

# COUNCIL



**18 SEPTEMBER 2014 - 4:00PM**

**PRESENT:** Councillor G G R Booth, Councillor D Broker, Councillor J R Chambers (left at 5.20pm), Councillor J F Clark, Councillor S Clark, Councillor D W Connor, Councillor M Cornwell, Councillor Mrs C R Cox, Councillor M J Curtis, Councillor Mrs J French, Councillor D Hodgson, Councillor Miss S Hoy, 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 (left at 4.50pm), Councillor D R Patrick (left at 5.30pm), Councillor C J Seaton, Councillor R Skoulding (left at 4.45pm), Councillor D Stebbing (left at 5.20pm), Councillor W Sutton, Councillor G Swan left at 5.20pm), Councillor M Tanfield, Councillor P A Tunley, Councillor F H Yeulett.

**APOLOGIES:** Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor T R Butcher, Councillor S Garratt, Councillor M J Humphrey, Councillor T E W Quince

## **30/14 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 24 JULY 2014**

Councillor Owen asked for clarification of the motion contained within minute 19/14. Councillor Mrs French stated that her amendment to the original Motion which had been supported had asked for Councillor Tunley's Motion to be deferred until the next Council meeting, which was today to enable Fenland District Council and Cambridgeshire County Council to get together to discuss proposals as only one option had been brought forward and Members would like to know what the other proposals were. Councillor John Clark stated that he had attended a meeting but there had been no conclusion and therefore nothing to report at present but promised that it would be brought back to a further Council.

Councillors Mrs French, Tunley and Booth all stated that at the previous Council meeting it had been agreed that the decision from the meeting of Fenland District Council and Cambridgeshire County Council would be brought back to today's Council meeting. Councillor John Clark stated this issue was at stalemate and explained that it was the intention to bring this issue back to a future meeting but there was a point of order that is currently being disputed with the Local Plan and this will need resolving prior to any discussions.

Councillor Tunley asked who had instigated the meeting to which Councillor John Clark stated he had on the conclusion of the agreed decision at the previous Council meeting. Councillor Booth stated for clarification that a Motion had been agreed and put forward yet had not been brought back today. Councillor Mrs French stated it should be brought forward to the next Council meeting in November and hopefully the Leaders of Fenland District Council, March Town Council and Cambridgeshire County Council can get together again and come up with what was originally asked for and then report back at that meeting. Councillor John Clark stated he was happy to organise another meeting but whether a conclusion will be reached was in the hands of Councillor Tunley and his issues regarding Fenland's own Core Strategy; therefore he could not guarantee a solution by the November meeting.

Councillor Tunley stated that given the Motion was agreed at the previous meeting, the issue should have been brought back to today's meeting even if there was no conclusion; an item on the agenda could have advised Members on the current position. Councillor John Clark stated this

was a good point and that the outcome of the meeting was that all concerned were committed to further discussions. Councillor Cornwell stated that today's agenda cannot now be altered to contain a report and therefore there was a need to find a way forward and that a report should be expected at the next meeting. Councillor Connor proposed that a report be brought to the next meeting, this was seconded by Councillor Mrs French, to which all agreed.

**It was AGREED that a report be brought back to the next Council meeting in November.**

Councillor Booth requested in minute 27/14 it be made clear that the point he had made about there being no minimum distances in the document was regarding where wind turbines are situated.

Councillor Sutton stated that under minute 17/14 it had been correctly minuted that £2,500 worth of travel expenses had been paid out, but that this statement was in fact incorrect and it should have been reported that the figure was zero.

**It was RESOLVED that the minutes of the meeting of 24 July 2014 were agreed and signed subject to the above points.**

### **31/14            CIVIC ENGAGEMENTS UPDATE - FOR INFORMATION ONLY**

Councillor Mayor updated Members on the Civic Engagements undertaken by himself and the Vice-Chairman since the last Full Council meeting.

### **32/14            TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

**Chairman's Annual Coffee Morning** - Councillor Ken Mayor reminded Members that the Chairman's Annual Coffee Morning was taking place on Thursday 26 September at 9:30am here at Fenland Hall. The event would be held in aid of Macmillan Cancer Research and all Members were welcome to attend.

**MJ Awards** - Paul Medd, Chief Executive, stated he was delighted to present not just one, but two trophies that the Council has won at this year's prestigious MJ Awards ceremony. This is in recognition of Fenland's fantastic partnership work undertaking through 'Operation Pheasant', alongside Cambridgeshire Police and other agencies. Competition was fierce and Fenland fought off competition from hundreds of other Councils across the country to win the 'Delivering Better Outcomes' and 'Trading Standards & Environmental Health' categories. Fenland's entry detailed the huge success made by Operation Pheasant in tackling problems relating to migrant exploitation, rogue private sector landlords and Houses of Multiple Occupation. This has made a real difference to people's lives and has addressed challenges that affect some of the most vulnerable members of the community. We will continue to work together with partners to deliver the projects that make a positive difference to people's lives, sharing information and ensure that public sector resources are being used in the most effective way possible.

Councillor Mayor invited Councillor Melton to receive the awards and to say a few words.

Councillor Melton thanked Councillor Mayor for presenting the awards and stated that this would be the last time he would speak in the Council Chamber. He was extremely proud to receive the award on behalf of Fenland District Council but these really did belong to Councillor Oliver for the dedication and work he had put into the project.

Councillor Melton stated that:

- He first stood in this Council Chamber in October 1981 after a by-election at which he had

taken 70% of the votes because he had given an undertaking to support his community; which he has never forgotten.

- He was very proud to have had the privilege to represent his town on Fenland District Council and at Cambridgeshire County Council and that he would like to set the record straight and end the speculation as to why he has stepped down. At 63, he has served 33 years as a councillor therefore given more than half his life to public service and it was now time to step aside and spend more time with his family.
- He was proud of what the Council had accomplished during his two leadership stints from 2002-05 and 2010-13.
- Since 1981 there had been many challenges, in 2002 there had been the modernisation agenda which he had been lucky enough to have been helped by different Councillors, the late Mac Cotterell and Geoff Harper; who helped turn the Council into what it is today.
- In 2010 the key theme was Investment and he was very proud of the fact that the Council had overseen the King Edward Centre, Thomas Clarkson Academy, superfast Broadband and the Rural Capital Fund.
- One of his proudest achievements was the apprenticeship scheme that was set up at Delamore which he had arranged with the late Roger Green.
- He had made mistakes over the years of which one was because of cockiness when he refused to share his draft speech with the then Chief Executive, Sandra Claxton; as she would have altered it from where he had spoken up against archaeological digs which within 24 hours had gone internationally viral within the technical age of social media that we are now in.
- He had had some disappointments, one of which was the Supermarket debate in Whittlesey which had been resolved but he was regretful of;
- He regretted not having had the chance to become Chairman of the Council but time had not allowed him to.
- Fenland had a great future in front of it with both stability and democratic processes working correctly.
- He thanked everyone for their support and singled out two people, the late Mac Cotterell who was the voice of reason and Geoff Harper;
- He thanked the people of Chatteris and stated he felt privileged to have served his community.
- This was not the Members' Council, it belongs to the people who put them there and Members owe it to the community to represent them

Councillor Mrs Newell stood and paid an emotional tribute to Councillor Melton stating:

- It was a gift that Councillor Melton had to be able to stand up and speak like he has;
- She wanted to say a huge thank you to Councillor Melton for the time he spent in Fenland and Chatteris; he is owed a big debt of gratitude for the time and effort he has put in to serving Fenland and Chatteris.

**33/14**

**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.**

Under Procedure Rule 8.4, the Leader of the Main Opposition Group put questions to the Leader of the Council as follows:

- Councillor Booth asked if the Leader would comment on the latest announcements made regarding improvement to the A47, which appear to have only put forward limited options for improving this vital road in the Fenland area and is it true that Fenland District Council were not invited to the recent meeting where the announcements were made, if so, what was the reason for this. Councillor John Clark explained he was on holiday when he had received a

call from Cambridgeshire County Council stating that Fenland had made a request to attend the meeting but no one had attended; after calling Paul Medd, Chief Executive, it appeared that Fenland District Council had not been invited and since then an apology has been received from Cambridgeshire County Council stating that Fenland had not been included on the email list. Councillor Owen had attended the subsequent meeting on 17 September, on behalf of Councillor Butcher and was therefore in a position to provide an update. Councillor John Clark explained that Cambridgeshire County Council was responsible for transport and that Fenland District Council was a consultee which enables a representative of Fenland to attend to put Fenland's point of view across. Councillor John Clark stated he was due to attend another meeting on 26 September in Norwich but explained that Fenland did not have enough points to be top of the list. The Guyhirn roundabout is due for a £16million pound refurbishment including widening of the bridge although he had understood the best way was to continue the dualling from Thorney, cut out The Brink and to come out into Wisbech but he would be asking questions at the meeting he was due to attend in Norwich. Councillor Owen stated that many different partners had attended yesterday's meeting - Norfolk County Council, Suffolk and North Norfolk District, along with officers. There is a high level of usage between Thorney and Guyhirn but it could be five, ten or even fifteen years before any works commence. Councillor Booth stated he had read in the paper that Steve Barclay MP was disappointed that Fenland District Council was not represented to which Councillor Owen reiterated that Fenland District Council had not been invited to that meeting.

- Councillor Gavin Booth asked if the Leader could confirm when Fenland District Council would present a revised scheme on Street Lighting to the rural Parishes to which Councillor John Clark stated it was not his intention to keep anyone in the dark and that himself, Councillor Seaton and Rob Bridge had met to discuss this issue but that they were still awaiting a report from Balfour Beatty. Councillor John Clark stated he was disappointed to have not yet received this report and that Fenland were chasing it. Councillor Booth responded stating this issue had now become a farce with nothing happening and as parishes need to set their precepts there is a need for this information. Money is being spent in the towns but 25% of the community live within rural parishes of which there is the potential of massive increases to their precepts. Will we need a special Council meeting to ensure this issue goes through in time. Councillor John Clark responded stating that both concurrent grants and street lighting need to go through Cabinet and Councillor Seaton has already been approached by the parishes regarding the difficulty of reaching an agreement; he shared Councillor Booth's frustration with street lights but until Fenland have heard back from Balfour Beatty then Fenland are unaware of how much money needs spending; he reiterated that Fenland was pushing for this information. Councillor Booth explained they had been given information that some street lights were dangerous and action needs taking urgently to prevent any potential injury or fatality as it is unknown as to which lights are not fit for purpose. Councillor John Clark stated he shared Councillor Booth's frustrations and that he would now ask Rob Bridge to chase and as soon as the information has been received then this would be passed on.

**34/14**

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

Under Procedure Rule 8.2, Members put questions to Portfolio Holders as follows:

- Councillor Mrs French stated that Overview and Scrutiny panel were very busy at present with several different issues including ; The grass cutting review, The March Footbridge Review, The Accommodation Review and now the request to review the outcomes from the consultation in relation to Community House and stated she had asked for a replacement for Councillor Archer who has not been attending recently and now this month Councillor Mrs

Bucknor was not available either. Overview and Scrutiny has a lot of work and therefore could the replacement for Councillor Archer be chased. Councillor John Clark agreed and Overview and Scrutiny were indeed very busy and that he had made a verbal request to Councillor Booth and also asked the Chief Executive to write officially to Councillor Booth as unfortunately it is not in the Leader's remit to appoint an opposition Member. Councillor Booth responded stating he had received an email last week and as already indicated to Councillor Mrs French, he had sent a message to Councillor Archer and if no response is received then he would look into the matter. Councillor Booth was disappointed that Councillor Mrs French had brought the issue into the public domain and reiterated that he was taking action. Councillor John Clark stated that if the rumours were correct about Councillor Archer then there is not much likelihood that he will respond and therefore he would appreciate that some action be taken. Councillor Booth responded stating that there was no concrete evidence to substantiate the rumours and the issue would be dealt with in the next couple of weeks. Councillor Mrs French explained that she did not think that Councillor Booth realised the importance of time on Overview and Scrutiny; on 3 October a whole meeting had been called as a very important presentation regarding accommodation was being dealt with and the last thing she wanted was to have no opposition members present, it would mean that only Conservatives Members would be dealing with the issue and she did not want the opposition to later say they had no opportunity to have their say on the matter.

- Councillor Hoy stated there was some concern in the community regarding those paying council tax on flooded homes. Councillor Seaton stated he was aware there were 13 families in March that have had to vacate their properties as a result of recent flooding and he had also received emails from two families in Leverington; obviously Fenland want to be able to help these families but there is also a financial aspect that has to be considered therefore officers have been asked to consider the options; he stated he realised these were not big numbers but a precedent of exemption could be set and if at any time in the future there were big floods that affected a large amount of properties then this could have significant financial implications for the Council. Once the officers come back with a recommendation then this would probably come back to both Cabinet and Council;
- Councillor Tunley spoke regarding the Windfall Policy and stated that the Leader of Cambridgeshire County Council called an open meeting in June for the residents to discuss options for the development of Estover Field, of which there was only one option which was to develop half of the field and to invest in the other half to improve recreational facilities. What came from this meeting were the statements made with regard to advice that had been given from Fenland District Council planning officers that under the Windfall Policy a development can take place of up to 249 homes being built on allocated land; this shocked both the residents and Members at the meeting. Councillor Tunley stated he accepted that this was included in the Core Strategy but felt that this had never been highlighted therefore why there is a need for allocated land if this is the case as 249 homes is a substantial development. This raises concerns with regard to the advice given to the Leader of Cambridgeshire County Council by planning officers therefore he was keen to understand the following:
  - what is the position and what are the views of the Leader of Fenland District Council regarding this issue?
  - have officers provided Members will all the information, as it was thought that a windfall equates to 30 homes a year which is different to 249, or 99 as suggested by Cambridgeshire County Council.
- Councillor John Clark asked if Councillor Tunley was challenging the Core Strategy that has now been adopted as the former Leader and Members had supported it previously through Council. He stated that Members of Fenland District Council support growth as a key priority for the District. In order to deliver this priority, the former Leader of the Council,

along with the majority of members, felt that a more flexible approach to development was required in the Core Strategy (recently adopted Local Plan). This resulted in the creation of strategic growth allocations within our four market towns, as opposed to site specific allocations, which was a feature of the previous Local Plan. Furthermore, to support this approach Members were keen to remove the rigid Development Area Boundaries (DAB's) with a more flexible approach to the development, which included Windfall housing allocations, than had been the case in the old Local Plan. Councillor John Clark explained that Councillor Tunley had seen the Inspectorate and had chance to put his views across, a vote was taken on that information resulting in the Core Strategy being adopted and this was now Fenland's planning document and any windfall would have to also meet other policies. Councillor John Clark stated he had spoken to both the Portfolio Holder and Chairman of Planning and stated that Councillor Tunley was now challenging Fenland District Council's Core Strategy and therefore he had asked the Chief Executive to look into this and prepare a report as Councillor Tunley had indicated that whatever the report recommends, he would challenge it; this report should be completed tomorrow. The report would then be sent to Counsel to see if Fenland's Local Plan is sound and if Members were provided with enough information to make an informed decision; March Town Council have also raised similar issues. We should be in receipt of the report next week and a summary of the legal opinion will be shared with you.

- Councillor Tunley stated he expected some windfall but did not anticipate 99 to 100 properties and never anticipated 249 on allocated land. Members should read all reports but officers made the statement within their report but did not quantify stating that Windfall might have an impact; Members may be at fault to some extent by not reading the document. He asked where the Leader stood on this issue, if he had read both the report and the Inspectorate's report or did he rely on officers to give their advice. Councillor Mrs Newell asked how Councillor Tunley knew if Members had read the reports or not and that she took great exception that he said otherwise. Councillor John Clark stated that Councillor Tunley was challenging the Core Strategy and the Local Plan and that independent legal opinion will clarify if Members had all the relevant information to adopt the Local Plan. He stated that in his opinion, Estover would only ever be settled by a compromise and he had not altered his view on this throughout the issue.
- Councillor Patrick stated he had a question on behalf of Councillors Mr and Mrs Bucknor who were unable to attend today's meeting. Waterlees Community House is the only house on the hit list for the consultation; how are we going to protect it. Councillor Cornwell explained that a paper had gone to Cabinet today and been approved, this had covered a range of options and proposals as this was a necessity when carrying out a consultation. He asked that all Councillors look at and become involved in the Consultation.
- Councillor Booth asked why legal Counsel advice was being asked for as this would cost more money and they will dissect every word and come out with different views. He stated he was concerned with the approach that was being taken and surely Fenland District Council officers should hold the skills to clarify if the original report was clear enough and why are officers recommending the top end of the windfall policy, the debate here was if substantial development should take place, why does this need to go to Counsel, especially as there are other policies that need to be taken into consideration. Councillor John Clark stated he has already answered this earlier and that Councillor Tunley was challenging the legality of the Local Plan and had stated that whatever officers came back with, he would challenge, therefore a second opinion was being sort alongside the officers to see if the Plan is sound and then Councillor Tunley can challenge this if he wishes. Councillor Tunley stated he was not challenging the Core Strategy or the Corporate Plan, he accepted that the windfall was included; what he was challenging was the policy and advice given by officers to Members. Councillor John Clark replied stating that Councillor Tunley had made it clear that he would challenge the decision regardless and therefore legal opinion would support or not that did Members have enough information to be able to accept or refuse the Local Plan and this was what he was asking for guidance on. Councillor Tunley stated he was challenging the report from May that led in direction with information by making

statements and Members accepting that report and recommendation to remove the development from North East March. Councillor Booth stated that whether the document was legally sound had been proved as the inspectorate had said it was and legal Counsel would not overturn that decision; should officers have put forward the figure of 249 to members. Councillor John Clark stated that there are no planning applications in at the moment and that Councillor Booth was questioning what officers had put forward to Members; Fenland has a Core Strategy and a Local Plan that has been adopted by Members. Councillor Sutton stated that Cambridgeshire County Council had sought advice from the Chief Planning Officer as they are the landowner and in that capacity are allowed to ask for advice; he asked why Councillor Tunley did not raise this issue earlier as he admitted that he has read through the Local Plan and attended the Inspectorate's meeting and read the report, yet still stated that he was unaware of the 249 windfall policy but that Councillor Sutton had been there and told him what they were doing was in line with the law. Councillor Tunley has given out the perception that the whole of March is up in arms about this issue but that is not the case and some residents actually want it.

- Councillor Mrs Mayor asked Councillor Murphy what Fenland's stance was on the Cambridgeshire County Council Household Recycle Consultation and how would this affect Fenland; the closing date for the consultation is 26 September and will affect both March and Whittlesey. Councillor Murphy replied stating that Fenland was against the closures but there are two or three different possibilities; either closing one or more sites, altering the opening house or moving facilities. The consultation can be completed online or by ringing up and asking for a paper copy; it does ask lots of questions but they are all relevant. Fenland does not foresee any cuts but the public are urged to "use it or lose it". Cambridgeshire County Council has stated these changes have not resulted in further fly-tipping in either Norfolk or Suffolk where they have closed recycling centres but they forgot to mention Somerset where fly-tipping has doubled. Councillor Mrs Mayor stated the concern in Whittlesey is that the staff in the one stop shop knew nothing about the consultation and there are those in the community that have no internet access, this has resulted in the Whittlesey Town Clerk having to print off hard copies. Councillor Murphy stated that he had received an email from Cambridgeshire County Council stating that 62% of the consultation feedback they had received was from Whittlesey. Councillor John Clark explained that Councillor Butcher is a committee member on highways at Cambridgeshire County Council and that he would be fighting Fenland's corner therefore as "twin-hatters" they are working hard. Councillor Connor agreed with Councillor Clark and stated that both himself and Councillor Butcher were on the Infrastructure Committee and will be fighting to keep the tips open; it is not a done deal, different timings, privatisation etc were also being considered. Councillor Murphy explained it was a misconception that the tips are run by Fenland District Council when they are run by Cambridgeshire County Council; Fenland District Council uses the tips and does not want to see them closed. Councillor Connor stated that fly-tipping was a big problem in Fenland and if it is brought to the attention of the Infrastructure Committee then it can be looked at; it should be considered that fly-tipping could increase and then Fenland and its taxpayers will pick up the cost. Councillor Murphy explained that this was not quite right and that Fenland would not necessarily pick up the cost; there is a need to talk to Cambridgeshire County Council to which Councillor Connor stated that at the present time Fenland does pick up the fly-tipping bill.
- Councillor Mrs Newell asked Councillor Sutton if he was aware that the planned for Tesco shop in Chatteris is now not going to open as she had received an email from the Directors of Tesco stating although work had been done, including moving a river, constructing an underpass and a roundabout (that is not suitable for heavy goods vehicles) they had decided not to open and instead board the shop up. Councillor Sutton replied stating that he had not been officially aware of the situation but that it was Harrier Developments that owned the land and have a contract with Tesco; as it was a commercial venture he was unaware of any completion powers that Fenland would have.
- Councillor Booth asked Councillor Tanfield why Fenland was not trying to target the obese

to go to the gym to become healthier and fitter. Councillor Tanfield explained there was currently a promotion taking place but it was something that will be specifically looked into; it is of a sensitive nature but she did agree that we should be encouraging fitness for all people including individuals who are over weight.

- Councillor Booth asked Councillor Seaton if the target of 55% to answer calls within 20 seconds for the Contact Centre was rather low, this would normally be 80% in other organisations and therefore does not seem to be very customer focussed. Councillor Seaton stated he would come back to Councillor Booth with a written answer regarding this issue.
- Councillor Booth asked Councillor Sutton with regard to the Conservation Area Appraisals; was there any further information regarding draft proposals of these. Councillor Sutton stated officers are assessing the appraisals and it was anticipated that work would start within the next 12 months; both Bowthorpe, Elm and Parson Drove were at the top of the list.
- Councillor Booth asked Councillor Sutton if Fenland would be willing to provide further technical support to the Town and Parish councils when they develop Neighbourhood Plans, to keep the costs at an acceptable level. Councillor Sutton stated that Fenland could do more in terms of labour than of hard cash and therefore did not see why there should not be some officer help.
- Councillor Booth stated that Fenland had done well and been successful at the In Bloom Awards and was pleased to see the use of the Landscape Group alongside the In Bloom group and would they be available to all groups, including the rural ones. Councillor Murphy stated the TLG had a new manager and were rethinking their strategy for next year but he would look into this. Councillor Murphy thanked TLG, officers, streetpride, streetscene and all the volunteers involved with In Bloom as Fenland had received 33 awards which is tremendous; he also paid particular thanks to Bob Ollier with regard to the time and hard work put into the project.
- Councillor Connor stated that Councillor Seaton was in the process of making an offer regarding the replacement of street lamps; what timescales were expected for this offer as the Town Council have had their lights replaced free, why are parishes being treated differently. Councillor Seaton stated that there are 12 parishes and attempting to reach an agreement was not easy; presently information is being awaited from Balfour Beatty and work has been ongoing with finance and the Leader on proposals that may be beneficial but until the information is received from Balfour Beatty it cannot progress, it was hoped this information would be received next week. This makes it difficult to put any substance to the proposals but as soon as this is received then figures can be put to the proposals; these proposals will be a compromise, it has to be.

#### **35/14      BUILDING CONTROL: PROPOSAL TO JOIN THE CNC PARTNERSHIP**

Councillor Sutton presented the Building Control: Proposal to join the CNC Partnership report.

Councillor Booth reiterated that it was good to have Member briefings to allow Members to ask questions but was disappointed that some of the questions raised were not reflected in the report; he stated that the report looked at investments regarding the savings to be made and therefore Members would be making a blind decision. Councillor Booth also asked was the expectation for potential profit sharing as there was no information within the report. The proposed next steps raises the point that there is a need to get SLAs agreed and if these are not put in place to protect our services then they will go downhill and we will have no control over the services being delivered. Councillor Sutton stated that Councillor Booth was worrying unnecessarily, if it had been a new venture then there would be some concern but this Partnership has been running for ten years and has been joined by several other authorities including Norwich City Council who have not encountered any problems therefore Councillor Booth's fears are unfounded and Councillor Sutton was confident that the SLAs will be effective.



Councillor Broker commended the CNC Building Control Partnership as he has experience of their services. His concern was that this service is not a watered down version and would there be any job losses as this is not covered within the proposal. Councillor Sutton stated that the concept of the new team was to increase resilience.

Councillor Booth asked if the SLAs would be decided this month. Councillor Sutton stated this was the reason why the All Member Seminars took place; to keep Members updated and that he was comfortable that his fears were unfounded.

The recommendations were proposed by Councillor Clark and seconded by Councillor Yeulett.

**It was AGREED that:**

- **The proposal to join the CNC Building Control Partnership be ENDORSED;**
- **Full governance oversight will be achieved with Member representation on the CNC Partnership Joint Committee, with Fenland established as full partners under this proposal be NOTED;**
- **Council delegates the Corporate Director and Monitoring Officer to take the necessary steps to complete the required Participating Authority Agreement and associated Constitutional amendments in relation to the provision of Building Control services.**

*(It was noted that Councillor Booth voted against the recommendations.)*

#### **36/14 LEISURE CENTRE EXTERNAL SIGNAGE**

Councillor Tanfield presented the Leisure Centre External Signage report.

Councillor Mrs Mayor asked if the sign that had been taken down from the entrance of the Manor Leisure Centre could be put back up as people only know the Leisure Centre in Whittlesey as The Manor and that the name "The Manor" is included in any advertising because the name "New Vision Fitness" is unknown. Councillor Tanfield explained that Fenland will be consulting on this and this report was just to ensure that we could go ahead with the original names. Councillor Connor congratulated Councillor Tanfield on all her engagements involved in this and Councillor Booth thanked Councillor Tanfield for making the time to talk to those concerned.

The recommendations were proposed by Councillor Connor and seconded by Councillor Hoy.

**It was AGREED that the original names of the leisure centres are displayed with equal prominence alongside the 'New Vision Fitness' branding on the outside of the buildings and that further changes to the leisure centre names are not made with approval by Full Council.**

#### **37/14 CONSTITUTIONAL AMENDMENT – CHANGES TO THE PLANNING SCHEME OF DELEGATION FOLLOWING THE PAS REVIEW**

Councillor Sutton presented the Constitutional Amendment - Changes to the Planning Scheme of Delegation following the PAS Review Report.

Councillor Curtis stated he supported this report. It is a small part of the bigger picture; there is a need for more work to be carried out as to why Members bring applications to committee and what needs to change to stop this from happening as he feared that Members will become dissatisfied and will put the Chairman in an impossible situation. Councillor Sutton stated that there are many times when a planning application has been refused by delegated powers and for good reasons,

the applicant will then approach their Councillor in order to bring the application to committee, where it could again be refused, which is a waste of resources. We do not want to stop genuine reasons for call ins but it needs to be taken on board as this came out clearly from the PAS review. Councillor Sutton stated he was glad that Councillor Curtis supported the report and was happy to talk to him privately.

Councillor Booth stated he had read the report but the front page does not reflect what is in the constitutional amendments and raised two concerns: that it puts too much power into one councillor's hands; although he was happier with the proposals coming through and secondly the fact that there can be 6 or more unresolved written opinions from 6 or more separate sources that differ from officer recommendations which means that some of the developers will "play" the system and will get people to write in from anywhere which then causes the application to go to committee. This needs to be changed to state that it should only be 6 or more sources from within the ward area of the application; this would make it sounder, although there would be a debate about cross border developments.

Councillor Sutton stated that he did not disagree with Councillor Booth as he had seen letters received from all over and he would not object to Councillor Booth passing an amendment so long as it was legal to which the Chairman asked if Councillor Booth would like to do this; he replied he would, this was seconded by Councillor Connor.

Councillor French stated that she did not have an objection to this but did object to the issue that members can only call in planning applications to Planning Committee if they relate to applications in their own ward. There are roads that separate wards and there are some who will not call in and therefore she would not support this; it is essential that as a Fenland District Council Councillor they are able to represent the whole of Fenland. Councillor Mrs Newell agreed with Councillor Mrs French. Councillor Booth stated that the wording "the neighbouring ward" should be added.

It was further proposed that an amendment to the recommendations in the report at point 89 (i) be made so that this further amendment is also incorporated.

**It was AGREED that Part 3, Table 4, Section 89 (i) of the Constitution will be deleted and replaced with:**

#### **Development Control**

**89. Having ensured that all statutory requirements and Council policies have been complied with and after considering all representations received;**

**(i) Determine all 'other' and 'minor' applications submitted under any of the Acts or Statutory Instruments set out in Appendix A to this Scheme unless:-**

- **Called-in by Member (the development must be within their ward area or adjacent ward area and the Member request had been granted by the Chairman of Planning).**
- **6 or more unresolved written opinions from 6 or more separate sources are received from within the ward area which differ from the officer recommendation**
- **Town/Parish views are in conflict with officer recommendation and the application is for more than 2 dwellings.**

**For 'other' and 'minor' applications which have either FDC or member involvement the following procedure will apply;**

**The Case officer will draft a report and make a recommendation which will be reviewed by the Head of Planning, the Chairman of Planning Committee and a legal officer.**

If in the opinion of the Head of Planning and the Chairman of Planning Committee the recommendation is accepted, the case officer's decision will be countersigned by the Head of Planning.

If in the opinion of the Head of Planning and the Chairman of Planning Committee there are wider issues to consider the matter will be placed on the Planning Committee agenda.

**38/14**            **CONSTITUTIONAL AMENDMENT – CHANGES TO THE RULES REGARDING PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**

Councillor John Clark presented the Constitutional Amendment - Changes to the Rules regarding Photography and Audio/Visual Recording of Meetings Report.

This was proposed by Councillor Hoy and seconded by Councillor Booth.

Councillor Connor stated this happens at Cambridgeshire County Council and Members should approve this. Councillor Booth stated he was happy to support the recommendations as they encourage openness but Members should bear in mind that this also included social networks including Twitter. Councillor Miscandlon stated the report went into great detail with regard to planning and commended whoever wrote the details as they covered more than what was needed.

**It was AGREED that Part 4, Rule 1 (Council Procedure Rules (Standing Orders)) Section 21 of the Constitution be replaced with:**

**Any person attending a meeting which is open to the public is to be permitted to report on the meeting**

**"reporting" means -**

- (a) filming, photographing or making an audio recording of proceedings at a meeting;**
- (b) using other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or**
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing,**  
**so that the report or commentary is available at the meeting takes place or later to persons not present.**

6:25pm

Chairman