

# COUNCIL



**MONDAY, 20 FEBRUARY 2023 - 4.00 PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor N Meekins (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 K French, Councillor A Hay, Councillor Miss S Hoy, Councillor M Humphrey, Councillor Mrs D Laws, Councillor A Lynn, Councillor C Marks, Councillor D Mason, Councillor J Mockett, Councillor P Murphy, Councillor D Patrick, Councillor M Purser, Councillor W Rackley, Councillor C Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor S Tierney, Councillor D Topgood, Councillor S Wallwork, Councillor R Wicks and Councillor F Yeulett.

**APOLOGIES:** Councillor Mrs J French, Councillor A Maul, Councillor Mrs K Mayor, Councillor M Tanfield and Councillor S Wilkes.

## **C42/22      PREVIOUS MINUTES**

The minutes of the meeting of 12 December 2022 were confirmed and signed.

## **C43/22      CIVIC ENGAGEMENTS UPDATE.**

Councillor Miscandlon drew members' attention to the civic activities undertaken by himself and the Vice Chairman in the weeks preceding Full Council.

## **C44/22      TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

Councillor Miscandlon paid tribute to Cyril Bellamy who had sadly passed away. Cyril had served as a councillor for 31 years and his family described him as dedicated and hard working with a mantra to always help others in the community.

Councillor Miscandlon informed members that Cyril first became a councillor in 1978 when he joined Parson Drove and Wisbech St Mary Parish Councils where he also served as Chairman from 1999 to 2005 and again from 2007 to 2009. In 1999 Cyril also joined Fenland District Council as a ward councillor for Parson Drove and Wisbech St Mary and during this time he served on both the Licensing and Planning Committees as well as being involved in a number of community groups.

Councillor Miscandlon offered condolences to Cyril's family and a minute's silence was observed in his memory.

Councillor Miscandlon advised members that the Annual General Meeting of the Twinning Association will take place at Fenland Hall at 2pm on 2 March and all are welcome to attend.

## **C45/22      LEADER OF THE COUNCIL ANNOUNCEMENT**

Councillor Boden stated that he would like to bring to Members' attention that this was the last Full Council meeting for a number of Members who would not be seeking re-election on 4 May and on behalf of the Council, he extended his sincere thanks to those who were stepping down for their dedication and commitment to the people of their wards but also to the whole of Fenland. He made

the point that these Members have served the public selflessly for a number of years and have achieved a number of positive improvements for their areas and congratulated their time served as a Councillor, wishing them all the very best in their future endeavours.

Councillor Boden stated that those particular members who have chosen not to seek re-election at this time have between them given 75 years of service to the Council and to their residents are Councillors Sarah Bligh, Andy Lynn, David Mason, Kay Mayor, David Topgood, Rob Skoulding and Fred Yeulett. He added that if there any other members who have decided that they are not going to re-stand for election who he has not formally recognised then they should accept his apologies and asked members of the Council to join him in a round of applause in recognition of their service.

Councillor Miscandlon added his thanks also and gave those members that wished to do so the opportunity to address Full Council.

Councillor Mrs Bligh stated that she has thoroughly enjoyed the eight years that she has served as a councillor and thanked Councillor Tierney for introducing her to politics and also to Councillor Booth for providing her with their guidance and knowledge in helping her to fulfil her role as a councillor.

Councillor Yeulett stated that he would like to thank all members and officers for their assistance provided to him over the years and he wished them well for the future.

Councillor Mason stated that it has been a privilege to serve the Council, and he has enjoyed it thoroughly. He thanked members for their support and help over the years.

Councillor Skoulding thanked everybody for their support and friendship and he stated that he would like to thank all of the officers, especially thanking the team in Member Services.

**C46/22      TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.**

Councillor Miscandlon stated that no questions had been submitted under Procedure Rule 8.6. Under Procedure Rule 8.4, Councillor Cornwell also thanked those officers for their service and friendship who are not re standing for election in May and asked the following questions as Leader of the Opposition:

- Councillor Cornwell stated there has been much discussion in March concerning the regeneration of the Town Centre and in particular Broad Street, with the matters particularly centred around the dissatisfaction with the supposed public consultation regarding the proposal and whilst it appears that there was some consultation it has become apparent that it was not always well delivered and was not well received. He stated that he has recently undertaken a review and it has become apparent that the consultations did not always comply with the Council's Consultation Strategy which has led to a number of residents losing confidence in the Council and some officers, which he finds unacceptable as residents should never lose confidence in their own Local Authority, adding that if the scheme consultation is compared with the consultation which was undertaken under the planning process where there were three elements requiring planning approval and appears to have been a far better consultation system which is more wide ranging, better and a larger number of responses in a well proven adopted consultation system. Councillor Cornwell explained that there did appear to be a small discrepancy where the Council's IT system did appear to reject a submission from one of the long-standing businesses trading in the Town Centre and he hoped the issue is being investigated. He asked Councillor Boden whether he will issue a public apology to the residents of March for some of the failings that they have experienced in the Council's processes in relation to the proposals?

Councillor Cornwell added whether a system can be adopted so that prior to any public consultation in the future, the relevant Portfolio Holder and member of the Corporate Management Team review the proposed process to ensure that it accords with the Council's own strategy and the manner in which feedback is received and published. He also expressed the opinion that as one of the Council's planning applications was incomplete, due to the fact that the replacement of the demolished public toilets in Broad Street was not included, can a guarantee be made for the residents of March that replacement public toilets will be provided and with some urgency following the demolition of the existing ones?

- Councillor Boden responded that he was unaware that there had been any IT failings with regards to the planning permission and he is confident that the relevant Portfolio Holder will investigate the issue to ensure that if there is a problem it will be addressed so that it does not happen again. He added that if there has been a failing, it is the Council's responsibility to get things right and the Council will apologise. Councillor Boden stated that with regards to the public consultations that took place, he is aware from some of the feedback that he received personally that some people were not content with the information that was provided to them and also the way that the information was provided to them. He added that it is an unfortunate fact that some people will not be happy with the proposals, however, in his opinion there are lessons to be learnt and it is important that in the future there should be more thorough planning so that if there are any concerns raised by residents it will allow the Council to deepen the level of consultation so that the issues raised can be explored further, however, the reality is that there will be occasions where consultations take place and people will not be happy with the outcome of them. Councillor Boden added that consultation does not necessarily mean making a change but means listening and responding to what the Council is told. He explained that with regards to the planning application for the public toilets in Broad Street, he was also somewhat surprised that it only contained the detail of the demolition of them and did not refer to any replacement, however, he confirmed that a separate and new set of public toilets will be made available and as far as he is concerned, they will be sited as close to the existing ones as possible, but the exact location is still being considered. Councillor Boden added that it had been mentioned that there were public toilets located within the Library, however, that suggestion was turned down by the Cabinet because it is clear that something more substantial is necessary and the location of the new toilets needs to be located as visible as they can be in order to make them less susceptible to vandalism. He stated that the supply of public toilets is not an obligation for a local authority to provide and explained that if there continues to be a large amount of vandalism then there is the danger that the facility will be lost totally and, therefore, they need to be designed in such a way that the possibility of vandalism can be minimised.
- Councillor Cornwell stated that the comments made by Councillor Boden with regards to the public consultation are relevant as there were problems with one particular aspect of the process and there was a failure to comply with the Council's own policy. He added that he has carried out his own investigation and there was a problem which may never happen again as it has caused so many problems in the town of March.
- Councillor Cornwell stated that he has reviewed the figures with regards to Fenland Future Ltd and the figure for set up costs is almost a third of £1,000,000 which appears to be very high. He asked whether it is normal for the costs to be so high as, in his opinion, they are astronomical. Councillor Boden responded that when development companies start the costs are always high as there is no real income available until buildings are actually constructed and sold and, therefore, it is not unusual for costs to be incurred before any income is received. He explained that the current situation accords with what was forecast and emphasised that the overwhelming majority of the costs that Councillor Cornwell referred to were costs that were going to be incurred anyway because they are costs of the Council which are primarily but not exclusively down to salary costs, with the cost recharge from the Council to Fenland Future Ltd. Councillor Cornwell stated that he finds the response provided interesting because the information that he has reviewed relates to consultants' fees and nothing that relates to charges for officer time. Councillor Boden

stated that Councillor Cornwell is completely correct and whenever there is any project like this taking place consultants will be brought in to give assistance. He added that it would appear that the list Councillor Cornwell has received does not contain all the costs for Fenland Future Ltd, whereas the actual list details the majority of the costs are for recharges including staff costs, administrative costs and other associated overhead costs. Councillor Boden stated that the consultant costs would have been incurred had development taken place under the auspices of Fenland District Council rather than Fenland Future Ltd.

**C47/22**      **TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.**

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

- Councillor Hay stated that she noted in the Portfolio Holder report that it mentions the Local Plan consultation and it states that the Local Plan will be considered by Full Council during 2023/2024, however, she has also read that Peterborough City Council will be withdrawing their support for planning and she asked whether that will affect the timetable for the completion of the Local Plan? Councillor Mrs Laws responded that Peterborough City Council have been undergoing an assessment of its own Planning Department, which started in July 2022 and they have advised that they are considering withdrawing certain services from the Council. She stated that discussions are currently taking place with regards to the situation as it will also affect other areas of the shared service but at the current time she has no firm answers that she is able to provide.
- Councillor Sutton asked whether Councillor Murphy was able to provide an update with regards to whether the brown bin charge was going to be removed in place of Waste Vertical Integration (WVI)? Councillor Murphy responded that there is no intention to remove the brown bin charge and there is an increase in the amount of people who subscribe to the service with 2,800 customers paying for the service by direct debit. He explained that with regards to WVI, there is no further update from Central Government from that which was provide in 2022.
- Councillor Sutton referred to the Horizons windfall funding which had been discussed previously at Full Council, with East Cambridgeshire District Council setting up a Community Fund to make use of their share of the funding and asked the Leader whether he had given any consideration to a capital fund being raised and in particular for the rural areas who receive very little, in his opinion, but who represent 28% of the Fenland population. He added that consideration could be given for a small amount of money of £10,000 to £15,000 which would make a difference to some of the projects that the small villages would like to progress. Councillor Sutton asked Councillor Boden whether he would consider a scheme where villages can request some funding? Councillor Boden made the point that he objects to the use of the word windfall to describe the monies received from Cambridgeshire Horizons and explained that the Council was one of the original shareholders for Cambridgeshire Horizons Ltd which was a company that was set up around twenty years ago in order to promote economic growth in Cambridgeshire as a whole and in particular housing growth. He added that the company had some very specific legal objectives set out in its memorandum and articles at the time. Councillor Boden explained that the company reached a certain stage in managing to utilize the large amounts of capital funding, which was received by Central Government, but they only reached a certain point, and did spend a large amount of public money. He stated that in 2012 that operation all but ceased and the only interaction which took place following 2012 was just residual changes which took place with the small amounts of money that were still left which was small in comparison to the original amount, but still substantial in anyone else's view. Councillor Boden explained that since there has been no significant movement

or any prospect of any movement from the company, he had put forward a proposal which was accepted, that the company should repatriate almost all of the excess money that it still had available to its shareholders, with the only legal way to achieve this was to repatriate it for the same purposes that Cambridgeshire Horizons was set up for and, therefore, there are limitations as to how the money may be spent. He stated that the Council received £3.89 million pounds from Cambridgeshire Horizons and of that £1.05 million was to be utilized towards the expenditure on the A14 and the remaining £2.84 million has been earmarked for economic growth projects. Councillor Boden made the point that the only amount which is currently being used is £149,000 which operates on an annual basis and as of the 31 March every year the Section 151 Officer has to write to the Company Secretary of Cambridgeshire Horizons Limited to say what use has been made of the funding in the previous 12 months and what the justification is for using it, based on the legal criteria under which Cambridgeshire Horizons Ltd was formed. He stated that the current projects for 22/23 see another £330,000 of expenditure designated by the Section 151 Officer to go towards economic growth in Fenland and will leave £2.3 million which will be available for future years and when it was set up, the proposal that he put forward which was accepted, was that the money needs to be spent within 6 years and, therefore, there will be the need for the £2.3million to be spent over the course of the next four financial years. Councillor Boden stressed that there are legal restraints on how it could and should be used and it is his opinion that economic growth in the area is of the utmost importance. He added that there is more expenditure on economic growth than ever before by the Council and it is the one area of expenditure that has really grown in real terms over the last two or three years and, in his view, it is something that he would advocate that the Council needs to do more of because it effects people's jobs, livelihoods and their businesses. Councillor Boden expressed the view that the prioritisation of economic growth is very important and made the point that the money has not been squandered over the last two years as the overwhelming majority of the £2.8 million of the £3.9 million is still available and it will be for the new Council to decide how they spend it. Councillor Sutton stated that the fact the East Cambridgeshire Council have set up a Community Fund shows that it is legal and can be done. Councillor Boden stated that he is unsure what projects that Councillor Sutton is referring to, but the projects need to be brought forward in order to be considered. He added that there are other sources of funding which can be considered and used for good projects, and he would have liked to have known what the projects were and whether they have been brought forward for consideration by the Council.

- Councillor Sutton expressed the view that the UK Shared Prosperity Fund had appeared to focus and be very town centric for bids and asked whether the villages had been considered? Councillor Boden stated that it was a very difficult set of projects to move forwards and explained that the Council had not been given autonomy with regards to making applications towards the fund, with the Government deciding that in those areas which have Combined Authorities it should be the Combined Authority who submit the bid and then in turn money would be filtered down to the District Councils. He stated that some of the monies ended up being centrally organized by the CPCA and the Council had to agree with what was put forward and other items were a matter for the Council to decipher how the criteria published by Government could be matched with opportunities that the Council had. Councillor Boden explained that the Council did not distinguish between villages and towns or indeed between the towns although Wisbech did receive more as it qualified under the specified criteria more favourably than other areas. He added that the Council made the decision to go with the best schemes that were available with the funds that were potentially available using the criteria which had been laid out by Government. Councillor Boden made the point that there are instances where Government states that there will be a rurality premium where rural areas will take preference, but this was not the case with this particular scheme and in this instance the schemes were selected which were available and in order to benefit the whole of Fenland. Councillor Sutton asked Councillor Boden that if he has some schemes in his own ward which are looking for a small amount of funding, can he bring those forward directly to him? Councillor Boden stated that if any

member wishes to bring forward schemes they can be added to a list, however, whether they will be chosen is another matter.

- Councillor Sutton stated that the LATCO set up fee appears to be displayed incorrectly on the website and, in his opinion, some of the fees displayed are not set up fees and they need to be reviewed.
- Councillor Sutton made reference to purdah and expressed the opinion that he is very disappointed to have been told that a Golden Age Fair cannot take place during the Purdah period but he has received notification that the March St Georges Fair is taking place on April 28 which is also during the Purdah period, and asked Councillor Boden to explain the justification in allowing that to go ahead, when the Golden Age event cannot. Councillor Boden stated that he does have sympathy with the comments that Councillor Sutton has raised but there is a clear distinction between what happens with what has been called St Georges Fair in the past and is known as St Georges Festival this year and what happens with Golden Age Fairs. He explained that Golden Age Fairs are Council events and are promoted as such whereas the St Georges annual event is jointly organised by the Council and the March Events Committee in conjunction with various other partners including March Library, March Community Centre, 2020 Productions and CPP Market Place. Councillor Boden stated that although the Council design the promotional materials, they are not Fenland District Council branded events whereas the Golden Age events are. He made the point that it is his understanding that the reason that the Golden Age Fair is not taking place during the Purdah period is that in order to organise the celebration event of the 20<sup>th</sup> anniversary of the Golden Age fairs in June, it was decided that a fair would not take place prior to that event. Councillor Boden agreed with Councillor Sutton that the rules surrounding purdah are over bureaucratic, but they are in place to protect the interests of those who are not in power, and the reason purdah exists is that sometimes those that are in administration can manage to manipulate publicity, consultations and events just before an election to try and benefit themselves politically.
- Councillor Sutton asked Councillor Mrs Laws if she could explain what she understands her role and responsibilities are as the member responsible for the Internal Drainage Board delivery and what are the outcomes from being in that role? Councillor Mrs Laws responded that the answer is complex, and she will provide a response to all members in due course.
- Councillor Sutton addressed Councillor Mrs Laws and asked whether she could ensure that the Local Plan information can be accessed easier on the Council's website as it is currently difficult to navigate and find. Councillor Mrs Laws agreed that she would deal with this matter.
- Councillor Sutton asked Councillor Mrs Laws if she could explain what effect it will have on the Local Plan moving forward as Central Government are no longer dictating numbers. He added that there is a requirement to have a housing needs assessment for evidence to go to inspection and he asked whether that process has commenced. Councillor Mrs Laws explained that the information has to and will be considered and then moving forward the reports will be reviewed including the housing assessment need in order to move forward with the Local Plan, however, due to the changes it does mean that the process will be delayed yet again.
- Councillor Sutton stated that he has raised previously the issue of Level 2 Flood Risk Assessments which are in place in Wisbech so that development can take place in Flood Zone 3 but there are other areas in the district which are in the same flood zone, such as Benwick, but development cannot take place. He added that in the documentation he has read in conjunction with the emerging Local Plan concerning site selection and the reasoning behind why some sites are not being picked due to their flood zone and made the point that nothing will change and the issue concerning where people can and cannot build due to flood zones will be the same as it currently is. Councillor Sutton explained that all the sites that Benwick have put forward have been rejected because of flood risk but there is no other land in Benwick and expressed the view that it must be reviewed. Councillor Mrs Laws stated that there was a first and second call for sites due to the fact that a public consultation exercise could not take place due to the pandemic and all of the sites have

been assessed correctly and there has been consistency applied, however, she agreed that she would re-examine them again. Councillor Sutton stated that he would like confirmation and commitment that a Level 2 Flood Risk Assessment will be in place across the board. Councillor Mrs Laws stated that her commitment will be to review the reports and review the officers' assessments.

- Councillor Booth stated that when considering the flood zones, in his opinion, officers appear to be discounting sites in Floods Zones 2 and 3 that Parish Councils and residents are putting forward. He expressed the view that the point that Councillor Sutton is making is that with mitigation measures in place, development should be able to take place and what is needed within the new Local Plan is a policy where the sites can be there but there needs to be flood mitigation measures included so that development can take place and if such a policy was in place it would assist with the sustainability of the rural areas as there would be more housing in these areas which in turn will support the local services. Councillor Mrs Laws stated that she does not disagree with the points made by Councillor Booth and due to the changes made by Government there will be further work undertaken to take those changes into consideration.
- Councillor Booth made reference to the page 46 of the report where it details that only 62% of minor applications are being dealt with during the target set by Government, the Leader has given assurances previously that the performance is improving but he asked how the Council can ensure that the figures provided can be improved as it is a common complaint that he is receiving from residents and developers as they are not receiving responses during to the Planning Department facing staffing issues. Councillor Mrs Laws responded that planning is an important department, and the team has experienced some significant staffing changes recently, with over a ten year period there not being the desire for officers to study for town and planning qualifications and degrees and it has now reached a point where some officers have retired, taken early retirement or gone to work in the private sector and the team now find themselves with a number of Junior Planners but without the Senior Officers and that is where the gap has arisen. She explained that there has been efforts made to fill those gaps by using agency staff which has not always proved to be successful, however, another recruitment company is now being used and it is hoped that the staff provided will enable the planning team to stabilise and improve. Councillor Mrs Laws explained that there will be a recruitment exercise to fill a post for a full-time Tree Officer and also a Conservation Officer. She added that any member queries concerning planning can be directed to both herself and Councillor Connor who will do their best to answer and field any questions in order to support the planning staff.
- Councillor Booth asked whether he would be able to receive a written response in answer to his question concerning page 29 of the report where it refers to Capital Projects for street lighting, making the point that there were updates contained in the report previously with regards to the Parish Council schemes, however, that information now appears to have been removed from the report. He added that a request was submitted over two years for the street lighting in Parson Drove to be replaced, however, there has been no update provided and, in his opinion, there appears to be something not working correctly with the supplier and cable testing and getting the information sent to the Parish Councils. Councillor Boden responded that in the absence of Councillor Mrs French he will arrange for the information to be provided as soon as possible.
- Councillor Booth made reference to the report where it details bringing empty households back into use, with Councillor Hoy repeatedly assuring over the last year that she would provide information concerning that status of the net position, however, that information is still not detailed in the report, and asked what the current position is of bringing empty homes back into use. Councillor Hoy stated that she recalls a conversation with regards to empty properties and social housing and there is data available, making the point that every empty home brought back into use is a positive step and more homes are brought back into use year on year. She explained that if Councillor Booth requires an overall figure of the current situation plus what the percentage of empty homes are brought back into use she will look to address this and ensure it is added to the report going forward.

*(Councillor Topgood left the meeting at 4.57pm following this item and the remainder of the agenda items)*

**C48/22      QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH PROCEDURE RULE 9A**

In accordance with Procedure Rule 9A, the Parish Clerk for Manea, Alan Melton attended Council and asked the following question to Councillor Mrs Laws, Portfolio Holder for Planning.

Mr Melton stated that he has been invited by a number of parishes to undertake work with them and explained that he has worked with authorities in South Cambridgeshire, East Cambridgeshire and Huntingdonshire. He expressed the view that he is concerned with regards to the level of Section 106 monies that they are in receipt of for local communities that Fenland does not appear to be receiving and asked Councillor Mrs Laws if she could clarify why does Fenland not receive these contributions and what is she going to do about it in the future.

Mr Melton continued by explaining that whilst working with East Cambridgeshire he received a letter from the Financial Officer to advise him that £60,000 had been credited to their bank account for development and a further £3,000 for a single dwelling. He explained that during the financial year he was provided with a list of all the Section 106 contributions that have been paid to all of the parishes in East Cambridgeshire with the exception of Sutton who have advised that they have invested any Section 106 monies received by Sutton Parish Council into property.

Mr Melton stated that South Cambridgeshire Council have also advised him that they will be crediting the relevant bank account and so far this year contributions of £109,000 have been received and another £60,000 is also due. He explained that whilst undertaking some work in Fenstanton he was surprised to find that there was some Section 106 accounts with over £300,000 in them which were due to be allocated to local projects.

Mr Melton expressed the opinion that he is concerned that Fenland does not have a policy which deals with Section 106 contributions, and he made reference to the Wenny Meadow development where there are no contributions for the local community and another development in Doddington Road, Chatteris where again there are no funds for the local community. He expressed the view that developers are using the legislation which is set out on the viability standards, and referred to the Wenny Meadow application where the application indicates that the developer states that the proposed selling of the dwellings will be in the region of £250,000 and the same houses on the same layout are selling for in excess of £450,000. Mr Melton stated that there needs to be a review of a policy and viability standards and criteria need to be challenged.

Councillor Mrs Laws responded that she was under the impression it was Wenny Road and the Wenny Meadow stage of the proposal has yet to be achieved. She stated that East Cambridgeshire District Council and Huntingdonshire Council both operate a Community Infrastructure Levy (CIL) scheme and under the Government rules for CIL the Council must give a cash proportion of the CIL income to Parish Councils and where the CIL paying development is located in that Parish.

Councillor Mrs Laws stated that Fenland District Council have looked at the development viability twice now and have decided that it is not appropriate to introduce CIL due to the low property values in the area and this is why the Town and Parish Councils in Fenland do not receive monies from the District Council as a matter of course. She explained that with regards to South Cambridgeshire District Council they do not operate a CIL system and, therefore, the parishes do not receive any CIL monies.

Councillor Mrs Laws stated that where there is a Section 106 for a development it can sometimes



be the case that the developer provides money to be spent on new and improved community facilities, such as the play park in Snowley Park in Whittlesey. She added that in such cases it is usual for the money to be held by the District Council and the money will be used by the Council itself, but it can potentially also be made available to the Town and Parish Councils in order for them to spend on qualifying projects.

Councillor Mrs Laws stated that in the past periodically the Town and Parish Councils have been contacted so that they are aware of the Section 106 position in their respective areas. She made the point that she will arrange for that contact to be made again by the end of the month.

Mr Melton stated that it is his understanding that in Huntingdonshire and also in East Cambridgeshire they operate both Section 106 and CIL schemes as there is a differential in values as there also is in Fenland. He stated that the Leader of the Council, along with the Chairman and also Councillor Mrs Laws, are all elected Whittlesey members and they should be aware of the large development taking place in that area which is over 1,000 dwellings.

Mr Melton added that due to the tax base the Council is able to reduce its Council Tax, however, if a proper Section 106 policy was in place then Whittlesey Town Council would not be borrowing money or missing out on maths funding and they would be in the same position as Sutton Parish Council and have money to invest in the town of Whittlesey for the local community.

Councillor Mrs Laws questioned where Whittlesey Town Council is borrowing money from and for what purpose?

#### **C49/22      MOTION SUBMITTED BY COUNCILLOR TIERNEY**

Councillor Tierney presented his motion to members of Full Council concerning works to a damaged building in Wisbech.

Members made comments as follows:

- Councillor Booth stated that he is happy to support the motion and added that he would like to see the process expedited in order that the Town of Wisbech and the Market Place are returned back to normal.

**Proposed by Councillor Tierney, seconded by Councillor Booth and AGREED that the motion be approved for**

- **officers to work with the building owners to expediate the important repairs that will put the building back in good order as early as possible; and**
- **if this is not achievable, the Council exercises its statutory powers and assesses the options for enforcement action if a planning application is not forthcoming in the next few months.**

#### **C50/22      BUSINESS PLAN 2023/24**

Members considered the Final Business Plan 2023-24 report presented by Councillor Boden.

Councillor Boden highlighted that the Business Plan contains a new section this year which is titled Council for the Future which highlights some of the bigger changes which are taking place and will be taking place going forward. He explained that the Transformation One agenda is being focussed on which involves the process mapping of the work that is undertaken and the reorganisation of the services that the Council has.

Councillor Boden also explained that preparation is also taking place for the Transformation 2 agenda which changes the physical and virtual footprint of the Council. He stated that the report went to the Overview and Scrutiny Panel last month and they in turn made various suggestions which have been incorporated within the report.

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

- Councillor Cornwell stated that he was surprised to see 29 people had responded positively to the Business Plan consultation out of a population of 102,500 which, in his opinion, is a very poor response. He made the point that it is concerning to see that no businesses responded, and added that could be because there is very little in the plan which deals with business and economic development and, in his view, that is an area which needs to be addressed. Councillor Cornwell stated that the feedback received did contain some very pertinent questions or answers and some people had obviously given it some thought prior to responding, although some of those views do not seem to be reflected in the final version. He referred to the Council's consultation strategy where it states that 'only consult if you are willing to make changes based on responses' and he expressed the view that he does not see any changes because of those responses. Councillor Boden responded that the reason why there are so few responses is, in his opinion, people are fed up with consultation exercises taking place by all layers of Government and people do not believe that consultations matter and they are of the view that their responses will not be even read. He added that is the reason why there are such small numbers of individuals responding. Councillor Boden made the point that it is possible as a local member to get more interest in your area out of something which is relevant by encouraging people to read what has been said and to respond to something what is particularly important to an area. He stated that all responses in this case were read, and consideration was given to the comments made by the Overview and Scrutiny Panel, with changes were made as a result.
- Councillor Booth stated that one of the biggest comments which seemed to come out of the consultation was that the language style used could be made clearer and simpler and whilst there have been improvements made to the presentation style rather than the content compared to previous versions. He explained that he had highlighted at the Overview and Scrutiny Panel, the section in the Business Plan which lists the priorities but there does not appear to be any actual measures in place on delivery which is the Council for the future. Councillor Booth expressed the view that individuals are also of the opinion that whatever they say will not be considered anyway and in particular the views of those residents who live in a rural area often focus on what the District Council is delivering for them. He stated that the document pays lip service to what is happening in rural areas and all of the projects appear to focus on the towns and there does not appear to be anything to help and support those residents who live in the more rural areas of the district, who are isolated and receive poor services. Councillor Boden stated that the whole ethos of growth in Fenland is that it needs to be as widespread as possible and there are opportunities in the rural areas which do not exist in the towns and the Council needs to ensure that every opportunity which exists to promote economic growth is in place. He explained that more resources have been included into the economic growth section this year and this will continue to grow next year. Councillor Boden added that he is very aware that there are any number of opportunities especially for micro and small businesses within the rural areas where assistance can be given to ensure that those businesses start, grow and thrive. He gave assurances to Councillor Booth that the districts' larger businesses in the rural areas receive as much attention as the larger businesses do in the town centre locations.
- Councillor Tierney stated that some members have raised the point that some of the consultation documents that are published are difficult for people to understand and he apologised as that is something which forms part of his role. He added that he has worked with officers and focussed on the Business Plan, portfolio reports and the website to try and make them more user friendly but he has never thought to review consultation documents and he gave assurances that it will be something that from now on he will be doing to ensure that they are clear and easy to understand.

**Proposed by Councillor Boden, seconded by Councillor Tierney and AGREED that the Business Plan 2023-2024 be approved.**

## C51/22      CORPORATE BUDGET 2023/24

Members considered the General Fund Budget Estimates 2023/24 and the Medium-Term Financial Strategy 2023/24 to 2027/28; and Capital Programme 2023-2026 report presented by Councillor Boden.

Councillor Boden highlighted that there was an item which needed to be amended within the recommendations and he explained that the recommendation at (x) makes reference to section 15 whereas it should read section 16.

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

- Councillor Tierney explained that ever since he became an elected member, he has regularly circulated surveys asking people questions with regards to policy in order that he can ensure that the aspects that he represents reflects what the voters want him to stand up for and he explained that one of the questions that he is often asked about is Council Tax. He stated that it is only a very small proportion of people who respond who are happy with their Council Tax payments increasing, making the point that many of his fellow councillors have stated that they choose to become a councillor because they do not wish to see their residents paying too much Council Tax but then in a short period of time, they appear to accept that there will be a significant increase to Council Tax payments. Councillor Tierney stated that he has often argued for a Council Tax freeze or a cut to payments but that has often been brushed aside and added that there should never just be the presumption that the Council is going to increase peoples bills and there should be the opportunity to look at the money required and then only take the amount which is needed. He made the point that it is not the Council's money, it is residents money and due to the current economic climate, there has never been a more important time for this reduction to be put in place. Councillor Tierney added that when the last administration came into being four years ago, the aspiration was to freeze Council Tax every year and that has been achieved every year and this year there is a proposal to cut Council Tax, which does not mean that services will be cut as the Council continues to deliver services and, in his opinion, he would like to think that the general consensus of members is that Fenland is quite a successful Council. He stated that it is the right thing to do and he knows people are going to support the proposal as money is better off in people's pockets in order to give them their own choice on how to spend it.
- Councillor Booth stated that the report makes the point that it is a political decision, and, in his opinion, it is an election year and that is why the proposal has been brought forward, with the reason that he is sceptical is due to the fact that at a recent Overview and Scrutiny panel meeting there was a budget report put forward which proposed 0% and now there is a -2% figure being proposed. He expressed the opinion that he does not disagree with the cut as it is, in his view, that residents of Fenland are paying in excess as far as District Councils are concerned compared to others, although he feels that the Government have not got the correct funding formula in place for local government, particularly as Fenland suffers from areas of deprivation and is not being given its fair share of Government resources compared to other areas. Councillor Booth stated that Fenland is being poorly served by the Government and that is why the Council Tax is probably twice as it needs to be. He stated that Kings Lynn and West Norfolk Borough Council have halved the Council Tax base compared to Fenland and made the point that people should not be overtaxed but the Government not providing enough support to this area is a factor. Councillor Booth added that another failing is the unsuccessful bid in obtaining the levelling up funding, however, he does support the reduction and that other members have stated that services are adequate at the Council but, in his view, there have been aspects highlighted that services are suffering and residents are becoming disgruntled. He added that at Parish Council meetings residents are complaining about the length of time it is taking to get through to the Council

and that it is a service area where those residents who do not have access to the internet are suffering. Councillor Booth made the point that the street lighting issues needs to be addressed and the rates for recycling has dropped significantly by 11% since the introduction of the brown bin charge. He expressed the view that the level of service being provided to the residents of Fenland needs to be acceptable and he will support the report because he feels it is a step in the right direction.

- Councillor Boden thanked members for the points that they raised and agreed with the point made by Councillor Booth that things are not perfect and there is always room for improvement. He stated that the issue concerning the answering of phone calls is a service area which is fundamental in the way in which residents can contact the Council and it forms part of the Transformation projects which are underway and it will be particularly important that the Council can ensure that in the future that the best possible means of listening to its residents and responding to their enquiries and that does not mean just considering the phone system as other means of ways of contact will also need to be considered. Councillor Boden stated that the changes that will need to be made in the next administration are likely to be ones that will last for a generation and there are likely to be fundamental questions and answers that will arise but ultimately it needs to be about the service that is provided to the residents of Fenland and how the Council responds to their needs.

**Proposed by Councillor Boden, seconded by Councillor Booth and AGREED that the following be approved:**

- (i) the General Fund revenue budget for 2023/24 as set out in Section 8 and Appendix A;
- (ii) the Medium-Term Financial Strategy as outlined in this report and Appendix B;
- (iii) the Capital Programme and funding statement as set out in Appendix D ;
- (iv) the adoption of the additional Business Rates Relief measures as detailed in Section 6 using Discretionary Relief Powers;
- (v) the expenses detailed in Section 11 to be treated as general expenses for 2023/24;
- (vi) the Port Health levy for 2023/24 as shown in Section 12;
- (vii) the adoption of the Council Tax Support Fund proposals as detailed in paragraphs 13.16 – 13.22 of this report, using discretionary powers;
- (viii) the current working age Council Tax Support Scheme be adopted with effect from 1 April 2023 as set out in Section 14, with appropriate changes to the prescribed pensioner scheme as determined by regulations;
- (ix) that subject to the relevant legislation being passed and as detailed in Section 15:
  - (a) to agree to shorten the period that a 100% Council Tax premium on long term empty dwellings is payable from the current 2 years (empty) to 1 year from 1 April 2024.
  - (b) to agree to implement the 100% Council Tax premium on all second homes from 1 April 2024 (if legislation passed before 31 March 2023).
- (x) the Treasury Management Strategy Statement, Minimum Revenue Provision, Treasury Investment Strategy, Prudential and Treasury Indicators for 2023/24 and Capital Strategy 2023/24 as set out in Section 16 and Appendix E;
- (xi) the Band D Council Tax level for Fenland District Council Services for 2023/24 be set at £255.24, a decrease of 2% (£5.22) on the current year.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 impose an obligation on Local Authorities (after 25 February 2014) to record all votes on

decisions on budget and council tax, with this in mind Members voted on this item as follows:

**In favour of the proposal:** Councillors Benney, Mrs Bligh, Boden, Booth, John Clark, Sam Clark, Connor, Cornwell, Count, Mrs Davis, Divine, Kim French, Hay, Hoy, Humphrey, Mrs Laws, Lynn, Marks, Mason, Meekins, Miscandlon, Mockett, Murphy, Patrick, Purser, Rackley, Seaton, Skoulding, Sutton, Tierney, Wallwork, Wicks and Yeulett.

**Against the proposal:** None

**Abstentions:** None

*(Councillors Marks and Rackley left the meeting at 6.00pm following this item and for the remainder of the agenda items)*

## **C52/22      COUNCIL TAX RESOLUTION 2023/24**

Members considered the Council Tax Resolution 2023/24 report presented by Councillor Boden.

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

- Councillor Sutton stated that he also agrees with a council tax reduction as long as it does not put the long-term viability of the Council into jeopardy as has been seen in other places. He added that in terms of costs to residents it does still mean that Fenland is very much adrift compared with other neighbouring authorities. Councillor Sutton stated that residents who live in Black Bear Lane pay £111.37 pence more in Fenland compared to the other half of the road which is in the jurisdiction of Kings Lynn and West Norfolk. He provided the comparison in amounts from the neighbouring authorities and made the point that whilst he welcomes the reduction there is still a long way to go.
- Councillor Hoy stated that her Council Tax has increased over the last 5 years and will rise. She added that she lives in the lowest Council Tax band and receives a single person discount but there will be some residents who will need to find the extra money in order to make their payments and they may find this a struggle.
- Councillor Cornwell stated that the Council Tax rates contain £1.9 million for the drainage levies and many large parts of the country do not have that and they get the advantage of something that Fenland does not. He explained that Lincolnshire have £3.4 million of levy payments and Norfolk have £2.8 million, which are significant figures, and, in his opinion, it is time for this to be reviewed and the drainage boards should be advised that the amounts they are charging are to be capped and if they are not happy with that course of action then they can address that with Central Government. Councillor Cornwell expressed the view that the amounts are excessive and whilst support used to be provided by the Government that has now ceased and, in his view, there needs to be pressure applied to the Government to address the issue.
- Councillor Count stated that he would like to pay tribute to the Leader, members of the Cabinet and officers who have been instrumental in putting the budget together in order to deliver a Council Tax freeze for a number of years and to now bring forward a reduction of 2% and should be highly commended. He added that he knows it is difficult to achieve and that the majority of councils have decided to increase their Council Tax. Councillor Count stated that a comment was made earlier which pointed out that Government funding is primarily one of the main sources of funding and for many years in Cambridgeshire there has been arguments put forward for a fairer funding formula as the formula has been broken many years and there is the acknowledgement that it is broken, and Cambridgeshire has lost out because of that. He stated that when it is finally implemented it will enable the Council to be able to change the amount that our residents are charged but comparisons should not be made with regards to the amounts that other local authorities charge for their

Council Tax without understanding all the facts and figures that go towards those decisions being made. Councillor Count referred to a point made by Councillor Cornwell with regards to the drainage board levies that are imposed on Fenland authorities, pointing out that South Cambridgeshire do not operate any leisure centres with heated swimming pools which is a significant burden. He expressed the opinion the comparisons made are not like for like and, therefore, should not be made and the Council should be proud of the direction that it is taking and the current position that it has arrived at. Councillor Count expressed the view that he would be concerned with regards to capping the drainage boards as there has been much discussion around flooding and Fenland is surrounded by ditches and dykes, and it is due in the main to the drainage boards who keep them clear and running that negate flooding incidents. He added that he does support the point raised with regards to going to Government and asking them to address some of the unfairness imposed on us.

- Councillor Booth stated with regards to points made with regards to the drainage boards, as a local authority the Council does not have the authority to cap any levies and it would require a Central Government approach which they do not appear to be interested in. He made that point that there had previously been an issue with regards to red diesel and the fact that the drainage boards were going to have to start paying for the supply of it and it was only when a significant amount of pressure from the drainage boards and from the Association of Drainage Authorities (ADA) was applied, the Government reversed the exemption.
- Councillor Boden made the point that it is very difficult to compare one authority with another and added that the number of properties in Council Tax bands A and B is unusually large especially when comparing it to neighbouring authorities. He added that he agrees with Councillor Sutton that the cost base is too high and when the medium to long term position is looked at when considering the two transformation agendas that the Council has, it will need to be looked at carefully and reacted to accordingly and he will be happy to discuss this further going forwards with Councillor Sutton. Councillor Boden referred to the comments made by Councillor Cornwell with regards to the drainage levies and the figure of £1.9 million represents 25% of the Council Tax that the Council receives and in South Holland jurisdiction that figure is 50%. He added that there are around 20 to 25 authorities around the country who have a significant problem when it comes to drainage levies and, therefore, the issue has not received the amount of attention that it deserves, despite the amount of pressure that has been put forward to MP's and to Government. Councillor Boden added that the Secretary of State produces a settlement letter each year to all local authorities, which advises them what money that they can expect to receive each year and includes a resume of what changes can be expected, with the letter being received by this Council at the start of February and it does mention that the Government is aware that there is an unfairness to some local authorities in the increase in drainage levies which have been imposed on them and that Government is looking to address that issue before the end of March 2023. He expressed the view that he is hopeful, therefore, that the Council is going to receive some money in this financial year in relation to monies that are spent on the drainage boards. Councillor Boden stated that Councillor Booth is correct when he explains that the Council cannot impose a cap on the drainage boards but the way in which they account for their expenditure is not an up to date system and, in his opinion, there are a significant amount of changes that the drainage boards can make, with the Council being in a strong position to influence them due to the number of members of local authorities who are members of each drainage board.

**Proposed by Councillor Boden, seconded by Councillor Booth and AGREED the resolution set out in the report for the Council Tax requirement be approved.**

**The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 impose an obligation on Local Authorities (after 25 February 2014) to record all votes on decisions on budget and Council Tax, with this in mind Members voted on this item as**

follows:

**In Favour:** Councillors Benney, Mrs Bligh, Boden, Booth, John Clark, Sam Clark, Connor, Cornwell, Count, Mrs Davis, Divine, Kim French, Hay, Hoy, Humphrey, Mrs Laws, Lynn, Mason, Meekins, Miscandlon, Mockett, Murphy, Patrick, Purser, Seaton, Skoulding, Sutton, Tierney, Wallwork and Wicks.

**Against:** None

**Abstentions:** None

*(Councillor Yeulett left the meeting at 6.10pm and was not present when the recorded vote for this item took place and for the remaining agenda items)*

*(Councillor Wicks left the meeting at 6.17pm after this item and for the remaining agenda items)*

**C53/22**      **APPROVAL FOR THE ANGLIAN REVENUES PARTNERSHIP (ARP) ENTERING INTO A SECTION 113 AGREEMENT WITH BROADLAND DISTRICT COUNCIL AND SOUTH NORFOLK COUNCIL AND FOR ARP TO PROVIDE FRAUD SERVICES**

Councillor Boden presented the report to Council to seek approval for the Anglian Revenues Partnership (ARP) entering into a Section 113 agreement with Broadland District Council and South Norfolk Council and for ARP to provide Fraud Services.

**Proposed by Councillor Boden, seconded by Councillor Mrs Laws and AGREED that Fenland District Council enters into the Section 113 partnership agreement with Broadland and South Norfolk District Councils for the provision of Fraud Services.**

**C54/22**      **APPROVAL FOR THE ANGLIAN REVENUES PARTNERSHIP (ARP) ENTERING INTO A SECTION 113 AGREEMENT WITH LINCOLNSHIRE COUNTY COUNCIL (TO INCLUDE BOSTON BOROUGH COUNCIL, CITY OF LINCOLN COUNCIL, EAST LINDSEY DISTRICT COUNCIL, WEST LINDSEY DISTRICT COUNCIL, SOUTH KESTEVEN DISTRICT COUNCIL, NORTH KESTEVEN DISTRICT COUNCIL AND SOUTH HOLLAND DISTRICT COUNCIL) FOR ARP TO PROVIDE SINGLE PERSON DISCOUNT FRAUD SERVICES.**

Councillor Boden presented the report to Council to seek approval for the Anglian Revenues Partnership (ARP) entering into a Section 113 agreement with Lincolnshire County Council (to include Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council, South Kesteven District Council, North Kesteven District Council and South Holland District Council) to provide Single Person Discount Fraud Services.

**Proposed by Councillor Boden, seconded by Councillor Hoy and AGREED to enter into the Section 113 partnership agreement with Lincolnshire County Council (to include Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council, South Kesteven District Council, North Kesteven District Council and South Holland District Council) for the provision of Fraud Services.**

**C55/22**      **POLITICAL PROPORTIONALITY REPORT**

Members considered the Political Proportionality report presented by Councillor Boden.

Councillor Cornwell stated that he is very happy with the proposal put forward.

**Proposed by Councillor Boden, seconded by Councillor Cornwell and AGREED that the revised political proportionality of the Council be noted and that the allocations to Committees and Panels and Outside Bodies as set out at Appendix A and B continue for the remainder of the 2022/23 municipal year.**

**C56/22      SENIOR MANAGEMENT PAY PAPER**

Members considered the Senior Manager Pay Policy report presented by Councillor Boden.

Councillor Booth expressed the opinion the whole point of this report is to try to stop wage escalation for senior management within local councils and it is his understanding that Eric Pickles introduced the legislation some time ago.

**Proposed by Councillor Boden, seconded by Councillor Count and AGREED to adopt the Senior Management Pay Policy Statement for 2022/23 at Appendix 1 as required by the Localism Act 2011.**

6.27 pm

Chairman