

COUNCIL



**WEDNESDAY, 18 SEPTEMBER 2019 -
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 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 M Tanfield, Councillor S Tierney, Councillor D Topgood, Councillor S Wallwork, Councillor Wilkes and Councillor F Yeulett

APOLOGIES: Councillor A Bristow, Councillor S Count, Councillor Mrs M Davis, Councillor W Sutton and Councillor Wicks

C31/19 PREVIOUS MINUTES

The minutes of the meeting of 18 July 2019 were confirmed and signed subject to the following comments;

1. Councillor Boden queried the 'Cambridgeshire City Council' in minute number C21/19 and asked if this should read Cambridgeshire County Council. Councillor Cornwell disagreed and Councillor Tanfield clarified that it should read 'Cambridge City Council'.
2. Councillor Booth highlighted that Councillor Mrs Mayor had welcomed Councillor Wilkes during minute number C28/19.

C32/19 CIVIC ENGAGEMENTS UPDATE.

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

C33/19 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Mrs Mayor thanked those members that attended the recent Chairman's Civic Reception which took place on Friday 6 September at the Eastrea Centre. She said the event was well-attended and a great success.

Councillor Mrs Kay Mayor reminded members that she will be hosting a coffee morning on Thursday 26 September as part of Macmillan Cancer Support's World's Biggest Coffee Morning event. All members are welcome to attend and donations of raffle prizes will be gratefully received.

Councillor Murphy made the following statement in relation to this year's In Bloom awards;

'At the Anglia In Bloom 2019 awards over 300 people attended the presentation in St Ives. The following awards were received within the district;

- Gold for Wisbech in the Large Town category;
- Gold for Chatters in the Medium Town category;
- Gold for Benwick in the Small Village category;
- Gold for Waterlees, Wisbech in the Urban category and;
- Gold for St Peter's Church Gardens, Wisbech in the Small Parks category

I would also like to congratulate all of our volunteers across the district who have worked hard throughout the year to make Fenland look as good as it does. I would like to ask anybody in the community who would like to get involved, to get in touch with the local In Bloom or Street Pride group and see how they can help.

I would also like to thank the Fenland team who have adopted a sustainable approach which was reflected by the Chair of Judges. I would once again like to say thank you very much to the volunteers, we could not do this without you.'

C34/19 TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.

Councillor Mrs Mayor stated that no questions had been submitted under Procedure Rules 8.6 and asked if there were any questions under Procedure Rule 8.4 from Councillor Tanfield as Leader of the Opposition Group.

Councillor Tanfield asked if more help could be given to individuals facing eviction from housing association properties, as she has recently been involved in a case relating to an individual facing this issue. She asked if more could be done to signpost these individuals to the help available to them. Councillor Boden thanked Councillor Tanfield for the question. He highlighted that Councillor Miss Hoy is undertaking a lot of work in this area as part of her portfolio. He stated that as each case has to be assessed on an individual basis, there is not one single solution. He suggested that if any members are dealing with similar enquiries, Councillor Miss Hoy will be able to assist.

Councillor Tanfield asked Councillor Boden if the Council has any involvement financially or liability in relation to Kings Dyke Crossing. Councillor Boden explained that he does not believe the Council have made a direct financial commitment to Kings Dyke Crossing as the project was the responsibility of the Highways Authority and subsequently the Cambridgeshire and Peterborough Combined Authority (CPCA) and Cambridgeshire County Council. He explained that the Council have a function to ensure this project proceeds however no financial obligation.

C35/19 TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.

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

1. Councillor Booth asked, on behalf of Councillor Sutton, for an update on 11-12 High Street, Wisbech. Councillor Boden confirmed that an update had been circulated to members earlier today. He confirmed that as the Council are now the owners of the site, they have financial responsibility for the works being undertaken.
2. Councillor Booth asked Councillor S Clark for an update on the audit of the Freedom Leisure contract. Councillor S Clark agreed to provide Councillor Booth with this information after the meeting.
3. Councillor Mrs Bligh stated that following her suggestion at the last meeting of Council regarding the dog fouling prevention stencils, she had engaged with Councillor Murphy and

thanked him for his support on this project. She explained that hopefully with the support of the Highways Authority the project can move forward.

4. Councillor Tanfield asked Councillor Mrs French for an update on the civil parking enforcement motion considered at the last meeting of Council. Councillor Mrs French explained that the report is imminent and will be presented to members in the coming months.
5. Councillor Tanfield asked Councillor S Clark for further information on the leisure statistics provided in relation to Freedom Leisure (page 39 of the Agenda Pack). Councillor S Clark agreed to provide Councillor Tanfield with this information after the meeting.
6. Councillor Tanfield asked Councillor S Clark for clarification on the Freedom Leisure 'family' average score reported on page 41 of the Agenda Pack and further information on the performance measures in place for Freedom Leisure. Councillor S Clark agreed to provide Councillor Tanfield with this information after the meeting.
7. Councillor Booth asked Councillor Mrs French how the Council can be assured that they are receiving the best deal in relation to the new street light energy provider (page 59 of the Agenda Pack). Councillor Mrs French agreed to provide Councillor Booth with this information after the meeting.
8. Councillor Booth asked Councillor Benney if statistics could be provided in relation to how many new businesses are starting up in Fenland as oppose to just the number of enquiries the Council have dealt with. Whilst he knows the result of enquiries can take a long time to deliver, these figures would be useful. Councillor Benney agreed to provide Councillor Booth with this information after the meeting.
9. Councillor Booth explained that at the recent Overview & Scrutiny Panel meeting, members had requested that certain performance metrics were removed from Portfolio Holder Update reports and said he was disappointed that these figures are still being reported. Councillor Boden confirmed that future reports would not include these performance metrics.
10. Councillor Tanfield said she was pleased to see the work undertaken as part of the Youth Advisory Groups project (page 35 of the Agenda Pack). She asked if any of the funding allocated to the previous Youth District Council were still available. Councillor Seaton thanked Councillor Tanfield and said these funds had been allocated to other areas however the project has multiple funding streams available.

(Councillor Booth declared a personal interest by virtue of the fact that he is a committee member of the Parson Drove Car Show- page 67 of the agenda pack)

C36/19 REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - POLICY UPDATE

Councillor J Clark presented the Regulation of Investigatory Powers (RIPA) – Policy Update report.

Councillor J Clark explained that the Home Office had updated the codes of practice concerning RIPA in August 2018. He explained that whilst normally the Corporate Governance Committee asks that any amendments to policies are clearly marked as track-changes, in this instance, the policy has had a total revision. The new policy not only reflects new changes but also uses a more friendly approach and greater transparency involved in undertaking investigations under RIPA as well as non-RIPA investigations.

He stated that the code of practice has introduced significant changes in relation to covert human intelligence sources (CHIS) including; clarity regarding when a human source becomes a CHIS, how CHIS's are authorised and supported and how applications are processed, reviewed, renewed and cancelled. It also includes clarity on how information is stored and associated timescales.

He informed members that the revised policy has been endorsed by a recognised surveillance industry expert and they have confirmed that it reflects best practise.

He asked Council to approve the revised RIPA policy as outlined in the report.

Councillor Boden thanked Councillor J Clark. Whilst he understands that it is not possible to show track-changes in this instance, he asked that in future members are provided with a summary of major changes made to policies.

Proposed by Councillor J Clark, seconded by Councillor Mrs Laws and decided that Council APPROVE the revised RIPA policy as per the recommendation of the Corporate Governance Committee.

C37/19 MOTION SUBMITTED BY COUNCILLOR CHRIS BODEN REGARDING SKY/CHINESE LANTERNS.

Councillor Mrs Mayor drew member's attention to the altered Motion, which had been tabled. Members agreed to the alterations.

Councillor Boden presented his motion regarding Sky/Chinese Lanterns and stated that;

'First of all I must emphasise that I am proposing this Motion as a member and not as Leader of the Council. As well as many others in this chamber, I both live and represent one of the district's towns but there is a significant number of our population that reside in rural areas within the district, including our agricultural industry.

The first time I heard about the dangers of releasing Chinese Lanterns, I admit, I thought it was a joke. I asked why you would want to stop people's innocent pleasure and fun but it was only on further research, that I realised the danger and damage caused by both Chinese Lanterns and Helium Balloon releases.

There are now 66 local authorities across the Country who has banned the release of Helium Balloons and Chinese Lanterns on their land and Fenland District Council became one of these 10 months ago. There are approximately 200,000 Sky Lanterns sold in the UK every year. Sky Lanterns can cause significant damage to farm land if they come down still alight and Helium Balloons can be deadly if ingested by Livestock. Whilst this is damaging to the agricultural industry it is also an appallingly cruel way for these animals to die.

Helium Balloons can also cause damage to the oceans and sea with recent research showing that balloons are the highest risk item of debris to sea birds and are 32 more likely to result in a sea bird's death than ingesting hard plastic. One of these issues is the scale of the release of these balloons. The banning of this has been endorsed by the RSPCA, The Marine Conservation Society, The British Veterinary Association and the National Farmers Union.

Can I ask that when members interact with both the general public and schools in the district, they educate them on the dangers involved with the release of Sky Lanterns and Helium Balloons. This Motion will allow an opportunity for increased publicity and discussion and the Council need to play a part in raising awareness of this.'

Councillor Humphrey seconded the motion and Councillor Mrs Mayor opened the motion up for debate.

1. Councillor Mrs French asked for confirmation that the Council has banned the release of Sky/Chinese Lanterns and Helium Balloons on land owned and occupied by the Council. Councillor Boden confirmed this was agreed as part of an executive decision made by Councillor Murphy 10 months ago.
2. Councillor Mrs Bligh explained that in 2006 she had attended a training session held by NABAS (The National Association of Balloon Artists and Suppliers). At that time, she was

advised against doing major balloon releases unless these balloons were biodegradable. She said that unfortunately, many major balloon releases are carried out by individuals who have not had the necessary training. She stated that there is not only a risk to crops and animals but also the interaction of balloons within airspace. She offered her full support to the Motion.

Councillor Yeulett proposed an Amendment to the Motion to include the following wording as point 5;

5. To ensure that this Motion is not too narrow or restrictive, the Council should revisit the issue taking into account other similar pollution risks.

Councillor Patrick seconded the amendment to the Motion and Councillor Mrs Mayor opened the Amended Motion up for debate.

1. Councillor Mrs French asked Councillor Yeulett for clarification on his amendment. Councillor Yeulett clarified that the amendment to the Motion asks that consideration is given to other pollutants including plastics etc.
2. Councillor Boden stated that whilst he would have preferred advance notice of this amendment, in principle he supports the review of other similar pollutants.
3. Councillor Cornwell reminded members that the Council is the only marine authority in Cambridgeshire and therefore there may be other elements of pollution that are applicable to this Council but not necessarily neighbouring authorities. He stated that the amended Motion is broad enough to enable further research in to this important issue.
4. Councillor Tierney disagreed as he does not support the Motion. He said everything in life is a balance of risk and reward and benefit versus cost and we cannot just ban everything that may have a negative reward in certain instances. He stated that people have freedom of choice and whilst there are ways to manage these issues, it is not through banning certain activities. He said it was irrelevant what other local authorities had instigated as this Council makes decisions on its own position. He explained that only one major study has been carried out on Chinese Lanterns and this was undertaken by DEFRA in 2013. The study concluded that there no significant harm is caused by Chinese Lanterns and whilst Helium Balloons can be a risk to animals, we cannot ban everything animals and birds consume in error. He said whilst it is difficult to assess the value of balloon releases, it does have a value to those participating and this is ultimately higher than the potential cost. He supports raising the public awareness of this issue but ultimately does not support the Motion.
5. Councillor Meekins agreed with Councillor Tierney. He explained that he had undertaken research in relation to this and could not find definitive statistics showing the amount of animals injured by Chinese Lanterns. He stated that most Chinese Lanterns are both fire retardant and biodegradable and highlighted that DEFRA had been asked to support a ban of these and they had declined. He reiterated that there are many other things that can cause damage to animals and crops, such as fireworks, and the Council cannot support the banning of one activity and not another.
6. Councillor Benney agreed and stated that there are very few statistics available to support the banning of these activities.
7. Councillor Miss Hoy confirmed that she too did not support the amendment to the Motion. She stated that whilst she supports raising awareness of this issue, there are more important things to consider and the inclusion of researching additional pollutants is too wide a remit.
8. Councillor J Clark agreed and stated that the Council needs to concentrate on addressing its budgetary deficit as opposed to restricting the release of balloons.
9. Councillor Mrs Laws highlighted a recent story in the press in which a Chinese Lantern had entered an open window and had caused serious injury to a child.
10. Councillor Hay stated that she did not support the Motion.
11. Councillor Tanfield said that she understands the risks involved however she has not

experienced any such issues within her rural ward. She stated that whilst she agrees with raising the public awareness of this, she does not support the banning of Chinese Lanterns and Helium Balloons.

12. Councillor Booth supported the Motion and argued that the 'risk' is higher than the 'reward' in this instance. He highlighted the injuries to animals caused by both Chinese Lanterns and Helium Balloons and added that many injuries go unreported.
13. Councillor Boden stated that he had no issue with the amendment and agreed to give consideration to other pollutants.

A vote was taken on the amendment to the Motion. The amendment to the Motion failed.

Councillor Mrs Mayor opened the substantive Motion up for further debate.

1. Councillor Humphrey explained that he works in the agricultural industry and highlighted the impact it has on this sector. He stated that both the RSPCA and the NFU are asking Councils to discourage members of the public from releasing both Chinese Lanterns and Helium Balloons.
2. Councillor Boden said he was delighted that this Motion had been discussed today. He confirmed that if used correctly, Chinese Lanterns are not deemed a fire-risk however used improperly they can have a devastating effect on both farm land and animals. Whilst he agrees that the Council have other areas to focus on, he reminded members that the district has a population of 20% living in rural areas and he hopes today's discussion has educated members on the risks associated with these activities.

A vote was taken on the Motion. The Motion was dismissed.

C38/19 COMBINED AUTHORITY EXECUTIVE COMMITTEE NOMINATIONS.

Councillor Boden presented the Combined Authority Executive Committee Nominations report.

Councillor Boden explained that following recent changes, it is necessary for the Council to make appointments to three Executive Committees within the CPCA.

He asked members to support the recommendation within the report.

Proposed by Councillor Boden, seconded by Councillor Mrs French and decided that the Council AGREE;

3.1. To the nominated representatives and nominated substitute representatives to the Cambridgeshire and Peterborough Combined Authority Executive Committees for the municipal year 2019/20

3.2. That the nominated representative for the Transport Committee is Cllr Chris Seaton with Cllr Chris Boden as the substitute representative

3.3. That the nominated representative for the Housing and Communities Committee is Cllr Dee Laws with Cllr Sam Hoy as the substitute representative

3.4. That the nominated representative for the Skills Committee is Cllr Chris Seaton with Cllr David Mason as the substitute representative

3.5. That the Chief Executive be authorised to make any amendments to the appointments to the Combined Authority Executive Committees including the Transport Committee, Housing and Communities Committee and Skills Committee in

consultation with the relevant Political Group Leaders, at any time throughout the municipal year.

C39/19 REVISED CONDUCT PROCEDURE RULES, GUIDANCE & TEMPLATES.

Councillor Topgood presented the Revised Conduct Procedure Rules, Guidance & Templates report.

Councillor Topgood explained that the report had been considered and endorsed by the Conduct Committee, following consultation with members and Town and Parish Councils. He asked members to support the recommendations within the report.

Councillor Yeulett praised the report and endorsed the comments made by Councillor Mason as part of the consultation process.

Councillor Hay asked for clarification on the amendment to 2.5.3 (appendix 2 of the report). It was confirmed that the reference to Chairman related to the Chairman of the Conduct Committee. Councillor Mrs Mayor confirmed the word 'Chairman' had been duplicated and removed as part of the amendment.

Proposed by Councillor Topgood, seconded by Councillor Mrs Laws and decided that the Council AGREE to the proposed revisions to the Conduct Procedure Rules and associated Constitutional amendments required to bring them into effect and delegate to the Monitoring Officer to make the changes to the Constitution.

5.11 pm

Chairman