival and the Whittlesey Festival.

Community groups have remained in contact with their supporting officers and at present there are no plans to hold events this year. Community groups continue to plan for next year and officers will work with the groups to support their plans as and when the groups are ready to recommence the programme.

### **Deliver the Recycling Action Plan** (Cllr Peter Murphy)

With emergency working arrangements for the Environmental Services Team significantly impacting on usual our waste and recycling communications and education these moved online; through emails, the website and via social media, in the first quarter of the year.

The increased amounts of waste and recycling initially in April also increased the amounts of incorrect materials. Continued work by collection crews checking bins and targeted posts online, supported by the Getting It Sorted network and social media, have resulted in incorrect materials returning to more typical levels in May.

Social media posts through the period have been really well received by customers and more widely shared than typically seen. The Fenland Bin Day App has also been promoted widely and now been downloaded more than 110,000 times.

### **Deliver a competitive trade waste service** (Cllr Peter Murphy)

The Fenland Commercial Waste Service continued to operate as usual through April, May and June, although around half of our regular customers were partially or completely shut down for some or all of this time.

Income to the service has been affected by these closures and while a small number of new customers are coming to us, and we are supporting customers to adapt their waste collections in light of new working arrangements, overall income has been impacted in the first quarter.

### **Monitor and respond to the DEFRA Waste & Resources Strategy consultation with RECAP partners** (Cllrs Peter Murphy & Steve Tierney)

We understand that Defra have delayed the detailed consultation on the future changes to waste collections in England until later in the year. Recap Board heard in July how the partnership plans to ensure Recap members are informed and best able to respond to this important consultation.

### **Review the current arrangements for parking enforcement in Fenland** (Cllr Jan French)

No update. Awaiting member steer.

### **Deliver the CCTV shared service with Peterborough City Council** (Cllr Susan Wallwork)

The new shared service for CCTV went live from 1<sup>st</sup> January 2020 under the new control room location within Peterborough City.

The new shared service arrangement is performing well and has been able to maintain full service delivery and function even during the current COVID-19 pandemic.

During late January / early February 2020, the CCTV manager reviewed and prepared the CCTV shared service Business Continuity Plan (BCP) with a focus on virus / infectious disease control with a number of technical and staffing model work streams identified to support any future implementation of the CCTV BCP.

As such, a number of immediate changes were introduced, technical adaptations made and enhanced to allow the service to respond to any required risks or service impacts as a result of the COVID-19 pandemic.

In mid-March, due to the increase of virus infections in the UK, the CCTV service implemented its BCP plan to ensure services and the staff team were protected.

Key changes included the control room environment becoming locked down to any outside visitors including non-urgent police activity to further reduce staff risk and interaction.

As a result of these actions the CCTV service has been able to maintain its full 24/7/365 delivery of its services without any loss or disruption during the Covid-19 pandemic whilst ensuring staff continue to deliver services safely within the work place.

### **Other Projects:**

### **Open Spaces and Grounds Maintenance Contract Update** (Cllr Peter Murphy)

Tivoli has continued to provide the Council's grounds maintenance service throughout the lockdown period. Covid related issues have not impacted on the service and it has effectively been business as usual. Standards have been high and the sustainable

planting has come into its own this year, with our open spaces looking excellent since the start of summer.

Skate parks and now play areas are open once again, with the usual weekly safety checks ongoing to ensure the spaces are safe to use. Signage is up regarding precautions to take when using the play areas.

## **Street Lighting** (Cllr Jan French)

### **Street Light Repairs & Maintenance**

During the months of February and March 51 street light faults were reported to the EG&A Team and the necessary repair works were undertaken by FDC's street light contractor.

During April and May throughout the peak of the Coronavirus outbreak our street light contractor continued to maintain a reduced service provision for urgent and emergency works. 12 faults were reported to the EG&A Team during this time and passed to our street light contractor for rectification. During the month of June a further 8 street light faults were reported to the EG&A Team and passed to our street light contractor for rectification.

Collectively between 1<sup>st</sup> February and 30<sup>th</sup> June, 71 street light faults were reported to the EG&A which is approximately half the number of faults which would ordinarily have been reported during this period. This in part is likely to be attributed to the countrywide lockdown but also due to the current investment being made in FDC lighting assets.

### **Street Light Energy**

FDC's new street light energy agreement commenced on 1<sup>st</sup> November 2019. Energy is supplied by the Council's chosen provider (total gas & power) via an ESPO energy framework. The agreement provides energy for street light assets owned or managed by FDC under a service level agreement. This currently includes assets owned by Clarion Housing Association and 6 of the Fenland Parish Councils. Officers continue to assist Elm Parish Council to enable them to implement alternative energy arrangements following their departure from FDC's repairs and maintenance contract in 2018.

### **Capital Street Light Replacement Works**

Following placing the order last year for the replacement of 275 FDC category two defective street lights and having experienced a delay in obtaining the necessary materials, works commenced in March this year some 6 weeks later than intended.

The works are being undertaken in two sequential phases, with the first phase being aimed at replacing assets which are structurally defective or end of life and not

ornate in nature. The second phase will focus on those assets which have a low estimated remaining life, are ornate or require a site specific lighting design.

Whilst the replacement works got off to a flying start, unfortunately the Coronavirus outbreak and subsequent lockdown at the end of March meant that works were unable to continue at the rate or in the manner intended. However despite having a reduced workforce and having implemented a social distancing way of working, our street light provider continued to progress with the replacement works.

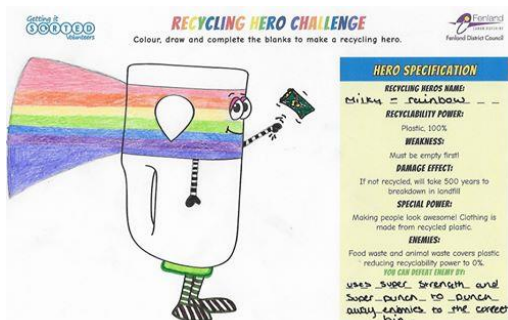
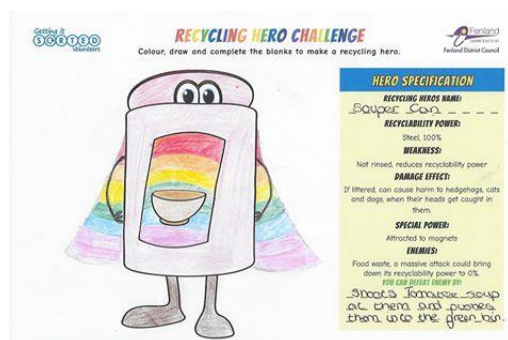
Since the commencement of the works in March 114 FDC street lights have so far been replaced and it is anticipated that phase one will be completed at the end of July. Phase two is anticipated to commence in August and shall be ongoing until October/November pending receipt of the associated materials.

## Getting it Sorted Volunteers Update (Cllr Peter Murphy)

Updated during lockdown by our dedicated Getting IT Sorted Volunteers, this year's children's colouring competition was launched by Cllr Murphy early in lockdown to provide home schooled children with a little more to do.

This competition was also supported by activity sheets produced by the volunteers, available to download from the website

[www.fenland.gov.uk/volunteers](http://www.fenland.gov.uk/volunteers) and these have already gone out in 400 Eco boxes organised by March based charity [CCORRN](http://CCORRN).



Volunteers have also been involved in working on a virtual play week with The adventure play park, CCORN, 20Twenty productions with 'Rainbow boxes' going out in Wisbech to deprived families with ideas and supplies for crafting and learning.

### **Garden Waste Service Update** (Cllr Peter Murphy)

The Garden Waste Service adapted to the impacts of the lockdown and Covid19 well with a continued service, with significantly increased amounts of garden waste collected, when other authorities were reducing or cancelling services.

Cllr Murphy extended the usual period of reduced price direct debit until the end of May and subscription levels have exceeded all previous years with more than 22,000 subscriptions by the end of June.

Customers appreciated the sustained garden waste service and crews received many thank you notes and other tokens of appreciation of their hard work and dedication.

### **Cambridgeshire & Peterborough Waste Partnership (RECAP)** (Cllrs Peter Murphy & Steve Tierney)

Officers from with the Recap Partnership have jointly responded to issues created by Covid19 and assisted each other, along with creating communication routes for key contractors and suppliers, to ensure that Cambridgeshire and Peterborough waste services were able to react swiftly to situation changes and prepared to divert resources where required to keep waste moving through all stages of the system.

### **Community Safety Partnership Update** (Cllr Susan Wallwork)

#### **Impact of the pandemic on CSP activity**

- The scheduled meeting of Fenland CSP in April was cancelled because of the social distancing requirements and the high demand being placed upon the partnership members. The next meeting is going ahead in mid-July using video conferencing facilities.
- The government lockdown measures and social distancing introduced during the Covid19 pandemic has resulted in cancelling 4 face to face community based engagement events for the period of April – June 2020.

During this time the community safety partnership has continued to provide key community safety messages through our own and partner's social media platforms with a focus on: Domestic Abuse, Mental Health well-being, COVID19 scams and government guidance on staying safe and well during the COVID19

pandemic.

As social distancing measures may stay in place for some time, the CSP is exploring alternative methods of delivering some form of community engagement linked with the priorities of the CSP.

- The Covid19 crisis resulted in the postponement of the Drug Harm Reduction Awareness training that was scheduled for March 2020. As with our engagement work we are looking at alternative methods of delivering this session to Fenlands front line professionals and volunteers.
- When the lockdown restrictions were introduced Fenland District Council, partner agencies and voluntary organisations from across Fenland came together to create the Fenland Community Hub. The objective of the hub was to help those most at risk during the coronavirus (COVID-19) pandemic. Vulnerable residents were able to access practical support and advice via the Hub. The Hub focused on helping people with their food shopping, collecting medicines and other supplies, and friendly phone calls for those feeling lonely and isolated.

The Hub was also able to liaise with other statutory, voluntary and community organisations from across Cambridgeshire to ensure other needs, including health and social care, were attended too.

From the Hubs introduction in late March it has handled in excess of 1900 telephone contacts.

The CSP has supported the Hub by providing access to other organisations and their messaging to support keeping people safe. For example, Cambridgeshire and Peterborough Against Scams because of the increased activity of internet based scams.

- The Covid19 pandemic and subsequent school closures and social distancing has resulted in the delivery of Safety Zones 2020 being cancelled. Opportunities for next year are being considered and we will continue to communicate with our partner agencies about the delivery of Safety Zone in 2021.

### **Street Drinking Update** (Cllr Susan Wallwork)

COVID19 and the subsequent lockdown restrictions have had an impact upon the levels of observed and recorded street drinking and some of the associated problems. As well as the ability of partner agencies to continue to provide the level of support they were.

Street Scene Officers haven't observed as many occurrences as they'd expect and the Street Cleansing Team are reporting a reduction of alcohol related litter being recovered from the bins or found discarded.

As part of the Licensing enforcement action plan the Licensing Relevant Authorities Officer (RAO) & Street Drinking meetings have been combined. Combining these meetings will increase the effectiveness and efficiency of not only FDC resources but also that of partner agencies.



**Key PIs:**

Key PI	Description	Baseline	Target 20/21	Cumulative Performance	Variance (RAG)
CELP8	Rapid or Village Response requests actioned the same or next day	95%	90%	96%	
CELP9	% of inspected streets meeting our cleansing standards (including graffiti and flyposting)	99%	93%	100%	
CELP10	% of household waste recycled through the blue bin service (1 month in arrears)	28%	28%	27%	
CELP11	Customer satisfaction with refuse and recycling services (quarterly)	99%	90%	N/A	
CELP12	Customer satisfaction with our garden waste service (quarterly)	94%	85%	N/A	
CELP13	Number of Street Pride, Green Dog Walkers, and Friends Of community environmental events supported	204	204	0	
CELP14	% of those asked who are satisfied with FDC's events (May, July, October, January)	96%	96%	0	

Comments
CELP13 Due to Covid 19 there have been no events therefore no data has been captured
CELP14 Due to Covid 19 there have been no events therefore no data has been captured

## Economy

### Projects from Business Plan:

**Continue to review council land and property assets to ensure they are fit for purpose and optimised to deliver better public services, improve efficiency and release surplus land for residential and commercial development as outlined in our Commercial Investment Strategy** (Cllr Ian Benney)

The surplus asset disposal programme will be reviewed in line with the now adopted Commercial & Investment Strategy. Whereupon sites with development potential will be evaluated against a set of criteria which will assess whether such sites are likely to produce greater returns if they are developed by the Council.

Of the surplus sites approved for sale by Cabinet there are 6 sites remaining to be sold either at auction or by private treaty. Currently these are on hold pending the appointment of an Officer resource. It is anticipated that a temporary appointment to this role will be made in August.

**Continue to lobby for improvements to our transport infrastructure, including the A47 economic corridor** (Cllr Chris Seaton)

#### **Wisbech Access Strategy**

This is a CPCA funded project being delivered by Cambridgeshire County Council. The latest information about the project can be found on the County Council website from the following link:

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/transport-funding-bids-and-studies/wisbech-access-strategy>

A Wisbech Access Strategy Phase 1 delivery report is due to be presented to the County Council Highways and Transport Committee on 7 July 2020. A copy of the agenda and any papers can be found from the following link:

<https://cambridgeshire.cmis.uk.com/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1529/Committee/62/Default.aspx>

Key points to note are as follows:

- Projects at Broad End Road (BER2), Elm High Road A47 Roundabout (EH1) and Weasenham Lane/Elm High Road roundabout (EH7b) are fully funded
- Construction of the above three projects are due to start on site in late 2020/early 2021. The projects are due for completion in 2021 and 2022
- Land acquisitions and utility diversions are key current areas of work for the CCC Project team. Commencement of Compulsory Purchase Orders (CPO) have been

give approval by CCC Highways and Transport Committee should they be needed.

### **Kings Dyke Level Crossing**

This is primarily a CPCA funded project being delivered by Cambridgeshire County Council.

Key points to note:

- In May 2020 Jones Bros Civil Engineering UK were appointed as the contractor to deliver the Kings Dyke Level Crossing scheme.
- Construction is expected to commence in late 2020 with the new road open to the public by the end of 2022.

The County Council website includes all the study information, technical details and progress information relating to the [Kings Dyke Crossing](#).

### **March Area Transport Study**

This is a CPCA funded project being delivered by Cambridgeshire County Council. A virtual room public consultation was held from 15 May to 28 June 2020. Copies of the project reports and technical information which make up the consultation

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/transport-funding-bids-and-studies/march-transport-study>

A progress update was submitted to CPCA Transport and Infrastructure Committee for its 1 July 2020 meeting. Item 2.6. The paper updates on the progress of the public consultation and recommends taking Outline Business Case work forward.

<https://cambridgeshirepeterboroughcagov.cmis.uk.com/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1969/Committee/67/SelectedTab/Documents/Default.aspx>

Key points to note:

- The results of the public consultation are being assessed by the County Council and will be made available in due course
- CPCA has confirmed the drawdown of additional funding to commence the Outline Business Case work and the preliminary design process for the schemes in the programme linked to the outcome of the public consultation.

### **March to Wisbech Railway Line**

This is a CPCA funded project being delivered by Cambridgeshire County Council. The full business case was submitted to CPCA Transport and Infrastructure Committee for its 1 July 2020 meeting. The papers relating to the business case can be found from the following website link. Item 2.7

<https://cambridgeshirepeterboroughcagov.cmis.uk.com/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1969/Committee/67/SelectedTab/Documents/Default.aspx>

Key points to note:

- The CPCA Transport and Infrastructure Committee have approved the full business case for Wisbech Rail subject to the CPCA Board later in the month
- The full business case supports a heavy rail option for the Wisbech to March line scheme. It confirms that this option would be value for money
- A GRIP3B technical study was also completed alongside the full business case this confirms the single heavy rail option for the project, the station location and an alternative means for crossing the level crossings
- Options for additional funding are now being explored. The Restoring Railways Fund offers the best opportunity for national funding. CPCA Officer discussions are ongoing with Network Rail and the Mayor has been invited to meet the Railway Minister

### **A47 Dualling (CPCA Project)**

This is a CPCA led project.

This project was last discussed by CPCA Transport and Infrastructure Committee during its March 2020 meeting. This was Item 8. A link to the paper for this meeting is below.

<https://cambridgeshirepeterboroughcagov.cmis.uk.com/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/890/Committee/67/SelectedTab/Documents/Default.aspx>

Key points to note:

- The Combined Authority along with Cambridgeshire County Council and in collaboration with Highways England produced a Highways England Project Control Framework (PCF) Stage 0 report in 2019
- The above PCF Stage 0 report underwent a Stage Gate Assessment Review technical assessment. It successfully achieved green status in December 2019. This means that it can progress to stage 1 options identification
- CPCA and the Mayor are continuing to lobby Highway England and DfT for the A47 dualling scheme to be included in the Roads Investment Strategy (RIS) 2 (2020 – 2025) or RIS 3 (2025 – 2030)
- The CPCA are also intending to take the road scheme forward in line with parallel flood defence projects which can in turn support Wisbech Garden Town.
- CPCA have asked suppliers to cost PCF1 and PCF2 stages this will help to support ongoing decisions around funding of stage 1 and from which programme e.g. CPCA or Government.

### **A47 Guyhirn (Highways England Project)**

There is no specific update in respect of this project. The latest information we have been provided with confirms a start on site time of 2021 with the scheme being open to traffic in 2022.

This is a Highways England Scheme that is part of the Roads Investment Strategy 1. More detail about this scheme and the latest updates can be found on the [Highways England website](#).

**Support the delivery of interventions listed within the four market town 'Growing Fenland' socio-economic masterplans** (Cllr Ian Benney)

The CPCA are committed to unlocking economic opportunities in each of our market towns. They have providing financial assistance to draw up masterplans and recently announced that each town will now be able to bid for up to £1m of capital funding to turn these plans into a reality.

Following approval of the four 'Growing Fenland' masterplans at a number of Council meetings in late 2019 and early 2020, Town Teams are now meeting to prioritise projects to be taken forward to bid for funding from the CPCA.

With the bidding process expected to open imminently, business cases will need to be produced in line with the guidance provided. A level of match funding is also likely to be required.

**Continue to prepare a new Local Plan document, which will determine how the district will grow in the future** (Cllr Dee Laws)

Cabinet, on 28<sup>th</sup> July, considered the Local Development Scheme which is the timetable which governs the preparation of the Local Plan. This was to take account of delays due to Covid-19 but also to allow the opportunity for a second call for sites exercise to take place in August and September. This means the Draft Local Plan consultation will take place in February 2021.

**Deliver railway projects with CPCA support through the Manea, March and Whittlesea Stations Project Boards** (Cllr Chris Seaton)

**Manea Station**

- Shelters – the new waiting shelter has now been installed.
- Car Park – the planning application has been submitted and is expected to be determined in the coming weeks. Greater Anglia have appointed consultants to finalise the single option design work that is expected to be complete in September 2020.

**March Station**

- Car parking and platform 1 building – all feasibility study and design work is ongoing. Final single option design work is expected to be complete in

July/August 2020

### **Whittlesea Station**

- Shelters – the new waiting shelters have now been installed
- Cycle parking – the existing cycle parking has been moved to access road close to the ticket machines and information screens
- Lighting – new lighting has been installed on the access way and on the platforms.
- Car Park – Greater Anglia have appointed consultants to finalise the single option design work that is expected to be complete in September 2020.

### **Work with partners to deliver property improvements and the activity plan as part of the National Lottery Heritage Funded Wisbech High Street Project (Cllr Chris Seaton)**

#### **The Gap – 24 High Street**

We have received confirmation that the restrictions on the legal title of this property have now been removed following 2 years of work by Officers and the Legal team. This will allow for a scheme and programme of redevelopment for the site to be finalised and presented to the National Lottery Heritage Fund for approval. A press release and communication plan was scheduled for 30<sup>th</sup> June. Demolition works of the dilapidated structure at the rear were completed in late March and the site is now completely clear and ready for redevelopment.

Further updates can be found on the Wisbech High Street Project Website:  
[www.highstreetwisbech.org.uk/content/new-contributions/updated-plans-for-no-24-high-st-the-gap](http://www.highstreetwisbech.org.uk/content/new-contributions/updated-plans-for-no-24-high-st-the-gap)

#### **11-12 High Street**

The developer has received the return of tenders for the main build contract and is currently assessing these before submitting a formal funding application. Officers await the outcome of the developers tender appraisal. Once the application for funding has been agreed, the build lease can be signed. The developer plans to commence demolition works in July (again delayed due to Covid-19) and scaffolding has been erected this week in readiness.

#### **13-17 High Street**

Some initial works have commenced at this property to implement the planning permissions which were due to expire in mid-June. The applicant is now awaiting the approval of the extension to the project grant expiry date before signing the grant agreement in order that works can commence.

#### **18 and 19 High Street**

A grant has been agreed for these two properties to assist with extensive roof and brickwork repairs, window repairs and appropriate replacement of some windows and

doors as well as a full redecoration of the facades and new signage. We are currently awaiting the return of the signed legal agreement from the owner prior to commencement of the works.

### **Other Properties**

The project is currently working with owners and tenants of a further 3 properties who are in the process of applying for a grant for building improvements. All of these are historic properties and two are listed buildings. With a generous grant proportion available to assist with the repairs, the owners/tenants are in the process of gathering quotes, applying for statutory consents where applicable and completing their applications. Covid-19 has obviously impacted on operations and the ability to obtain quotations but we are seeing contractors returning to normal and returning quotes. With shops now re-opening, face to face meetings with property owners and tenants will be made easier.

### **Other Activity**

Letters regarding intention to pursue action against some property owners/tenants who are not maintaining their properties have been issued. Although the deadline for communications was extended due to Covid-19 additional letters will now be issued. The initial letters have already resulted in property owners making contact.

An extension to the project end date has been requested which reflects the disruption caused by Covid-19 and dialogue so far with the NLHF has been positive.

### **Activity Plan**

Due to the outbreak of Covid-19 the Activity Plan has been on hold since March and all events and activities postponed. There is an intention to participate in national Heritage Open Days event in September- although this will be a digital event, with an online exhibition of old photographs never before seen from the engineers archives.

It is hoped that the CWA will be able to resume the training scheme we launched prior to March in which several students were learning traditional repairs skills using the Council's chapel building on Mount Pleasant Road. More will be known in September.

Project updates available on the website: [www.highstreetwisbech.org.uk](http://www.highstreetwisbech.org.uk)

### **Support local businesses to achieve regulatory compliance through a 'better business for all' approach (Cllr Sam Hoy & Cllr Ian Benney)**

The Better Business for All (BBFA) group was established before the Covid-19 crisis and its purpose is to bring Compliance Teams (Environmental Health & Licensing) together with Economic Growth/Development Teams within Councils across Cambridgeshire & Peterborough to engender closer working relationships and improve the interface with businesses.



During April to June the Better Business for All (BBfA) group have continued to work together in order to maintain a consistent approach with regard to regulatory service across Cambridgeshire.

At this time as guidance for business compliance has been changing almost daily the group have been able to share approaches and best practice using the knowledge hub shared group. This has been a successful approach with businesses across Cambridgeshire all receiving the same advice and support.

The BBfA group has not met this quarter; the next meeting is planned for July 2020 and will focus on discussions about membership of the steering group as Growth Hub representation ceased in June due to changes with the delivery of the Growth Hub and its move to an outsourced Growth Company.

Although the BBfA group hasn't met recently, they continue to share important intelligence and trend information, enabling FDC teams to respond where issues are identified.

### **Other Projects:**

#### **Economic Growth Team Activity** (Cllr Ian Benney)

##### **Government Grants**

The Government announced a number of support schemes to assist businesses as a result of the Covid-19 pandemic. Within this package of measures Local Authorities were required to administer two Business Grant schemes which included:

1. Small Business Grant Fund and Retail, Hospitality & Leisure Grant Fund and;
2. Discretionary Grant Fund.

There has been a significant collaborative effort across a range of Council Teams to process and make grant payments, with the Economic Growth team creating the application process for both grants, assessing applications and where required engaging with over 250 applicants. Undertaking the approval or rejection decision process for the vast majority of applications.

##### **Open For Business**

In promoting wider business support to Fenland businesses, the Economic Growth Team created the 'Fenland Open For Business' webpages on the Fenland for Business website ([www.fenlandforbusiness.co.uk](http://www.fenlandforbusiness.co.uk)) with over 120 businesses registering and promotion of the pages via Press Releases and social media and word of mouth. A database with in excess of 2,000 Fenland businesses has been created to use in continuing direct mail campaigns to promote the initiative and provide information on national, regional and local Covid 19 support.



### **Town Centres Reopening**

As the relaxation of lockdown closures continue, the Economic Growth Team has been supporting the reopening of the streets. The Team has created a database of town centre businesses to who were contacted and asked to complete a re-opening survey. The Economic Growth Team worked with colleagues across the authority to develop the town centres re-opening plan.

### **Major Projects**

Engaged with two of the major commercial development projects to understand timescales and issues and any barriers to ensure that the required support is in place to enable successful delivery.

### **Combined Authority**

The Council are represented by the Economic Growth Team as a member of the Combined Authority Economic Recovery Team, which has supported commissioning of Hatch Regeneris report into the impact of Covid-19 on local economy that will help with insight to support a recovery plan. The Economic Recovery Team continue to meet fortnightly to share intelligence and information to aid the recovery of their respective parts of the County.

### **Inward Investment**

During this time Officers have been engaged with Department International Trade regarding Foreign Direct Investment company engagement and with Greater Peterborough Economic Development Officers regarding the CPCA Inward Investment contract. There remains a strong relationship with Job Centre + and the Growth Hub to ensure that all stakeholders are working together to support Fenland Businesses. There have been some smaller, tentative relocation enquiries and the Economic Growth Team has worked with those companies, initially providing property information.

### **Future High Streets Fund** (Cllrs Ian Benney and Chris Seaton)

A full business case has been submitted to MHCLG for March High Street for the Future High Street Fund. Results are expected this summer.

### **Skills Update** (Cllr Chris Seaton)

Internally, the Council offers a range of apprenticeship qualifications out to our workforce, and are currently developing a wider apprenticeship offer to maximise apprentice posts being offered by the Council. We already have:

1 x HR Apprentice;  
3 x Management Apprenticeship;  
1 x Accountancy Apprenticeship (Finance);  
1x ICT Apprentice;  
1 x GDPR Apprentice (Member Services);  
2 x Planning Apprentices

In addition to this, we are actively seeking apprenticeship opportunities in a number of teams, such as Project Management, Leadership and Management.

**Promote and develop our Business Premises at South Fens, The Boathouse and Light Industrial Estates to encourage investment, business and job creation and skills diversification** (Cllr Ian Benney)

The outbreak of Covid19 occurred during this reporting period and the effects of lockdown are continuing. Many of the businesses operating from our industrial portfolio have continued to trade and remained open throughout the period. Any periods of closure seem to have been short-lived. Two business tenants thought they would need to serve notice but have since decided to remain. One business tenant has served notice on a double unit but following negotiations has since decided to stay in the larger unit, releasing a smaller one. We anticipate that the smaller unit will be easier to re-let than a larger unit.

Our business centres were closed during lockdown and conferences have ceased. However as the buildings were designed so tenants can have unimpeded access we have kept a reception presence in each building. At both business centres a small number of tenants continued to operate from their offices, but the majority have not been in attendance as staff worked from home.

At South Fens business centre two tenants served notice, but both did so independent from Covid19. Also during the period one business moved into South fens and a further 3 offices are 'under offer'. At The Boathouse we have two tenants who occupy 3 offices and have served notice to leave, as a result of Covid 19. Both will retain an office so they are in effect downsizing. Another existing business at The Boathouse wishes to take one of the units being given up but they will release a smaller unit. Generally occupancy remains more buoyant at The Boathouse compared with South Fens.

Across the whole estate we cannot anticipate whether or not more tenants will decide to serve notice. By the nature of the tenancies which promote 'easy in and easy out terms', we are always at risk of tenants leaving on 2 or 3 months' notice.

Many of our tenants were able to qualify for the small business rates relief grant of £10,000 and whilst we could not dictate how they used that money we did

encourage take up of it and also reinforced it could help their business through a difficult period as despite the pandemic, rent was still due if a property remained occupied. Officers will continue to closely monitor occupancy and income, seeking to mitigate any effects from the loss of either.

### **Sail the Wash Partnership Update** (Cllr Ian Benney)

#### **Construction update Cross Keys Marina**

This stage of the scheme has now been deferred until April 2021 to coincide with Marine management construction MMO window that is placed on this section of the scheme.

#### **Construction update Kings Lynn Marina**

FDC engineers are now finalising the pre-construction design and handover to external contractor for construction September 2020.

#### **Hydrographic survey program**

The final surveys are expected to be completed by July 2020, the information will be quality check and processed before handing over to the Sail the Wash scheme, the updated information will be shared with the UK hydrographic office for the update of nautical publications.

### **Affordable Homes** (Cllr Sam Hoy)

The Council has enabled through working with Registered providers a funded programme of 153 affordable homes to be completed this financial year. However due to the COVID 19 pandemic there may be some shift of these units being completed into the next financial year.

There is also further negotiation and discussions ongoing for a further pipeline of affordable homes estimated at 1 100 units. This number fluctuates as sites fall in and out of the programme.

### **Environmental Health inspection and business support programme** (Cllr Sam Hoy)

In March 2020 the Food Standards Agency wrote to all local authorities requiring a stop to all inspection plans. This meant the inspection programme for 2020, which started in April, has not yet commenced.

In April detailed guidance was released to councils setting out which inspections could be completed, and how.

Since 18<sup>th</sup> April only very high risk food businesses, where there is a likely risk to public health (such as poor management or high risk foods being produced), are to be inspected and the majority of the inspection must be over the telephone. The inspections do not count towards the annual inspection programme targets.

This has meant no inspections have been completed since April. The inspection programme will likely recommence in quarter 2 with some constraints.

Many businesses (except for take away, delivery or food producers) have been closed throughout this period and the environmental health service has focussed very much on providing support to those businesses who remain open, assisting with safety and compliance matters and the implementation of guidance, signposting those who were closed to access grants and other support. Guidance has been shared directly with businesses as soon as it is released.

In addition to directly supporting more than 100 businesses to meet Covid-19 compliance officers have responded to reports of breaches in relation to business closures and health and safety matters reported by the public or employees themselves. More than 200 reports were received between April and June of potential contraventions. Only two businesses were found to be breaching the closure regulations and asked to close, one was a Barber shop the other a licenced premises allowing customers inside.

Feedback in relation to the support work being offered has been very positive.

## Key PIs:

Key PI	Description	Baseline	Target 20/21	Cumulative Performance	Variance (RAG)
CELP15	% of major planning applications determined in 13 weeks (or within extension of time)	100%	75%	100%	
CELP16	% of minor planning applications determined in 8 weeks (or within extension of time)	94%	80%	96%	
CELP17	% of other planning applications determined in 8 weeks (or within extension of time)	99%	90%	98%	
EGA1	% occupancy of the business premises estate	87.8%	89%	87.8%	
EGA2	% of customers satisfied with our business premises estates (quarterly)	100%	95%	98%	
MS1	Number of berth holders / occupancy of berths at Wisbech Yacht Harbour (85 berths total)	85	85	96%	
CELP18	Number of local businesses supported and treated fairly (quarterly)	96%	96%	100%	

## Comments

CELP15-CELP17 – Planning application performance: Revised methods of working (needed due to covid restrictions) have meant that the team is less productive but the applicants and agents have supported the team and agreed extensions of time. The number of incoming applications remains very high and due to reduced resources (non covid sick leave and shielding requirements) we currently have a backlog on new applications requiring validation.

With regard to the quality of decision making (against the Government 24 month rolling tracker - appeals lost as a % of all decisions):

Majors – 0% (we can perform as badly as 10%)

Minors - 1.5% (we can perform as badly as 10%)

EGA2 Annual figure based on survey Oct 2019

## Quality Organisation

### Projects from Business Plan:

#### **Launch our Commercial Investment Strategy** (Cllrs Chris Boden & Ian Benney)

The Commercial and Investment Strategy is now in operation and Fenland Future Ltd has been created to help facilitate the implementation. We are currently working towards the inaugural Investment Board meeting in July which will then be followed by the first Board meeting of the new Company.

#### **Deliver the 'My Fenland' project to modernise customer service arrangements across the district** (Cllr Steve Tierney)

The My Fenland project focuses on modernising the way the Council delivers all aspects of our services to our customers. Current processes, wherever possible, will be streamlined to improve consistency and efficiency across the organisation. Technology will be utilised to improve the process for both staff and customers. The key focus will be ensuring we are putting the customer journey first and providing the best possible customer experience.

We have made significant progress with the project, despite the current Covid-19 restrictions.

We have process mapped a number of activities from a number of customer facing and administration teams, including our Licensing functions, our Corporate 3cs process (complaints, compliments and correspondence), our Freedom of Information request (FOI) process, environmental service requests (e.g. how we process Missed Bins reports, to name just a few. We have streamlined and automated these processes to make them more efficient and customer focused.

We are on the process of consolidating the staff in these areas into one central team to help increase and build on knowledge, skills and resilience.

We are also undertaking a full update and relaunch of our website and access points for customers.

We will also be implementing a telephony upgrade within the next month, which will enable us to provide a web chat service to our customers, and the implementation of Pay Point functionality across the district, which will allow our customers to pay their Council bills at an increased number of locations, such as Post Offices, garages, convenience stores and so on.

**Develop and launch a new website design to improve content, navigation and online transactions** (Cllr Steve Tierney)

More people are using our website than ever before. We received nearly 685,000 visits in 2019/20 and nearly 10,000 online form submissions across 50 different topics.

Work is currently underway to develop a brand new corporate website that we are looking to launch this year.

The front page will feature 'top tasks' and will provide quick links to apply, pay, and report functions. Improvements have also been made to the 'Find My Nearest' functionality which has been extended to include 'Find My Councillor'. We have worked with Goss, our website provider, to make improvements to the design, which will launch meeting new accessibility guidelines.

The quality of content across each service area has vastly improved and is now written consistently. On average, each page has had its reading age reduced by between 3-4 years, enabling it to be understood by a wider audience.

Using insight from the Customer Services team, text has also been optimised to answer the most frequently asked questions which will support the reduction of avoidable contact. The number of documents (which impacts the speed and effectiveness of search functionality) has also been reduced by about 70%.

We are currently working towards a communication plan to ensure that all key stakeholders, staff and residents are aware of the new website.

Once the website is launched we will also introduce further links to back office systems that will allow customers to self-serve, via applying, booking and online payment forms.

**Identify and deliver projects that support us to become a 'Council For the Future' (CFF)** (Cllrs Chris Boden & Steve Tierney)

There are several projects that fall under the "Council for the Future" programme and these include "My Fenland", Empty Homes, Private Sector Housing Enforcement, Active Fenland and CCTV commercialisation.

## Other Projects:

### 3Cs Update (Cllr Steve Tierney)

	May 2020
To answer 90% of Correspondence within 10 working days	100%
Answer 90% of Complaints by the agreed deadline	95%
Dealt with 90% of complaints at Stage 1	90%
Progress less than 10% of complaints to Stage 2	10%
Progress less than 5% of complaints to Stage 3	0%
Number of Ombudsman complaints upheld	0

### Communications Update (Cllr Steve Tierney)

#### News update

The number of news stories added to the FDC website and distributed as press releases to local media:

- April = 21
- May = 13
- June = 13

Monthly update on FDC social media sites:

The number of social media updates added to the FDC twitter and Facebook Accounts:

- April Twitter – 170  
Facebook - 147
- May Twitter – 174  
Facebook – 132
- June Twitter – 108  
Facebook - 99

We currently have 3,708 likes on Facebook and 8,581 followers on twitter.

#### Consultation Summary

Consultations that have taken place include:

- March Railway Station Consultation – 15 April to 9 May 2020



- PSPO (Dogs) consultation – 1 May to 28 May 2020
- Garden Waste Satisfaction Survey - 1 May to 31 May 2020

### **COVID-19 comms update**

We continue to follow and publicise national Government and Public Health England (PHE) advice and guidance in respect of COVID-19.

The latest information is being shared through our Council's COVID-19 web page at: [www.fenland.gov.uk/coronavirus](http://www.fenland.gov.uk/coronavirus) and the Council's social media accounts. In total, we have had 30,000 Coronavirus web page views since their launch.

We are also publicising press releases for all key Council news and service information relating to COVID-19.

We also continue to circulate comms to staff on a daily basis via our What's Breaking emails and the intranet.

## Key PIs:

Key PI	Description	Baseline	Target 20/21	Cumulative Performance	Variance (RAG)
PRC1	% of customer queries resolved at first point of contact	95%	Rolling monthly target of 85% per month	94.6%	
PRC2	% of customers satisfied with our service (March 2021)	96%	90%		
PRC3	% of contact centre calls answered within 20 seconds	64%	Rolling monthly target rising to 46.5% by March 2021	91.47%	
PRC4	% of contact centre calls handled	92%	Rolling monthly target rising to 80% by March 2021	99.37%	
ARP3	% of council tax collected	96.76%	97.3%	91.7%	
ARP4	Council Tax net collection fund receipts	11,650,572	11,650,572	10,693,401	
ARP5	% of NNDR collected	96.84%	98.3%	99.98%	
ARP6	NNDR net collection fund receipts	3,076,767	3,076,767	3,128,741	
PRC5	Number of visits to our website	684,190	718,000	199,077	
PRC6	% of staff who feel proud to work for FDC (every 2 years)	84%	82%	84%	

## Comments

ARP3 & ARP4 - Council Tax collection is behind target by £957,171, this is due predominantly to the current Covid-19 situation. The Government have announced a hardship scheme which will provide up to £150 to each LCTRS recipient of working age. When this is posted to accounts the collection position will be improved and provide a true reflection of the current position.

Further recovery action in 2020/21 has resulted in collection of £1,550 compared to £7,840 at the same point last year. Enforcement action in 2020/21 has resulted in collection of £46,532 compared to £90,510 at the same point last year. Charging Orders have been obtained to secure £191,550 debt.

NNDR collection is on target for the current financial year.


There have been claims by NHS Trusts for charitable rate relief which were subject to a High Court appeal. If successful this could result in a backdated refund of £1.464M. The High Court have rejected the claim that the NHS Trusts are charities, however the NHS trusts are now seeking leave to appeal.

Further recovery action in 2020/21 has resulted in collection of £104,514 compared to £86,593 at the same point last year.

Enforcement action in 2020/21 has resulted in collection of £9,994 compared to £34,176 at the same point last year.

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# Agenda Item 7

Agenda Item No:	7	
Committee:	Council	
Date:	06 August 2020	
Report Title:	Treasury Management Annual Review 2019/20	

## 1 Purpose / Summary

The purpose of this report is to consider the overall financial and operational performance of the Council's treasury management activity for 2019/20.


## 2 Key issues

- In accordance with the Treasury Management Strategy approved in February 2020, Council receives an annual review of its' treasury management activities after the financial year-end.
- The Treasury Management Annual Review 2019/20 as presented to Cabinet on 06 August 2020 is attached.
- The report highlights all the key activities carried out within the Treasury Management function during 2019/20. All activities have been conducted in accordance with the approved strategy and policies.
- 2019/20 has been a challenging year and the report highlights the success in maximising investment income whilst ensuring the security and liquidity of the Council's investments.
- The estimated impact of COVID-19 on the Council's Treasury Management activities is detailed in the Budget Update report at a separate agenda item.

## 3 Recommendations

- It is recommended that members note the report.

<b>Wards Affected</b>	All
<b>Portfolio Holder(s)</b>	Cllr Chris Boden, Leader & Portfolio Holder, Finance
<b>Report Originator(s)</b>	Peter Catchpole, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Contact Officer(s)</b>	Peter Catchpole, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Background Paper(s)</b>	Treasury Management and Annual Investment Strategy 2018/19

Agenda Item No:		
Committee:	Cabinet	
Date:	6 August 2020	
Report Title:	Treasury Management Annual Review 2019/20	

## Cover sheet:

### **4 Purpose / Summary**

The purpose of this report is to consider the overall financial and operational performance of the Council's treasury management activity for 2019/20.

### **5 Key issues**

- Outstanding loans and finance lease liabilities of £8,205,727 and temporary investments of £18,300,000 as at 31 March 2020.
- Due to the Council's long term PWLB debt portfolio (£4.5m at 31/03/20) currently attracting excessive premiums it was not financially advantageous for the Council to comply with the Gross borrowing and Capital Financing Prudential Indicator in 2019/20. This is consistent with the strategy approved by Council in February 2019.
- No new borrowing was undertaken and the authorised limit was not breached during 2019/20.
- The investment activity during the year conformed to the approved strategy and the Council had no liquidity difficulties.
- Amount received from external investments £202,331 (compared with an estimate of £200,000).
- Overall interest rate achieved from investments 0.85% (7 day LIBID un compounded rate for 2019/20 0.53%).
- Although this report is primarily focused on reviewing activity and performance in 2019/20, the impact of COVID-19 has had a significant impact on treasury management activity so far in this current year and will continue to have for the remainder of this year. As a result of lower interest rates and lower investment activity a significant reduction in investment income in 2020/21 of around £115,000 from normal treasury activity is forecast and around £75,000 reduction in proposed Property Funds investment income as access to these funds is delayed. Further details are contained in the Budget Update report being presented to Council at their meeting today.

### **6 Recommendations**

- It is recommended that members note the report.
- It is recommended that Council receive the Treasury Management Annual Report.

<b>Wards Affected</b>	All
<b>Portfolio Holder(s)</b>	Cllr Chris Boden, Leader & Portfolio Holder, Finance
<b>Report Originator(s)</b>	Peter Catchpole, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Contact Officer(s)</b>	Peter Catchpole, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Background Paper(s)</b>	Treasury Management and Annual Investment Strategy 2019/20

## 1 Introduction

- 1.1 The Council is required through regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2019/20. This report meets the requirements of both the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 During 2019/20 the minimum reporting requirements were that Council should receive the following reports:
- an annual Treasury Strategy in advance of the year (Council 21/02/2019);
  - a mid-year treasury update report (Corporate Governance 5/11/2019);
  - an Annual Review following the end of the year, describing the activity compared to the strategy (this report).
- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 1.4 The Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Corporate Governance Committee before they were reported to Council.

## 2 The Council's Capital Expenditure and Financing

- 2.1 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
  - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

	2018/19 Actual £000	2019/20 Revised Estimate £000	2019/20 Actual £000
<b>Capital expenditure</b>	<b>2,968</b>	<b>5,507</b>	<b>4,926</b>
Financed In Year	2,371	2,658	3,621
<b>Unfinanced capital expenditure</b>	<b>597</b>	<b>2,849</b>	<b>1,305</b>



### 3 The Council's Overall Borrowing Need

- 3.1 The Council's underlying need to borrow to finance capital expenditure is termed the capital financing requirement (CFR).
- 3.2 **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current (2020/21) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2019/20. The table below highlights the Council's gross borrowing position against the CFR (See Appendix A).

3.3

	31 March 2019 Actual £000	31 March 2020 Revised Estimate £000	31 March 2020 Actual £000
CFR opening balance	766	1,212	1,212
Capital expenditure (internal borrowing)	597	2,849	1,305
Less Minimum Revenue Provision	(151)	(243)	(243)
<b>CFR Closing balance</b>	<b>1,212</b>	<b>3,818</b>	<b>2,274</b>
<b>Gross Debt</b>	<b>8,363</b>	<b>8,206</b>	<b>8,206</b>

- 3.4 The CFR includes finance leases. A finance lease is a commercial arrangement between the Council and a lessor (finance company), where in consideration for a series of payments the Council has the right to use an asset (e.g. refuse vehicle) for the lease duration (typically 7 years). The annual lease payment is made up of a capital and interest repayment.
- 3.5 Although legally the Council doesn't own the asset during the lease duration, International Accounting Standards require that the Council capitalise the asset and liability on its balance sheet, much like a loan.
- 3.6 As a result of the Council's long term Public Works Loan Board (PWLb) debt portfolio of £4.5m (31/03/20) currently attracting excessive premiums (£3.347m at the time of writing this report), if it were prematurely repaid and the fixed rate market loan of £3.3m (31/03/2020), attracting a premium charge on application to prematurely repay, it is not financially advantageous for the Council to fully comply with this prudential indicator. This has been the case since the housing stock transfer in 2007 and has been acknowledged and approved by Council since then. In addition, the Council's external auditors have also acknowledged this situation and have not raised any issues with our strategy.
- 3.7 The authorised limit - the authorised limit is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level.
- 3.8 The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.
- 3.9 Neither the authorised limit or operational boundary were breached during 2019/20

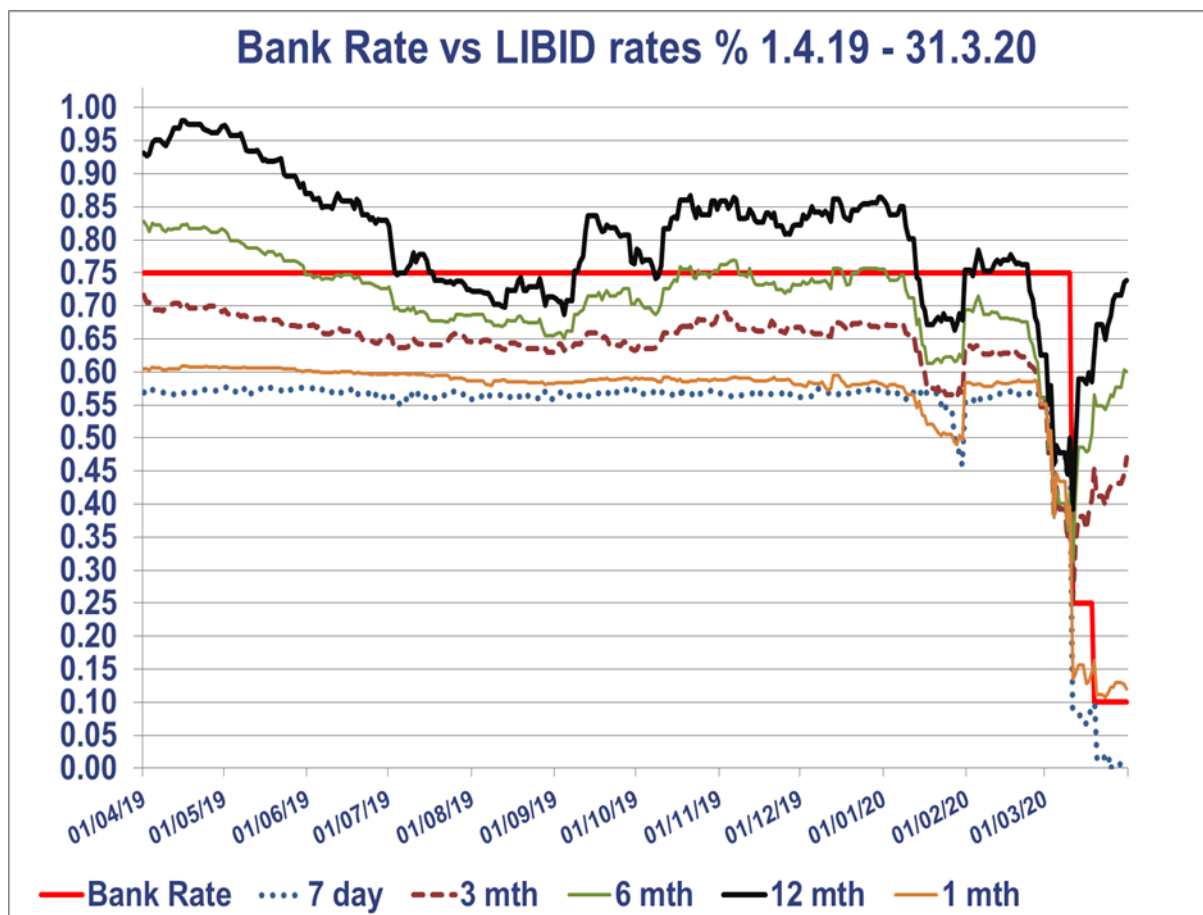
#### 4 Overall Treasury Position as at 31 March 2020

4.1 At the beginning and end of 2019/20 the Council's treasury position was as follows.

	31 March 2020 Principal £000	Rate / Return	Average Life years	31 March 2019 Principal £000	Rate / Return	Average Life years
Fixed rate funding						
• PWLB	4,500	7.29%	10.40 yrs	4,500	7.29%	11.40 yrs
• LOBO	3,300	4.70%	33.96 yrs	3,300	4.70%	34.96 yrs
• Finance Leases	406	3.64%	2.56 yrs	563	3.61%	3.56 yrs
Total debt	8,206			8,363		
Investments	(18,300)	0.85%		(20,200)	0.73%	
Net debt /(Investments)	(10,094)			(11,837)		

4.2 All investments held at 31 March 2020 are fixed term or callable deposits due for repayment within the next twelve months.

#### 5 The Strategy for 2019/20



## **Investment Strategy**

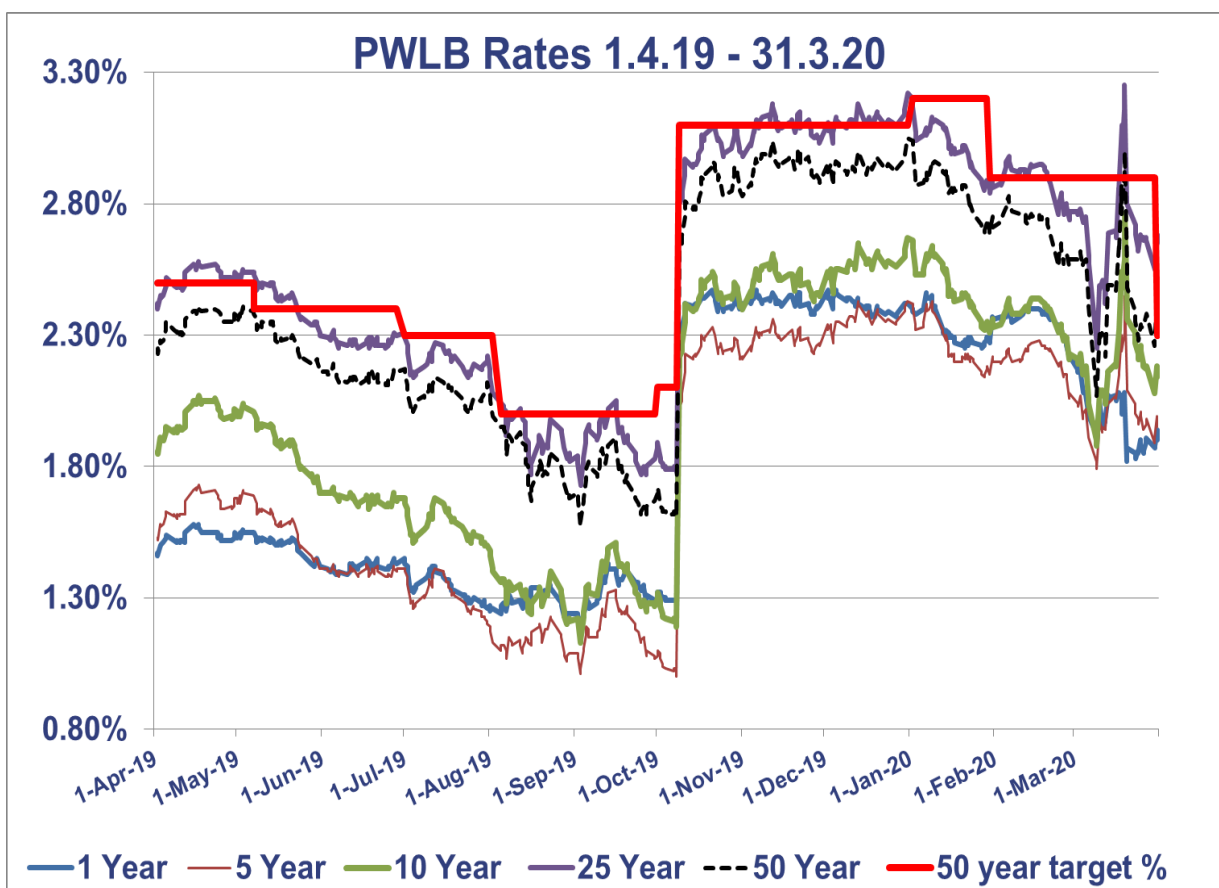
- 5.1 Investment returns remained low during 2019/20. The expectation for interest rates within the treasury management strategy for 2019/20 was that Bank Rate would increase, slowly, incrementally to 1.25% by February 2020 but only based on the major assumption that Parliament and the EU could agree a Brexit deal in the first quarter of 2019.
- 5.2 Rising concerns over the possibility that the UK could leave the EU at the end of October 2019 caused longer term investment rates to be on a falling trend for most of April to September. They then rose after the end of October deadline was rejected by the Commons but fell back again in January before recovering again after the 31 January departure of the UK from the EU. When the coronavirus outbreak hit the UK in February/March, rates initially plunged but then rose sharply back up again due to a shortage of liquidity in financial markets.
- 5.3 While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.
- 5.4 Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

## **Borrowing Strategy**

- 5.5 The Council was 'over borrowed' during 2019/20 as the Council's gross debt exceeded its CFR. This has been the case since 2007 when the Council decided not to repay £7.8m of PWLB debt, following the Council's stock transfer.
- 5.6 Therefore, as opposed to taking on additional loan debt to fund capital expenditure in 2019/20, the Council followed a strategy of using cash, supporting the Council's reserves, balances and cash flow as an interim measure. The strategy was prudent as investment returns were low and to reduce counterparty risk on placing investments
- 5.7 The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.
- 5.8 Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Director of Finance therefore monitored interest rates in financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risk, if it had been felt that there was a significant risk of a much sharper rise in long and short term rates than initially expected, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position would have been re-appraised. Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.

- 5.9 Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2019/20 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.

Link Asset Services Interest Rate View													
	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75%	1.00%	1.00%	1.00%	1.25%	1.25%	1.25%	1.50%	1.50%	1.75%	1.75%	1.75%	2.00%
3 Month LIBID	0.90%	1.00%	1.10%	1.20%	1.30%	1.40%	1.50%	1.50%	1.60%	1.70%	1.80%	1.90%	2.00%
6 Month LIBID	1.00%	1.20%	1.30%	1.40%	1.50%	1.60%	1.70%	1.70%	1.80%	1.90%	2.00%	2.10%	2.20%
12 Month LIBID	1.20%	1.30%	1.40%	1.50%	1.60%	1.70%	1.80%	1.90%	2.00%	2.10%	2.20%	2.30%	2.40%
5yr PWLB Rate	2.10%	2.20%	2.20%	2.30%	2.30%	2.40%	2.50%	2.50%	2.60%	2.60%	2.70%	2.80%	2.80%
10yr PWLB Rate	2.50%	2.60%	2.60%	2.70%	2.80%	2.90%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%	3.20%
25yr PWLB Rate	2.90%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%	3.40%	3.40%	3.50%	3.50%	3.60%	3.60%
50yr PWLB Rate	2.70%	2.80%	2.90%	2.90%	3.00%	3.10%	3.10%	3.20%	3.20%	3.30%	3.30%	3.40%	3.40%



- 5.10 PWLB rates are based on, and are determined by, gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. There was much speculation during the second half of 2019 that bond markets were in a bubble which was driving bond prices up and yields down to historically very low levels. The context for that was heightened expectations that the US could have been heading for a recession in 2020, and a general background of a downturn in world economic growth, especially due to fears around the impact of the trade war between the US and China, together with inflation generally at low levels in most countries and expected to remain subdued; these conditions were conducive to very low bond yields.

- 5.11 Gilt yields were on a generally falling trend during the last year up until the coronavirus crisis hit western economies. Since then, gilt yields have fallen sharply to unprecedented lows as investors have panicked in selling shares in anticipation of impending recessions in western economies, and moved cash into safe haven assets i.e. government bonds. However, major western central banks also started quantitative easing purchases of government bonds which will act to maintain downward pressure on government bond yields at a time when there is going to be a huge and quick expansion of government expenditure financed by issuing government bonds; (this would normally cause bond yields to rise). At the close of the day on 31 March, all gilt yields from 1 to 5 years were between 0.12 – 0.20% while even 25-year yields were at only 0.83%.
- 5.12 However, HM Treasury has imposed two changes in the margins over gilt yields for PWLB rates in 2019-20 without any prior warning; the first on 9 October 2019, added an additional 1% margin over gilts to all PWLB rates. That increase was then partially reversed for some forms of borrowing on 11 March 2020, at the same time as the Government announced in the Budget a programme of increased spending on infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; this ends on 31 July. It is clear that the Treasury intends to put a stop to local authorities borrowing money from the PWLB to purchase commercial property if the aim is solely to generate an income stream.
- 5.13 There is likely to be little upward movement in PWLB rates over the next two years as it will take national economies a prolonged period to recover all the momentum they will lose in the sharp recession that will be caused during the coronavirus shut down period. Inflation is also likely to be very low during this period and could even turn negative in some major western economies during 2020-21.

## **6 Borrowing Outturn**

- 6.1 No long term or temporary borrowing was taken during 2019/20. The approach during the year was to use cash balances to finance new capital expenditure, so as to run down cash balances that were earning low investment returns and to minimise counterparty risk incurred on investments.
- 6.2 The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.
- 6.3 No rescheduling was completed during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates and the penalty position which can arise from early repayment of debt, made rescheduling unviable.

## **7 Investment Outturn**

- 7.1 The Council's investment policy is governed by the Ministry of Housing, Communities and Local Government investment guidance, which has been implemented in the annual investment strategy approved by Council on 21 February 2019. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps and bank share price).
- 7.2 The investment activity during the year conformed to the approved strategy and the Council had no liquidity difficulties.
- 7.3 The Council maintained an average balance of £22.125m of internally managed funds. The internally managed funds earned an average rate of return of 0.85% (£202,331). The comparable performance indicator is the average 7-day LIBID rate, which was 0.53%.

## **8 Prudential and Treasury Indicators**


- 8.1 During 2019/20 the Council complied with its legislative and regulatory requirements with the exception of gross borrowing (see paragraph 3.6 above).

## Appendix A - Prudential Indicators

<b>Prudential Indicators</b>	<b>2018/19 Actual £000</b>	<b>2019/20 Revised Estimate £000</b>	<b>2019/20 Actual £000</b>
<b>1 Capital Expenditure</b>	<b>2,968</b>	<b>5,507</b>	<b>4,926</b>
<b>2 Ratio of Financing Costs to Net Revenue Stream (external interest – investment income)</b>	<b>3.66%</b>	<b>4.99%</b>	<b>4.97%</b>
<b>3 Gross Borrowing and the Capital Financing Requirement</b>			
Gross Debt	8,363	8,206	<b>8,206</b>
CFR	1,212	3,818	<b>2,274</b>
<hr/>			
<b>Treasury Management Indicators</b>	<b>2018/19 Actual £000</b>	<b>2019/20 Revised Estimate £000</b>	<b>2019/20 Actual £000</b>
<b>4 Authorised Limit for External Debt</b>			
Borrowing	15,000	17,000	<b>15,000</b>
Other Long Term Liabilities	2,000	1,000	<b>1,000</b>
Commercial Activities	0	25,000	<b>0</b>
Total	<b>17,000</b>	<b>43,000</b>	<b>16,000</b>
<b>5 Operational Boundary for External debt</b>			
Borrowing	10,000	12,000	<b>10,000</b>
Other Long Term Liabilities	2,000	1,000	<b>1,000</b>
Commercial Activities	0	25,000	<b>0</b>
Total	<b>12,000</b>	<b>38,000</b>	<b>11,000</b>
<b>6 Actual External debt (as at 31 March)</b>			
Borrowing	7,800	7,800	<b>7,800</b>
Other Long Term Liabilities	563	406	<b>406</b>
Total	<b>8,363</b>	<b>8,206</b>	<b>8,206</b>

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Agenda Item No:	8	
Committee:	Council	
Date:	06 August 2020	
Report Title:	General Fund Budget Update 2020/21	

## 1 Purpose / Summary

To provide members with an update to the 2020/21 budget in the light of the impact of COVID-19.

## 2 Key issues

- Council on 20 February 2020 approved a balanced budget for 2020/21 taking into account £157k of transformation savings identified but not yet implemented and with no use of the General reserve to balance the budget.
- Members will be aware of the Council's response to COVID-19 and reports have been considered by Overview and Scrutiny Panel on the actions taken by the council to date and also on the future implications and opportunities of the COVID-19 pandemic in relation to service delivery by Fenland District Council.
- This report concentrates on the financial impact of COVID-19 on the Council in the current financial year 2020/21 and the potential ongoing impact in 2021/22 and future years.
- There have been several government announcements of support packages to assist local government during the pandemic and these will assist in mitigating the significant spend pressures and income losses forecast for this year.
- There are too many uncertainties at the current time to accurately predict what the final impact will be on the Council finances this year. The figures contained in this report are current 'best estimates' and are consistent with the monthly financial monitoring returns submitted to MHCLG.
- Current forecasts for 2020/21 show a potential net impact of around £1.3m by the end of the year. Should income levels not begin to recover as anticipated later this year, this deficit could be significantly higher.
- Should there be no more government support then the final deficit will have to be funded from Council reserves.
- At this stage, due to the many uncertainties around the potential deficit for 2020/21, there is no requirement to formally approve an amount to be funded from reserves. The financial situation will continue to be closely monitored and updated during the budget-setting process for 2021/22 during autumn 2020.
- Despite the many challenges of COVID-19, the Council continues to focus on delivering quality services and to minimise the impact on front-line services.

## 3 Recommendations

- It is recommended that the contents of the report be noted.

<b>Wards Affected</b>	All
<b>Portfolio Holder(s)</b>	Cllr Chris Boden, Leader and Portfolio Holder, Finance
<b>Report Originator(s)</b>	Peter Catchpole, Corporate Director and Chief Finance Officer (S.151 Officer) Mark Saunders, Chief Accountant
<b>Contact Officer(s)</b>	Paul Medd, Chief Executive Peter Catchpole, Corporate Director and Chief Finance Officer (S.151 Officer) Mark Saunders, Chief Accountant
<b>Background Paper(s)</b>	Medium Term Financial Strategy working papers. MHCLG COVID-19 local authority financial management information monitoring returns. Government announcements since February 2020.

## **1 INTRODUCTION**

- 1.1 Council on 20 February 2020 approved a balanced budget for 2020/21. This included £157k of transformation savings which had been identified but not yet implemented. There was no expected use of the General reserve to fund the budget for 2020/21.
- 1.2 The impact of COVID-19 on the Council's delivery of services and finances have been and continue to be, significant and challenging. Members will be aware of the Council's response to COVID-19 and reports have been considered by Overview and Scrutiny Panel (on 8 June 2020 and 13 July 2020) on the actions taken by the council to date and also on the future implications and opportunities of the COVID-19 pandemic in relation to service delivery by Fenland District Council.
- 1.3 This report concentrates on the financial impact of COVID-19 on the Council in the current financial year 2020/21 and the potential ongoing impact in 2021/22 and future years. The financial implications for the Council are across a variety of spending pressures, income reductions and cash flow issues together with the impact on Council Tax and Business Rates collection and future income levels.
- 1.4 To assist the government with understanding the financial impact on local authorities, monthly financial monitoring returns have been submitted to MHCLG since April 2020. The next return is due on 31 July 2020.
- 1.5 There are too many uncertainties at the current time to accurately predict what the final impact will be on the Council finances this year. The figures contained in this report are current 'best estimates' and are consistent with the monthly financial monitoring returns submitted to MHCLG.
- 1.6 There have been several government announcements of support packages to assist local government during the pandemic and these will assist in mitigating the significant spend pressures and income losses forecast for this year. These are detailed later in the report.

## **2 Additional Spend and Income Reduction Pressures due to COVID-19**

- 2.1 Delivery of all Council services has been impacted to varying degrees. The main service areas which are currently being impacted most significantly are as follows:
  - Homelessness and Rough Sleepers/Night Shelter residents – costs associated with providing temporary accommodation for all rough sleepers and residents of the night shelter which was forced to close. Additional pressure with more people presenting as homeless. The Council has to date received £8,250 grant from the £3.2m COVID-19 rough sleeper contingency fund;
  - Leisure Centre management – closure of all leisure centres since 21 March 2020 with phased re-opening planned for end of July 2020. Support for the management contractor has been agreed by Cabinet until the end of September. For the purposes of this report, further support until the end of the year has been assumed, albeit at a reducing level. This will however require further approval by Cabinet;
  - Domestic Refuse/Recycling service – cover for shielding staff and additional refuse round. Higher gate fees;
  - Finance & Corporate – ICT, homeworking arrangements, revenues and benefits administration, customer services, administration of Business Grants, communications, accommodation adaptations;
  - My Fenland Project – delayed implementation reducing savings achieved this year.

- 2.2 With regard to rough sleepers, The Next Steps Accommodation Programme (NSAP) was launched by the government on 18 July 2020. This programme makes available financial resources needed to support local authorities to ensure that as few individuals as possible return to the streets following time spent in emergency accommodation.
- 2.3 A total of £266m is available for 2020/21, comprising £105m (revenue only) to be used for immediate support for local authorities for shorter-term/interim accommodation and £161m (£130m capital funding and £31m revenue funding) to deliver 3,300 units of longer-term, move-on accommodation.
- 2.4 The MHCLG adviser teams will work hand in hand with local authorities to develop NSAP proposals aided where appropriate by experts on capital development schemes from Homes England's Affordable Housing Growth Team. Proposals for funding from this programme must be submitted by the end of Thursday 20 August 2020.
- 2.5 Funding from this programme has the potential to mitigate some of the additional expenditure pressure relating to rough sleepers.

### **Income reduction pressures**

- 2.6 Many of the Council's income streams have been impacted by COVID-19. The most significant areas are as follows:
- Leisure Centre Management – deferral of monthly management fee approved for 6 months. For the purposes of this report, a further 6 month management fee deferral until the end of this year has been assumed. As detailed in the Cabinet report of 29 June 2020 on the proposed Freedom Leisure support package, this continued deferral of management fees until April 2021 is considered the best case expectation. This will however require further approval by Cabinet.
  - Planning Fees – reduction in activity
  - Council Tax and NNDR recovery – enforcement action ceased and magistrates courts not sitting resulting in loss of income from ARP bailiff service and court costs
  - Search Fees – reduction in housing activity
  - Trade Waste – loss of income due to reduced business activity
  - Economic Estates – no conference income to date this year
  - Marine Services – reduced shipping activity
  - Business Rates Pool – reduced pool benefit (see section 7)

### **Cash flow**

- 2.7 With the additional costs, reduction in income and less Council Tax and Business Rates being collected (see Sections 6 and 7 below), these have had a detrimental impact on the Council's cash flow. This has been partly mitigated by the range of support packages implemented by the government to assist local authorities.
- 2.8 At the current time, there are no immediate concerns over the Council's cash flow over the remainder of the year. The main impact has been a significant reduction in investment interest income as result of a reduction in short-term investment interest rates (from already historic low rates), combined with less cash being available for investment. The forecast for 2020/21 is a £115,000 reduction in income from investments.
- 2.9 In addition, there will be a delay in accessing Property Funds whilst the impact of COVID-19 is fully understood, with a corresponding reduction in budgeted income this year of around £75,000.

2.10 Based on the last MHCLG COVID-19 financial monitoring information return submitted on 19 June 2020 and updated with the latest budget monitoring information as at the end of June 2020, the following is a summary of the estimated financial impact on the above spending pressures and income reductions. These will form the basis of the next MHCLG return due on 31 July 2020:

### Estimated additional spend pressures and income reductions due to COVID-19

		April-June 2020-21	Full Year 2020-21
		£000	£000
<b>Spend pressure</b>			
Homelessness/Rough Sleepers	Temporary accommodation and Support costs	223	910
Leisure Management Contract	Agreed support to date - to end of September	165	320
Leisure Management Contract	Potential support to end of year - to be agreed	0	150
Domestic Refuse/Recycling	Additional staffing and vehicle costs to ensure continuation of service	28	120
Finance and Corporate Services	ICT, homeworking arrangements, revenue and benefits additional administration, customer services, administration of business grants, communications, accommodation adaptations	109	264
Other services	Public health, food safety	0	20
My Fenland Project	Delayed implementation - reduced savings in year	0	100
<b>Total estimated Spending Pressure</b>		<b>525</b>	<b>1,884</b>
<b>Income reductions</b>			
<b>Sales, fees and charges losses</b>			
Leisure Management Contract	Agreed deferral of management fee to end of September	113	225
Leisure Management Contract	Potential deferral of fee until end of year - to be agreed	0	228
Planning Fees	Reduction in activity	68	223
Council Tax and NNDR recovery	No enforcement fees or court costs	103	411
Search Fees	Reduced housing market activity	15	50
Domestic Refuse/Recycling	Lower fees from provision of bins	3	14
Trade Waste	Reduction in business activity - lower income off-set by lower disposal charges	22	93
Vehicle Workshop	Lower fees from taxi testing	3	6
Economic Estates	Lower occupancy of units	10	22
Economic Estates	Reduction in conference income	25	75
Marine Services	Reduction in shipping levels	33	72
Other Services	Reduction in cemetery fees, markets and fairs, licensing etc	14	44
<b>Sales, fees and charges losses - subtotal</b>		<b>409</b>	<b>1,463</b>
<b>Other income losses</b>			
Investment interest	Lower interest rates and reduced cash flow	29	115
Property Fund interest	Delayed access to funds	0	75
Business Rates Pool	Reduced share of pool benefit due to lower NNDR growth income	0	93
<b>Other income losses - subtotal</b>		<b>29</b>	<b>283</b>
<b>Total estimated income losses</b>		<b>438</b>	<b>1,746</b>
<b>Total estimated spend pressures and income losses</b>		<b>963</b>	<b>3,630</b>

### 3 Government support for COVID-19 pressures

3.1 To date, the government has provided £1,291,030 of direct grant support to this Council, primarily aimed at addressing the expenditure pressures being incurred. This support has been announced in three tranches to date as follows:

- First Tranche announced on 20 March 2020 of £1.6bn for local government with this Council allocated £65,197. The majority of this first tranche was aimed at getting emergency support into Adult Social Care.
- Second Tranche announced on 28 April 2020 of a further £1.6bn aimed at addressing both expenditure pressures and income shortfalls and distributed on a per capita basis. This Council's allocation was £1,023,768.
- Third Tranche announced on 2 July 2020 of a further £500m to cover local authority spending pressures. With the benefit of data from the MHCLG monitoring returns, the government has created a new formula to distribute this additional funding. This formula reflects the factors which the data returns have indicated correlate most closely with front-line expenditure – population, deprivation and the way that service costs vary across the country. This, the government say ensures funding is targeted to where it's most needed. This Council's allocation was £202,065.

3.2 The government also announced on 2 July 2020, as part of the support package various other measures to mitigate the impact of COVID-19 on local authorities. These are as follows:

- A co-payment mechanism for irrecoverable Sales, Fees and Charges income, with the government covering 75% of losses beyond 5% of planned income;
- Phased repayment of Collection Fund deficits over the next 3 years;
- A commitment to determine what support is needed to help councils meet the pressures of irrecoverable tax income at the Spending Review.

3.3 With regard to the income loss scheme, MHCLG are implementing a principle based approach in acknowledgement that individual councils will be best placed to determine what losses they should be claiming for. The 3 principles of the scheme are as follows:

1. Transactional income from customer and client receipts (excluding commercial revenues and rental amounts and investment income) which is generated from the delivery of services which was budgeted for in 2020/21;
2. As a result of COVID-19 and consequent reductions in economic activity, these income sources have been unavoidably lost and won't be recovered in this financial year;
3. Compensation should be based on net losses, where a local authority has been able to reduce expenditure, or has received other compensation, only the residual loss would be compensated for.

3.4 Based on the estimated Sales, Fees and Charges losses of £1.463m detailed in the table at 2.3 above, the amount of compensation to be received would be calculated as follows:

	£000
Total 2020/21 budgeted income for service areas identified:	4,191
5% of planned income (not compensated for)	210
Estimated Sales, Fees and Charges losses	1,463
Less 5% not compensated for	<u>-210</u>
Estimated losses eligible for compensation	1,253
<b>75% income loss compensation</b>	<b>940</b>

#### 4 Other variances in 2020/21

- 4.1 In addition to the net impact of COVID-19 pressures, there are several other budget variations which will impact on the final position at year-end. These are detailed below:

		Full Year
Other budget variances 2020/21		£000
Employee costs	Pay award offered at 2.75% compared with 2% budgeted for	85
Employee costs	Budgeted vacancy factor not being achieved	200
Housing Benefits	Net impact of subsidy, overpayments and bad debts provision	100
Corporate Management	Increase in External Audit fees (£15k p.a. backdated to 2019/20)	30
Domestic Refuse/Recycling	Higher gate fees from contract off-set by higher recycling credits	46
Internal Audit	Joint arrangements with KL&WN and lower contract staff costs	-48
Legal Services	Joint working arrangements with Peterborough City Council	-41
Garden Waste	Higher subscription fees	-29
Recreation Grounds	Lower Grounds Maintenance Contract costs	-24
Housing Standards	Higher enforcement fees	-52
Community Events	Reduced number of events in year	-38
Finance Charges	Reduction in Minimum Revenue Provision	-176
Government Grants	New Burdens funding for administering Business Grants schemes	-130
<b>Total Other Budget variances 2020/21</b>		<b>-77</b>

#### 5 Net Impact of COVID-19 pressures and other variances on 2020/21 budget

- 5.1 Taking into account the estimated spend pressures, income losses, government support and other variances, the current projected net impact on 2020/21 is as follows:

	£000
Estimated spend pressures	1,884
Estimated income losses	1,746
<b>Total estimated pressures</b>	<b>3,630</b>
Government grant support to date	1,291
Estimated income loss compensation	940
<b>Total estimated government support</b>	<b>2,231</b>
<b>Estimated impact of COVID-19 pressures</b>	<b>1,399</b>
<b>Total estimated other variances</b>	<b>-77</b>
<b>Net impact on 2020/21</b>	<b>1,322</b>

- 5.2 This is a best estimate at the current time. There are however, simply too many uncertainties to accurately predict what the final net impact will be in 2020/21. The financial situation will continue to be closely monitored and updated during the budget-setting process for 2021/22 during autumn 2020.
- 5.3 If no further government support is forthcoming, whatever the final deficit will be at the year-end will have to be funded from the Council's reserves.

## 6 Council Tax

- 6.1 The impact on Council Tax collection this year mainly relates to a reduction in cash received as customers seek alternative payment arrangements and an increase in the number of working age Council Tax Support (CTS) claimants with a corresponding increase in the amount of Council Tax Support awarded.
- 6.2 A reduction in cash received and an increase in the amount of CTS awarded has no direct impact on the revenue account in 2020/21, apart from variations in cash flow which may impact on the amount of investment interest received. At the end of June 2020, the Council Tax collection rate was 0.85% behind target, representing £862k less cash received.
- 6.3 A reduction in cash received during this year will result in an increase in arrears which will increase the bad debts provision required and consequently increase the deficit in the Council Tax Collection Fund at the year-end. The Council continues to collect arrears in future years.
- 6.4 An increase in CTS claims and amount awarded will also result in increasing the deficit on the Collection Fund at the year-end as the net Council Tax due in the year reduces but the amount paid to each of the preceptors remains the same as budgeted.
- 6.5 The number of CTS claims and amounts awarded at the end of June 2020 compared with March 2020 are detailed in the table below:

	CTS cases and amount awarded : March – June 2020			
Date	Impact on Council Tax-base	CTS awarded	Working age claims	Pensioner claims
31/3/20	-3,743	£7.385m	4,244	3,472
30/6/20	-3,960	£7.801m	4,702	3,431
Change March to June 2020	-217 -5.80%	+£0.416m +5.63%	+458 +10.79%	- 41 -1.18%

- 6.6 We are expecting the number of working age claims to increase further later this year as the government's 'furlough' scheme comes to an end together with a predicted increase in unemployment. The extent of this expected increase is extremely uncertain at this time but could be significant.

### COVID-19 Council Tax Hardship Fund

- 6.7 To assist working age CTS claimants, the government announced the £500m COVID-19 Hardship Fund at the Budget on 11 March 2020. This Council's allocation is £907,222. This funding is to provide all recipients of working age local council tax support during the financial year 2020-21 with a further reduction in their annual council tax bill of up to £150, using their discretionary powers to reduce the liability of council tax payers outside of their formal CTS scheme design.
- 6.8 It is currently estimated that all of this Council's allocation will be used to reduce working age CTS recipient's council tax bill during this year, both current recipients and expected future claimants.



## **Collection Fund Deficit**

- 6.9 In normal circumstances any deficit on the Collection Fund at year-end would be recovered from the major preceptors (County Council, Police, Fire and Fenland) the following year, in 2021/22 and is a charge to the revenue account. Any deficit at year-end is charged to each of the major preceptors in proportion to their Council Tax requirement. This Council's share of any deficit at the end of 2020/21 will be 15.66%.
- 6.10 However, as part of the government support package announced on 2 July 2020, it is proposed that the deficit on the collection fund at year-end be spread over the following 3 years (2021/22 – 2023/24) to ease immediate pressures on budgets. For example, if this Council's share of the deficit at year-end was £300,000, then this could be spread over the next 3 years at £100,000 per year instead of the whole amount being recovered in 2021/22.

## **Impact on Council Tax in 2021/22 and Medium Term**

- 6.11 Higher levels of arrears and consequently bad debts provision could continue into 2021/22 and over the medium term. This will reduce the Council Tax-base for those years and consequently the amount of Council Tax raised if Council Tax levels remain unchanged.
- 6.12 Higher CTS claims and amounts awarded could also remain into 2021/22 and the medium term. This will also reduce the Council Tax-base if the CTS scheme remains unchanged.
- 6.13 The extent to which the Council Tax-base is impacted by the above is currently very uncertain. The Council Tax Collection Fund will continue to be closely monitored and updated during this year and the impact on future years continually assessed.

## **7 Business Rates**

- 7.1 The impact on non-collection of Business Rates during this year on the Collection Fund at year-end is similar to that detailed in 6.3 above. The amount of Business Rates to be collected this year is around £8.5m less than estimated as a result of the expanded retail relief scheme. This Council's share of the loss of business rates (40%) as a result of this relief is reimbursed by the government. However, due to the way Business Rates are accounted for, this additional grant money will result in a 'surplus' on the revenue account in 2020/21 and a 'deficit' on the collection fund of the same amount which is recovered in the following year, 2021/22. Thus, over the 2 years there will be no net gain or loss relating solely to the expanded retail relief scheme.
- 7.2 Excluding the expanded retail relief scheme, there will be a deficit on the Collection Fund at year-end as a result of higher bad debts provision, lower rates due as a result of amendments to rateable values (this year there will be significant reductions due to changes in the rateable values of purpose-built GP surgeries and with ATM's being taken out of the rates system) and higher appeals provision. The extent of this deficit at year-end and this Council's share of it (40%), is difficult to estimate until later this year as the extent of the above becomes more certain.
- 7.3 To assist with cash flow relating to business rates in 2020/21, the government has announced the following:
- a deferral for 3 months of payment of their share of business rates income due (as determined by the NNDR 1 return, completed in January 2020). This has moved £3.3m of payments due to government in April-June to later in the year.
  - S31 grant due for the year for reimbursement of business rates relief (excluding the expanded retail relief), £1.5m, has been paid in full rather than in monthly instalments. Local authorities are also receiving monthly grant payments to reimburse them for the cost of the Expanded Retail, Hospitality and Leisure relief scheme.

## **Business Rates Pool**

- 7.4 Members will be aware that for 2020/21 this Council is part of a Business Rates Pooling arrangement (with County Council, Fire, Peterborough, East Cambs. and South Cambs.), whereby any levy payment due from these authorities on business rates growth in the year is paid into a 'pool' rather than to the government. The 'pooled' amount is then redistributed to members of the pool in accordance with the pooling agreement.
- 7.5 As part of the approved budget for 2020/21, an amount of £370,000 was included as this Council's share of the pool. It is anticipated that the level of business rates growth this year will be lower than estimated as part of the original budget proposals. Consequently, we are currently anticipating a 25% reduction, £92,500 in the share of pool receipts.

## **Impact on Business Rates in 2021/22 and Medium Term**

- 7.6 The proposal regarding spreading Collection Fund deficits at year-end over the following 3 years also applies to Business Rates. The extent of this deficit at year-end and this Council's share of it (40%) is difficult to estimate at the current time. The Business Rates Collection Fund will continue to be closely monitored and updated during this year and the impact on future years continually assessed.
- 7.7 Reductions in rateable values as detailed in 7.2 will have a direct impact on future years Business Rates income unless there is a corresponding growth in business activity in the district.
- 7.8 The government has announced that the Fair Funding Review, reform of the Business Rates Retention system and the Business Rates revaluation, all of which were expected to be implemented from April 2021 have been delayed until April 2022 at the earliest. The next Business Rates revaluation will be carried out in April 2023 to allow for the effects of COVID-19 to work through the system.
- 7.9 The Government will continue to work with councils on the best approach to the next financial year, including how to treat accumulated business rates growth and the approach to the 2021-22 local government finance settlement.
- 7.10 This means there continues to be considerable uncertainty over the impact of these on the Council's Medium Term Financial Strategy. This will be updated in the autumn as part of the budget-setting process for 2021/22 with the latest information available at that time.

## **8 Impact on 2021/22 and MTFS**

- 8.1 The extent to which the current pressures will have an ongoing impact on 2020/21 and over the MTFS is extremely uncertain at the current time. How much of the expenditure pressures will continue into the future may become clearer later this year. How soon income levels will recover to their previously estimated levels is extremely difficult to predict. Consequently, at this stage no attempt has been made to predict the impact on 2021/22 and the MTFS.
- 8.2 It is though almost certain that, as detailed in this report, there will be an ongoing and significant impact on Council Tax and Business Rates collection and future income from these sources.

Agenda Item No:	<b>9</b>	
Committee:	<b>Council</b>	
Date:	<b>06 August 2020</b>	
Report Title:	<b>Parson Drove Neighbourhood Plan</b>	

## 1 Purpose / Summary

For Council to formally adopt the Parson Drove Neighbourhood Plan as a part of the Development Plan for Fenland.

## 2 Key issues

Following the successful referendum held on 27 February 2020, and Cabinet's recommendation of 19 March 2020, the Parson Drove Neighbourhood Plan must be formally 'made' by Fenland District Council.

This will formalise the Parson Drove Neighbourhood Plan as part of the Development Plan (alongside the 2014 Local Plan) for Fenland.

Please note that 'made' is the word used in legislation when referring to Neighbourhood Plans, and means to all intents and purposes 'adopted'.

## 3 Recommendations

- For Council to formally adopt the Parson Drove Neighbourhood Plan (Appendix 1) as a part of the Development Plan for Fenland, and note the Reg. 19 Decision Statement (Appendix 2) which confirms the reasons for the Council's decision.

<b>Wards Affected</b>	Parson Drove and Wisbech St Mary
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Cllr Dee Laws, Portfolio Holder for Neighbourhood Planning
<b>Report Originator(s)</b>	Edward Dade, Shared Planning Officer
<b>Contact Officer(s)</b>	Edward Dade, Shared Planning Officer Gemma Dade, Local Plan Manager Carol Pilson, Corporate Director
<b>Background Paper(s)</b>	Appendix 1: Parson Drove Neighbourhood Plan (Referendum Version)

## **4 Background / introduction**

- 4.1 The Parson Drove Neighbourhood Area was designated by Fenland District Council (FDC / the Council) in January 2015.
- 4.2 The Parson Drove Neighbourhood Plan (the Plan) and supporting evidence documents were submitted to FDC by Parson Drove Parish Council on 03 September 2019.
- 4.3 The Council published the Plan for a period of six weeks in September and October 2019. Following this publication period, the Council submitted the Plan for independent examination.
- 4.4 An independent examination was held in October and November 2019. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Trevor Roberts Associates. The examination was carried out through written representations. No public hearing session was required.
- 4.5 The examiner considered that, subject to applying his recommended modifications, the Parson Drove Neighbourhood Plan makes appropriate provision for sustainable development, has appropriate regard to national policy, and is in general conformity with the strategic policies in Fenland's development plan. In addition, the examiner concluded that there is no evidence to suggest the Plan is not compatible with EU obligations, including human rights requirements.
- 4.6 Where modified in accordance with his recommendations, the examiner concluded that the Plan meets the basic conditions and recommended it proceed to referendum.
- 4.7 In December 2019, the Council published its R18 decision statement explaining the actions which would be taken in response to the recommendations of the examiner, including the modifications which would be applied to the draft plan.
- 4.8 Based on the examiner's findings and recommendations, the Council is satisfied that the Parson Drove Neighbourhood Plan (Referendum Version), meets the basic conditions and is otherwise legally compliant.
- 4.9 The Council held a referendum on Thursday 27 February 2020. As recommended by the Independent Examiner, the boundary of the Parson Drove Neighbourhood Area (i.e. Parson Drove parish) formed the referendum area. The referendum ballot asked the following question:

"Do you want Fenland District Council to use the Neighbourhood Plan for Parson Drove to help it decide planning applications in the neighbourhood area?"
- 4.10 Of the 321 votes cast the majority were in support, with 272 (84.74%) in favour and 49 (15.26%) against. There were no rejected ballots.
- 4.11 At its meeting of 19 March 2020, Cabinet agreed with the recommendation that the Parson Drove Neighbourhood Plan should proceed to Full Council for formal adoption.

## **5 Considerations**

- 5.1 Following the successful referendum result, the Neighbourhood Planning Act (2017) automatically gave the Parson Drove Neighbourhood Plan the same legal status as a plan which has been made (or 'adopted') by the District Council. Accordingly, since the referendum result, the Council has treated the Parson Drove Neighbourhood Plan as part of the Development Plan for the purposes of decision-making.
- 5.2 Despite this automatic post-referendum legal position, Fenland District Council is required to formally 'make' the Parson Drove Neighbourhood Plan part of the Development Plan for the district.
- 5.3 There is no known legal basis for the Council to 'reject' (or in any way amend) the plan.

## **6 Effect on corporate objectives**

- 6.1 The making of the Parson Drove Neighbourhood Plan contributes to delivering the Council's corporate objectives, namely to:
- Promote and enable housing growth, economic growth and regeneration across Fenland
  - Promote and lobby for infrastructure improvements across the district
- 6.2 Forming a part of Fenland's Development Plan, the Parson Drove Neighbourhood Plan shapes development proposals and planning decisions in Parson Drove parish.

## **7 Community impact**

- 7.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The Parson Drove Neighbourhood Plan has been prepared by Parson Drove Parish Council and has been supported by the wider community through its preparation and at the referendum stage.
- 7.2 Planning law requires that proposals which accord with the Development Plan should normally be approved and those which conflict be refused. Through making the Parson Drove Neighbourhood Plan a part of Fenland's Development Plan provides the local community greater influence over planning decisions affecting Parson Drove parish.

## **8 Conclusions**

- 8.1 The Parson Drove Neighbourhood Plan received majority support at a duly held referendum of 27 February 2020. Council is therefore required to 'make' the Parson Drove Neighbourhood Plan part of the Development Plan for Fenland, as per the will of the majority of voters in Parson Drove parish. In doing so, the Parson Drove Neighbourhood Plan has the same status in law as the Fenland Local Plan 2014.

# Parson Drove Neighbourhood Development Plan

## 2019 to 2032

Referendum Version



## **Parson Drove Neighbourhood Development Plan 2019 to 2032**

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## 1 Introduction

1.1. The Parson Drove Neighbourhood Development Plan has been prepared under the rights conferred on local communities under the Localism Act 2011. The Plain English guide to this Act states that

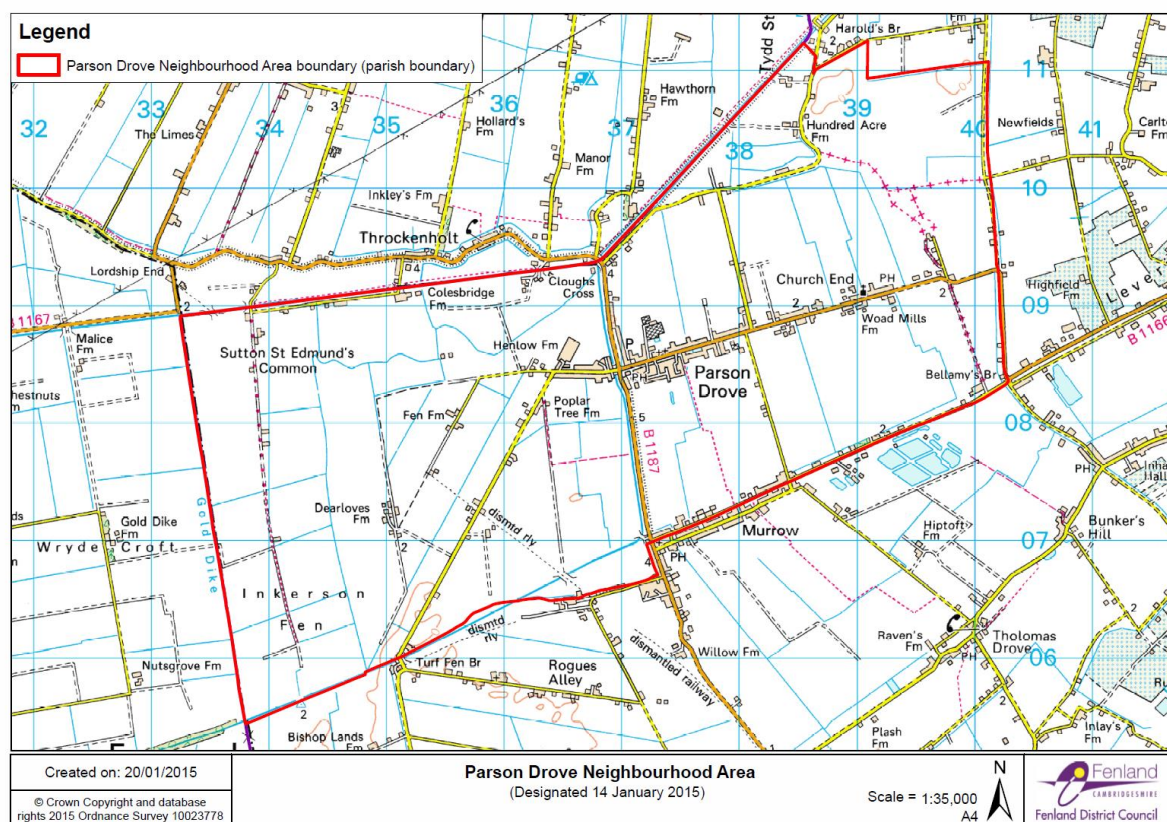
*Instead of local people being told what to do, the Government thinks that local communities should have genuine opportunities to influence the future of the places where they live. The Act introduces a new right for communities to draw up a neighbourhood plan.*

*Neighbourhood planning will allow communities, both residents, employees and business, to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and shops should go – and what they should look like. These plans can be very simple and concise, or go into considerable detail where people want.*

1.2. Parson Drove and Church End are both popular settlements, proud of their cohesion as communities, retaining many families who have lived in the parish for generations while welcoming and absorbing a significant number of new residents over the years.

1.3. Parson Drove Parish Council applied to Fenland District Council to designate the whole of the parish of Parson Drove as a neighbourhood area. The application was determined by Planning Committee on 14 January 2015: the whole of the parish was designated as Parson Drove Neighbourhood Area.

### Map 1: Parson Drove Neighbourhood Area





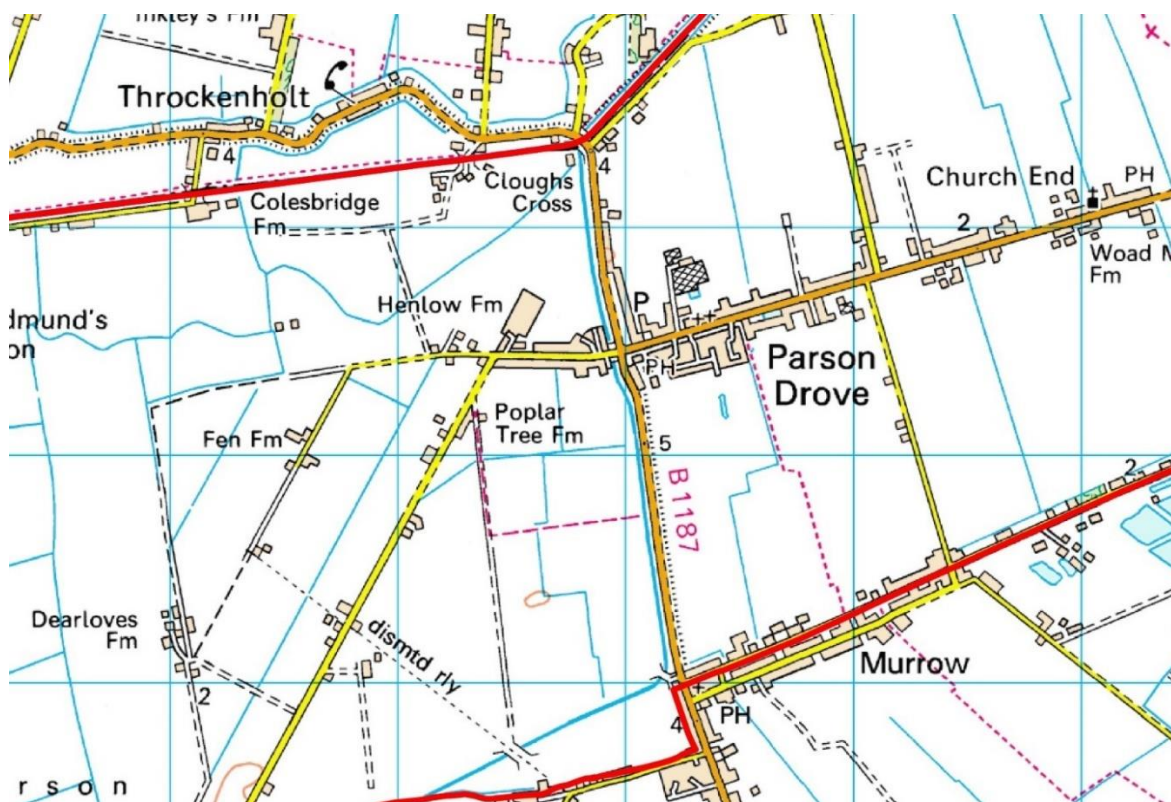
1.4. Because our cohesion and community spirit is a rare and important aspect of life in Parson Drove parish this Neighbourhood Development Plan aims to maintain growth that sustains our community but not to a degree that it is disproportionate to the current size of the parish.

1.5. Because we believe that the generation of housing must be led by demand, we have not been prescriptive about the suitability of specific sites or types of housing but rather we have set out principles in the policies that will guide developers or self-builders on how to successfully develop schemes in the parish of Parson Drove.

## 2 Place Setting

2.1. The parish of Parson Drove is situated approximately 5 miles west of Wisbech. The historic town of Wisbech, with its river port, is known as The Capital of the Fens and is in the district of Fenland under the umbrella of Fenland District Council, which in turn is in the county of Cambridgeshire. The parish contains two main settlements, Parson Drove and Church End, together with a number of small clusters of housing and several farms and a small part of the village of Murrow.

**Map 2: Parson Drove, Church End and Murrow**



2.2 Historic maps show that the original Parson Drove village was what is now called Church End while the centre of the village now known as Parson Drove was called Swan Gull as shown in Appendix B. The historic buildings in the parish are generally built of local brick with slate roofs although the Swan pub is partly constructed of stone.

2.3 Parson Drove village is close to Throckenholt to the north which lies in Lincolnshire and the Cambridgeshire village of Murrow to the south, and the whole parish is situated in flat fertile farmland which was created by major drainage projects which commenced in the 17<sup>th</sup> Century. The drainage channels provide excellent coarse fishing and are utilised by clubs from far and wide.



2.4. Parson Drove parish has a population of approximately 1,200 and has many facilities including a surgery, primary school, village hall, playing field, village green, Post Office, butchers shop, three churches and three public houses centred on Parson Drove village. The village hosts a number of clubs and voluntary groups including the Women's Institute, Over 60's Club, Football Club, Bowls Club, Mothers and Toddlers and Playgroup. It also hosts a Classic and Custom Car, Bike and Trike show every year that raises a significant amount of money for charity. Our parish has a strong community spirit and a low crime rate.





2.5. Parson Drove parish has a long history being mentioned in the Domesday Book of 1086. The historic fabric of Parson Drove village is preserved and celebrated in the Conservation Area where there are ten Grade II Listed Buildings as well as a number of notable trees. Samuel Pepys stayed at the Swan Inn in 1663 and local benefactor John Peck built the Cage in 1829 as a village lock-up. The last working woad mill in Britain was in Church End - it closed as recently as 1910.



2.6 Church End is graced by the medieval church of St John the Baptist, the north aisle of which has a 13th-century doorway and 14th-century windows. The noble nave arcades and the west tower, with its superb stone-panelled arch and vaulted ceiling, are 15th-century.



2.7 Both main settlements have grown steadily since the war and the parish is changing from a farming community with residents generally working locally, to one which includes many professions with some residents commuting to work elsewhere. New development has tended to utilise plots with existing road frontages, although there are two significant estates on the south side of Main Road: Ingham Hall Gardens and John Bends Way both of which are in Parson Drove village.



2.8 The census results available are at ward level and combine results for Parson Drove and Wisbech St Mary. The figures are however useful in giving an indication of the growth in population between 2001 and 2011. In 2011 there were 3087 residents of the Parson Drove and Wisbech St Mary ward aged between 16 and 64, 2,253 (73.9%) of whom were economically active with 169 (7.5%) unemployed in line with the national average. This compares to figures from the 2001 census which shows 2,939 residents of the ward aged between 16 and 74 of whom 1,851 (63%) were economically active with 89 (4.8%) of those being unemployed.

2.9 Although these figures do not provide an exact match due to the age selection offered, if the 'economically active' figure is taken as the basis for comparison, then the population of the ward grew by 21.7% from the 2001 baseline up to 2011. It is reasonable to assume that Parson Drove parish grew at this rate during the same period, and will continue to grow.



### 3. Policy Context for the Plan

3.1. The policy context within which the plan has been developed is established by:

- The National Planning Policy Framework, which was published in March 2018.
- The Planning Practice Guidance which was launched in 2014 and is regularly updated.”
- The Fenland Local Plan which was adopted on 8th May 2014.

3.2. The Parson Drove Neighbourhood Development Plan is in general conformity with the strategic policies of the Local Plan. The Neighbourhood Development Plan policies should be read alongside the Local Plan policies as complimentary parts of the Development Plan, providing the framework for local expectations of development.

3.3. Parson Drove village is classified as a Limited Growth Village in the Fenland Settlement Hierarchy Study 2013 and Local Plan while Church End is classified as an ‘Other Village’. Thus the two main settlements within the parish are separate settlements.



### 4 Plan Development

4.1. Parson Drove Parish Council applied to Fenland District Council to designate the whole of the parish of Parson Drove as a neighbourhood area. The application was determined by Planning Committee on 14 January 2015: the whole of the parish was designated as Parson Drove Neighbourhood Area.

4.2. The Parson Drove Neighbourhood Development Plan has been produced by a working group of volunteers sponsored by the Parish Council. The evidence base was generated from public meetings, previous questionnaires relevant to the Parson Drove Village Plan, a formal questionnaire delivered to each dwelling in the parish and a summary of the results of the questionnaire that was also delivered to each dwelling. The results were also presented at an open meeting and this document has been available for comment from all residents.

4.3. The form of the questionnaire was scrutinised by a Fenland DC officer to ensure that all questions were open questions. All her recommendations were included in the final document which was distributed in October 2015.

4.4 There were 120 responses to the questionnaire representing a 22% return rate. Due to this satisfactory return rate and the very strong majority opinions that it revealed the Parish Council is assured that this Neighbourhood Development Plan reflects the wishes of the majority of the residents of Parson Drove parish who have chosen to involve themselves in creating this plan.

4.5. Our plan has been developed in the light of those responses, but only covers areas where we wish to add to the provisions of the Fenland Local Plan. The preservation of our high-grade agricultural land for farming, for example, is already strongly supported by LP12 Part A(i) and we have not included any additional controls in our policies.



## 5. Overall vision for the Development of Parson Drove Parish

**Parson Drove parish will maintain its vibrant community through proportionate growth which delivers a range of housing, retains or enhances employment opportunities within the parish, whilst protecting the rural setting of the settlements within it. Local people will have opportunities to live and work in the place they grew up in and will be well-served by local services which will remain important and thriving assets within the community.**

5.1. This vision is supported by feedback from the local community which strongly supports protection of our parish's rural setting, with high grade farming land retained for farming, and open fields remaining between Parson Drove village and Church End.

5.2. While a majority of villagers who responded to consultation would prefer no further growth in the parish, this is generally driven by a fear of large-scale developments being approved on farm land which would be disproportionate to the size of existing settlements. The Parish Council is confident that our vision for proportionate growth driven by small-scale development as covered by our policies will reassure parishioners and gain their support for continued but sustainable growth.

5.3. The results of our consultation also demonstrated that parishioners value local amenities, and continued steady growth will also help maintain our school, post office, surgery and pubs through increased demand for their services.





## 6. The Intent of Our Policies

6.1. We want our parish to welcome everyone irrespective of ethnicity, age, gender, physical ability or economic status.

6.2. We wish to improve footpaths throughout the parish to assist residents with limited mobility including those in wheelchairs to gain full access to village facilities. There has already been a significant improvement to the footpaths along Main Road due to works carried out by developers as they construct new dwellings. We want this approach to be extended to cover roads with very poor pedestrian facilities such as Back Road Murrow where any proposed new development will be required to contribute to improvements where these are practicable.

6.3. We wish to create positive engagement with parishioners and the Parish Council to ensure that there is an appropriate level of consultation on decisions that impact on our local built environment.

6.4 We wish to maintain a living community within the parish by encouraging new residents to join us at a sustainable level. This has benefits in a variety of ways: in particular to maintain our population with additional residents who will be welcomed within our existing community. There is evidence that this balance is being maintained when a growing population continues to access local amenities. For example The Charity Commission's 2004 report on village halls recognises that

*"ageing rural populations, lack of interest among younger people or among new residents in commuter villages have been identified as problems for some rural village halls and community centres"*

6.5 Our response to this challenge is to attract enough new residents to grow our current population but at a sustainable level that also counters the potential for a growing lack of interest in community life and community assets where a population grows too fast to be absorbed into our community.

6.6 Fear of crime is also a significant consideration affected by population growth according to the website 'Community-Safety.Info':

*"Fear of crime can also deter people from using public facilities (parks and open spaces) and public transport; and some groups are particularly affected. Black and minority ethnic people's fear of crime is higher than that of white people, some women will not travel after dark, and parents restrict their children's usage of public transport."*

The Home Office archived toolkit gives the following definition of a "Low crime, low fear environment"

*"Those areas where fear of crime and crime is low are the ideal which all other areas need to work towards. Awareness of crime issues is healthy as it ensures that people continue to take common sense precautions and do not become complacent."*

*An example of this type of area could be a remote rural area where the community is small and has a very high social capital.*

It also offers the following advice:

*Individuals should be encouraged to increase their social capital and reduce their fear of crime. We need to encourage people to become more involved in their communities because it is a key way for them to know what is happening and then re-engage accurate perceptions about crime and disorder. Increased social capital will give individuals a greater sense of self-empowerment, which will increase their feelings of security.”*

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6.7 If you put all of this together it is clear that maintaining moderate growth which sustains our social capital will in turn help maintain community cohesion and a low fear of crime especially amongst those who feel vulnerable due to age, gender or for other reasons.

6.8. The local consultation underpinning our Plan demonstrates a strong desire within our parish to maintain a sustainable community through continued local employment opportunities, particularly through the continued use of high-grade land for farming and food production and by directly encouraging the continued existence of shops and other village amenities, which can only happen if we maintain steady growth in the population.

6.9 We believe that the growth in our population within the reasonable controls proposed by our Development Plan will ensure that the character of the village and its social capital can be sustained whilst remaining a welcoming environment for new residents.



:

## 7 Policies

This Development Plan contains 5 policies:

### 7.1. Policy 1 Housing Growth

7.1.1. There are two main settlements within the parish – Parson Drove and Church End. Policy LP12 of the Fenland Local Plan 2014 allows for dwelling growth in Parson Drove village of 33 dwellings and 7 dwellings in Church End (10% growth of each village) without the need for demonstration of community support. In Church End this figure has been substantially surpassed with 20 dwellings having been built or granted permission and in Parson Drove village 23 dwellings have been built or granted permission with a remaining allowance of 10 dwellings under the Local Plan policy.

7.1.2 This neighbourhood plan seeks to raise the growth threshold proposed within the Fenland Local Plan for Parson Drove parish by increasing the baseline growth for Parson Drove village to 66 dwellings (20% growth in built stock since April 2011). For Church End no further development should be permitted unless strong local support can be demonstrated in line with Local Plan policy LP12.

7.1.3 Because Parson Drove parish only contains a small proportion of Murrow village's housing stock this plan does not include proposals for Murrow village as a whole. It does however apply to Back Road Murrow and land to the north included in Parson Drove parish.

7.1.4 As discussed in section 5 above, this increase in the growth threshold contained within the Fenland Local Plan would appear to go against the results of consultation where a majority of respondents would prefer no further growth. The Parish Council is however confident that it can gain majority support for steady growth provided there are controls on the size of each scheme and a requirement for demonstrable local support for larger schemes.

7.1.5 This confidence is based on an assessment that the parishioners are generally afraid of the consequences of large-scale schemes within our small community rather than of continued modest growth. The responses during consultation reflected concerns about an application lodged with Fenland for a large number of new homes to be built on farmland within Parson Drove village. This concern has since receded.

#### **Policy 1: Housing Growth**

##### **Parson Drove village**

Parson Drove village will be allowed to grow by 20% in number of dwellings from the April 2011 baseline of 327 dwellings (66 dwellings between 2011 and 2031).

If a proposal within or on the edge of Parson Drove village would, in combination with other development built and granted permission since April 2011, exceed this growth threshold then the proposal should have demonstrable evidence of clear local community support for the scheme, generated via a thorough and proportionate pre-application community consultation exercise. If, despite this consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the Parish Council.

##### **Church End**

As outlined above, Church End has already exceeded a 20% increase in number of dwellings built or granted permission from the 2011 baseline. Therefore, any proposals for new dwellings in Church End must have demonstrable evidence of clear

local community support for the scheme, generated via a thorough and proportionate pre-application community consultation exercise. If, despite this consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the Parish Council.

## **7.2. Policy 2: Scale of Housing Development**

7.2.1. The purpose of Policy 2 is to establish a threshold related to the number of homes in any proposed development beyond which community/Parish Council support is needed. This will encourage smaller developments while leaving open the possibility that a larger development could be approved providing there is local support for the scheme. Larger schemes above this threshold that do not demonstrate this local approval and support from the Parish Council would be rejected.

### **Policy 2: Scale of Housing Development**

**Proposals involving the creation of new dwellings will be supported providing that these will be of an appropriate scale for the parish, typically fewer than 5 dwellings. Exceptionally, sites proposing 5 or more dwellings may be considered appropriate where:**

- **the proposal is accompanied by clear demonstrable evidence of positive community support for the scheme generated via a thorough and proportionate pre-application community consultation exercise; and**
- **it is supported by the Parish Council.**

## **7.3. Policy 3: Affordable Housing**

7.3.1. The purpose of policy 3 is to permit the development of affordable homes on exception sites where development would otherwise not be permitted provided that the affordable housing is allocated to prioritise applicants with local connections.

7.3.2. An example of such a scheme is in the Church End settlement where an exception site has provided 12 affordable homes in John Peck Close.

### **Policy 3: Affordable Housing**

**Permission may be granted for development of exception sites located in or adjacent to the existing developed footprint of Parson Drove or infill sites within Church End, where the sole purpose of that development is to provide affordable homes. All affordable dwellings proposed on a rural exception site shall be allocated in accordance with a cascade which prioritises future occupants with a local connection**

#### 7.4. Policy 4: Maintaining Separation between Parson Drove and Church End

7.4.1. Parson Drove village and Church End are separate communities within the parish and in keeping with the results of our consultation with parishioners this separation must be maintained. This means that new buildings will not be permitted to be constructed between Silvers Lane and Sealeys Lane, both of which are in Parson Drove village, up to the existing dwellings at the west end of Church End. This is further explained in Appendix B.

**Map 3: Area of Separation**



#### **Policy 4: Maintaining Separation between Parson Drove and Church End**

No new dwellings or non-residential buildings other than permitted development will be approved in the Area of Separation (as illustrated by Map 3) between Parson Drove village and Church End from the east side of Sealeys Lane and Silvers Lane up to the existing dwellings at the west end of Church End in order to preserve the separation between the two settlements and to retain views over the countryside.

The “exception” terms of Policy 3 do not apply to any land within the Area of Separation.

### 7.5 Policy 5: Road and Pedestrian Safety

7.5.1 Improvements to footpaths along their frontage has been an important feature of several recent developments within the parish especially in Main Road Parson Drove. This has not however been the case across the parish and development along Back Road Murrow for example has not been supported by adequate footpaths and road improvements (see Appendix C). Policy 5 aims to prevent this issue in future developments within the parish.

#### **Policy 5: Road and Pedestrian Safety**

**Proposals for new dwellings and non-residential buildings will be supported provided adequate footways and road widths exist along the site frontage(s) or the developer makes provision for these, unless it can be demonstrated to be impractical due to physical design constraints or would be of detriment to the safety and convenience of all users of the highway.**

### Appendix A

#### The Working Group

The working group was established by the Parish Council in late 2014 and although various volunteers were involved from time to time the core group comprised the following residents of Parson Drove:

Gavin Booth	Chair
Kate Rosier	Secretary
Anne Adams	
Gerald Van Daalen	
Colin Britt	

Meetings were held generally every month in the Cage on the village green.

All of the work involved in consulting locally, preparing issuing and collecting the questionnaire, collating and assessing information as well as the drafting of the plan was carried out by the Working Group.

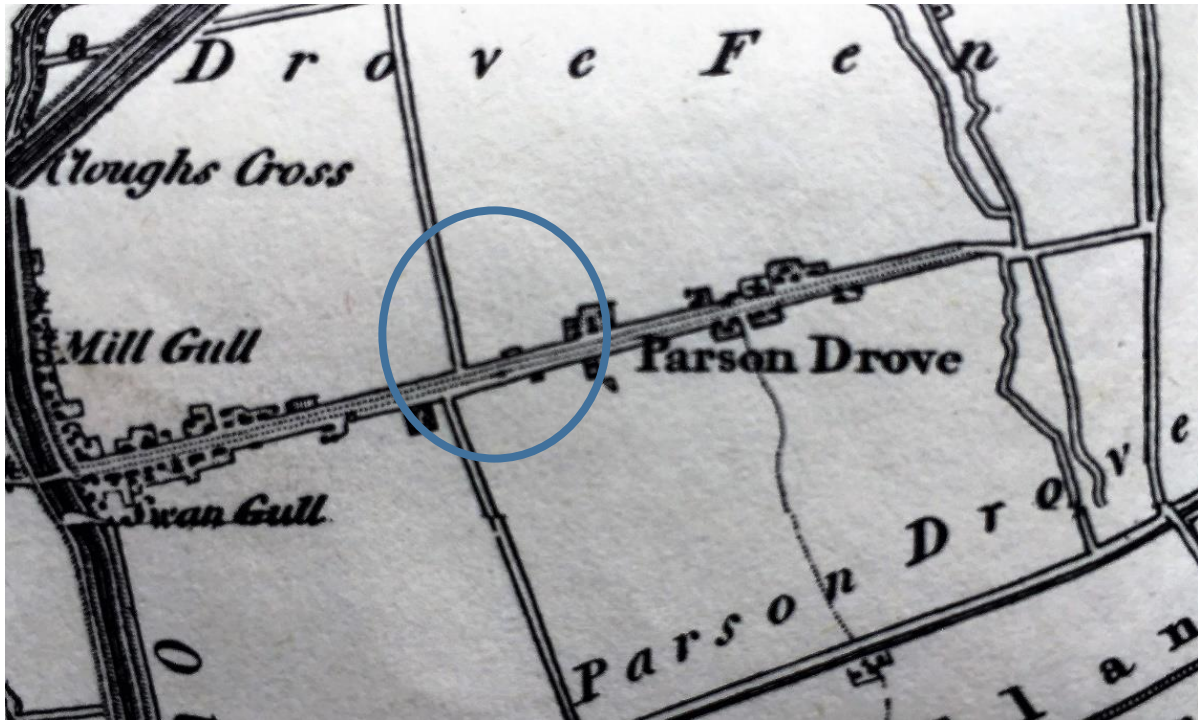
The group consulted with Cambridgeshire Acre and Emma Naylor from Fenland District Council and received extremely helpful input from them as the generation of the plan progressed. It is, however, worth emphasising that in the spirit of the Localism Act this development plan has been prepared entirely by local residents who have volunteered their time to ensure that Parson Drove continues to grow in a manner that retains the essential character and community spirit of their village.



## Appendix B

### Parson Drove and Church End

Church End and Parson Drove have always been separate communities as can be seen by historic maps. In the Victorian map below 'Parson Drove' is the modern Church End while 'Swan Gull' is the modern Parson Drove:



In the 20<sup>th</sup> Century this separation continued with the land between the settlements being largely dedicated to agriculture.

Parson Drove and Church End are listed as separate villages in Fenland's Settlement Hierarchy January 2013, however in the past 10 years, ribbon development along Main Road has steadily eroded the space. The first photograph below shows new development in Church End on the south side of Main Road viewed from Silvers Lane looking east; the second photograph shows new development in Parson Drove viewed from the same spot looking west.

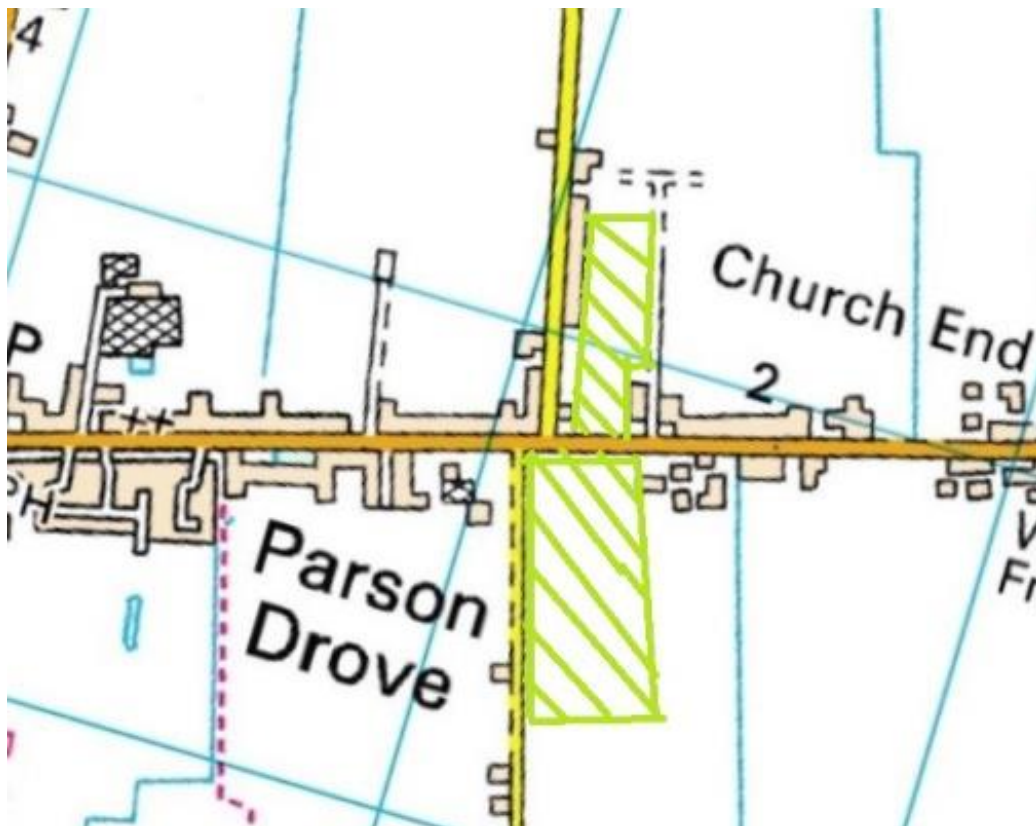




The next photograph below shows the space between Meadow View and development in Church End on the north side of Main Road and to the east of Sealeys Lane.



This remaining space between the settlements comprises only a few hundred metres shown hatched in green on the plan below, and this separation must not be eroded any further.



There are strong reasons for stopping any further development of the land between Parson Drove and Church End:

- These two settlements are classified as separate villages with different places on the settlement hierarchy – Parson Drove is a Limited Growth Village while Church End is classified as an 'Other Village'.
- Consultation within the two communities showed a very strong desire to retain this gap with 82% of respondents wishing to keep the open fields between Parson Drove and Church End.
- There are three listed buildings in Church End. The views of two of them, Yucca Farm (Grade II) and the Church of John the Baptist (Grade II\*), will be directly affected by any further development on the north side of Main Road.



### Appendix C

#### Back Road Murrow

There has been a significant amount of development along Back Road Murrow even though the road itself is only wide enough for a single vehicle and there is no footpath. Vehicles passing one another use the verge with the resulting ruts and puddles as can be seen in the photograph below.



There is generally room to establish a footpath but developers do not provide even a section of footpath covering the frontage of the new homes they have built.

# Parson Drove Neighbourhood Plan

## Draft Decision Statement (Reg. 19)

06 August 2020

Fenland District Council

### 1. Purpose

- 1.1. This Decision Statement has been prepared and published in accordance with Regulation 19 of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out the Council's decision to formally make the Parson Drove Neighbourhood Plan, and the reasons for this decision.
- 1.2. This decision has been taken by Council, in accordance with the Council's constitution. The Parson Drove Neighbourhood Plan, the Decision Statement and Examiner's Report are published on the Council's website.

### 2. Background

- 2.1. The Parson Drove Neighbourhood Area was designated by Fenland District Council (FDC / the Council) in January 2015.
- 2.2. The Parson Drove Neighbourhood Plan (the Plan) and supporting evidence documents were submitted to FDC by Parson Drove Parish Council on 03 September 2019.
- 2.3. The Council published the Plan for a period of six weeks from 05 September to 17 October 2019. Following this publication period, the Council submitted the Plan for independent examination.
- 2.4. An independent examination was held in October and November 2019. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Trevor Roberts Associates. The examination was carried out through written representations. No public hearing session was required.
- 2.5. The examiner considered that, subject to applying his recommended modifications, the Parson Drove Neighbourhood Plan makes appropriate provision for sustainable development, has appropriate regard to national policy, and is in general conformity with the strategic policies in the development plan. In addition, the examiner concluded that there is no evidence to suggest the Plan is not compatible with EU obligations, including human rights requirements.
- 2.6. Where modified in accordance with his recommendations, the examiner concluded that the Plan meets the basic conditions<sup>1</sup> and recommended it proceed to referendum.

### 3. Decisions and reasons

- 3.1. In December 2019, the Council published its R18 decision statement explaining the actions which would be taken in response to the recommendations of the examiner, including the modifications which would be applied to the draft plan.
- 3.2. Based on the examiner's findings and recommendations, the Council is satisfied that the Parson Drove Neighbourhood Plan (Referendum Version), meets the basic conditions and is otherwise legally compliant.

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<sup>1</sup> As set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

3.3. The Council held a referendum on Thursday 27 February 2020. As recommended by the Independent Examiner, the boundary of the Parson Drove Neighbourhood Area formed the referendum area. The referendum ballot asked the following question:

*“Do you want Fenland District Council to use the Neighbourhood Plan for Parson Drove to help it decide planning applications in the neighbourhood area?”*

3.4. The referendum results were:

	Votes recorded	Percentage
Number cast in favour of a <b>Yes</b>	272	84.74%
Number cast in favour of a <b>No</b>	49	15.26%
Rejected ballots	0	0.00%
Total	321	100.00%

3.5. As the Parson Drove Neighbourhood Plan was supported by the majority of voters, the Town and Country Planning Act (1990) (as amended) requires the plan must be formally ‘made’ by Fenland District Council as soon as reasonably practicable after the referendum is held. The plan was scheduled to be made by Full Council at its meeting of 21 May 2020. However, that meeting was withdrawn as a result of national measures to control the Covid-19 pandemic. Consequently, the plan is made by Fenland District Council’s Council at its meeting of 06 August 2020.

3.6. As a made plan, the Parson Drove Neighbourhood Plan forms a part of the Development Plan for Fenland.

## 4. Summary

4.1. Fenland District Council considers that the Parson Drove Neighbourhood Plan (Referendum Version) meets the basic conditions and other legal requirements, and was supported by the majority of voters at referendum. The plan is now formally made by Fenland District Council and will be used in making planning decisions.

Agenda Item No:	<b>10</b>	
Committee:	<b>Council</b>	
Date:	<b>6 August 2020</b>	
Report Title:	<b>Constitutional Amendments Update</b>	

## 1 Purpose / Summary

In any circumstance where the Monitoring Officer exercises delegated authority under Part 3, Table 4, paragraph 47 to make amendments to the Constitution, it is a requirement that those changes are then notified to and ratified by Full Council at its next meeting. The purpose of this Report is to notify Full Council of the changes that have been made since its last meeting.

## 2 Key issues

- The Monitoring Officer, in compliance with Part 3, Table 4, paragraph 47 is permitted to amend the Constitution in any way whatsoever in order to secure compliance with the law and the convenient, effective discharge of any Council function.
- On 22<sup>nd</sup> July 2020 the Business and Planning Act 2020 came into force amending the Licensing Act 2003 to automatically incorporate off-sales into existing licences and to introduce a temporary new regime in relation to the grant of pavement licences. Fenland District Council is obliged to comply with the Business Planning Act 2020 and in any event wishes to support local businesses to reopen and operate safely whilst social distancing measures remain in place. The Constitution has therefore been amended to incorporate these arrangements with new delegations having been made to officers and the Licensing Committee.
- At its meeting on 17<sup>th</sup> June 2020, Members ratified the addition of the Virtual Meetings Procedure Rules at Part 11 of the Council's Constitution as well as the associated changes to the Council Procedure Rules (Standing Orders) at Part 1. During the debate of this item a commitment was made to review the Virtual Meetings Procedure Rules and following the conclusion of that exercise the associated amendments have been made.

## 3 Recommendations

Members are requested to note and ratify the changes that the Monitoring Officer has made to the Constitution in exercise of the authority delegated to her under Part 3, Table 4, paragraph 47 of the Constitution and as set out at Appendix A and B to this Report.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A

<b>Portfolio Holder(s)</b>	<p>Cllr Chris Boden – Leader of the Council</p> <p>Cllr Sam Clark – Portfolio Holder for Leisure and Licensing</p>
<b>Report Originator(s)</b>	<p>Carol Pilson, Corporate Director and Monitoring Officer</p> <p>Amy Brown, Chief Solicitor and Deputy Monitoring Officer</p> <p>Dan Horn, Head of Housing and Community Support</p>
<b>Contact Officer(s)</b>	<p>Paul Medd – Chief Executive</p> <p>Carol Pilson, Corporate Director and Monitoring Officer</p> <p>Amy Brown, Chief Solicitor and Deputy Monitoring Officer</p> <p>Peter Catchpole, Corporate Director and Section 151 Officer</p> <p>Dan Horn, Head of Housing &amp; Community Support</p>
<b>Background Paper(s)</b>	<p>The Business and Planning Act 2020</p> <p>The Licensing Act 2003</p> <p>MHCLG Guidance in relation to Pavement Licences - <a href="https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal">https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal</a></p>



## **1. CONSTITUTIONAL CHANGES – VIRTUAL MEETINGS**

Members will recall following The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the 'Regulations') coming into force on 4th April 2020 that it became possible for meetings of the Council, its Committees and Cabinet to take place virtually rather than having to be 'in person'. As a consequence it was necessary to draw up a set of Procedure Rules governing Virtual Meetings and to amend the Council's existing Standing Orders to reflect those arrangements. The first version of the Virtual Meetings Procedure Rules was produced having regard to both national and local arrangements at the time. However, since their introduction on 30<sup>th</sup> April 2020, continual progress has been made in adapting to the new ways of working and it was recognised at the meeting of Full Council on 17<sup>th</sup> June 2020 that a review was required to ensure that all provisions remained relevant and appropriate. That review has since taken place and has resulted in the amendments to the Virtual Meetings Procedure Rules and Standing Orders shown complete with track changes at Appendix A of this Report. The amendments so far as possible seek to reinstate as many of the previous Standing Orders as existed prior to the Regulations coming into force, ensuring to the fullest extent possible that business as usual is resumed within the virtual context and with the agreement of Group Leaders. The Monitoring Officer has used her delegated authority to bring the amendments into immediate effect to ensure that they were in place and applicable to the meeting of Full Council to which this report is being presented.

## **2. CONSTITUTIONAL CHANGES – BUSINESS AND PLANNING ACT 2020**

Current social distancing guidelines will significantly impact upon the capacity of food and drink businesses within their existing premises. A new fast-track process has therefore been implemented by the Business and Planning Act 2020 (BPA2020) for the purpose of enabling relevant businesses to obtain a pavement licence permitting furniture such as tables and chairs to be placed outside their premises thereby maximising capacity whilst still ensuring compliance with safety requirements.

The BPA20 also modifies the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales until the end of September 2021. These measures are designed with the intention to enable licenced premises that only have an on-sales licence to sell alcohol for consumption off the premises again for the purpose of enabling trade to coexist with social distancing measures. The provisions will not however be available to licence holders who have had an application for an off-sales permission refused within the last 3 years.

Fenland District Council is responsible for implementing and overseeing both regimes within the District and consequently arrangements needed to be put in place to provide certainty to residents and to ensure that officers were able to deliver the legislative changes immediately upon the BPA20 coming into effect on 22<sup>nd</sup> July 2020. The Monitoring Officer therefore exercised her delegated authority to make the necessary changes to the Constitution to enable additional delegations to officers and the Licensing Committee. In conjunction with this and in order to aid financial recovery, the Chief Finance Officer exercised his delegated authority in conjunction with the Leader and Corporate Director for Licensing to waive the requirement for a fee to be paid in connection with pavement licences.

## APPENDIX B - CONSTITUTIONAL AMENDMENTS – BUSINESS & PLANNING ACT 2020

TABLE 4 – FUNCTIONS DELEGATED TO OFFICERS

### Licensing

In the table immediately following paragraph 104, (applying the same headings inserted for ease of reference only below), to insert a new row under 'application to review premises licence or club premises certificate' as follows:

Matter to be dealt with	Sub-Committee	Officers
Off-sales review following the automatic modification of a relevant premises licence under the Business and Planning Act 2020.	All Cases	
Interim steps pending off-sales review.		All Cases
Determination of representations against interim steps pending off-sales review.	All Cases	

To insert a new paragraph 104A as follows:

### 104A Pavement Licences

In relation activities under the Business and Planning Act 2020:

To conduct a public consultation review in respect of an application for a pavement licence;

To grant a pavement licence for a minimum of 3 months but for no longer duration than 30th September 2021 and subject to any conditions published by the Secretary of State or as reasonably required by Fenland District Council;

To refuse the grant of a pavement licence;

To revoke the pavement licence or service notice on the licence holder requiring them to take steps to remedy a breach of the conditions of that licence where it is considered that such a breach has occurred;

To revoke the pavement licence where the licence holder fails to comply with a notice served under paragraph 104A(iv) above or to take the required steps and recover the costs of doing so from the licence holder.

# **Appendix A**

## **PART 4 RULES OF PROCEDURE**

- 1 Council Procedure Rules (Standing Orders).
- 2 Access to Information Procedure Rules
- 3 Budget and Policy Framework Procedure Rules
- 4 Cabinet Procedure Rules
- 5 Overview and Scrutiny Procedure Rules
- 6 Financial Rules and Scheme of Financial  
Delegation
- 7 Code of Procurement
- 8 Officer Employment Procedure Rules
- 9 Standards Committee Hearing Procedure Rules
- 10 Corporate Governance Committee Procedure  
Rules

## **RULE 1 COUNCIL PROCEDURE RULES (STANDING ORDERS)**

These Standing Orders should be read alongside the Virtual Meetings Procedure Rules which will remain in force until 7<sup>th</sup> May 2021 unless otherwise revoked or extended. For the avoidance of doubt, where there is any inconsistency the Virtual Meetings Procedure Rules shall take precedence.

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

- (i) In a year when there is an ordinary election of councillors the annual meeting will take place within 21 days of the retirement of the outgoing councillors. This meeting will in addition to the ordinary business of the annual meeting:
  - (a) Elect the Leader of the Council
  - (b) Be notified by the Leader of the Council of their Cabinet, to include the names and portfolios and who has been appointed the Deputy Leader. <sup>4</sup> 1(i)
- (ii) In any other year, the annual meeting will take place in May and conduct the ordinary business of the annual meeting. ~~however, in the 2020/21 municipal year and in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020, the meeting shall be postponed until otherwise called by the Chairman.~~
- (iii) ~~The Annual Meeting of 2020/21, when called, will be held virtually using Zoom conferencing facilities and, unless an item of business is confidential or exempt from publication will be broadcast to the press and public via YouTube.~~ The ordinary business of the annual meeting will be<sup>1</sup>:-
  - (a) receive apologies for absence
  - (b) elect a person to preside if the Chairman of the Council is not present (a member of Cabinet may not be appointed);
  - (c) elect the Chairman of the Council (a member of Cabinet may not be appointed);
  - (d) elect the Vice-Chairman of the Council;
  - (e) approve the minutes of the last ordinary meeting or of any extraordinary or other meeting since then;

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<sup>1</sup> Amendment approved 16<sup>th</sup> December 2010

- (f) receive any announcements from the Chairman and/or Head of the Paid Service;
- (g) [Deleted]<sup>2</sup>
- (h) appoint at least one Overview and Scrutiny Panel, a Standards Committee and such other panels and committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j) agree a programme of ordinary meetings of the Council for the year;
- (k) receive any declarations of interest from members;
- (l) receive questions from and provide answers to, Councillors in relation to matters which, in the opinion of the person presiding at the meeting, accord with the provisions of Procedural Rules 8.4 and 8.6 save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting;
- (m) receive reports from Cabinet members with portfolio holder responsibilities in accordance with Procedure Rule 8.2 save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting ;
- (n) consider recommendations from Cabinet, the Overview and Scrutiny Panel and committees such recommendations to be presented by the Chairman of those bodies or their nominated representative;
- (o) receive petitions requiring debate at Full Council submitted in accordance with the Councils Petition Scheme<sup>3</sup>, and public questions in accordance with Procedure Rule 9A<sup>4</sup> save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting;
- (p) consider motions save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting.

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<sup>2</sup> Amendment approved 16<sup>th</sup> December 2010

<sup>4</sup> Amendment approved 23<sup>rd</sup> July 2015

<sup>3</sup> Amendment approved 29<sup>th</sup> July 2010

<sup>4</sup> Amendment approved 25<sup>th</sup> February 2010

- (q) consider any business set out in the notice covering the meeting in the order in which it appears in the Council summons but that order may be varied at the discretion of the Chairman or by resolution of the Council.

## 1.2 Selection of Councillors on Committees and Panels

At the annual meeting, the Council will:-

- (a) decide which committees and panels should be established for the ensuing municipal year;
- (b) decide the terms of reference for those committees/panels;
- (c) decide the allocation of seats and position of Chairman and Vice Chairman<sup>5</sup> to political groups in accordance with the political balance rules where appropriate;
- (d) receive notification<sup>6</sup> of councillors to serve on each committee and panel and to serve as Chairman and Vice Chairman from the political groups<sup>7</sup>; and
- (e) appoint to those committees and panels except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## 2. ORDINARY MEETINGS OF THE COUNCIL

2.1 Ordinary Council Meetings will be held virtually using Zoom conferencing facilities (or any other platform of the Council's choosing) and, unless an item is confidential or exempt from publication, will be broadcast to the press and public via YouTube. The business of the meeting will be as follows:

- (a) receive apologies for absence
- (b) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (c) approve the minutes of the last meeting and of any extraordinary or other meeting since then;
- (d) receive any announcements from the Chairman and/or the Head of Paid Service;
- (e) receive any declarations of interest from members;

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<sup>5</sup> Amendment approved 25<sup>th</sup> February 2010

<sup>6</sup> Amendment approved 25<sup>th</sup> February 2010

<sup>7</sup> Amendment approved 25<sup>th</sup> February 2010

- (f) receive questions from and provide answers to, Councillors in relation to matters which, in the opinion of the person presiding at the meeting, accord with the provisions of Procedural Rules 8.4 and 8.6;
- (g) receive reports from Cabinet members with portfolio holder responsibilities in accordance with Procedure Rule 8.2;
- (h) consider recommendations from Cabinet, the Overview and Scrutiny Panel and committees such recommendations to be presented by the Chairman of those bodies or their nominated representative;
- (i) receive petitions requiring debate at full Council submitted in accordance with the Council's Petition Scheme<sup>8</sup>, and public questions in accordance with Procedure Rule 9A<sup>9</sup>;
- (j) consider motions;
- (k) consider any other business specified in the notice covering the meeting in the order in which it appears in the Council summons but that order may be varied at the discretion of the Chairman or by resolution of the Council.

2.2 At ordinary meetings, the Council will only deal with business that is set out on the summons, unless the Chairman decides that a matter is urgent. If the Chairman decides that a matter is urgent he/she will announce at the beginning of the meeting after apologies have been announced that an extra item is to be placed before the Council and will explain why the matter is so urgent. The reasons will be recorded in the minutes of the meeting.

2.3 The order of business set out in paragraph 2.1 above and as amended by the Virtual Meetings Procedure Rules where applicable may be changed:

- (a) by the Chairman with the Council's permission or
- (b) by resolution passed by the Council. The motion will be put without discussion, and does not have to be in writing.

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<sup>8</sup> Amendment approved 29<sup>th</sup> July 2010

<sup>9</sup> Amendment approved 25<sup>th</sup> February 2010

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:-

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of presenting the requisition.

#### **3.2 Business**

The summons to an extraordinary meeting of the Council shall set out the business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

The meeting will take place in accordance with the Virtual Meetings Procedure Rules whilst they remain in force.

### **4. TIME AND PLACE OF MEETINGS**

- 4.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

### **5. NOTICE OF AND SUMMONS TO MEETING**

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Where the meeting is to take place remotely, information as to how to join or view the meeting will also be provided.
- 5.2 At least five clear days before a meeting, the Chief Executive will send a summons to every member of the Council by such means as are appropriate including electronic delivery. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available. Where the meeting is to take



place remotely, information as to how to join or view the meeting will also be provided. <sup>10</sup>

## 6. CHAIRMAN OF MEETING

- 6.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Whenever the Chairman rises during a discussion or a debate a member then standing shall resume his/her seat and the Council shall be silent. Where these Rules apply to Cabinet, committee and panel meetings, references to the Chairman also include the Chairman of those bodies.

## 7. QUORUM

- 7.1 The quorum of a meeting of full Council will be one quarter of the whole number of members. If during any meeting the number of members present falls below that sufficient for a quorum, the Chairman must adjourn the meeting. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council. The same arrangements will apply if technical difficulties cause a remote meeting to become inquorate following all reasonable attempts to rectify the problem.

## 8. QUESTIONS BY MEMBERS

- 8.1 Every member of the Cabinet shall present a report to each ordinary meeting of the Council on matters of interest for which they have responsibility that have arisen since the last ordinary meeting of the Council.
- 8.2 ~~Unless the meeting is taking place remotely a~~ member of the Council may, without first giving notice, ask any Member of the Cabinet questions about any matter which falls within the portfolio of that Cabinet member. ~~Where the meeting is taking place remotely, the Virtual Meetings Procedure Rules will apply and in order to be asked, questions must be presented in writing via the Chief Executive no later than the third working day before the date of the meeting.~~
- 8.3 The Council will set aside a maximum of 60 minutes for members to put questions under Procedure Rule 8.2.

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<sup>10</sup> Amendment approved 29<sup>th</sup> July 2010

8.4 The Council will set aside a maximum of 20 minutes for the Leader of the main opposition group (or his/her nominated representative) to put questions to the Leader.

8.5 An answer under 8.2 and 8.4 above may take the form of:-

- (a) A direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated to all members of the Council always providing that where the reply to a question may reveal exempt or confidential information, the question can only be answered after the Council has decided whether to exclude the media and public from the meeting.

**8.6 Written questions at full Council**

A member of the Council who gives written notice, via the Chief Executive no later than the third working day before the date of the meeting (not including the day on which the notice is given or the day of the meeting) may ask the Chairman, a member of the Cabinet, or the Chairman of any committee, any question on any matter in relation to which the Council has powers or duties or which affects the district

8.8 The Chief Executive may allow any question asked under this Procedure Rule if:

- (a) the subject matter of the question relates to the responsibilities of the person of the person who is asked to reply to it; and
- (b) the question touches clearly upon a matter over which the Council possesses a power or duty, or which affects substantially the interests of the people of the district.

8.9 Unless the Chairman decides otherwise, every permissible question shall be asked and answered without debate but any member who receives an oral answer may ask one supplementary question of the member who answered. The supplemental question must arise directly out of the original question or the reply and will be limited to 2 minutes.

## 9. PETITIONS<sup>11</sup>

9.1 In receiving a relevant Petition requiring a Full Debate at Council submitted under the Councils Petition Scheme the following provisions of this section will apply ~~unless the meeting is taking place remotely~~.

9.2 The Petition Organiser will be given 5 minutes to present the petition to Members.

9.3 Members shall have a period of no more than 15 minutes (unless such time is extended by majority vote of the Council) to debate the petition in accordance with the rules of debate. Members will on the completion of the debate determine the outcome of the Petition in accordance with the Petitions Policy.

9.4 Where the meeting is taking place remotely, the provision to submit petitions with more than 500 signatures for debate will be suspended and will instead be received and published in accordance with the Virtual Meetings Procedure Rules.

## 9A. PUBLIC QUESTIONS<sup>12</sup>

9A.1 The conduct of public question time will be regulated by the Chairman of Council, having regard to the following guidelines. The Chairman's decision on the relevance of a question and on the method of dealing with any issue in connection with this procedure will be final.

9A.2 All questions:

- Must be clear and concise and be relevant to matters for which the Council has powers or duties.
- Should be limited to obtaining information or pressing for action.
- Should be capable of being adequately answered in three minutes.

9A.3 Questions should not:

- Contain offensive expressions.
- Divulge, or require the answer to divulge, confidential or exempt information.
- Repeat questions previously asked at earlier meetings unless there has been a material change of circumstances

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<sup>11</sup> Amendment approved 29<sup>th</sup> July 2010

<sup>12</sup> Amendment approved 25<sup>th</sup> February 2010

9A.4 Questions may only be asked of the following:

- The Leader of Council.
- A portfolio holder (Cabinet member).
- The Chairman of a Scrutiny Committee.

9A.5 Members of the public wishing to ask a question at the Council meeting should provide the following details to the Council's Member Services team by no later than 12.00 noon, seven working days before the meeting:

- Name and address and contact details of the person asking the question.
- The name of an organisation if the question is being asked on their behalf.
- Details of the question to be asked.
- The name or position of the member of the Council to whom it is to be put.
- Brief information about how the subject of the question relates to the person asking the question (e.g. as a resident of the area, as a recipient of a service, the owner of a property affected by a proposal).

Only one question may be asked by each member of the public or organisation and the question must relate to a single topic.

9A.6 The following process will apply at the meeting ~~unless it is taking place remotely~~:

- The Chairman will invite questions to be asked at the meeting usually in the order in which they are received by Member Services.
- The Chairman of the Council will invite the member of the public to put his/her question from the floor of the Council Chamber using the microphone provided.
- The member of the public will then ask their question. Up to a maximum of three minutes will be allowed in which to ask the question.
- The named member will respond to the question which may take the form of:
  - a direct oral response of up to a maximum of two minutes;
  - where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- where the reply cannot conveniently be given orally, a written response circulated later to the questioner and made available to all members of Council and to the public.
- After the response has been given, the questioner has up to a further minute in which to put one supplementary question or seek clarification of the response to the original question. The supplementary question must arise directly out of the original question or the reply and must not introduce new material.
- The recipient of the original question then has up to a further three minutes in which to reply to the supplementary question.
- The Chairman of the Council may, in exceptional circumstances, extend the time either for a question or its response. The timing of questions and responses is controlled by Member Services.
- Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written response.
- No debate will be allowed on any question or the response.

~~9A.7 Where the meeting is taking place remotely, in accordance with the Virtual Meetings Procedure Rules the Chairman will read out the question and the provision for a supplementary question will be removed.~~

## 10. MOTIONS ON NOTICE

### 10.1 Notice

Except for motions which can be moved without notice under Rule 11, notice of every motion signed by the member giving the notice must be delivered in writing or by electronic mail to the Chief Executive by not later than 5 pm at least 7 clear days before the date of the relevant meeting (that is not counting the day of delivery or the day of the meeting). These will be dated, numbered in the order in which they are received and entered into a book which shall be open to public inspection.

## **10.2 Motions set out in agenda**

The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the members giving such notice intimated in writing when giving it, that (s)he proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

## **10.3 Scope**

Motions must be about matters for which the Council has a responsibility or which directly affect the district.

## **10.4 Failure to Move**

If a motion set out in the summons is not moved either by the member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

## **10.5 Reference to Cabinet, Committee or Panel**

- (a) Subject to 10.5(c) of these Rules, if the subject matter of any motion of which notice has been duly given is within the terms of reference of the Cabinet, the Overview and Scrutiny Panel, a committee or panel, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet, Overview and Scrutiny Panel, committee or panel as the Council may determine, provided that such Cabinet, Overview and Scrutiny Panel, committee or panel shall report on the matter with recommendations to an ensuing meeting of the Council.
- (b) The member who has moved the motion and the seconder to the motion will be notified by the Chief Executive of the date and time of the meeting to which the motion has been referred and has the right to attend the meeting and speak to the motion.
- (c) The Chairman may, if (s)he considers it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

## **11. MOTIONS WITHOUT NOTICE**

11.1 The following motions may be moved without notice:-

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to Cabinet, a committee or panel or to an appropriate body or individual;
- (e) to appoint a committee or panel or member arising from an item on the summons for the meeting;
- (f) to receive, defer or refer back reports or adoption of recommendations of the Cabinet, the Overview and Scrutiny Panel, committees, panels or officers and any subsequent motions and amendments arising from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 19.3 of these Rules or to exclude them from the meeting under Rule 19.4 of these Rules;
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) to invite a member to remain;
- (r) to record a vote in accordance with Rule 15.4 of these Rules;

- (s) in connection with voting on appointments in accordance with Rule 15.7 of these Rules; and
- (t) to extend the time limit for speeches.

## **12. RULES OF DEBATE**

### **12.1 No Speeches until Motion Seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **12.2 Right to Require Motion or Amendment in Writing**

Unless notice of the motion or amendment has already been given, the Chairman may require the mover to put it in writing and hand it to him/her before it is discussed.

### **12.3 Seconders' Speech**

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

### **12.4 Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order ~~(save in respect of virtual meetings where these will be suspended)~~. No speech may exceed 5 minutes in length without the consent of the Chairman.

### **12.5 When a Member May Speak Again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:-

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;



- (e) on a point of order ~~(save in respect of virtual meetings where this will be suspended)~~; and
- (f) by way of personal explanation ~~(save in respect of virtual meetings where this will be suspended)~~;
- (g) to move or speak on a procedural motion set out in paragraph (e), (f) or (g) of Rule 12.10 of these Rules.

## 12.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to a motion and will either be to:-
  - (i) refer a subject of debate to the Cabinet, Overview and Scrutiny Panel, committee or panel for consideration or re-consideration;
  - (ii) leave out words;
  - (iii) leave out words and insert or add others; or
  - (iv) insert or add words

as long as such omission, insertion or addition of words does not have the effect of negating the motion before the Council.

- (b) An amendment may not be discussed until it has been moved and seconded.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) No member may move or second more than one amendment to a motion.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (g) If an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or speeches or if there are none, put it to the vote. An exception is in the case of such an amendment as is referred to in Rule 13.6(a)(i) of these Rules when no further amendment may be moved.

- (h) Where a meeting is taking place remotely Members are required to carefully consider the need for amendments in advance of the meeting and where possible should instead attempt to agree an alteration.

#### **12.7 Alteration of Motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **12.8 Withdrawal of Motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **12.9 Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his/ her amendment.

#### **12.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except -

- (a) to withdraw a motion;
- (b) to amend a motion;

- (c) to proceed to the next business;
- (d) that the vote be now taken;
- (e) to adjourn the meeting or debate;
- (f) to exclude the public and press in accordance with the Access to Information Rules;
- (g) to not hear further a member named under Rule 19.3 of these Rules or to exclude them from the meeting under Rule 19.4 of these Rules.
- (h) to suspend one or more of these Procedural Rules; and
- (i) to refer the subject of the debate back to Cabinet, Overview and Scrutiny Panel, committee or panel.

#### **12.11 Closure Motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:-
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn the meeting or debate.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been discussed sufficiently, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been discussed sufficiently, the Chairman will put the procedural motion to the vote. If it is passed, the Chairman will give the mover of the original motion the right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been discussed sufficiently and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- (e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be discussed sufficiently on that occasion, he/she shall put the adjournment motion to the vote without giving the mover to any motion under discussion

his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

#### 12.12 Point of Order

A member may raise a point of order at any time. The Chairman will hear that member immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

~~Where the meeting is taking place remotely this provision will be suspended.~~

#### 12.13 Personal Explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

~~Where the meeting is taking place remotely this provision will be suspended.~~

### 13. Effect of Interests<sup>13</sup>

- 13.1 Any Member who has a Disclosable Pecuniary Interest (as defined in Part 2 of the Member Code of Conduct) in a matter under consideration and does not have a Dispensation shall leave the room containing the meeting for the duration of the consideration of the matter.<sup>14</sup>

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Where the meeting is taking place remotely and a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

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<sup>13</sup> Amendment approved 26<sup>th</sup> July 2012

<sup>14</sup> Amendment approved 26<sup>th</sup> July 2012

15(i) Amendment approved 27<sup>th</sup> February 2014

## **14. PREVIOUS DECISIONS AND MOTIONS**

### **14.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless a notice of motion is signed by at least 10 members of the Council.

### **14.2 Motion Similar to One Rejected Previously**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous 6 months cannot be moved unless the notice of motion or amendment is signed by at least 10 members of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment within a further period of 6 months.

## **15. VOTING**

### **15.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### **15.2 Chairman's Casting Vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise the casting vote.

### **15.3 Show of Hands**

Unless a recorded vote is demanded under Rule 15.4 of these Rules, the Chairman will take the vote by a show of hands, or if there is no dissent by the affirmation of the meeting.

Where the meeting is taking place remotely, the vote will be taken in accordance with the Virtual Meetings Procedure Rules through which the Chairman will take the vote by alphabetical rollcall or, if an item does not appear to be contentious, the Chairman will ask whether any Member disagrees or wishes to abstain. This will be actioned by the Member clicking on the "raise your hand" icon within the participant section.

#### **15.4 Recorded Vote**

If a decision is to be made in relation to budget and/or Council Tax or <sup>15(i)</sup> at least 6 members present request it by rising in their seats and before the Chairman begins to take the vote, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes.

Where the meeting is taking place remotely, the request for a recorded vote will be signified by at least 6 members clicking on the 'raise your hand' icon. This may occur concurrently or following one member making that request, at least 5 more members clicking the 'raise your hand icon' within the participant section in support of them.

#### **15.5 Right to Require Individual Vote to be Recorded**

Where any member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting. Where the meeting is taking place remotely, the request for a vote to be individually recorded will be facilitated via the member clicking the 'raise your hand' icon within the participant section.

#### **15.6 Right to Require Number Voting to be Recorded**

Where any member requests it, before the vote is taken, the number of councillors voting for and against the motion or amendment and the number abstaining from voting will be taken down in writing and entered into the minutes. Where the meeting is taking place remotely, the request for the number voting to be recorded will be facilitated via the member clicking the 'raise your hand' icon within the participant section.

#### **15.7 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Alternatively, the Chairman may determine that voting on appointments be by means of a ballot.

## **16. MINUTES**

### **16.1 Signing the Minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy and then only by motion duly moved and seconded.

### **16.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41(1) and (2) of Schedule 12 relating to the signing of minutes.

### **16.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

## **17. RECORD OF ATTENDANCE**

- 17.1 All members present during the whole or part of the meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance. Where the meeting is taking place remotely, the Host Officer will complete the Attendance book to record the members who have joined the Zoom conference.

## **18. EXCLUSION OF THE PUBLIC**

- 18.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 of these Rules (Disturbance by the Public).

Where the meeting is taking place remotely confidential and exempt items will not be broadcast.



## 19. MEMBERS' CONDUCT

### 19.1 Standing to Speak

Unless permitted to remain seated by the Chairman, when a member speaks at full Council he/she must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the other must sit. Other members must remain seated whilst another member is speaking unless they wish to make a point of order or a point of personal explanation.

Where a meeting is taking place remotely and a member wishes to speak they must do so by clicking the 'raise your hand icon' within the participant section and wait to be addressed by the Chairman in accordance with the Virtual Meetings Procedure Rules.

### 19.2 Chairman Standing

When the Chairman stands during a debate any members speaking at the time must stop and sit down. The meeting must be silent.

Where the meeting takes place remotely the same effect will be achieved by the Chairman requesting that the Member Services Officer mutes all participants.

### 19.3 Member not to be heard further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may direct that the member be not heard further. Where the meeting is taking place remotely, the Host Officer will be asked to mute the Member's microphone for the remainder of that item.

### 19.4 Member to leave the meeting

If the member continues to behave in a disorderly manner after being subject to a direction under 19.3 above, the Chairman may direct that either the member leaves the meeting or that the meeting be adjourned for a specified period. Where the meeting is taking place remotely, the Host Officer will be asked to disconnect the member from the meeting.

#### **19.5 General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

### **20. DISTURBANCE BY THE PUBLIC**

#### **20.1 Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

#### **20.2 Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

#### **20.3 Remote Meetings**

Where a meeting is taking place remotely and continued interruptions occur, the Chairman will ask the Member Services Office hosting the meeting to disconnect those responsible.

### **21 PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**

Any person attending a meeting which is open to the public is to be permitted to report on the meeting 15(ii)

“reporting” means—

(a) filming, photographing or making an audio recording of proceedings at a meeting;

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;

or

(c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.”

## **22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **22.1 Suspension**

All of these Council Rules of Procedure except Rules 15.5 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting or part of the meeting.

### **22.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **23. APPOINTMENT OF SUB-COMMITTEES, SUB-GROUPS AND ADVISORY/TASK GROUPS**

23.1 The Council, Cabinet and any committee or panel may appoint such sub-committees or sub-groups as they may consider necessary from time to time and shall specify the purpose, terms of reference and any delegated powers of such sub-committee or sub-group.

23.2 The Council, Cabinet, Cabinet portfolio holder and any committee or panel may appoint such advisory groups as they may consider necessary from time to time and shall specify the purpose, duration and terms of reference of such advisory group, except that such advisory group shall be of a deliberative nature only and shall report back with or without recommendations to the body or person that appointed them.

23.3 The appointment of members to any sub-committee, sub-group or advisory group, shall be in accordance with legislative or regulatory requirements for the representation of political groups and shall have regard in particular to 23.2 above.

## **24. APPLICATION TO COMMITTEES AND PANELS<sup>15</sup>**

24.1 All of the Council Rules of Procedure apply to meetings of full Council together with the Virtual Meetings Procedure Rules where applicable.

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<sup>15</sup> Amendment approved 29<sup>th</sup> July 2010

- 24.2 Meetings of the Cabinet are governed by the Cabinet Procedure Rules (Rule 4) only rules 18, 20,21, 22, 23, 25, 26 and 27 of this Rule 1 apply and shall be read in such a way as to apply to Cabinet and where relevant shall also be read in conjunction with the Virtual Meetings Procedure Rules.
- 24.3 Rules 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 19 (but not rule 19.1), 20, 21, 22, 23, 25, 26 and 27 apply to the proceedings of the Overview and Scrutiny Panels, committees, panels, sub-committees and sub-groups and shall be read in such a way as to apply to those meetings and where relevant shall also be read in conjunction with the Virtual Meetings Procedure Rules.

## **25. ITEMS ON COMMITTEE AGENDA**

- 25.1 Any member wishing to have an item placed on an agenda for a meeting of the Cabinet, Overview and Scrutiny Panel, committee or panel (other than by way of a notice of motion in accordance with Rule 11) shall contact the Chief Executive, or in his absence a member of Senior Management Team, requesting that an item be placed on the next available agenda for that body and the decision of the Chief Executive, or in his absence, a member of Senior Management Team, shall be final as to whether that item falls within the terms of reference of the Cabinet, Overview and Scrutiny Panel, a committee or panel.

## **26. ATTENDANCE BY MEMBERS OF THE COUNCIL AT MEETINGS OF WHICH THEY ARE NOT MEMBERS**

- 26.1 A member of the Council may address a meeting of the Cabinet, Overview and Scrutiny Panel, committee, panel, sub-committee or sub-group of which he/she is not a member on a specified item or terms of business where notice has been given to and prior permission obtained from the Chairman of the Cabinet, Overview and Scrutiny Panel, committee, panel, sub-committee or sub-group. In cases where the Chairman does not give such permission under this Procedure Rule, the member so refused may seek the approval of the Cabinet, Overview and Scrutiny Panel, committee, panel, sub-committee or sub-group and may attend for the purpose of stating his/her case. For the avoidance of doubt the right to address the meeting does not confer a right to take part in the debate or vote.<sup>16</sup>

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<sup>16</sup> Amendment approved 29<sup>th</sup> July 2010

## **27. MOVER OF MOTION MAY ATTEND MEETING**

- 27.1 A member of the Council who has moved a motion which has been referred by the Council to the Cabinet, Overview and Scrutiny Panel, committee or panel shall receive notice of the meeting of the Cabinet, Overview and Scrutiny Panel, committee or panel at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends (shall have an opportunity of speaking to the motion and exercising the right of reply under Rule 12.9. These provisions are subject always to Rule 13.<sup>17</sup>

## **28 SUBSTITUTIONS<sup>18</sup>**

- 28.1 Substitute Members will have all the powers and duties of any ordinary Members of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 28.2 Substitute Members may attend meetings in that capacity only:
- 28.2.1 to take the place of an absent ordinary Member for whom they are the designated substitute; and
- 28.2.2 where the ordinary Member will be absent for the whole of the meeting; and
- 28.2.3 where notification has been given to the Members Services Team not less than one hour before the meeting
- 28.3 Provided the above conditions have been satisfied, the substitute Member shall retain the right to vote for the duration of the meeting and may not be replaced by the Member for whom he or she is substituting.
- 28.4 However, if the Member who is to be replaced ("the original Member") is present at the start of the meeting then the substitution shall not have effect for that meeting - so that the substitute may not speak and/or vote in that capacity at that meeting and may only otherwise speak with the prior consent of the Chairman or in accordance with a public speaking right.
- 28.5 Where the original Member is not present at the start of the meeting at which the substitute is present, but arrives later, the original Member may not speak and/or vote at that meeting as a member of that Member Body and may only otherwise speak with the prior consent of the Chairman or in accordance with a public speaking right.
- 28.6 Such Rights shall not entitle any member to be present in the room when they would otherwise be excluded under Rule 13.<sup>19</sup>

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<sup>17</sup> Amendment approved 26<sup>th</sup> July 2012

<sup>18</sup> Amendment approved 19<sup>th</sup> May 2011

<sup>19</sup> Amendment approved 26<sup>th</sup> July 2012

**FENLAND DISTRICT COUNCIL**  
**VIRTUAL MEETINGS PROCEDURE – RULE 11**

**1. Introduction**

- 1.1 These Procedure Rules have been made by the Monitoring Officer in accordance with the delegation set out at Table 4, paragraph 47 of the Constitution in order to implement The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the 'Regulations'). The Regulations enable the council to hold meetings without all, or any, of the members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 1.2 The "place" at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number.
- 1.3 In order for members to be able to attend meetings of the council remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen) by other councillors and members of the public attending remotely or in person.
- 1.4 The procedure rules in this document take precedence over council standing orders in relation to the governance of remote meetings. For the avoidance of doubt, where there is any inconsistency between these procedure rules and existing provisions in the Council's Constitution, these rules shall take precedence.
- 1.5 In line with the Regulations, this document is designed to provide a guide to virtual formal committee meetings involving Members, officers and the public during the Covid-19 crisis and comes into force with effect from 30<sup>th</sup> April 2020. Any subsequent amendments will come into effect on the date upon which they are formally approved.
- 1.6 This document will remain in force until 7<sup>th</sup> May 2021 unless otherwise extended or revoked.

**2 Remote Attendance**

**2.1 Members**

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) ~~They can~~To hear and be heard and, if it is their preference and/or technology allows, ~~they can~~to see and be seen by other members in attendance;
- (ii) to hear and be heard and where applicable (in accordance with paragraph 2.1(a)(i) above) to see and be seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and where applicable (in accordance with paragraph 2.1(a)(i) above), to be seen by any other members of the public attending the meeting.

(b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 2.1(a) above are not met. In such circumstances the Chair may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 2.1(a) above to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum; or
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

For the avoidance of doubt, it is not a requirement for a member to see or be seen in order to attend a meeting, it is sufficient that they can hear and be heard. Equally, a member will not be deemed to have left a meeting even if they joined the meeting being able to see and be seen provided that they can still hear and be heard.

## 2.2 Members of the Public

(a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) ~~to~~~~they can~~ hear and be heard and, if it is their preference and/or technology allows, ~~they can~~to see and be seen by Members in attendance;
- (ii) to hear and be heard and where applicable (in accordance with paragraph 2.2(a)(i) above, to see and be seen by any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting;
- (iii) to be so heard and where applicable (in accordance with paragraph 2.2(a)(i) above), to see and be seen by any other members of the public attending the meeting.



(b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in paragraph 2.2(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:

(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in paragraph 2.2(a) above to be re-established;

(ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or

(iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

For the avoidance of doubt, it is not a requirement for a member of the public to see or be seen in order to attend a meeting, it is sufficient that they can hear and be heard. Equally, a member of the public will not be deemed to have left a meeting even if they joined the meeting being able to see and be seen provided that they can still hear and be heard.

### **3. Decisions of Formal Meetings of the Council, Cabinet, and Committees**

3.1 Decisions to be taken over the next 3 to 6 months are under review and virtual meetings will be called on a case by case basis and where necessary in ensuring that vital business can continue to be transacted.

### **4. Virtual Meetings of Full Council, Cabinet and Committees**

4.1 Ordinary meetings of Full Council, Cabinet and Committees will take place using the Zoom software platform or any other software platform of the Council's choosing.

### **5 Questions By Members**

5.1 Portfolio Holder's Briefing Report ("PHB")

~~Save in respect of the 2020/21 Annual Meeting,~~ Cabinet Members will continue to take questions from members in accordance with the ordinary procedure set out in the Constitution.

## 5.2 Written Questions

~~Save in respect of 2020/21 Annual Meeting, t~~The Council will continue to take written questions in accordance with the ordinary procedure set out in the Constitution.

## 6 **Petitions**

6.1 During the Covid-19 crisis it will not be possible to accept paper petitions. An electronic petition will be acceptable provided it meets the ordinary requirements of the Council's Petition Scheme (<https://www.fenland.gov.uk/localgove/mgePetitionListDisplay.aspx>).

6.2 ~~Save in respect of the 2020/21 Annual Meeting, T~~he member of the public submitting the petition will be invited to submit a speech in writing as there will be no opportunity to present the petition in person. A copy of the petition will be circulated electronically and published on the Council's website. The management of petitions following submission will otherwise take place in accordance with the usual arrangements in this respect. ~~The provision to submit petitions signed by 500 people or more for debate by Full Council will however be suspended during the Covid-19 crisis but will be sent to the relevant executive member, committee or council officer for a written response.~~

## 7 **Public Questions at Full Council**

7.1 ~~Save in respect of the 2020/21 Annual Meeting, T~~he Council will continue to take questions from the public as in accordance with the ordinary procedure set out in the Constitution. ~~The member of the public asking the question will need to submit their question in writing as there will be no opportunity to ask the question in person. A copy of the question will be circulated electronically and published on the Council's website. The Chairman will read the question out. The relevant Member will respond to the question within the normal timeframe. The provision for a supplementary question will be removed.~~

## 8 **Motions**

8.1 Members will have the ability to submit motions to Council as set out in the Constitution.

8.2 Members are asked to consider carefully the need for amendments. ~~Political groups are asked to contact the mover of a motion to see if their amendment can be treated as an alteration. If that is not the case, political groups are asked to vote against the motion rather than move an amendment.~~

## **9. Speaking at Virtual Full Council Meetings**

- 9.1 ~~Speeches from Members should be kept to a minimum. There will be no Points of Order or Personal Explanation.~~ Members who wish to speak during a meeting will need to click on the “raise your hand” icon within the participant section and then they will be invited to speak by the Chairman. ~~Members are asked to state their name before making a comment.~~

Points of Order and Personal Explanation will be taken in accordance with the ordinary procedure set out in the Constitution. Members who wish to raise a point of order or personal explanation should bring this to the attention of the Chairman by turning on their microphone and indicating that they wish to do so. The Chairman will then invite the Member to raise their point.

## **10 Voting at Full Council Meetings**

Voting will be managed through the Chairman via the Host Officer. If an item requires an electronic vote, the Chairman will ask all Members to turn their microphones on. The Chairman will then read out the name of each Member in turn in alphabetical order and ask them how they wish to vote. Once a Member has given their vote then microphones should be muted again. The Member Services Officer minuting the meeting will record the outcome of the voting and announce it at the meeting. If an item does not appear to be contentious, the Chairman will ask Members whether any Member disagrees or wishes to abstain. This will be actioned by the Member clicking on the “raise your hand” icon within the participant section. If nobody objects the motion will be taken as carried.

## **11 Other formal meetings of Council – Cabinet and Committees**

Other formal meetings of Council, including Cabinet and Committees will follow the same procedure as above where applicable. The process for debate may vary at the discretion of the Chairman.

## **12 Running a Virtual Meeting**

### Joining a Virtual Meeting

- 12.1 All meeting participants will be required to utilise their personal IT equipment to access meetings.
- 12.2 Councillors are encouraged to join the meeting promptly (i.e. at least ten minutes before the scheduled start time) in order to resolve any issues with joining and avoid disrupting the meeting. The Chairman will remind councillors to mute their microphones when not speaking. This is done in order to reduce feedback and background noise. The Host Officer may perform this function as well.

### Access to Documents

- 12.3 Member Services will publish the agenda and reports for all meetings on the Council's website and will notify councillors by email. Printed copies will not be available for inspection at the Council's offices.

### Public Access

- 12.4 The following wording will be added to the Council's website as well as to the meeting page for each meeting.

*Due to Government guidance on social-distancing and the Covid-19 virus it will not be possible to hold a physical meeting of the XXX on XXX. Arrangements are being made for the press and public to follow the decision-making via YouTube. Details of how to watch the meeting will be published on the Council's website.*

- 12.5 The requirement to ensure meetings are open to the public includes access by remote means, including video conferencing, live webcast and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

### Registering Attendance and Meeting Etiquette

- 12.6 At the start of the meeting, the Chairman will carry out a roll call of all Members present. Confirmation will be given by each Member switching their video on and unmuting their microphone to confirm they are present.
- 12.7 All Members and officers except the Chairman are asked to keep their microphones on mute unless invited to speak. Any Member returning after a disconnection is asked not to interrupt when returning to announce their return.

### Members Speaking at Meetings

- 12.8 Members who wish to speak during a meeting will need to click on the "raise your hand" icon within the participant section. The Chairman may ask each person in turn if they have any points they wish to raise on a particular item before completing the discussion on that item. When referring to reports or making specific comments, Members should refer to the report and page number in the agenda document pack so that all Members have a clear understanding of what is being discussed at all time.

### Exclusion of Press and Members of the Public

- 12.9 The press and members of the public will not be able to access virtual meetings considering exempt or confidential information and those parts of the meetings will not be webcast.

## Dealing with technical difficulties

- 12.10 In the event that the Chairman or the Host Officer identifies a failure of the remote participation facility, the Chairman will declare an adjournment while the fault is addressed. If it is not possible to address the fault and the meeting is inquorate, the meeting will be ~~abandoned~~-adjourned until such time as it can be reconvened. If the meeting is quorate, the Chairman will decide if this meeting should continue, depending on the difficulties being experienced, or whether it should be adjourned until a later time or date.

## **13 Chat Function**

Guidance recommends that careful consideration be given to the use of the chat function in meetings, including the for clarification or questioning that may ordinarily be done by way of a note, resolving technical problems, or guidance on procedure from Democratic Services Officers. The chat should not be used for parallel substantive conversation about the issue under discussion, or for general discussion, or political comments.

The content of a meeting chat would be subject to a Freedom of Information request.

## **143 Review**

These rules will be kept under regular review and updated as necessary by the Monitoring Officer under the delegation at Table 4, paragraph 47 of the Constitution.

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Agenda Item No:	11	
Committee:	Council	
Date:	6 August 2020	
Report Title:	Constitutional Amendments: Planning Scheme of delegation	

## 1 Purpose / Summary

The purpose of this report is to consider revisions to the Planning scheme of delegation within the Council's Constitution in regards to officer delegated decisions to refuse planning permission. As a result of this addition and in order to ensure consistency in the process in all instances where an application is called in to the Planning Committee minor changes are also being proposed to the existing provisions. Two additional delegations to officers in relation to enforcement and the power to decline to determine applications are also proposed.

## 2 Key issues

The Council's Constitution includes within it a scheme of delegation. This identifies what duties / tasks can be carried out by officers instead of Planning Committee and sets out any conditions associated with these authorisations.

Members have requested that all planning applications that are due to be refused planning permission by officers under delegated powers are subject to a consultation process with the Chairman of Planning Committee (or substitute). This may mean some planning applications will then be referred to Planning Committee for determination. Members have also requested that telecommunications prior notification applications that are minded to be recommended for refusal by officers be subject to a consultation process with the Chairman of Planning Committee and potentially be forwarded to Planning Committee for determination. The introduction of these provisions requires a change to the Council's scheme of delegation.

To ensure the overall consistency of the process and compliance with good overall governance future decisions regarding the call-in process to Planning Committee will be taken by the Head of Planning in consultation with the Chairman of Planning Committee.

## 3 Recommendations

Revise the Planning scheme of delegation within the Council's Constitution as set out at Appendix A to:

- a) Introduce a process for planning applications recommended for refusal under officer delegated powers to be subject to a consultation process with the Planning Committee Chairman (or substitute) and potentially referred to Planning Committee for determination
- b) Introduce a process for telecommunication prior approval applications that **officers are minded to refuse to be subject to a consultation process with the Planning Committee Chairman (or substitute) and potentially referred to Planning Committee for determination**

- c) To ensure consistency and compliance with good governance requirements, that the existing call in provisions are updated to reflect that the Chairman of Planning Committee (or substitute) will be consulted on ward Member call in applications.
- d) To introduce two new officer delegations in relation to enforcement and the power to decline to determine applications under Section 70 of the Town and Country Planning Act
- d) Delegate to the Monitoring Officer to update the Constitution to bring these changes in to effect as set out at Appendix 1.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Dee Laws Portfolio Holder for Planning
<b>Report Originator(s)</b>	Carol Pilson - Corporate Director and Monitoring Officer Amy Brown - Chief Solicitor and Deputy Monitoring Officer Nick Harding - Head of Planning
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<b>Background Paper(s)</b>	Constitution



## **4 Background / introduction**

All Councils, in their Constitutions, identify which functions of the authority are carried out by the different parts of the authority. As an integral part of this, certain functions are delegated to officers and this can sometimes be subject to certain terms and conditions that are set out in the constitution. The term most often used for this is 'scheme of delegation'. One of the reasons for having a scheme of delegation is to ensure efficient and effective decision making.

Most planning applications are determined by officers. As at December 2019, (nationally) on average 95% of decisions on applications are made by officers (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#district-matter-tables>). Compared to this the delegation rate at Fenland District Council is 93%. So, we already have a marginally lower rate of delegation when compared to the national picture.

Both the Portfolio Holder for Planning and the Planning Committee Chairman have requested that the existing scheme of delegation be reviewed so that consideration could be given to the introduction of a consultation process with the Chairman on planning applications recommended for refusal under delegated powers. The outcome of the consultation would either be that the decision can be issued as per the officer's recommendation or that the application will be presented to the Planning Committee for determination. This is a unique proposal, to our best understanding, nationally.

Officers have been asked to consider how telecommunication applications that come forward under the prior notification regime might be dealt with differently to the current arrangement in which all such applications are determined by officers.

This report, as well as covering the above requests, also identifies several other revisions to the scheme of delegation that are required in order to ensure a consistency between the existing and newly proposed arrangements.

Furthermore, there are two further areas of delegation to officers to be considered in relation to enforcement and repeat applications.

1) Power to decline to determine overlapping applications, repeat applications and applications that are the subject in whole or part to enforcement action under section 70 of the Act. This power in the legislation is used to prevent applications being submitted in order to thwart enforcement action and unreasonable submission of repeat and duplicate (twin tracking) applications.

2) Prosecution following non-compliance with enforcement notices of any type. Officers are requesting that delegated powers be granted to them to progress to prosecution stage if a notice has not been complied with.

## **5 Considerations**

### **5.1 Determination of Planning Applications & Planning Policy & Guidance**

Planning law dictates that planning applications should be determined in accordance with planning policy (national as well as local) unless material considerations are sufficiently strong to outweigh policy in relation to the application being considered. This requirement is purposely in place so that there can be consistent decision making. This gives developers and the public confidence in the decision-making process.

Local Plans must be prepared by Councils and must be kept up to date (these two things being a legal requirement) and represent a considerable financial investment by the Council. The Local Plan sets out the growth ambition of the Council and the associated policies to be used in

order to decide planning applications in a way that will deliver growth in the desired way. It follows, that in accordance with adopted policies (national or local) some forms of development will not be acceptable.

## **5.2 Consultation with Chairman of Planning Committee on delegated decisions recommended for refusal**

Where a planning application is recommended for refusal under delegated powers, it is proposed that the Chairman (or substitute) will be consulted. The outcome of the consultation will be either:

1. The application is determined under delegated powers in accordance with the officer recommendation OR
2. The application is presented to Planning Committee for determination.

The decision on the outcome of the consultation will rest with officers. It cannot rest with the Chairman (or substitute) alone as this would be contrary to the provisions of s.101 of the Local Government Act 1972. Planning Committee may only delegate its functions to a sub-committee or an officer. There is no provision for planning functions of this nature to be delegated to a single member and there is case law which confirms that a single Member cannot constitute a 'committee' or sub-committee' for that purpose.

## **5.3 Who would be responsible for the consultation process if it were introduced?**

Officers would undertake the consultation with the Chairman of Planning Committee and be the decision maker regarding the outcome of the consultation.

Arrangements would be made for a substitute for when the Chairman is not available. It will be for the Chairman to advise officers as to the times when the duty has been passed to the substitute.

The Chairman/substitute need to make known their views on whether they feel an application should be considered by Planning Committee in writing. It is suggested that a 48-hour period is given and that if there is no response then it will be taken that there is no objection to a delegated refusal on the decision.

If the Chairman or substitute is unable to make the filtering decision due to a conflict of interest, then the officer recommendation on the application will be the decision on the application.

It should be noted that in participating in this process, the Chairman/substitute will not be required to form a view as to how the application should be decided and in each instance where an application has been referred to the Planning Committee they will declare their participation in the consultation process but must remain entirely open minded. In any instance where this is not the case then the ordinary requirements about interests will apply and will prohibit their further participation in the process.

## **5.4 Telecommunication Prior Notification Applications**

Prior notification applications are different from normal planning applications in that:

They have to be determined within 56 days as otherwise they automatically get 'permission'

The only matters that can be considered in their determination are siting and appearance

As the applications are subject to a 21-day public consultation, a special planning committee meeting may be required if the Head of Planning refers the matter to Committee through the consultation process with the Chairman. It is therefore proposed that when an officer is minded to recommend refusal, the Chairman of Planning Committee will be consulted.

## **5.5 Implications**

This second check on applications due for refusal enables officers and the Chairman of Planning Committee to ensure the weighting of planning reasons are correctly formed, ensuring the Council does not miss out on any growth opportunities.

The introduction of a process also has the potential to:

- a) increase costs if more applications are presented to Committee
- b) impact quality of schemes
- c) slow down decision making
  - i) A period will elapse during which the process takes place. This is estimated to be 3-4 days (there would be 2-3 applications per week going through the process).
  - ii) Any application would, if it is to be referred to Planning Committee via the process, be put on the next Planning Committee agenda. In such circumstances the period of delay could be up to 7 weeks (note that the statutory timescale for the determination of applications is 13 weeks for major applications and 8 weeks for minor and other applications.)
- d) increase lobbying of Members.

## **5.6 Revision to the existing scheme of delegation**

Under the existing scheme of delegation, for 'other' and 'minor' applications which have either an FDC or Member involvement the Chairman of Planning is party to a joint decision (with officers) on whether or not the application is presented to Planning Committee as opposed to being subject to a delegated decision. This needs to be revised in order to make the process consistent with the proposed process in relation to officer delegated refusals i.e. so that the Head of Planning will consult with the Chairman on the matter and that the Head of Planning will be the decision maker on whether or not the application is determined under delegated powers or presented to the Planning Committee for determination. This change would be in keeping with the provisions of s101 of the Local Government Act 1972.

The above process will also apply to the ward Member call in process.

## **5.7 Effect on corporate objectives**

The grant of planning permissions through the Planning Committee and delegated decision-making process supports the following stated objectives:

- a) Attract new businesses, jobs and opportunities whilst supporting our existing businesses in Fenland
- b) Promote and enable housing growth, economic growth and regeneration across Fenland

## **5.8 Community impact**

Planning applications must be decided in accordance with planning policy unless material planning considerations outweigh the policy position. This ensures that fair and consistent decision-making takes place which is the backbone of the planning system and gives the public faith in its operation.

## **5.9 Conclusions**

The proposed amendments to the existing scheme introduce the requirement for the Head of Planning to review all applications in consultation with the Chairman of Planning Committee or substitute in circumstances where the planning officer is recommending refusal. Where the matter is requested to be referred for consideration to the Planning

Committee, this will be endorsed if it meets the relevant criteria, and where it is considered that the planning reasons require more detailed consideration.

## APPENDIX A

### 88. Development Control

1. Having ensured that all statutory requirements and Council policies have been complied with and after considering all representations received; 23(i)

- (i) Determine all 'other' and 'minor' applications submitted under any of the Acts or Statutory Instruments set out in Appendix A to this Scheme unless:-

- Called-in by Member (the development must be within their ward area or adjacent ward area and the Member request has been granted by the **Head of Planning in consultation with the Chairman of Planning or substitute**).
- 6 or more unresolved written opinions from 6 or more separate sources are received from within the ward area or adjacent ward area which differ from the officer recommendation.
- Town/Parish views are in conflict with officer recommendation and the application is for more than 2 dwellings.
- **The Head of Planning considers that the application merits committee consideration on the grounds of wider planning interests.**

For

- 'other' and 'minor' applications which have either FDC or Member involvement OR
- 'other' and 'minor' applications where the officer recommendation is for refusal

the following procedure will apply;

The Head of Planning will consult the Chairman of Planning Committee and decide if:

The application should be determined by the Planning Committee OR the application should be determined under delegated powers by the Head of Planning.

If in the opinion of the Head of Planning in consultation with the Chairman of Planning Committee the recommendation is accepted, the case officer's decision will be countersigned by the Head of Planning.

If in the opinion of the Head of Planning in consultation with the Chairman of Planning Committee there are wider planning issues to consider the matter will be placed on the Planning Committee agenda.

(ii) Determine all 'major' applications submitted under any of the Acts or Statutory Instruments set out in Appendix A to this Scheme unless:-

- FDC or Member involvement
- Called-in by a Member (the development must be within their ward area or adjacent ward area and the Member request has been granted by the Head of Planning in consultation with the Chairman of Planning).
- 6 or more written views from 6 or more separate sources are received which conflict with the officer recommendation
- Town/Parish views are in conflict with officer recommendation
- Statutory Consultee views are in conflict with officer recommendation
- The Head of Planning considers that the application merits committee consideration on the grounds of wider planning interests.

- The application is recommended for refusal in which case the following procedure will apply;

The Head of Planning will consult the Chairman of Planning Committee and decide if:

The application should be determined by the Planning Committee OR the application should be determined under delegated powers by the Head of Planning.

If in the opinion of the Head of Planning in consultation with the Chairman of Planning Committee the recommendation is accepted, the case officer's decision will be countersigned by the Head of Planning.

If in the opinion of the Head of Planning in consultation with the Chairman of Planning Committee there are wider planning issues to consider the matter will be placed on the Planning Committee agenda.

- (iii) determine all applications pursuant to conditions attached to permissions,
- (iv) determine all requests for minor amendments to permissions,
- (v) determine all applications for certificates of lawfulness,
- (vi) respond to all consultations from Cambridgeshire County Council regarding applications submitted to them as the relevant Planning Authority,

(vii) determine all applications for works to trees and those submitted under the Hedgerow Regulations 1997,

(viii) determine all prior notification applications and all subsequent detailed submissions applications, but in the case of telecommunication applications where the officer is minded to recommend refusal the Head of Planning will consult the Chairman of Planning Committee and decide if:

The application should be determined by the Planning Committee OR the application should be determined under delegated powers by the Head of Planning.

(ix) determine all requests for screening or scoping opinions under the relevant legislation,

(x) determine all applications for Ancient Monument Consent,

(xi) determine all applications for Hazardous Substances Consent,

(xii) determine all queries relating to 'permitted development' i.e. is permission/approval/consent/notification required,

(xiii) make and confirm Tree Preservation Orders unless any relevant objections are received.

(xiv) Respond to applications for Goods Operators' Licences as appropriate,

(xv) Respond to consultation regarding the erection or modification of overhead power lines and ancillary equipment,

(xvi) Determine applications for Certificates of Appropriate Alternative Development,

(xvii) To enter into legal agreements under Section 106 of the Town & Country Planning Act 1990.

(xviii) to decline to determine applications under Section 70 A, B & C of the Town & Country Planning Act 1990.

#### Definitions for section:-

Major applications (Department for Communities and Local Government codes 1-5),

- 10 or more dwellings or site area of more than 0.5ha,
- All other land uses – involving floor space of more than 1,000 sq m or a site area of more than 1ha,

Minor applications (Department for Communities and Local Government codes 6-10),

- 1-9 dwellings
- All other land uses involving floor space of less than 1,000sqm or sites of less than 1ha,

Other applications (Department for Communities and Local Government codes 11-17)

- Changes of use (except where fall into major category)
- Householder developments (within the curtilage of a residential property except for changes of use and creation of additional dwellings),
- Advertisements,
- Listed Building consent to alter/extend
- Listed Building consent to demolish
- Conservation Area consents

FDC/Member involvement:-

- Landowner,
- Applicant
- Agent
- Staff member working in Development Service or in a closely associated Service

OVERALL PROVISOS TO SECTION 889 any Fenland District Council member can require any delegated application in Category (i) and (ii) above to be referred to the Planning Committee for consideration by notification in writing to the Head of Development at [planning@fenland.gov.uk](mailto:planning@fenland.gov.uk) within three weeks of registration date (such notification must provide planning reasons for requesting reference to Committee and these planning reasons must subsequently be incorporated in the report to Committee). The scrutiny of the weekly list of applications circulated to members will facilitate this safeguard.

Head of Planning consultation with the Chairman on officer delegated refusals and call in process:

- There is a 48-hour period (equivalent to 2 working days) allowed for a consultation response to be received.
- A nil or late response will automatically mean that a delegated decision will be made on the application.
- Where there is a conflict of interest for the Chairman or substitute, a delegated decision on the application will be made.
- The consultation reply must be in writing and give a planning justification for any request for Planning Committee consideration.
- The Chairman must advise the Head of Planning and Development Manager of times when the substitute is acting.

89. Planning Enforcement:



To:

- issue Planning Contravention Notices;
- issue Requisitions for Information;
- authorise and issue Breach of Condition Notice proceedings;
- authorise and issue Waste Land Notices;
- authorise and initiate Proceedings against Fly Posters;
- authorise and initiate Proceedings against Unauthorised Signs.
- issue Temporary Stop Notices
- issue Enforcement Notices
- in cases of urgency in consultation with the Chairman of the Planning Committee (unless such consultation would have a detrimental effect on this power) to:

- a. issue a Stop Notice
  - b. authorise an application for an injunction
  - c. authorise the commencement of any legal proceedings such actions to be notified to the next scheduled meeting of the Planning Committee
  - (xi) issue notices requiring the Proper Maintenance of Land
  - d. authorise prosecution following non-compliance with an enforcement notice of any type
- |

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