

COUNCIL



25 OCTOBER 2012 - 4.00PM

PRESENT: Councillor M I Archer, Councillor G G R Booth, Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor T R Butcher, Councillor J R Chambers, Councillor J F Clark, Councillor M Cornwell, Councillor M F J Cotterell, Councillor Mrs C R Cox, Councillor M J Curtis, Councillor J R Farmer, Councillor S Garratt, Councillor P Hatton, Councillor D Hodgson, Councillor M J Humphrey, Councillor P Jolley, Councillor B M Keane, Councillor S J E King, Councillor K G Mayor, Councillor Mrs K F Mayor, Councillor A K Melton, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D C Oliver, Councillor C C Owen, Councillor D R Patrick, Councillor T E W Quince, Councillor R E Scrimshaw, Councillor C J Seaton, Councillor R Skoulding, Councillor D Stebbing, Councillor W Sutton, Councillor P A Tunley, Councillor F H Yeulett.

APOLOGIES: Councillor D W Connor, Councillor Mrs J French, Councillor H B Wegg

30/12 TO CONFIRM AND SIGN THE MINUTES OF THE MEETING OF 13 SEPTEMBER 2012

RESOLVED that the minutes of the Council Meeting on 13 September 2012 be confirmed and signed.

31/12 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

1. **FORMAL WRITTEN MOTION** - The Chairman informed Members that a formal written motion on notice had been submitted to the Chief Executive by Councillor King. This motion was received outside the timeframe prescribed within the Constitution but the Chairman considered it appropriate to debate the motion prior to the next meeting of full Council as the matter needed to be concluded as soon as possible. It was agreed to postpone Standing Order 22 to permit the motion to be put before the Council as a late item;
2. **PUBLIC QUESTION** - The Chairman informed Members that a question had been received from a member of the public, Mr Hammond; it was agreed to suspend Standing Order 22 to enable the question to be asked;
3. **MACMILLAN COFFEE MORNING** - The Chairman thanked all those who attended his annual coffee morning held on 28 September. The event was in aid of Macmillan Cancer Research and was very well attended and as a result £771 was successfully raised;
4. **CAROL CONCERT** - The Chairman informed Members that his Carol Concert this year would take place at Tydd St Giles Parish Church on Sunday 16 December, commencing at 3pm.

32/12 QUESTION FROM A MEMBER OF THE PUBLIC

Mr Hammond, a member of the public, asked the Leader if Fenland District Council supported blind children, blind people walking with guide dogs and long canes and those with disabilities that

cannot stand up for themselves?" Mr Hammond explained that there are certain premises in March where delivery vehicles park on pavements to gain access and cannot understand why these premises do not have appropriate parking facilities.

Councillor Melton thanked Mr Hammond for his question and stated it was nice to see a member of the public asking a question at full Council. He explained that Fenland District Council:

- Did support blind and disabled people and understood that there are difficulties with regard to delivery vehicles parking and gaining access to premises;
- Is responsible for its own buildings and would be surprised if adequate accessibility was not available for deliveries but would carry out a survey to ensure this was the case;
- Would speak to other agencies, including Highways, County Council and Police and also to shops and premises to bring their attention to this problem and ask what steps they are prepared to take in order to address it.

Mr Hammond stated he agreed in principle to Councillor Melton's response but explained this was not happening as he had already contacted Cambridgeshire County Council, Fenland District Council, Police and the local MP about his concerns. He explained he had evidence of parked vehicles and that his guide dog had been assaulted yet nothing had been done and this was a disgrace to Fenland.

Councillor Melton explained that as well as District Councillors present at the meeting, there were County Councillors and members of the press that have heard these concerns and was sure that if the press were minded to do so they would help out and campaign to address this problem

The Chairman thanked Mr Hammond for his question

33/12 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 Booth asked the Leader:

- For an update on the performance for ensuring Section 106 and Section 38 planning conditions are met. In particular can the Council confirm that it has robust procedures in place to ensure that the District does not have new estates built where the roads are not adopted by the County Council? Councillor Melton responded stating that the planning team now imposes a planning condition on applications of this nature requiring completion of the base course of any new highway prior to the occupation of any dwelling. It should be remembered however that the onus does rest with the ultimate owner of any new property to ensure that there are sufficient measures put in place to facilitate appropriate access and onward maintenance/upkeep;
- If any consideration had been given to entering into a Community Covenant Grant Scheme as there is £30 million available under the Scheme. Councillor Melton stated he was pleased to be able to state that Fenland District Council has signed up to this initiative;
- Were there presently any active projects within Fenland as a result of signing up to the Community Covenant Grant Scheme to which Councillor Melton stated that the Rules of Engagement had only just been drawn up therefore there were no active projects as of yet;
- Who on Cabinet would be taking over the Portfolio Holder responsibilities regarding planning to which Councillor Melton stated he was currently interviewing for this position and would make an announcement shortly;
- With regard to the recent press coverage of the supermarket planning application in Whittlesey; did he intend to make it clear that the committee had not all been stood down as reported? Councillor Melton stated that both himself and his deputy were currently working

on this and that there would be a full up to date and a trained planning committee ready for the November meeting;

- Would it be made clear that it is only Conservative members of the committee that could be sacked to which Councillor Melton pointed out to Councillor Booth that he had been copied into an email where Councillor Melton had made it clear that he had no powers to interfere with other group's members on the committee. Councillor Booth stated he had wanted this clarified as the press had reported facts that were not accurate; this matter has a severe impact on the Council and he stated he welcomed the moves that Councillor Melton had made and that the composition of the planning committee should be looked at in detail to safe guard the Council's assets and to ensure that the planning committee was robust.

34/12

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

Councillor Archer asked the Leader if he had considered that the Whittlesey supermarket application should be redetermined by another authority to which Councillor Melton replied that he had spoken to officers regarding this matter but it would be very difficult to achieve. Another planning committee in another area would be dealing with Fenland officers' reports and that there is also the question of possible challenges and litigation to any decision made. Councillor Archer stated he understood Councillor Melton's reply but that there would be no confidence if the application is redetermined by Fenland as it is still tainted from the previous decision. Councillor Melton stated that he was presently restructuring the planning committee.

Councillor Mrs Bucknor stated that she had heard the coffee shop within The Boathouse in Wisbech would be closing down and asked what Fenland were doing to promote it. Councillor Melton stated he had only heard about the closure yesterday and therefore not had time to look into the matter but that he was concerned and that it would be looked into.

Councillor Mrs Bucknor stated that Paint Store in March was due to close but had been given a three month extension. This organisation employs several people and needs the support of District Councillors; Councillor Count is aware and working to support the organisation and could the relevant Councillors please offer their support too. Councillor Melton stated that he was sure those Members had taken note of this situation.

Councillor Yeulett stated regarding the planning process and the speculation surrounding the recent Whittlesey supermarket application and decision; he was aware Counsel had been consulted and asked what their opinion was on the situation and officers advice during this process. Councillor Melton confirmed that Counsel had been consulted for the best possible advice and it had been proved that officers had given safe, sound and good advice throughout the process but Fenland had wanted to protect the Council and its assets.

Councillor Yeulett stated that there had recently been publicity regarding the relaxation of planning regulations with regard to extensions and asked Councillor Owen if Central Government were just floating the idea as he would like to see a full debate and Members fully consulted before the Council took this forward. Councillor Owen replied stating that the Core Strategy consultation had recently finished and that comments were currently being considered and would be submitted to a panel on 8 December to look at a way forward and if a document did come forward from Central Government then Members would be consulted.

Councillor Mrs Bucknor stated that she had raised her concerns regarding representatives on outside bodies some months ago and asked:

- If the feedback form designed by officers was now being used and had any been returned;
- Why had the representatives not been looked at as asked in the previous Council meeting;
- Is the Council paying any other expenses to these representatives;
- Why are they representatives if feedback from them is not being received;
- Can these representatives that do not feed back be removed in the next 30 days;
- Why are no reports received from Members on outside bodies; one Member has been on an outside body for ten years and not been to one meeting;
- Are these Members being paid;
- Will feedback be received from the new panel set up regarding Cambridgeshire Police and Crime Panel;
- That a working group be set up to go through these issues.

Councillor Melton gave his undertaking that these issues would be addressed but this would not happen in 30 days. He stated that:

- Each post would be examined and if it was not in the interest of the Council then the post would be stopped;
- He agreed that those serving on outside bodies should report back to the Council;
- Councillor Curtis is Fenland's representative on the Cambridgeshire Police and Crime Panel and once the panel is up and running then he would report back to keep Members updated.

Councillor Miscandlon stated he was concerned regarding the timescale of processing housing benefits as reported at the last Council meeting and asked for an update. Councillor Owen stated he was pleased to report an improvement:

- New claims target - 17 days/achieved 19 days;
- Changes target - 10 days/achieved 5.07 days;
- Overall target - 12 days/achieved 7.66 days;
- As of 21 October 10281 applications received whereas 1 April 10093 received resulting in a 2% increase;
- There is a significant difference between new claims and changes to claims due to more information required for new claims rather than existing ones;
- Congratulated the benefits office on these achievements

Councillor Booth wished to congratulate staff regarding the good news on housing benefit claims. He asked the Leader to confirm how many times in 2011 and 2012 had the planning committee voted against officer recommendations to which Councillor Melton stated from January 2011 the committee had overturned officers' recommendations 55 times (24%).

Councillor Booth asked the Leader to confirm what costs had been incurred by the Council in defending appeals that had gone to the planning inspector and how much had the Council had to pay in relation to costs incurred by other parties. Councillor Melton stated that:

- From January 2011 the council had dealt with 29 appeals, the majority of which would have been determined via the Written Representations method which incur little or no cost above that of officer time;
- Total costs which do not include officer time are £56,199.25. The majority of this cost relates to Public Inquiries where barrister and specialist consultants have been required;
- In terms of costs awarded against the Council this equates to a sum of £4,590.50.

Councillor Archer asked how much legal advice had cost thus far and what the cost of this would be to the tax payer. Councillor Melton replied that once this figure is known Members would be informed.

Councillor Curtis explained that the Police Crime and Commissioner Panel have met in shadow form only to discuss how the panel will operate and stated that when the panel is up and running he would be happy to provide reports for Members.

Councillor King paid tribute to the work that both Councillor Melton and Councillor Mrs French had done with regard to derelict buildings in Wisbech; there has been some great progress. He asked if Councillor Melton would give his undertaking that this focus would not be lost and that the rubble behind the building at the rear of Orange Grove in Wisbech would be looked into. Councillor Melton stated that he would like to make it clear that the focus on these buildings would not shift and gave his reassurance that the work would continue. Councillor Seaton added that the Council was doing everything it could but that it did not own the buildings, there were ongoing problems regarding insurance and that compulsory purchase orders cannot easily be undertaken. Councillor King explained that the rubble was at the rear of the Five Bells Pub and the last update from Councillor Mrs French had been that an enforcement officer would look at getting the rubble moved by the owner. Councillor Seaton explained that a recent visit to the site confirmed that it was still safe and secure, the rubble was a private matter between property owners and that the owner had indicated that rebuilding works would not happen until there is an improvement in the economic climate. Councillor King stated he was disappointed that there was not more that could be done and that the Council has a responsibility to encourage property owners to keep their properties in a reasonable state of care. Councillor King asked if lottery funding had been looked into to help improve derelict buildings to which Councillor Melton replied that a bid would be made shortly.

Councillor Booth asked Councillor Garratt if the Youth District Council had any plans to raise awareness with regard to a recent road safety campaign that had been presented at their last meeting to which Councillor Garratt explained that the Youth District Council had taken the campaign very seriously and intended to help raise awareness.

Councillor Booth asked for an update on the Nene Waterfront Project to which Councillor Owen replied that this would occur when the economic climate improved and that the aim of the project meetings was to continue monitoring the situation.

35/12 MOTION FROM COUNCILLOR KING

Under Procedure Rule 10, Councillor King introduced his motion:

- Councillor Wegg was a good friend and had been on the Council for 15 years;
- He was a conscientious Councillor who had recently served on the planning committee until he had suffered ill health last year, which he had since recovered from;
- Unfortunately he now has a viral chest infection and is in hospital undergoing tests;
- The prognosis is that he will recover and everyone hopes and prays this is the case;
- He is worried about missing meetings and this motion would relieve him and hopefully aid his recovery.

Councillor King proposed that:

"In light of the recurrence in the poor health of Councillor Wegg, he proposed that he be excused from attendance at Council meetings for a period of six months from today and further wished him well with his recovery."

The motion was seconded by Councillor Melton.

Members made comments as follows:

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- Councillor Booth stated he was happy to support this motion and hoped that the same courtesy would be given to any Councillor to which Councillor Melton said it always had and always would be.

RESOLVED that the motion be SUPPORTED.

5:00pm

Chairman