

COUNCIL



MONDAY, 3 OCTOBER 2022 - 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 S Clark, Councillor D Connor, Councillor M Cornwell, Councillor Mrs M Davis, Councillor D Divine, Councillor Mrs J French, Councillor K French, Councillor Miss S Hoy, Councillor A Lynn, Councillor C Marks, Councillor D Mason, Councillor A Maul, Councillor Mrs K Mayor, Councillor P Murphy, Councillor D Patrick, Councillor M Purser, Councillor W Rackley, Councillor C Seaton, Councillor S Tierney, Councillor S Wallwork, Councillor S Wilkes and Councillor F Yeulett

APOLOGIES: Councillor J Clark, Councillor S Count, Councillor A Hay, Councillor M Humphrey, Councillor Mrs D Laws, Councillor J Mockett, Councillor R Skoulding, Councillor W Sutton and Councillor R Wicks

C24/22 PREVIOUS MINUTES

The minutes of the meeting of 11 July were confirmed and signed subject to the following comment:

- Councillor Booth said it should be noted that where it states he left the meeting at 5.40pm, he had explained it was to attend a meeting of Wisbech St Mary Parish Council, and that is also why Councillor Bligh was not present.

C25/22 CIVIC ENGAGEMENTS UPDATE.

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

C26/22 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Miscandlon reflected on the momentous national events of the past few weeks following the sad passing of HM Queen Elizabeth II on 8th September and the proclamation of HM King Charles III Accession to the throne on 10th September.

He stated he had the honour of reading the local proclamation for the new King and on 16th September attended a Community Thanksgiving Service at St Peter's Church in March to commemorate the life and legacy of Her Majesty. He added that for 70 years she reigned with warmth, dignity, and humanity. Her unrivalled service and devotion to our great nation and the wider Commonwealth, through decades of unprecedented change, was remarkable and she will be greatly missed. Councillor Miscandlon added that King Charles III will continue to serve the country with the same absolute dedication and unfaltering duty as did our beloved Queen.

Members joined Councillor Miscandlon in observing a minute's silence for HM the Queen.

Councillor Miscandlon then paid his respects to former Whittlesey councillor Ralph Butcher who

had recently passed away, saying he was a much-loved and admired character who gave over five decades to working in public life. Ralph was first elected as a councillor in 1971, joining Fenland District Council in 2003, and as well as being Chairman from 2009 and 2011 was a member of various committees over the years.

Councillor Miscandlon said that Ralph would be most remembered for his tireless championing to get the long-awaited Kings Dyke Crossing scheme built in Wisbech, which has since been renamed the Ralph Butcher Causeway in his honour. Councillor Miscandlon reflected that he would remember Ralph as a tenacious, hard working and one of a kind councillor who will be very missed.

Members joined Councillor Miscandlon in observing a minute's silence for Ralph Butcher.

C27/22 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 and asked if there were any questions under Procedure Rule. 8.4 from Councillor Cornwell as Leader of the Opposition.

1. Councillor Cornwell said he would like to know the anticipated effect on the Council's budgets given the unprecedented energy price increases and requested a summary of how prepared the Council is to deal with the many community issues arising from expected high levels of fuel poverty in Fenland. Councillor Boden responded that he could not provide an answer or even a realistic prediction in respect of the effects of fuel price changes on the Council's budget for this or future years. Firstly, we have yet to fully understand the implications of additional money from the Government which will be made available to reduce fuel costs for local government functions. Secondly, we do not know what fuel prices are likely to be at any point in the future. Councillor Boden added that although he cannot provide any figures, in practice we will need to be prudent and cautious, and when approaching budget time advice will be sought from officers as to the likely effects on our direct and indirect costs. Regarding the effect on our businesses and residents, support is being given for residential use fuel costs, particularly those with the greatest need, but undoubtedly there will be an increase in the number of people who will face difficulties. Responsibility for this largely lies with the County Council but our Housing Team will undoubtedly be receiving a greater number of enquiries in term of living conditions and potential additional homelessness. If required we may need to look at staffing levels but at this time it is difficult to predict the degree of extra demand there will be.
2. Councillor Cornwell thanked Councillor Boden, saying he could understand the difficulty but would have expected some form of risk assessments to be underway within the Council to at least try to prepare for situations as they arise. Every household within Fenland is going to go through a tough time and this will surely impact on the services this Council delivers, particularly housing. He stated that less house building is going on and therefore he wondered if that service is being affected by extra demands such as the homes for Ukrainians scheme and immigration. If fuel poverty is going to be an element that leads to homelessness, how prepared are we as a Council?
3. Councillor Boden responded that he agreed with mostly all that Councillor Cornwell had said. The Portfolio Holders Report gives information about the trend already experienced this year towards a greater demand on our homelessness service. However, the report also states what has been done and will be done to increase capacity on that. He is not aware that there will be any impact caused by the Ukrainian refugee scheme, and the decamping of individuals awaiting asylum from hotels into local communities' scheme has not started yet. However, the draft proposals he has seen regarding this, and immigration generally, would mean a significant tightening of the private sector rental market which would have the impact suggested by Councillor Cornwell. It could then mean that individuals who would previously have been able

to find accommodation will be unable to do so. Members and officers have already made representations about this scheme, as have other local authorities, and much continues behind the scenes regarding this. Although the Council is doing what it can, admittedly there are gaps through which some people will inevitably fall so we are facing pressure on that and a reduction in private sector housing. There is not much further he can say other than it would be unreasonable to take more than our fair share of those individuals who are being decamped from hotels or who are seeking asylum.

C28/22 **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:

1. Councillor Bligh addressed Councillor Boden saying she is aware of a small community grant fund of £500 available from Fenland District Council and asked if this has been exhausted or if any monies are still available. Councillor Boden said the fund does exist although it has almost run out, but he is trying to eke out what remains to those wards which have not yet received any money from it in the last three years and would welcome any applications received.
2. Councillor Bligh addressed Councillor Hoy saying she is concerned about the number of empty properties owned by Clarion, particularly given the previous comments regarding homelessness. She stated that empty properties can encourage anti-social behaviour, and this is happening in Thorney Toll which has about seven empty Clarion homes in a small area. Councillor Bligh asked if Councillor Hoy could help by ensuring Clarion refill their homes. Councillor Hoy thanked Councillor Bligh for advance notice of the issue so she had been able to ask about the Thorney Toll situation and although she could not say much publicly, she will ask officers to update Councillor Bligh as she understands there are plans for a scheme there. Also, representatives from Clarion are coming to a meeting of the Overview and Scrutiny Panel in January so members can ask for an update on that and other schemes then. Regarding the number of empty homes, this was discussed at the last meeting of Council, and we had the number across all providers not just Clarion, being about 40 out of 400 empty homes across the district. A large proportion of that number belongs to Roman Court in Leverington, which members are aware is due to be demolished, so the numbers will come down, but Councillor Hoy agreed with Councillor Bligh that this is something we need to keep an eye on because those empty homes do need to be filled. Councillor Bligh thanked Councillor Hoy for her support which is appreciated.
3. Councillor Bligh thanked Councillor Murphy for mentioning the Guyhirn play equipment in his portfolio holder report and that it is having a complete overhaul. She would also like to thank the officers involved and put on record her thanks to Galliford Try Highways England and C R Civil Engineering without whom the entire project would have fallen flat on its face as they removed the existing play equipment.
4. Councillor Patrick asked Councillor Boden if he is aware that Wisbech is considered the most dangerous middle-sized town to live in within Cambridgeshire with a crime rate much higher than both the local and national average. He also asked what actions will be taken if any to try and help reduce crime in Wisbech. Councillor Boden said he is not sure about the definition 'most dangerous middle-sized town in Cambridgeshire' as it seems a subjective comment, but ultimately it does not matter because it has been recognised that there is too much crime and antisocial behaviour in Wisbech. Additional resource is coming in, specifically in Medworth Ward which covers most of the town centre, to enable more action concerning this. Responsibility for maintaining order does lie with the police, with whom we have regular discussions, and we will continue to challenge both them and the Police and Crime Commissioner about the situation in Wisbech. The statistics are startling when compared with March, Whittlesey and Chatteris and shows there is a significantly disproportionate problem in Wisbech, but this is not new, and Councillor Patrick will be aware of a number of initiatives

which can be taken to reduce the problem which exists. Ultimately it does depend on more policing although the Council is directing some additional support into the town centre. Councillor Boden added that he does not want to underplay the seriousness of the situation and how it affects Wisbech residents, but neither should this Council give the impression that Wisbech is a lawless place which people should not live in or visit or where people are fearful all the time; there are a great deal many more places that are worse in the country. However, we must take action to try and reduce the amount of illegal activity and antisocial behaviour that exists within the town. Councillor Boden added that Councillor Patrick is right to draw attention to the fact that the situation in Wisbech is significantly worse than the three other Fenland towns combined but he does not want to overplay that either.

5. Councillor Yeulett asked Councillor Seaton about the March to Wisbech Railway Line, noting that a report was due this Summer, and he asked if this was ongoing or had been kicked into the grass. Councillor Seaton advised that unfortunately several meetings have been cancelled but the CPCA are meeting on 16th October; Wisbech Rail is on the agenda although he has not yet seen a paper. Councillor Seaton assured Councillor Yeulett that this is still ongoing, the CPCA are still working on it, and he will be able to report to Councillor Yeulett and Council after that meeting should it go ahead.
6. Councillor Yeulett asked Councillor Benney if he can give any information on a proposal for a commercial park in March. Councillor Benney said there is a local businessman looking to do some development work in March and he put him in contact with the Economic Growth team and senior officers some time ago. Currently there is some sensitivity around commercialism, with negotiations ongoing between the businessman and landowner which are in their infancy. Although Councillor Benney would like to talk about the benefits of this proposal, he cannot currently give any further information due to the sensitivity of the subject. If the proposal goes ahead, it will be very good for March, and he will then be happy to share further information with members and keep them informed as things progress.
7. Councillor Yeulett addressed Councillor Mrs French on the March Area Transport Strategy (MATS) and asked if the dates reference procurement to complete in December and start date around March 2023 are still on schedule. Councillor Mrs French responded that funds have been drawn down from the Combined Authority from County Council and the marketplace will be started in January/February with the agreement of the market traders and will last about 6-8 weeks. Regarding the MATS work, members are aware that March recently had a series of gas leaks and new gas pipes are going to have to be laid across the town before the MATS work can start around summertime. It is anticipated that the work renewing the gas pipes will commence on 31st March 2023. Councillor Yeulett expressed his concern about all the different utility companies digging up the town and stated he hoped the MATS work or funding would not be delayed because of the gas pipes having to be renewed. Councillor Mrs French gave her assurance to Councillor Yeulett that the work needed to be done and advised that the MATS team at County Council and FDC officers working on the High Street project have been working with the utility companies. The gas pipe work will take two to three months to complete but will not delay or affect the funding through the Combined Authority and this is still on track.
8. Councillor Booth addressed Councillor Hoy in reference to Councillor Bligh's earlier question and stated that he raised the issue about Thorney Toll at the last meeting of Council. He had a response from Clarion on 26th August, but Councillor Hoy's response had indicated something different to what he had received so it would be interesting to find out what they are proposing when they come to the Overview & Scrutiny meeting. Clarion had asked him to keep confidential the information he had received, but it sounds like things have been moved on further since then. With reference to the number of empty properties in the Portfolio Holders Report, this is something he has raised several times, and it highlights when there is a turnover of potential properties. He said this is why the information is so important because we can keep track of whether we are on top of this issue or not. It is good to see 32 properties coming back into use but if, for example, we have 50 going out of use the net position is worse. Councillor Hoy agreed it is important to keep track of this and that is why the figures are now in the report as something to keep an eye on. Regarding the Thorney Toll issue, Councillor Hoy said there is nothing cloak and dagger going on it is just that she had just literally received an update and is

only saying what she knows and is sure that Councillor Booth will be able to have that update also.

9. Councillor Booth asked Councillor Murphy about recycling rates. He referred to the 27% recycling rate stated in the Portfolio Holders Report and asked why the Council does not use the DEFRA reporting rate, which we have to report to central government every year and is actually a higher rate. Councillor Murphy responded that it is done this way currently because it is easier for all the councils in RECAP. There was a RECAP meeting last week where Councillor Murphy found there to be uncertainty because of what is happening with government and food waste. Therefore, there is a difference in the way councils operate. Some councils collect food waste, some do not, or it goes in a general rubbish bin and is not counted. Councillor Murphy stated that he is hoping that in the next year or two all councils will be dealing with food waste in the same way. Also, there was a meeting with Recoup in Peterborough last week which was attended by the heads of Morrisons and Tesco, and they are trying different ways of recycling, but they are also dealing with it differently. Ultimately it is all down to Government to tell us what they want so that we can all get on an even keel.
10. Councillor Cornwell asked Councillor Hoy what can be done to speed up the recovery of fines owed by private landlords as the report indicates that there is a significant sum outstanding. Councillor Hoy responded that there are a number of measures that can be taken such as bailiff action and additional charges but some of the issues mentioned in the Portfolio Holders Report are long term. What has been done over the last six months is that when tenants have been found to be subletting then they have been fined too, which is only right because a landlord should not have to pay the price for that. The problem is they then do a 'moonlight flit' and disappear leaving that money most likely unrecoverable. However, Councillor Hoy is confident that although it is a slow process, most of the money will be recovered.
11. Councillor Cornwell addressed Councillor Mrs French regarding the Civil Parking Enforcement report and said he was surprised to see that there are problems with 86% of TROs being incorrect. He finds it incredible that a county council can operate at that level of incorrectness. He asked what steps are being taken to improve the situation. Councillor Mrs French agreed she was appalled with that figure and to find there were so many errors and these need to be corrected before going further down the line. She added that there is now another stumbling block in that County Council want an additional £150k on top of what has already been agreed which she finds ridiculous. However, Cambridge Greater Partnership are prepared, and this is going through the Combined Authority currently to put in the £150k but we do have the Fenland Walking Cycling and Mobility Aid Strategy which was agreed at Cabinet today and a lot of the lining is covered in that. Councillor Mrs French stated that she has been asking County Council for over a year to fulfil their statutory duty and get the white lines painted but sadly the Highway Committee are dragging their heels. A license should have been submitted to Government in October, but it is appalling that they have put that back to April next year, therefore she feels she has been banging her head against a brick wall for the last 12 months and it is not for the want of trying. This was discussed at the MATs meeting, and finally they have agreed as a matter of urgency they will repaint the zebra crossing outside St Peters Church and the keep clear sign outside the Fire Station which she has been asking about for 14 months.
12. Councillor Booth addressed Councillor Mrs French and said that the report refers to Capital streetlights replacement works but it does not make any reference to the parish council street lighting that is being undertaken, which is also being delayed by shortage of personnel of the provider, Fenland District Council. Although updates have been requested, any information is very slow in forthcoming. He asked if she could ensure that service is improved as parish councils are trying to get their street lighting stock up to a certain standard and are not getting a good response. He wonders if this is the right provider given that they have such key person dependencies that if someone is not around, they cannot provide that information. Councillor Mrs French thanked Councillor Booth and said that she would take this up with officers and get back to him.

Members considered the Overview & Scrutiny Annual Report presented by Councillor Mason as Chairman of the Overview & Scrutiny Panel.

Councillor Mason gave his grateful thanks to all members, officers and Member Services for their assistance in compiling this report.

Proposed by Councillor Mason, seconded by Councillor Purser and Council AGREED to acknowledge the broad scope of the work undertaken by the Overview & Scrutiny Panel during 2021/22.

C30/22 CONSTITUTIONAL AMENDMENTS

Members considered the Constitutional Amendments report presented by Councillor Boden.

Councillor Cornwell said that in respect of the proposal to move the Motion deadline, another option would be to change the day of the Council meeting; if it is moved to a day other than Monday there is no need to change the Constitution. Councillor Boden responded that the day of the meeting and day of the submission of the Motion is irrelevant as regardless of which day of the week it is, the same position applies that there is a 5pm deadline to submit a Motion and the Agenda must be published by 6pm at the very latest the same evening.

Proposed by Councillor Boden, seconded by Councillor Connor and Council AGREED 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 to agree the proposed amendments to paragraph 10.1 of the Standing Orders as recommended by Cabinet so that motions on notice are required to be submitted by 12 noon as opposed to 5pm.

C31/22 DISCRETIONARY POLICY TO STIMULATE COMMERCIAL DEVELOPMENT

Members considered the Discretionary Policy to Stimulate Commercial Development Report presented by Councillor Benney.

- Councillor Cornwell said he can see where this report is coming from and understands the intention but asked if we are not at risk of ending up with a situation similar to what happened in Chatteris, where buildings were developed but the Council had no income from them and one of our saving graces was that we were able to get business rates out of those properties, he is thinking particularly about Tesco. Councillor Benney responded that he could understand the question, but the risk is not the Council's, this would be to the commercial markets to take that risk whether they build or not. If they do, we are currently getting nothing in terms of council rates on green or brownfield land but after this 12-month period we will then get the commercial rates back on that, or once that building is let to its first tenant. Councillor Cornwell thanked Councillor Benney.
- Councillor Boden agreed the proposal is time limited, and in two ways. The first is that the grant will only be available for a maximum of 12 months or until the first occupation takes place but secondly it is also a 12-month pilot. This is because the Council wants to encourage more developers to build more speculatively primarily, but not exclusively, for small and micro businesses. There is a massive shortage of capacity within Fenland to provide this sort of accommodation which has led to businesses leaving Fenland because we cannot give them the accommodation they require. This provides the Economic Growth Team with an additional tool to encourage the necessary development to take place.
- Councillor Yeulett stated that he welcomes this and anything that will provide an incentive for businesses to grow; after all it is better to get 5% of something rather than 5% of nothing.
- Councillor Booth said he should point out for the public record that he is an employee of the company that Councillor Cornwell mentioned but this is a forward-looking policy, so he does not

believe he has to declare an interest only having recently joined them. To follow up on Councillor Boden's point about time-limiting, there is not a time limit if looking at occupation by the first tenant because in theory that could go on for some time. It does have the deadline of 31st March 2024 so he assumes it would be 2025 in theory, so is that correct? Councillor Benney said it would be from when the building is complete, i.e., 12 months from the date of building completion or from the first tenant moving in. Councillor Booth said he accepts this as long as that is clear and what people are intending.

- Councillor Booth added that he welcomes this also, but it is a pity that there is not better information in the Financial Implications because it says there will be no financial implications, but if this policy works then it will generate more revenue for the Council. Also, it would have been good to get an idea of the number of enquiries the Council currently gets to give an idea, it is speculation, but it reinforces the reasons for it. Secondly, the Local Plan currently does not have designated sites. The Plan that is out for consultation currently does have designated sites. He wondered if we need to make it clear about the difference between the two local plans.
- Councillor Benney said in respect of the first point, it will have a positive effect after 12 months to bring this forward, but it is risk to the Council, currently it is negative cost to us. In terms of the local plan, yes there are different areas within the plan designated for industrial use but there is also the windfall policy and that would be down to Planning Committee to decide whether that was deemed policy compliant, so it would be down to FDC to set the environment.
- Councillor Booth said Councillor Benney was not here when the existing local plan was adopted many years ago when it was confirmed that the Council has no windfall policy in the current local plan. In the new local emerging plan we will have designated sites, the problem with the existing local plan is it is more policy-led and more down to individual interpretation.
- Councillor Mason asked if there is anything in the policy that prevents a tenant moving in for 12 months on favourable terms and then moving out and into another property on favourable terms. Councillor Benney responded that if a tenant moves in it is the landlord who gets the benefit rather than the tenant and if they build a second industrial unit, that policy will still apply. Councillor Mason said that seemed like the Council would not benefit. Councillor Boden explained that what is being proposed is the postponement of the start of a liability for payment of NNDR; once that postponement has finished, either at the cessation of the 12-month period or a tenant moves in, then from then onwards the property will be subject to NNDR. The tenant will be almost irrelevant in this because it is not they who will be benefitting from the policy, it will be the developer of the property who would otherwise have a liability as soon as the property is completed to a certain stage. If the tenant moves out, there is still the liability for NNDR, but it would just pass to the property owner, so there is no additional potential liability to the Council.
- Councillor Connor said this is an excellent report and what is not to like about it. Hopefully it will bring more prosperity to Fenland.

Proposed by Councillor Benney, seconded by Councillor Boden and Council AGREED to adopt the proposed Discretionary Business Rate Policy – Commercial Development for an initial pilot period of 12 months.

C32/22 CONFIDENTIAL MINUTES

The confidential minutes of the meeting of 11 July 2022 were confirmed and signed as a correct record.