

COUNCIL



20 DECEMBER 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 D W Connor, Councillor M Cornwell, Councillor M F J Cotterell, Councillor Mrs C R Cox, Councillor M J Curtis, Councillor J R Farmer, Councillor Mrs J French, Councillor S Garratt, Councillor P Hatton, Councillor D Hodgson, Councillor M J Humphrey, Councillor P Jolley, Councillor B M Keane, 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 D R Patrick, Councillor T E W Quince, Councillor Scrimshaw, Councillor C J Seaton, Councillor R Skoulding, Councillor D Stebbing, Councillor W Sutton, Councillor G Swan, Councillor P A Tunley, Councillor F H Yeulett.

APOLOGIES: Councillor C C Owen, Councillor S J E King

36/12 COUNCILLOR WEGG

Members joined the Chairman in standing in remembrance of Councillor Bruce Wegg, who sadly passed away on Saturday 27 October 2012.

The Chairman stated that Councillor Wegg was a committed member of the Council since his first election in 1999. He was a member of the Overview and Scrutiny Committee, a member of the Licensing Committee in addition to being a member of the Planning Committee, Bruce's commitment to Fenland as a whole as well as his home town of Wisbech will be remembered.

37/12 TO CONFIRM AND SIGN THE MINUTES OF THE MEETING OF 25 OCTOBER 2012

RESOLVED that the minutes of the Council meeting on 25 October 2012 be confirmed and signed.

38/12 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Gary Swan - The Chairman welcomed Councillor Gary Swan to Council as this was his first meeting as Councillor for St Mary's Ward in Whittlesey;

Carol Concert - The Chairman thanked all those members who attended his annual Carol Concert at Tydd St Giles Parish Church on Sunday 16 December 2012. He also thanked Sharon Smith who helped organise the event and assisted on the day;

Christmas Visits - The Chairman thanked staff for attending the Chairman's Christmas visits; he had visited all Fenland District Council offices and enjoyed meeting staff and wishing them seasons greetings;

Questions from members of the public - The Chairman informed members that he had received several questions from members of the public including Sue and Gordon Dockett who would like to pose their questions under the public speaking rules and would Members be agreeable if Standing Order 22 was suspended to enable the questions to be posed before the relevant agenda item to which Members agreed;

Next Council Meeting - The Chairman reminded members that the next meeting of the Council has been scheduled to take place on Thursday 24 January 2013.

39/12 **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:

- If he was aware that the Fenland Traffic Management Area Joint Committee (AJC) had been disbanded to which Councillor Melton replied that he was and that consultation had taken place although he was unsure if this had included parish councils. Councillor Booth explained that in his opinion the consultation was inadequate as town and parish councils had not been consulted. The AJC had been an ideal opportunity for local members to see how highways were dealing with local areas and this process would now be dealt with at Shire Hall therefore removing democracy and transparency. Councillor Melton explained that this issue should be aimed at Cambridgeshire County Council and not Fenland District Council and he had been consulted on the issue and had since attended a Minor Works meeting with Councillor Curtis which would be far more effective. The next stage is to make greater use of local councillors and there is a duty to liaise with parish councils too as they have a right to feed into the process. Councillor Booth stated there was now no open public forum resulting in decisions being made behind closed doors. Councillor Melton explained the new system would be more efficient with direct access from local councillors but if Councillor Booth wished to take the issue further then he suggested that he contact Cambridgeshire County Council;
- It had been reported that a closed planning meeting would take place after Council regarding the venue for the hearing of the supermarket applications and this would be closed to the public and press, was this correct? Councillor Melton explained that there was no meeting taking place after Council due to the five working day rule notice. He had discussed with the Chief Executive that a meeting be scheduled the week commencing 7 January 2013 to determine a location for the planning committee on 23 January 2013. This meeting would be properly convened with the necessary five day notices sent out. Councillor Booth asked the Leader to confirm who cancelled the meeting that was scheduled to take place after Council and how that information came into the public arena to which Councillor Melton replied that a meeting had never been formally convened. Councillor Booth stated he welcomed the announcement of a meeting in January.

40/12 **MOTION WITHOUT NOTICE FROM COUNCILLOR CONNOR**

Councillor Connor, as Vice Chairman of the Planning Committee, put forward a motion without notice that the proposed meeting after Council should go ahead. This was seconded by Councillor Scrimshaw.

The Chairman explained that he needed agreement from members if this motion without notice would be accepted but did also explain that given the announcement from the Leader regarding a constituted planning meeting taking place in January, did Councillor Connor not wish to withdraw his motion. Councillor Connor stated that he still wished to proceed with his motion without notice.

Councillor Mrs Bucknor asked for clarification as to whether the proposed meeting to follow Council would be open to the public as this would influence her decision. The Chairman stated that any meeting held after Council would not be open to the public and his personal opinion was that it would be far better to go ahead with the properly convened meeting in January therefore he again asked Councillor Connor if he wished to withdraw his motion to which he stated he did not.

The Chairman explained that Members were initially being asked to consider if a motion without notice could be put forward and if this was agreed then the motion could be debated.

The Chairman asked all Members to vote on whether they agreed for the motion to be put forward to which 15 Members voted for and 10 against.

The Motion was then opened for debate.

Councillor Curtis explained that he was unaware of this motion previous to Council and reminded Members to think about the fairness of this process as this matter was in the interest of Whittlesey people. The Chairman again explained that the resolution was about if a meeting should take place after Council and not where the planning meeting in January would be held. Councillor Yeulett stated he too was unaware of the motion previous to Council and asked if this meeting would be open to all members as he would like to attend.

Councillor Archer stated he supported Councillor Connor and was in favour of a proper meeting but this meeting had been called by the Chairman of the planning committee who had not cancelled it.

The Leader explained that he had wanted to ensure a meeting took place to resolve the location issue of the planning applications and therefore his instructions to the Chief Executive had done that. Members need to decide on Councillor Connor's resolution but if it went ahead then he would not be attending the meeting as it was for planning committee members to make a decision on the venue. Councillor Curtis stated if this meeting went ahead then public and press and other members should be able to attend.

Councillor Booth stated that the week commencing 7 January 2013 had been scheduled to discuss the location of the meeting which would be fairer as notice will have been given allowing people to react but if the meeting went ahead after Council today then the public had no chance to attend and therefore he agreed with the Leader that this should continue at a meeting in January.

The Leader stated he agreed with Councillor Booth as the public would have the opportunity to attend January's meeting. Councillor Bucknor stated he concurred with the Leader, Councillor Booth and Councillor Yeulett and there should be notice of the meeting in order to be open and transparent.

Alan Pain, Monitoring Officer, advised that members should be aware that a meeting held immediately after Council today could be seen as contrary the Constitution as it did not allow sufficient time for notification of the meeting, and that this could present a risk to the Council.

A vote was taken regarding the Motion that the meeting would convene following Council to which 9 Members voted for and 24 against.

The motion fell.

(Councillors Mr & Mrs Kay Mayor wished that it be noted they had a non-pecuniary interest in this item and took no part in any vote.)

PROCEDURE RULES 8.1 AND 8.2.

Councillor Archer asked the Leader if he had considered giving Councillor Mrs French back her position on the Planning Committee. Councillor Mrs French stated she did not want this discussed at Council. The Leader stated this was a decision for himself and his colleagues and Members would be informed through the usual channels of any outcomes. Councillor Archer asked who was now running the planning portfolio to which the Leader stated this was shared amongst various Cabinet members which included Councillors Owen and Seaton.

Councillor Mrs Bucknor stated she was pleased to see the comments in the briefing report with regard to dilapidated buildings but asked for more detail within a reasonable timeframe. The Leader agreed with Councillor Mrs Bucknor and stated he would enter into discussions with the Chief Executive to look at speeding up the process. Councillor Mrs Bucknor suggested it may be helpful to share knowledge with other authorities as to how they have dealt with similar issues to which the Leader agreed that if a solution could not be found then other authorities would be approached. Councillor Mrs Bucknor asked if Fenland had sufficiently accounted for these issues in the Economic Development Strategy as she was keen to hear positive developments. The Leader concurred with Councillor Mrs Bucknor that these derelict buildings had been in Fenland far too long and many of them were homes and houses that could be utilised therefore the Council needs to look at steps to take these properties into public ownership. Councillor Seaton added that there is an amended version of the Economic Development Strategy that addressed these concerns but was happy to take on board any comments as it was an evolving document.

Councillor Mrs Bucknor stated there had been announcement regarding dualling of the A47 between Peterborough and Lowestoft and that she had written to the Cabinet member at the County Council to enquire as to what had been put forward on behalf of Cambridgeshire. The Leader explained that Fenland and Cambridgeshire County Council had a policy promoting the dualling of the A47 and now West Norfolk and Norfolk County Council were working together to bring forward improvements for the A47. Councillor Mrs Bucknor stated she was surprised there had been no mention of what will be discussed regarding the A47 in Cambridgeshire as it was clear within Norfolk. The Leader stated that there were huge technical difficulties with the A47 as the finance is no longer there but as soon as more information was received this would be circulated.

Councillor Mrs Bucknor stated that it was great news that South Cambs would receive an increase in their budget but the rural areas had been decreased, what was the Leader's view on this? The Leader replied it was disappointing to see Fenland in minus figures compared to the rest of the county; Fenland had managed its finances well including not increasing council tax and it seems unfortunately that despite this Fenland will now be at a disadvantage and he intended to take this forward.

Statements regarding the Core Strategy were raised included:

- Councillor Tunley stated that he thought the January Council meeting was too early for the redrafted Core Strategy as it currently contained little reference to any infrastructure plans; what was the urgency for this to be received, was it not more important to ensure this was included and then brought to February's Council meeting to which Councillor Seaton explained this was because of the timing of purdah and the county elections.
- The Leader stated that the Core Strategy could not be taken into Purdah. Fenland would ensure that the necessary infrastructure would be in place on any future developments. If the Strategy was delayed then it would become out of date and additional work would need to be commissioned at a cost and therefore there was urgency for the Strategy to be at January's Council meeting.
- Councillor Yeulett highlighted the need for sustainable infrastructure to be in place with an emphasis on roads around towns including the A47.

- Councillor Humphrey explained that the document regarding infrastructure would be available on 8 January 2013, ready for 24 January 2013.
- Councillor Butcher stated the updated Fenland Local Plan included major improvements to the A47 and reducing the traffic on the A605 at Whittlesey.
- Councillor Quince stated that with the increase in rail freight in March another bypass was needed for the north of the town and the sewage system needed to be updated as the last revamp was in the 1950s.
- Councillor Cornwall raised concern as to how Members comments would be taken into account.
- Councillor Melton stated that:
 - it was essential that within the next 20/30 years that a third river crossing is constructed;
 - land in the north of March be utilised for industrial use;
 - the railway line between Cambridge and Peterborough be upgraded;
 - a river crossing, A605 bypass and upgrade the railway in Whittlesey.

Councillor Mrs French asked for assurance that March Town Council would receive an invoice for non domestic rates and a water bill for the City Road toilets to which Councillor Clark stated he would ensure this was carried out. Councillor Mrs French asked as a Town Council could there be a six month exception of not paying to which Councillor Clark stated he would take this up and get back to Councillor Mrs French. Councillor Farmer stated he understood that when the public toilets were under the ownership of Fenland they did not qualify being rateable and would be appealed that now they have been transferred that a new regime of non rate relief would be introduced so would expect that no future bills would be issued.

Councillor French stated that March Town Council were not happy that they had not had their own Streetscene Officer since October and over the last two or three weeks the public have realised and are now parking all day; when would March have a Streetscene Officer to which Councillor Murphy stated that the process of recruitment was underway and if successful the new officer would start in the new year.

Councillor Mrs Bucknor thanked the Leader for supporting Wisbech Boxing Club and if Fenland had any spare gym equipment could the Boxing Club be given the heads up. Councillor Melton stated he applauded those involved with the Boxing Club in Wisbech and if there was any surplus gym equipment Fenland would need to ascertain the best value use for it but he would be happy to have that conversation should the issue arise.

Councillor Booth asked Councillor Garratt for an update from the Youth District Council with regard to how successful they engaged in Road Safety Week and would they be willing to promote road safety in future years. Councillor Garratt stated it was very successful and that the Youth District Council were committed to the campaign and he would put it forward at the next meeting but felt sure they would promote it each year.

Councillor Archer asked the Leader that with regard to the Core Strategy and Transport Policy would he guarantee that Fenland would campaign for improved services to which Councillor Melton replied stating Fenland would and with the potential growth of Manea the railway station needs to be upgraded and the platform lengthened to ensure the station is viable like any other.

42/12 CONSTITUTIONAL AMENDMENTS

Councillor Melton presented the Constitutional Amendments report.

Councillor Booth stated he was concerned that the document did not include sufficient detail with regard to training sessions and that there needed to be an awareness that some Members work and therefore require sufficient notice to attend training which should be provided by a suitably accredited association. Councillor Melton stated that a training schedule would be produced and published to the website to enable all Members to have notice of training sessions and that an amendment could be added stating external training should be from a suitably formulated accredited training organisation.

It was RESOLVED that:

- **The amendments to the constitution as set out in the report be APPROVED;**
- **The existing membership of committees shall be deemed to have complied with the requirements for training to date;**
- **The Chief Solicitor be authorised to make such typographical amendments as are necessary to produce revised clean text copies of the Constitution.**

43/12 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW 2012/13

Councillor Clark presented the Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review 2012/13.

Councillor Booth stated this was great work by officers and asked with regard to the limited credit rating agencies would this be further restricted and did the assessment of the agencies need to be looked at as it may be necessary to consider where they are domiciled. Councillor Clark explained that Fenland take advice from credit worthy agencies and as companies are downgraded there are less places to invest but this involved council tax monies and although not always the best return is received it is safely invested and this policy shows that.

It was RESOLVED that:

- **the report be NOTED;**
- **the revised TMSS creditworthiness policy and increase in the CFR prudential indicator be APPROVED**

44/12 REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

Councillor Clark presented the Regulation of Investigatory Powers Act (RIPA) report.

It was RESOLVED that:

- **the report be NOTED;**
- **the revised policy to take immediate effect**

45/12 PUBLIC QUESTIONS

The Chairman called upon Mrs Dockett to pose her question to The Leader of the Council.

Mrs Dockett stated her question was regarding the impact of the changes to council tax on pensioners and asked that given:

1. The disposable income of pensioner households is half that of working households;

2. The cut in interest rates has resulted in a saving of £70m by mortgage payers and a loss of £140m from pensioners savings;
3. A 50% surcharge on class C properties empty for 2 years would be equivalent to a 100% rise for pensioners compared to working families;
4. A 50% surcharge would amount to an extra £15 per week for a band C property and £12.50 for band B;
5. The government has asked councils to protect pensioners when setting up of their council schemes;
6. The council has protected pensioners from the changes to council benefit;
7. The LGA has stated that the removal of the exemptions for Class A and Class C properties could adversely affect the sale of homes exempt under Class E which would affect mainly pensioners;
8. The English Homes Survey and other research has shown that pensioners are more likely to be living in unsuitable homes.

Would Councillor Melton explain why the council was not proposing to exempt pensioners from the changes to the council tax in relation to the 50% surcharge and the ending of the Class C and A exemptions for homes sold which formerly had a Class E exemption.

Councillor Melton thanked Mrs Dockett for her question and asked Councillor Clark to respond who stated it was true that the Government had told Councils to protect pensioners from the effects of changes to Council Tax benefit and the Council has ensured that the 5,000 pensioners in Fenland receiving this are protected. It is true that many pensioners are finding things challenging with low interest rates on savings. Working age people are finding it just as hard and the changes to how Council Tax Benefit is funded would have seen their benefit cut by up to 40% if the Council had not been given the power to change some discounts and exemptions on empty properties and second homes. By doing this and taking advantage of the extra funding from the Government worth £190k to Fenland the cut has been limited in council tax benefit for the 4,500 working age households on benefits to 8.5%. With regard to Class E exemptions, Fenland is not changing these and not changing the majority of exemptions and Annex L of the report Fenland is considering lists these and their circumstances.

Mrs Dockett stated the response did not answer her question to which the Chairman stated that Councillor Clark would ensure a written copy of his response was given to her.

The Chairman invited Mr Dockett to pose his question to the Leader of the Council.

Mr Dockett states his question was regarding the 50% surcharge on Class C homes and asked that given:

- Under the proposed Class C changes that if his wife's home was not sold by the end of May, his wife (who was also his carer) would be forced to separate from him and return to her old house which would result in both him and her qualifying for SPD of 35% costing the Council £65 per month and also he would be eligible for Council Tax benefit and protected from the changes resulting in costing the Council £170 per month. This compares to their present council tax bill for two council taxes of £263 per month. Also he would be entitled to Pension Credit as his wife's occupational pension would no longer subsidise his state pension and he would need Social Services care to cover the lack of unpaid care given by his wife.

Would Councillor Melton explain how this is justified especially given his claim at Scrutiny Committee that changes would mean the end to him subsidising people like him.

Councillor Melton thanked Mr Dockett for his question and asked Councillor Clark to answer, to which he responded stating that he hoped his answer to Mrs Docketts question had helped him

understand why the Council are making these decisions in order to protect the most vulnerable, poorest members of the community. Regarding his wife's house that is up for sale, the 50% premium will only change when it has been subject to the "Class C" type of dwelling (not exempt Class C) for two years. This will be next November as full council tax has been paid on it for a year already. The Council is trying to protect the poorest in Fenland and at the same time bring empty properties back into use where people can afford to own more than one property. Fenland like everywhere needs more housing and charging more on empty properties will help bring these desperately needed homes back into use for people who need a home.

The Chairman thanked both Mr and Mrs Dockett for their questions.

46/12 COUNCIL TAX REPORT

Councillor Clark presented the Council Tax Report.

Councillors made comments:

- Councillor Mrs Bucknor asked if those on minimum wage receiving benefits were the hardest hit to which Councillor Clark stated this was not the case.
- Councillor Mrs Bucknor stated she recognised this had been challenging and reluctantly supported the report. Councillor Clark stated that if this was subsidised then the money would have to come from elsewhere and with £400k less being received this year and £800k next year; this needed to be agreed before January as there was no time for a new consultation which would result in the government scheme being imposed on Fenland putting the Council in an extremely painful and worse off position.
- Councillor Melton stated the reduction of £400k would have a huge impact on Cambridgeshire and the services within.
- Councillor Mrs Bucknor stated that the Council had been left with little choice and it was important to remember that the vast amount of council tax payers pay in full and they have a right to continue to expect first class services delivered on time.
- Councillor Archer stated he supported Councillor Mrs Bucknor and had sympathy for both Mr and Mrs Dockett but this was being forced upon the council by central government.
- Councillor Farmer stated that Exception F should be looking into to which Councillor Clark explained Exception F could not be changed.
- Councillor Booth stated this had gone to Overview and Scrutiny who had tried to offset this but this would have resulted in the Council being in a worse off situation therefore it was with heavy heart that the scheme was before Council.
- Councillor Curtis agreed and stated that Fenland would rather a local solution than one imposed and it was right to spread the balance but asked that this is kept under review. Councillor Clark stated it would be reviewed in 2014/15.
- Councillor Mrs Cox stated Fenland should be consciously looking after the poorest and that income support would be raised where necessary for those affected, these monies would originate from the general tax payer rather than Fenland District Council.
- Councillor Farmer stated it was odd that the proposal for properties empty more than 2 years would have 150% increase as the property could be occupied for one month making the measure ineffective.
- Councillor Cotterell stated it was unfortunate that the scheme was being imposed but that it was fortunate this could be reviewed, the government specifies that pensioners must be protected yet they are not and it is not the fault of Fenland and he would therefore vote in favour but reluctantly. He advised that pensioners ensure they received all they are entitled to.

Councillor Melton summed up stating he echoed what had been said and it was with heavy heart that the scheme is put forward. He took the opportunity to thank staff including Geoff Kent, Rob Bridge, Paul Medd and his cabinet colleagues Councillors Owen and Clark.

Councillor Clark stated he hoped all Members would support this albeit reluctantly.

It was RESOLVED that:

- **The Council Tax Support Scheme as set out in the report be APPROVED;**
- **The discounts applicable to specific classes of properties as set out in the report be APPROVED**

(All Members declared a disclosable pecuniary interest in this item however advised they had a dispensation to speak and vote.)

47/12 FENLAND ELECTORAL REVIEW

Councillor Melton presented the Fenland Electoral Review and thanked Anna Goodall, Carol Pilson and staff for the way Members had been guided through the process.

Councillors made comments:

- Councillor Farmer stated the Wisbech Summary within the review did not give the full picture stating it was a market town group and not a north of Wisbech group and that at previous discussions agreement could not be reached. He therefore proposed that an amendment be made so that Waterlees be combined with Kirkgate in the interest of electoral equality as this made sense in reducing the non-proportionality of the electorate.
- Councillor Melton explained this would have a knock on effect to other wards and time had run out although there was still time for members and town councillors to make representation. He reiterated that Fenland was under a deadline and this review had to be submitted as soon as possible and all comments had been taken on board.
- Councillor Booth stated that the criteria had been set down by the Boundary Commission and the review was within the proposal therefore there was no need for any changes. There was a principle to achieve a consensus of arrangements that the majority of members were happy with.
- Councillor Archer agreed with Councillor Booth and stated they had been given the opportunity to comment before the paper was finalised.
- Councillor Patrick stated he had joined the discussions late and believed that north members were happy with the arrangements.
- Councillor Curtis thanked officers for their flexibility and willingness to respond to comments and their approach and attitude had been commendable. He stated he had concerns and the reason Whittlesey had resulted in smaller wards was because the potential growth had not happened but it has not been taken into account that it may happen.
- Councillor Mrs French stated that March councillors were delighted with the review.
- Councillor Booth stated that this review had not taken place at the same time as county and Fenland need to put representation in that if a review should take place then it would need to review all the local government boundaries that take place to prevent conflicts and achieve a practical solution.

It was RESOLVED that the Consultation Response for submission to the LGBCE be APPROVED.

18:30pm

Chairman