

# COUNCIL



**6 NOVEMBER 2014 - 4:00PM**

**PRESENT:** Councillor G G R Booth, Councillor D Broker (left at 7:05pm), Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor T R Butcher, Councillor J R Chambers (left at 6pm), Councillor J F Clark, Councillor D W Connor, Councillor M Cornwell, Councillor Mrs C R Cox, Councillor Mrs J French, Councillor S Garratt (left at 6pm), Councillor D Hodgson (left at 6.05pm), Councillor Miss S Hoy, Councillor M J Humphrey (left at 7:05pm), Councillor P Jolley, Councillor B M Keane (left at 7:15pm), Councillor S J E King (left at 6.35pm), Councillor K G Mayor, Councillor Mrs K F Mayor, Councillor A K Melton, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell (left at 7:10pm), Councillor D C Oliver, Councillor C C Owen, Councillor D R Patrick (left at 6.30pm), Councillor T E W Quince, Councillor C J Seaton, Councillor R Skoulding, Councillor D Stebbing (left at 7:05pm), Councillor W Sutton, Councillor G Swan (left at 5.45pm), Councillor M Tanfield (left at 7.15pm), Councillor S Tierney, Councillor P A Tunley (left at 7.15pm), Councillor F H Yeulett.

**APOLOGIES:** Councillor S Clark

The Chairman congratulated Councillor Tierney and welcomed him to his first Full Council Meeting.

**39/14            TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 18 SEPTEMBER 2014**

Councillor Tunley asked that minute 34/14, third bullet point should read "Councillor Tunley stated he did not accept that this was included in the Core Strategy but felt that this had never been highlighted" instead of stating that "Councillor Tunley did accept".

Councillor Tunley asked that minute 34/14, fifth bullet point should read "Councillor Tunley stated he expected some windfall but did not anticipate 99 to 100 properties and never anticipated 249 on unallocated land" instead of "allocated land".

Councillor Booth stated that second bullet point of the agreed recommendation of minute 37/14 should include "6 or more unresolved written opinions from 6 or more separate sources are received from within the ward area or adjacent ward area which differ from the officer recommendation".

**It was RESOLVED that the minutes of the meeting of 18 September 2014 were agreed and signed subject to the above amendments.**

**40/14            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.

**41/14            TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

The Chairman stated that a formal written motion on notice had been submitted to the Chief

Executive by Councillor Tunley for debate at Council. The motion was received within the required timescales for debate as outlined in the Constitution and was listed as Item 9 on the agenda; however, as the Motion is directly linked to Agenda Item 13 he suggested that in order to help inform the discussions in relation to the Motion and whilst also being conscious of the fact that there were numerous members of the public in attendance and he was keen to show them some courtesy and ensure that they did not have wait too long to observe the debate in relation to Item 13 entitled - Overview of the flexible nature of the local plan for the District including issues related to North East March and Estover Playing Field, that Items 13 and 9 to follow agenda item 5. Members agreed to this action.

**Macmillan Cancer Relief** - Councillor Ken Mayor thanked all those who had supported his coffee morning in aid of Macmillan Cancer Relief stating that the event had been a roaring success due to the generosity of Councillors, staff and community members with a total of £591.08 being raised in aid of this good cause.

**Chairman's Christmas Carol Service** - Councillor Ken Mayor reminded Members that the Chairman's Christmas Carol Service was taking place on Sunday 14 December at 3pm at St John's Church, Station Road, March and all Members were welcome to attend. He hoped that all Members would come along and join him at the service for traditional pre-Christmas carols.

**In Bloom** - The Chief Executive announced that Fenland has many 'In Bloom' groups who have been working hard across the district for over a decade. The improvements they have made to the towns and villages have been significant, and have benefited both local residents and visitors to the area. Whilst entering the Anglia in Bloom competition in recent years, local groups have delivered hundreds of great community projects and given thousands of hours in volunteer time. 2014 has been the most successful combined year for the groups to date. This is due to the fantastic work carried out by the In Bloom teams, and also other community organisations such as local schools, community payback, streetscene groups, and local town, parish and district councils. During this year's awards, the town of Wisbech was entered into the prestigious 'Britain in Bloom' competition for the second time since the groups' formation. This invitation to represent the entire Anglia region in the Large Town category of the competition is testament to the dedication and hard work of all involved.

Councillor Murphy thanked all those volunteers involved with the 'In Bloom' groups for their hard work across the district; 33 different awards were won by Fenland entrants this year:

**Village Award** - Benwick - Silver

**Large Village Award** - Parson Drove - Silver Guilt

**Town Awards** - Chatteris - Silver Guilt and Whittlesey - Silver Guilt

**Large Town Awards** - March - Silver Guilt, Wisbech - Gold/Winner

**Urban Community Award** - Waterlees, Wisbech - Silver

**Small Park (up to 10 acres) Awards** - St Peters & St Pauls Church Garden, Chatteris - Silver Guilt, The Garden of Rest, Whittlesey - Silver Guilt, St Peters Church Garden, Wisbech - Gold/Winner

**Large Park (over 10 acres)** - West End Park, March - Silver Guilt, Wisbech Park - Silver Guilt

**Cemeteries Awards** - Eastwood Cemetery, March - Silver, Mount Pleasant Cemetery, Wisbech - Silver, Wisbech General Cemetery - Silver Guilt

**Most Consistently Improved Entry** - Whittlesey - Winner

**Biodiversity Award** - Nomination - Lattersley Nature Reserve, Whittlesey

**Best Community Project** - Nomination - Tyre Garden, Benwick

**Best Conservation Project** - Nomination - General Cemetery, Wisbech - Winner

**Environmental Quality Award** - Nomination - Wisbech - Winner

**Grow Your Own Award** - Nomination - Herb Bank, Wisbech

**Best Floral Display by an Individual or Community** - Nomination - The Pound and Diamond Jubilee Beds, Whittlesey

**Best Industrial/Commercial Area** - Nomination - Elgoods Brewery, Wisbech

**Best Local Authority Floral Display** - Nomination - St Peters Church Gardens, Wisbech - Winner  
**In your Neighbourhood Certificate of Distinction** - Centenary Green, Wisbech

**Best Public Open Space** - Nomination - Wisbech Park

**Best Young Person Project (12 to 18 Years of age)** - Wisbech Grammar School Gardening Club, Sensory Garden

**Best Young Peoples Project (Aged 12 years and under)** - Nomination - Alderman Payne School, Parson Drove

**Britain in Bloom** - Wisbech - Silver Gilt - Wisbech was entered into the Britain in Bloom category and what they have achieved is tremendous.

Three awards were received:

**RHS Britain in Bloom Community Award** - Centenary Green, Wisbech

**RHS Britain in Bloom Community Champion Award - The Anglia Region** - Penny Stocks for over 20 years of hard work and dedication

**Large Town Award** - Wisbech, Silver Gilt which is equal to Wisbech coming second out of England, Scotland, Wales and Ireland, which is no mean feat.

There has been a fantastic effort by all the volunteers in Wisbech, the Landscape crew and by our own Street Pride, Street Scene and Cleansing teams and of course Bob Ollier, Parks and Open Spaces Manager for all his knowledgeable input. He gave a big thank you from Fenland District Council for all the volunteers from all over Fenland for their multiple successes in this year's Anglia in Bloom.

Councillor Murphy called on Brian Massingham, Chairman of the Wisbech in Bloom volunteers to accept the well-deserved Silver Gilt Certificate.

**42/14**

**OVERVIEW OF THE FLEXIBLE NATURE OF THE LOCAL PLAN FOR THE DISTRICT INCLUDING ISSUES RELATED TO NORTH-EAST MARCH AND THE ESTOVER ROAD PLAYING FIELD**

Councillor Sutton presented the Overview of the Flexible Nature of the Local Plan for the District including issues related to North-East March and Estover Road Playing Field report, stating that this report was important to the council and the local community and wanted to ensure that the facts within the report were clear to all present at the meeting

The Fenland Local Plan was adopted by Full Council on 8 May 2014. From the outset in March 2011 Members were very keen to see a short, pro-growth, flexible Local Plan put in place which would be the main driver to encourage new development in Fenland and provide 11,000 homes and 7,000 jobs in the District up to 2031. Throughout this development, flexibility to encourage and not discourage development was the key aim of the Plan; this approach was fully supported by Members. The adopted Local Plan fully aligns with the original aspirations of Members and has been endorsed by Central Government. Production of the Local Plan involved non-derivative versions dating back from March 2011, these were all subject to consultation on five separate occasions which allowed policies to be defined and reconsidered. The development of the policies also involved Members both informally and at all Member briefings and the community development group and more formal public meetings such as Cabinet and Full Council.

From the outset there were to be no specific allocated sites or area development boundaries around any market town or village which was a radical move from traditional plan making. During its production however, large scale strategic allocations and broad locations were introduced to provide for about 6,500 dwellings out of a total number of 11,000. In order to make up the remaining numbers and because no others allocated sites were to be identified it was important for the Plan to be flexible in terms of where sites would come forward. As a result LP4 Part B sets out that any site of more than 250 dwellings around market towns would be considered as a possible candidate for development as long as all other policies in the Plan such as Local Flood Risk and infrastructure were met. These so called windfalls were to supply about 2,000 dwellings

out of the 11,000; the remaining 2,500 dwellings comprises sixty planning permissions not yet built and dwellings built since April 2011 which was the official start of the planning period.

In May 2013 Full Council agreed to the removal of strategic allocation for 450 dwellings in north-east March however the motion agreeing to its removal did not alter the flexible nature of the plan in that up to 249 dwellings could still come forward for consideration in and around any of the four market towns as long as all other policies were satisfactorily addressed. It was never the intention to alter the flexible nature of the plan at this stage which was fundamental to its purpose but simply to remove a very large strategic allocation from the document. This approach was recognised by the Planning Inspector who examined the Local Plan and referred Members to paragraph 2.34 in the report; this statement by the Inspector which was part of a full report included within the Cabinet and Council papers on the 8 May 2014 when the Local Plan was considered and adopted makes it very clear that at no time did the motion result in a bar to all developments in north-east March and even pointed out that such unplanned windfalls could come forward in the north of March. Following challenge, a legal opinion of the soundness of this approach has since been provided by Counsel; Counsel makes it clear that a suggestion of a complete bar on development in north-east March would be most exceptional, unlikely to be lawful and would have been very unlikely to be supported by the Planning Inspector reconsidering the Local Plan. Members may ask whether there is any way that the policies in the Local Plan can be amended; there is not shortcut to amending any plan in an adoption of a Local Plan. There are regulatory steps that would be taken in which the process may require a complete re-run of the entire Local Plan for the District, could take two to three years and result in a significant cost to the authority. It should also be reaffirmed that it is unlawful to bar development via a planning policy in any specific area. Any development proposal would need to go through a democratic process with consideration given to all the adopted policies.

Overall, to amend the Local Plan itself, it is time consuming, expensive and not without significant risk in that the whole Plan would be up for challenge and such an approach would dictate that the currently approved Local Plan would remain in force until the new replacement is adopted. To reconsider the very recently adopted Local Plan at this stage is therefore strongly not recommended.

An update on discussions between the three tiers of Councils, Cambridgeshire County Council, Fenland District Council and March Town Council - a meeting was convened by the Leader of the Council and held on 5th September 2014 attended by senior members and officer representatives from the three authorities. Various issues were discussed, including the clarity of the Local Plan process along with Cambridgeshire County Council representatives providing their thoughts around the potential vision of some level of housing development to help contribute to the provision of enhanced sports and leisure facilities for the area. Concerns were subsequently expressed by March Town Council, local Member Councillor Peter Tunley and local resident Mr Trevor Watson and a representative of Estover Playing Field Committee, relevant written responses have been given and meetings have been held with certain parties, such responses have been consistent with the information outlined in the report. In the interim the Council has received a request from March Town Council to process the Asset of Community Value application for Estover Playing Field and this was agreed by the Cabinet on 23 October 2014.

In summary, the windfall policy allowing up to 249 dwellings be considered relates to all four market towns and is integral to the flexible nature of the Local Plan. The policy would also be relevant in the north-east area of March however; any proposal to develop an area of public open space such as Estover Road would also need to satisfy the strict criteria of paragraph 74 of the LPGA in relation to loss of open space and any compensation that might be required as a result. Finally, no formal planning application has been received for land in the north-east area of March. Should any application be submitted, the Council would assess each proposal on its own merits, taking all policies and considerations into account any such proposal would also be subject to a full consultation and stakeholder engagement process.

Councillor Sutton stated that he trust this information would provide an update on the current situation and asked that the findings be noted as set out in the report.

This was proposed by Councillor Melton and seconded by Councillor Clark.

Councillor Melton explained that although he had stated at that the previous Full Council meeting was the last one he had intended to attend that he felt so strongly about this issue that he felt he should attend and contribute to the debate. He stated that he would like to endorse every single word that Councillor Sutton had read out as that was as he understood it when he moved the Motion, when he drove through the Core Strategy which in turn was endorsed by the Planning Inspector and commented upon personally by the Secretary of State as one of the best and robust Core Strategies that had ever been written and at that time was one of the few that had been written. He stated he found it insulting that the emails were circulated to his fellow Conservative Members that make a point that they have not read or understood or that it was rubbish or that it should be ripped up. The endorsement has come right from the top and this should be remembered and Members should not be using social network sites and outside bodies to criticise this council.

Councillor Melton stated he had been fully aware of the Windfall Policy which has been in used by this Council, developers since the 1980s; these are sites that come forward that are not necessarily in the District Wide Plan or the emerging Core Strategy and the Planning Committee have to weigh up what the advantages are to the community in allowing these to be approved. In many cases they are approved and in Chatteris, Councillor Melton stated he had built 56 houses on windfall sites because it was unallocated and this was to provide affordable homes to the community and this has gone on for years and this is nothing different, 250 is nothing different but what is different and so annoying is that it is being cynically exploited by a body that should know better and is trying to ride rush shod over the elected members who have made that decision. He stated he could understand a developer coming forward and trying it on but a public responsible body should know better.

Councillor Melton stated that when this went through previously, there was one key aspect which was the lack of infrastructure in Station Road which made him think hard and move the amendments that he had. He stated that Councillor Curtis used the same argument to turn down the Drybread Road application on 17 March 2010; these are exactly the same arguments that would be used if anyone puts in a planning application in north-east March because although the Core Strategy replaced the District Wide Plan the same spirit remains.

Councillor Melton explained that a public body has a duty to consider the well-being of the community but also has to look at getting best value for the council tax payers. He stated he realised that Cambridgeshire County Council were strapped for cash and could understand their proposal if there were no other way forward but they are the freeholders of substantial tracts of land around March; particularly to the west of March which is allocated and could be brought forward. He stated he was on record of having discussions with the two previous leaders of Cambridgeshire County Council, their Chief Executive and Alex Plant to advise them that if they wanted capital receipt then to bring this land forward first, its beside the bypass, the infrastructure is there, Fenland could do with the Section 106 monies and the County could do with the capital receipt. There were three major developers after that land and Cambridgeshire County Council would not talk to them but the market has now changed and he suggested that Cambridgeshire County Council went back to talk to the development industry and sell that land so that it becomes a value to the community.

Councillor Melton added that Councillor Sutton had stated that if this was dragged out then it would be a significant cost to the Council which in turn is a cost to the people of Fenland as this would be council tax money; if the Core Strategy is put to one side then it could hold up significant

development within Fenland for five years, which would mean no new homes bonus, no Section 106 monies therefore it is essential that Members endorse this report. Cambridgeshire County Council in this instance is being at best naive and at worst totally destructive.

Councillor Tunley stated he had listened to Councillor Melton and endorsed most of what he had said and then stated he would go through the report and mention certain items within it:

- the report had been prepared in hindsight and appears to be playing catch up;
- 2.4 states that this was a radical departure from conventional plan making; were Members aware of this as he didn't think they were;
- 2.6 Policy L4 of the Local Plan, now referred widely (and informally) as a windfall developments; where does an LP4 refer widely to windfall, he didn't think it did;
- 2.8 states, in effect, Fenland was proposing a 100% windfall approach to meet its planning target. This was a unique proposal nationally but embraced by all Members; was that the case, did all Members embrace what we are now being told is a radical and unique approach to the Plan or was this statement made in hindsight, do we really want this Council to embark on this experimental approach towards plan making in Fenland;
- 2.9 states the flexible nature of the Plan enabled any site to be potentially considered for development; were Members fully aware of the true implication of this statement given that Members are being told in this report that any land in Fenland could be subject to any application for up to 249 dwellings; can Members honestly say that they were fully aware of the implications of what they agreed;
- 2.13 refers that the phrase "windfall" was not specifically used but instead the phrase "Policy CS2 Part B sites" was used; what does this mean and where is this specific policy and plan;
- 2.14 Policy CS2 was renumbered CS4, and Policy CS4 Part B; how was this simplified;
- 2.14 states it was also clarified for the first time the 250 threshold for strategic site allocations;
- 2.15 states large scale housing proposals were 250 dwellings or more, and thus by default small scale sites were less than that; are Members expected to accept that statement "thus by default". By making that statement officers are accepting that Members were never advised that windfall could mean an application of 249 dwellings on any land in Fenland and that legally applications would have to be considered; is that sufficient information, did Members understand that by default they were agreeing to the possibility of planning applications or maybe a windfall development;
- The Inspector's Report found the Plan to be sound and recognised the radical approach and the importance to the windfall element as being integral;
- The Inspector will analyse what is presented before them and they will take on face value what they are presented with. The Inspector may have found it sound but does that mean the information presented to them is correct in every way. For example, did Members agree to the Plan having all the information available to them before it was presented to the Inspector;
- 2.41 states reasonably interpreted there was never intended to be any geographical restrictions on windfalls which indicates they could be anywhere; that is indeed inherent in the very nature of a windfall. What we are in dispute with is the interpretation that suggests that there could be up to 249 dwellings that clearly is out of step with national indication.

Councillor Booth stated that he had issues with the report and some of the statements contained within it. He thought it was somewhat selective in some incidences and was concerned with the nature of how the report was written. He was also concerned about the point that Councillor Sutton had made whereby he stated that it was fully supported by Members as this Local Plan has not been fully supported by all Members through the whole process as he has often raised concerns regarding elements of the Plan. He stated he was one of the first to raise concerns regarding Estover Playing Field being in the consultation documents and that he did raise the question that there was a lot of opposition from it and at the Overview and Scrutiny Committees where it was first discussed. Councillor Booth stated he has also raised concerns about the

consultation exercises undertaken and that the numbers that set out the clear parameters were removed which was against the majority of the consultation comments, particularly in the rural areas; this was just an indication of why this policy is not as robust as it should be.

Councillor Booth stated his concerns:

- regarding the fact that Fenland is saying it has a windfall policy in LP4 Part B, of which he read out to Members and asked how many times that mentions windfall sites; it does not mention it. Other Councils have specific windfall policies and special planning policy documents that cover this process; is Fenland saying that theirs is based on two paragraphs where it does not even mention the word windfall which is not appropriate;
- he read out what windfall guidance was from the Planning Policy paper and explained that it states the allocations are not identified but it does not mention the scale but it does state these are normally previously developed sites and the discussion today is about a site that has never been developed therefore are Fenland saying that their policy would allow this as he did not think it should;
- regarding scale, other Council websites state the following:
  - Dartford - 1 to 4 dwellings
  - Tunbridge Wells - normally 48 per year
  - Plymouth - 1 to 5 and 5 plus
  - Peterborough City Council - 114 properties per year
- These scales are way out of keeping with what Fenland say is acceptable with their Local Plan
- Policy normally has either a positive or a negative obligation on someone, policy is not normally set by default. If this policy is looked at with the definition set by Officers then it could be said that out of town planning is perfectly acceptable with large scale supermarkets which the policy framework states is not sustainable development therefore stating that the policy is acceptable as it sets a default. You have to guess as it does not specifically state that windfall sites would be for sites not previously identified for up to 249 properties; which is the crux of today's issue - how open and transparent the Council have been for all to understand the policy. It talks about broad strategic locations only;
- The Legal opinion seems to be a little selective because the Motion that went before Council previously, stated that the windfall should be allocated to the rest of March, which implies that north-east March is not included which Legal Counsel seem to have missed out, we have paid for legal opinion and they have missed out a key word;
- It is fair to say that Councillors were not aware of what the windfall policy was and therefore this needs to be looked at again; with a specific windfall policy being the way forward from this. It was always part of this Plan that policies could be brought forward to cover specific issues and this needs to cover windfall because this does not just affect the Estover Playing Field, this could be applied to the rest of the district.

Councillor Booth stated with what was claimed in the report and the omissions the report cannot be support . In the report that went to Council on 30 May 2013 it stated:

- 1.15 that the Council no longer supported development in this area and specifically talked about north-east March; this paper supported the Motion therefore that is what Councillors based their decision on
- 1.26 states that the north-east March site is the least sustainable therefore from a policy perspective it said there should not be any development in this area;
- 1.32 states that one element of risk with the allocation of north-east March always was the issue of the playing fields, and the potential loss of them and whilst the Core Strategy as currently written strives to enhance such facilities, Members may feel that, on balance, the risk of loss (part or whole) of such facilities cannot be completed mitigates through policy

and therefore, on balance, would prefer to not allocate the site and not risk the loss of the important facility - this is a key element.

Councillor Booth concluded by stating that Council should not accept the report in its current state and moved that a specific policy document should be developed that would cover windfall development in the future which can be done as part of the Local Plan.

Councillor Mrs Newell stated that the Review Team first discussed this in June 2011 and therefore Councillor Booth has had plenty of opportunity to bring his points forward, there have been various Cabinet and Council meetings and he has never brought these issues up until now. Councillor Booth expects the Council to go back to square one and spend a significant amount of money when he has had ample opportunity to bring these points up. This document went before the Secretary of State and cannot be over-ruled and as far as she was aware there were no plans in for Estover Road and when those plans are submitted, then that is the time to discuss yes or no, not now.

Councillor Booth stated he wanted to move a motion to suspend standing orders to enable a full and frank debate, this was seconded.

The Chairman asked for a vote on the Motion to suspend standing orders; the Motion was defeated.

Councillor Jolley stated that he thought the Motion that Councillor Booth had put forward was for the Council to bring forward a policy on windfall. The Chairman stated there was a section following this item whereby a Motion is to be brought forward so he proposed to take a vote on the recommendation from the report and would look at the Motion later.

Councillor Melton wound up by saying he was quite happy and still was to propose the statement put forward by Councillor Sutton as it was absolutely right and robust and the inference again that all Members were thick and did not understand it he found totally insulting.

The Chairman asked all those in favour of the recommendation being noted.

Councillor Booth stated his amendment was for the Council to take forward a specific document regarding windfall to which the Chairman suggested this go forward under the item whereby Councillor Tunley puts his motion forward.

Councillor Booth insisted that he had moved a motion and this was seconded, the Chairman asked who was in favour of this motion to which Councillor Booth asked for this to be a recorded vote.

Councillor Garratt asked for clarification of the Motion being proposed to which the Chairman asked Councillor Booth to read out which Motion he was proposing. Councillor Booth explained that Members had the recommendation from the report and was asking that this Council takes forward and sets in motion a special policy document to cover windfall development within the Fenland District Council area; this was seconded by Councillor Patrick.

Councillor Tierney asked if the officers could clarify if that Motion was actually allowed to which Alan Pain, Monitoring Officer, responded stating that he would like to provide some guidance and clarity about these issues and explained that an advice note had been prepared in readiness for Councillor Tunley's motion but given the nature of Councillor Booth's motion that has now been brought forward then this would be the right time to bring this advice note to the attention of Members and then read through the note stating:

The following five points are intended to reinforce some of the detail which is contained in the summary report at Agenda item 13. Any motion should be considered against the following points:

1. There is no 'short cut' to amending any policy in an adopted Local Plan and no motion today could achieve this.
2. To revisit the local plan with immediate effect on the basis that it should bar or significantly alter any development in north-east March would not be lawful.
3. The process for any policy review may likely require a complete re-run of the entire Local Plan for the District and would take a significant period of time (perhaps 2-3 years) and incur further significant costs.
4. It should be remembered the currently approved Local Plan will remain in force until an amended version is formally adopted, following a comprehensive process of consultation and engagement. Any applications for development received during this interim period would need to be considered against the current Local Plan. Applications have to be considered in accordance with the development plan unless material considerations indicate otherwise.
5. Any development proposal for Estover Playing Field site would have to be fully assessed against both the National Planning Policy Framework and the other policies of the Local Plan, including to the impact on public open space provision in the area. In addition the full planning process would have to be adhered to, including comprehensive public and stakeholder consultation.

He stated that in his role as Monitoring Officer, he would advise that Members are mindful of this note to help inform their discussions and before making any decision on the Motion before them.

If Members are minded to revisit the Local Plan, officers' recommendation would be for Members to allow Officers to go away and work up a detailed report setting out the relevant issues to bring back to Full Council.

The Chairman now stated that a vote would be taken to note the recommendation of the report given by Councillor Sutton.

Councillor Booth stated he wished to move an amendment to which the Chairman stated he could but it would need to be seconded.

Councillor Garratt asked if Councillor Booth could explain what his motion or amendment was again for clarification to which Alan Pain confirmed that the amendment to the Motion was:

- This Council to set in motion steps to take forward a policy for windfall development in the local area

Councillor Booth stated this was correct and that it would be a supplementary policy the same as the renewable energy document and development in high environmental areas.

Councillor Patrick seconded the Motion.

The Chairman then stated that the Motion was now open for debate.

Alan Pain stated this was a very complex subject and therefore it was important that the Council is very mindful of the advice note that had been given earlier.

Councillor Cornwell asked if Members could be absolutely clear that what was being proposed is actually achievable.

Councillor Tierney stated he thought Councillor Booth's Motion could be handled without changing the Plan but remaining within the scope of the plan; would this be allowed to which Alan Pain stated these were complex issues and his advice was that to revisit any aspect could involve

re-opening the entire plan and it was very hard to decide to do this on the spur of a Council meeting, which was why the advice note had been given out.

Councillor Mrs French stated she was concerned with what had been discussed and it was her understanding that when the Core Strategy was originally looked at in 2010/11 Members were told this would eventually be a fluid document and could be revisited as and when needed therefore was the advice just given was incorrect.

Councillor Booth clarified that what he was asking for was a supplementary planning document which a couple have already been issued for other specific areas and that Members had been informed that these could be developed; he was not asking to amend the Local Plan but for another supplementary document to sit on top of the Plan containing more context as to what was acceptable within a windfall development.

Councillor Sutton stated that supplementary planning documents that Councillor Booth has referred to were referenced within the Local Plan which stated they would come forward therefore that was expected. He stated that Councillor Booth was suggesting that Members should go against the legal advice they had been given which would not be lawful and therefore this would place the Council in an awkward position if the Motion went ahead.

Councillor Mrs French stated she did not think her question or other Members' questions had been answered and reiterated that when Members first looked at this in 2010 they were told that when it was appropriate it could be looked and yet now Members are being told this cannot be done for three and a half to five years; this was incorrect.

The Chairman again referred to the advice note given to Members stating that if Members are minded to revisit the Local Plan, officers recommendation would be for Members to allow officers to go away to work up a detailed report setting out the relevant issues to bring back to Full Council.

Councillor Owen stated that if this route was followed then the basis of how the Core Strategy had been built up was incorrect as Members had been told at the outset that it was a fluid document that could be added to or detracted from at any time and now there is legal advice stating that the information given then is wrong.

The Chairman replied stating that all points voiced at today's meeting had been recorded and taken into account but there was still the issue of the report given by Councillor Sutton.

Councillor Mrs French stated that questions had been asked and Members wanted answers to them to which Alan Pain responded stating that the reality of the questions were complex which rely on interpretations of planning policy and legal advice and therefore it was not possible to furnish Members with the answers as today's meeting. He asked Members again to read the advice note given out earlier that recommended Officers go away to work up a detailed report setting out the relevant issues to bring back to Full Council; he stated this was his recommended approach for Members to take, as Monitoring Officer, to help Members through this.

Councillor Melton stated he wished to endorse everything that has been said and that when the Core Strategy was set out there was to be fluidity in its approach and he thought the advice given by Alan Pain was absolutely correct; there is not the time to move the motion and accept it without proper and full consideration to what could be a very complex and very expensive issue. He therefore asked the Leader, through the Chairman, to instruct officers to go away and bring that report forward to Cabinet and subsequently to Full Council to enable it to be properly debated and voted on. To show the way forward, including the costs, complexities and the ramifications it could have for this Council but above all for the community in Fenland.

Councillor Yeulett stated he would completely support Councillor Melton and if that was a proposal

he would second it; this would mean that Members were not committing to anything but instead asking officers to go away and come back.

Councillor Connor also stated that if that was a proposal then it would suit most of the Members as the Council do not want any extra costs.

Councillor Cornwell stated discussions had moved on from his earlier question and felt that if Members tried to make a decision today it would be extremely unwise other than to decide to take a look at this again further therefore accepting the recommendation of officers.

Councillor Melton formally put forward his motion which was then seconded by Councillor Yeulett.

Councillor Booth again stated that he had already put a motion forward that had been seconded by Councillor Patrick and therefore should be voted on.

Councillor Tunley stated that the Core Strategy does not specifically mention windfall and the report today makes no specific reference to windfall, it is only referenced by default and therefore people do not understand. He explained that Members were not made aware of the full implications of what was meant by windfall and he supported Councillor Booth's Motion as to have that detail from officers would be very helpful.

Councillor Booth stated that what Councillor Melton had said would go some way to what he would like to see happen and therefore welcomed it but he disagreed with officers about the fact that supplementary planning documents cannot be taken forward because that had happened already. He supported Council Melton's motion as long as it included looking into supplementary planning documents covering windfall.

The Chairman clarified that Councillor Booth had now withdrawn his motion and the motion to be voted on now was Councillor Melton's which was " If Members are minded to revisit the Local Plan, Officers recommendation would be for Members to allow Officers to go away and work up a detailed report setting out the relevant issues to bring back to Full Council."

Councillor Booth asked if Councillor Melton would be willing to include the feasibility of a supplementary planning document on windfall. Councillor Melton responded stating his proposal was very broad based and he was sure that officers would bring back all the information required to make an informed and proper decision; this was seconded by Councillor Yeulett.

The Chairman asked for all those in favour of Councillor Melton's proposal. The vote was taken and the Motion carried.

**MOTION CARRIED - If Members are minded to revisit the Local Plan, Officers recommendation would be for Members to allow Officers to go away and work up a detailed report setting out the relevant issues to bring back to Full Council.**

**43/14            MOTION SUBMITTED BY COUNCILLOR TUNLEY REGARDING FENLAND CORE STRATEGY**

The Chairman stated that prior to calling Councillor Tunley to present his Motion regarding the Fenland Core Strategy he wanted to take the opportunity to remind all Members on the Rules of Debate.

There should be no speeches until the Motion is seconded. Whilst he would endeavour to enable all Members who wished to speak on these items to express their views and debate the matter fully, he reserved the right to enforce the formal rules of debate, should it become necessary. He reminded Members that the general rules of debate limit Members to a speech of no more than 5

minutes, Members should generally only speak once on an item save to comment on amendments to a motion, or to exercise a right to reply.

He called upon Councillor Tunley to present his motion.

Councillor Tunley stated:

"On 30th May 2013 Council decided to remove the March North East Housing Allocation from the Core Strategy. At that meeting the Motion, presented by Councillor Alan Melton (former Leader of the Council), was clear in its intention to remove the March North East Allocation. No reference was made at that meeting to windfall development in that allocation. In fact the Motion approved by Council stipulated that the windfall allowance (ie housing coming forward on unallocated sites) be increased for the rest of March by 250 homes, from 350 to 600.

No reference was made either to having a flexible approach to unallocated sites where developers/landowners could submit application of up to 249 dwellings. What the Motion did do was to increase the notional target for the number of homes coming forward at the broad location for growth at south-west March from 300 to 500.

We all understand what is meant by windfall development, and to be clear, "it is unforeseen development small in numbers that comes forward from time to time over the Plan period 2031" and that is not the issue, but it is certainly not major development of up to 249 dwellings in one application. The interpretation by officers, which appears to be supported by the Leader of this Council, is contrary to the spirit and intention of the Motion submitted and approved unanimously by Members (apart from one abstention).

I move that this Council reaffirms its decision made at Council on 30 May 2013 (Minute 12/13 refers) and hold to the spirit of its intention and officers be so instructed."

The Chairman stated that prior to accepting a seconder to Councillor Tunley's Motion and opening up the matter for debate, he wanted to draw to Members attention the briefing note which was circulated earlier which was intended to help inform discussions. He called upon Alan Pain, Corporate Director, Monitoring Officer to present the note. The Monitoring Officer referred to the note that had been presented to Members earlier, and its intention to give Members helpful advice and guidance, the five detailed points and the closing paragraphs.

Councillor Skoulding seconded the Motion.

The Chairman now declared the debate open.

Councillor Yeulett asked for clarification that the Motion was contained within the sentences. "I move that this Council reaffirms its decision made at Council on 30 May 2013 (Minute 12/13 refers) and hold to the spirit of its intention and officers be so instructed." Councillor Tunley confirmed this was the Motion put before Members and also asked that a recorded vote was made on this Motion.

Councillor Yeulett proposed an amendment to the Motion stating:

- "I move that this Council reaffirms its decision made at Council on 30 May 2013 (Minutes 12/13 refers)."

Councillor Mrs Bucknor asked for clarification from the Monitoring Officer stating that Members were told regularly that this would be a flexible document and was this the case now because of what had arisen regarding Estover and that officers had taken further advice from the Queen's Counsel and are now saying that it not a flexible document. Alan Pain responded stating that the

thought it best that the relevant professional officers referred to that question in the further report that was agreed under the previous agenda item; therefore that point would be encapsulated in their report.

The Chairman asked if there were six Members that would agree to a recorded vote, as requested by Councillor Tunley; it was decided that the vote would be recorded.

The Chairman called upon Councillor Yeulett to speak on the amendment.

Councillor Yeulett stated his proposed amendment and moved that this Council reaffirms its decision made at Council on 30 May 2013 (Minute 12/13 refers); this was seconded by Councillor Melton.

The Chairman opened the amendment for debate.

Councillor Mrs French stated she did not have a problem with the amendment but she would like to know what was meant by "and hold to the spirit of its intention and officers be so instructed" in Councillor Tunley's motion. The Chairman stated that it was just Councillor Yeulett's amendment that was now open for debate and not Councillor Tunley's motion.

Councillor Melton stated that it had given him great pleasure to second Councillor Yeulett's motion as he had moved the original motion last year. He stated he would like to make it clear that this had been brought to his attention when he was Leader of the Council and with great concern from Councillor Tunley and other Members that this had not been thoroughly debated but it was adopted by Cabinet, adopted by this Council and it was endorsed by the Secretary of State via his Inspector and it was quite clear that Members of Council, in particularly March Members, wanted this deleted from the Core Strategy for all the reasons set out at that time and with the present infrastructure nothing has changed. He added that he had seen a lot references made to the railway line and the effect that the increased traffic was having on places such as Whittlesey and others; the same criteria applies to Station Road, March as there is not the capacity for major development in that area of March until the County Council build a relief road and a third river crossing; that was the crux of the amendment at the time which was carried by the Council and is still supported by Members. He stated he was happy to stand by this amendment and urged all his fellow conservative members, particularly all the March Members, to reaffirm what Members agreed months ago.

Councillor Yeulett stated he supported Councillor Melton as it supports the flexibility of the Local Plan which had the agreement of Cabinet and Council and was endorsed by the Secretary of State via the Inspector and on that basis he wished to move the amendment.

Councillor Booth asked for clarification as to why Councillor Yeulett wished to remove the last part of the sentence of Councillor Tunley's motion to which Councillor Yeulett stated it took away the ambiguity. Councillor Tunley stated that he could not understand what was so offensive about the last part of his motion.

Councillor Tierney stated he was glad that the amendment has been put forward by Councillor Yeulett as he could not have voted on the original because it was too vague, officers are not mind readers; the motion needs to be clear.

**The amended motion from Councillor Yeulett was AGREED.**

**The vote was recorded as requested by Councillors Bucknor, Mrs Bucknor, Booth, Patrick, Skoulding, Tunley and Keane.**

**In favour of the amendment - Councillors Butcher, Chambers, Clark, Connor, Cornwell, Mrs**

Cox, Garratt, Hodgson, Hoy, Humphrey, Jolley, King, Mrs Mayor, Melton, Miscandlon, Murphy, Mrs Newell, Oliver, Owen, Quince, Seaton, Stebbing, Sutton, Swan, Tanfield, Tierney and Yeulett.

Against the amendment - Councillors Booth, Bucknor, Mrs Bucknor, Keane, Patrick, Skoulding and Tunley.

Abstentions - None

The amendment became the substantive motion which was then voted on as follows:

In favour - Councillors Butcher, Chambers, Clark, Connor, Cornwell, Mrs Cox, Garratt, Hodgson, Hoy, Humphrey, Jolley, King, Mrs Mayor, Melton, Miscandlon, Murphy, Mrs Newell, Oliver, Owen, Quince, Seaton, Stebbing, Sutton, Swan, Tanfield, Tierney and Yeulett.

Against - Councillors Booth, Bucknor, Mrs Bucknor, Keane, Patrick, Skoulding and Tunley.

Abstentions - None

**44/14** **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 Councillor as follows:

- He had asked on a number of occasions mainly to Councillor Murphy as to when there would be a newsletter issued by the Council to cover the rural parishes as the existing newsletters only cover the towns, even though it had been intended to cover the whole of the District. Councillor Clark responded stating that the four newsletters were developed to provide Town Councils with a regular update about the local community support being provided by FDC relating to Environmental Services. The town newsletters now include information relating to activities in surrounding villages. For example the November reports included information concerning Elm, Friday Bridge, Coldham, Christchurch, Tipps End, Doddington, Benwick, Manea, Wimblington, Turves, Coates, Eastrea, King's Dyke, Elm and Wisbech St Mary. However, it is not felt that publishing a separate newsletter specifically for villages would provide additional benefit. The four newsletters are currently emailed out to the town clerks and FDC Members each month and we will also ensure that they are distributed to all parish clerks. In terms of the newsletters going forward, the Council will be consulting over their further development over the next few months, including moving to a single 'fenland wide' update rather than town specific issues. Councillor Booth suggested that this is taken forward, with a section for each of the parishes because at present the way parishes are reported is very 'light touch' and centres on the towns and this gives the impression that there is not much done by the Council in the villages. Councillor Clark responded stating he covered that in his response and reiterated that consultation will take place regarding the further development and there is a possibility that parishes will be invited to give their input into the single newsletter.
- Can it be confirmed when there will be information provided to the rural parishes on street lighting? We are now at another Full Council meeting and still no information has been forthcoming. When will the proposal for presenting to the rural parishes on help that Fenland District Council is willing to offer be made available? Very shortly the parishes will commence on their precept setting process. Councillor Clark responded stating that he could not give a definite answer and he realised that Councillor Booth would find that frustrating but he gave his assurances that the portfolio holder for finance felt the same way; Balfour Beatty have changed the way in which they categorise the lights and how they are reported. But he could rest assured as the Council also requires this information to enable

a budgeting process to take place and therefore appreciated Councillor Booth's urgency on this issue. Councillor Booth stated that the length of time this was taking was extremely frustrating and asked that every possible avenue be taken to resolve the issue; was the Council engaging with County Council and the local MP as Balfour Beatty is providing the renewable programme for the PFI. Councillor Clark stated that he did not disagree with the points that Councillor Booth was raising but could only reaffirm what has already been said but the Council was doing its best to resolve this;

- Councillors will have received a briefing on the research indicating that CIL's are not viable for Fenland. This is to be discussed at the 20 November Cabinet, full Council on the 26 February, should an SPD be drafted on revised S106 contributions. As the implementation of a CIL is such an important topic should it not be presented to Full Council to discuss in December, before a decision is taken not to adopt CIL's. Councillor Clark responded stating it was not required that such a potential decision not to implement CIL is a Council decision. If the Council were adopting a CIL schedule then this would certainly be considered by Council as it would in effect be a new planning policy. This is the reason for Council considering the proposed Developer Consultation SPD, which is in effect a new policy, following Cabinet consideration and subsequent public consultation. Councillor Booth stated this was very important and all Members should have the opportunity to debate the issue to which Councillor Clark stated that as a Council this had already taken place at a seminar whereby it was clearly explained. Councillor Booth stated he was unable to attend the seminar and it was not in the public arena to which Councillor Clark stated he agreed that this was not in the public arena but when the issue is taken to Cabinet it will be explained and minuted but he could not see the point in bringing it to Full Council when it had already been presented to Members on 23 October 2014. Councillor Clark stated he was happy for Councillor Booth to have a private briefing on this issue; Councillor Booth stated he thought this was a serious matter that should be debated in the public arena. Councillor Clark stated he disagreed with Councillor Booth and that he still saw no reason for this to be debated at Full Council. It had been clear that the viability study showed there were not enough margins in Fenland to introduce CIL; if Fenland did introduce CIL it would cost in the region of £100,000 per year to implement with the income not even covering the cost of implementation. It was very clear from this that Fenland should not implement CIL;
- Could the Leader confirm how much it cost this Council to obtain Queens Counsel's opinion for agenda item 13 and could he confirm why he spent taxpayers' money obtaining an opinion, when Officers should be able to perform this task, on interpreting the Local Plan? Councillor Clark responded stating that various comments had been made that Councillors had not had the correct information to make an informed decision, that Councillors were not clever enough to read the papers and make a decision, there was opinion that Councillors had been misled; Councillor Clark did not think he was qualified to answer these questions and there was unfair criticism of Officers who had given a full account therefore he felt the need for a completely independent report to know exactly who he was going to support. The cost of that advice was £1050 and if he was faced with the same problem again then he would take exactly the same route. Councillor Booth stated that Queens Counsel would normally only be used if facing litigation although he did understand why he might take that route but that he should also use officers skills to avoid these costs as there are budgets to be managed. Councillor Clark responded stating that looking at saving money was mainly what this Council, Cabinet and officers are exercised in finding savings daily but that he still maintained that expert advice was needed.

**45/14 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 Bucknor asked Councillor Tanfield; with regard to the post of Wisbech Ambassador that had recently been created:
  - did she make the decision herself to create this role?
  - was she planning on consulting full Council?
  - would this be rolled out to other towns;
  - what expertise does this ambassador bring?
  - does the role have any allowance or a cost to the Council?
  - are there any terms of reference?
  
- Councillor Tanfield responded stating this role was set up by the Tourism Board due to people wanting to attend different meeting which had proved difficult; as a Tourism Board it is essential to be able to engage in other meetings. It was only at the previous Tourism Board Meeting that the decision was taken to create this post which is currently being carried out by Councillor Hodgson for a trial period, with no allowance, funding or wages involved and is therefore still in a process of deciding how long the trial period would be but after the next Tourism Board meeting she would update Councillor Mrs Bucknor further.
- Councillor Mrs Bucknor stated that Councillor Clark had promised openness and transparency when he took the role of Leader in May and asked when this would start as Wisbech 2020 had highlighted the importance of Community House and yet a few days later Cabinet papers were recommending it's closure. As local councillors whose residents will be seriously affected by this and in the spirit of openness and transparency why was this not discussed. Councillor Clark responded stating that both Councillor Mrs Bucknor and her husband decided to go away for a whole month on holiday and left the Waterlees ward with no Councillors. He added that with regard to Community House, Councillor Mrs Bucknor had jumped to the wrong conclusion that Community House would be closed, this was never the case; it was agreed that a consultation would take place regarding the future of Community House. He believed that Councillors Booth and Oliver attended an emergency meeting regarding Community House and spoke to the Waterlees residents; Cabinet also visited Community House and were shocked as they had spoken to children outside who had informed them they were not allowed in until they were eight years old or older. Councillor Clark explained that Community House was started by County Council funding with Roddons running their services from there but then County Council withdrew their funding and Fenland District Council picked up this; Roddons then withdrew their funding and moved to a house around the corner. He stated that Fenland District Council were now out to debate on Community House and it has not been decided that it would close; in fact, he had spoken with the Chief Executive yesterday after a meeting, there were encouraging signs that Fenland may have found a way forward but it was too soon to confirm this; Community House is within walking distance of the Oasis Centre so some services could be supplied from there but he hastened to add that presently there had been no decision taken whatsoever on Community House. Councillor Mrs Bucknor responded asking why had they not been consulted, even though they had been away on holiday, they were still accessible to which Councillor Clark reiterated that no decision has been made to close Community House and that he had not called any other Wisbech Councillor; they were all informed via the Cabinet papers. This was currently out for consultation and there are many possibilities that could come forward.
- Councillor Bucknor stated he resented Councillor Clark's comments and that they had been able to look after their ward whilst they were away. He asked why ward councillors were not brought into discussions regarding major policies and decisions; he felt this had been done underhandedly and had still not received the answer as to why Councillors are not advised when major issues are being discussed.
- Councillor Stebbing asked Councillor Oliver a question regarding CCTV stating that the cameras in Whittlesey town centre not only benefitted the residents or anyone else moving around the town but they also had a dramatic effect on the businesses; they can operate

safely knowing that they are there but there is no funding from these businesses. Is there something that Fenland is missing, should there be a yearly contribution from them to which Councillor Oliver responded stating that businesses had been approached in the past, with some willing to subscribe to the CCTV, but some not. He agreed that the big businesses should contribute and as part of the improvements to CCTV this would be looked into. Councillor Stebbing stated he hoped this would come to fruition as presently the only contributors outside of Fenland District Council were the Town Councils, the police do not contribute or anyone else and he felt that residents were already paying via council tax and therefore the local businesses should contribute. Councillor Oliver explained there were other partners that contribute to CCTV; it was not just the Town Councils and Fenland District Council.

- Councillor Humphrey stated following the Cabinet decision earlier in the year where the decision was made to scrap the concurrent functions grant scheme due to the unfairness of the old scheme but following a consultation there are now plans to reinstate part of that. He stated he did not have a problem with this and he believed all the parishes have covered the shortfall by adjusting their precepts but he was concerned as the original scheme of allocation was drafted forty years ago and over this time the scheme has changed. If the £41,000 that is distributed based on council tax, the average would be £5.83 but if the old system of distribution was reverted to then some parishes would receive £10.12 against the worst off parishes receiving only £2.84 and he could see no justification for this therefore his question was; are the Council planning on distributing this money on an outdated, forty year old scheme that has total unfairness and disparity. Councillor Seaton stated Councillor Humphrey was correct and that the Council were seeking to reinstate the concurrent grant; there was a meeting whereby the parishes were invited to take part in discussions regarding the distribution of the grant. At this meeting it was impossible to get a consensus of opinion from the twelve parishes therefore Fenland were unable to move forward with its proposal. Fenland asked if the parishes, between themselves, could come back with their proposals as to how these monies should be distributed. Since then a CALPAC AGM had taken place where he understood that five parishes were represented whereby these grants were on the agenda; following that Fenland had received a communication from Wimblington parish council stating that the consensus of opinion was that they would like distribution as was previously and that other communications would follow from the other representatives. Another communication was received today from Elm and Christchurch parish council who also supported the original communication from Wimblington; Fenland is yet to hear from the other parishes and would like to hear from those who did not originally respond, or did not attend the CALPAC AGM. Councillor Seaton stated that he did not think this would result in a situation whereby every one of the twelve parishes would agree on the distribution and therefore there would need to be a compromise. This compromise would be that if a better way of distribution is not forthcoming then the only way forward is to revert back to how this was previously carried out; he realised that this was now out of date but unless a proposal is put forward that is acceptable to the majority then it cannot be changed. Councillor Humphrey stated he was hardly surprised that Wimblington agreed to the old distribution model as they were the parish receiving £10.12 and that personally he could not see why the distribution could not be based on council tax. If this is replaced with the old scheme then money will be handed out without checks being carried out as to how it is being spent; could Councillor Seaton give his reassurance that a better alternative will be looked at so that an out of date and unfair system is stopped. Councillor Seaton responded stating he could not give a definitive answer as no decision had been made but regarding the question that Councillor Humphrey had posed about having another layer of bureaucracy to check on spending; he would ask the officers as to whether that was a feasible option.
- Councillor Booth stated he had attend the CALPAC meeting and there were only five out of the twelve parishes in attendance, although all parishes are not members of CALPAC an open invitation had been sent to the other parishes due to this issue and it was thought this would be a good opportunity for discussion. Councillor Booth stated that when the system

was originally drafted, it was around the provision of services of those parishes; it is not the best route to follow as this was a complex issue but being council tax based would mean it would not follow where the services are provided. Councillor Seaton stated he was not suggesting that but that it was just an option that had been brought forward.

- Councillor Melton stated that following the saga of the felling of a tree at 7 Ash Grove, Chatteris; were the policies robust enough to insist that when trees are taken down that they are replaced. Councillor Murphy responded stating these policies were robust enough; unfortunately nothing could be done about the felled tree but there is a sycamore tree there too which now has an injunction on it ensuring the gentleman concerned cannot tamper with it because at presently there is a hole in the trunk whereby he is attempting to kill it. Councillor Melton asked if cuttings from the tree were taken for toxicology testing to which Councillor Murphy stated this had not happened.
- Councillor Melton asked Councillor Tanfield regarding a statement she had made and did she agree with it, "Young people need to learn about the real world and in the real world we are having to make cuts, it's a lesson that they need to learn". Councillor Tanfield responded stating that she did agree with that statement and that she actually spoke to the Youth District Council herself because there are tough choices in life and at some point they have to learn that sometimes there are cuts that have to be made and they have taken this on board and decided to increase their engagement with others to help distribute the money out to those who want it. Councillor Melton stated that when he became Leader in 2002; Councillor Cotterell and himself supported by Councillor Harper, set up the Golden Age which has been extremely successful. Councillor Cotterell, at that time, suggested that the same approach should be taken with the younger people, therefore a grant of £10,000 per annum was set up in 2004 which has been very successful but in economic terms their grant has suffered as the £10,000 has never been increased and if it had risen in line with inflation it would now be £13,797.
- Councillor Melton asked Councillor Sutton, in his excellent presentation of his report he had stated that Council had amended the plan to be flexible and that there were to be no set boundaries around the towns and the villages which reaffirms a policy that Councillor Melton had brought in some time ago which proved very popular and has been emulated by other districts. Was Councillor Sutton aware that anyone that comes forward from outside the old development area boundaries (DAB), planning officers are telling them developers and house builders to go away and surely with that policy, which was stated as being flexible, that anybody that brings forward a development of a house or a couple of houses outside the DAB, providing that it fits in within the environment, should they not be supported. Councillor Sutton stated that if Councillor Melton had specific cases he would like him to look into, then to pass him the relevant information and it will be looked into but through the planning committee similar properties have been approved and been turned down.
- Councillor Melton stated a point of order; that he had heard a remark from the back of the room which he found totally irresponsible and offensive and stated that he did not have to declare an interest for the simple reason that he had never built or tried to build anything outside of a DAB or been involved with any company that has done. Councillor Melton stated he found it totally offensive and wished to make it clear that in future, when those sort of remarks are made he will go to the law and take action against them. The Chairman stated that it was not right that those kind of remarks were made in the Council Chamber.
- Councillor Owen stated that in the past if he had wanted to know if a tree had a TPO or if there were permitted development rights on a property or a piece of land then he would phone up and be told but it has been brought to his attention that in order for this information to be given out now the sum of £90 has to be paid per question; is this true to which Councillor Sutton stated he was surprised at this statement as he has received answers to similar questions and has not been billed but he would go back to the relevant department and ask the question.
- Councillor Booth asked if there could be a set standard to reports to have a consistent view from previous reports to which Councillor Clark stated he would look into this and come back to him. Councillor Seaton stated regarding Councillor Booth's question earlier that

Balfour Beatty had gone through many changes and therefore the information had not yet been received and until a definite answer has been received it would not be prudent to take any action; as soon as the relevant information is received then he would let Members know.

- Councillor Mrs Bucknor asked for an update at the next Council meeting on Constantine House in Wisbech. Councillor Oliver gave a further update stating that Constantine House was in the process of being developed and this was working well, Fenland were awaiting a schedule of works which would include a finish date; he is aware that planning permission will be requested for the ground floor for retail use and upstairs will be accommodation. It is hoped that the roof will be completed by the end of the year and the whole project finished by March next year but as soon as a schedule of works is received he would update Members again.
- Councillor Mrs Bucknor stated that there seemed to be a conflict at the A47 Alliance Steering Group as it appeared that only Guyhirn and pinch points were being discussed yet the Alliance talk about duelling the whole of the A47; what is Fenland's focus on the A47. Councillor Butcher stated that the whole of the A47 was discussed at these meetings and that he had attended a meeting on 7 November 2014 after which there should be a further update available which he would circulate to Members. Councillor Clark explained that he had a booklet that explains about the A47 and it was felt at that meeting that the Norfolk MP and pressure groups were all working better than Cambridgeshire's section; he mentioned this to Ian Bates who was in attendance and this would be looked into.
- Councillor Clark stated, that as a good news story and to show that he had Councillor Mrs Bucknor's ward in mind, that both he and Councillor Butcher had attended an Economy & Environment Committee in Cambridge where an agenda item was proposing to cut £178,000 skills funding from Wisbech and both himself and Councillor Butcher successfully put their case across, with the help of opposition Members and the officers were asked to go away and find other forms of saving that money. Councillor Mrs Bucknor stated this was because of the Committee system in place at County now and asked when Members were likely to see a paper that put forward the pros and cons of Cabinet versus committee; would this be at the next meeting. Councillor Clark stated that the consensus from the seminar that Members attended was that the Chief Executive was to do some further light touch work and to let the next Council decide their means of governance with what was discussed being put on file; Members did not decide to go over to the committee system and was likely to be a twelve month transition.
- Councillor Mrs Newell stated that she had recently been in correspondence with Balfour Beatty as they had been over her land, without permission and ruined an ornamental tree, yet she had received no response from them. Councillor Seaton stated he sympathised with Councillor Mrs Newell but he would mention it to an officer to see if Fenland could get some information back from Balfour Beatty.

**46/14**

**QUESTIONS FROM MEMBERS OF THE PULIC IN ACCORDANCE WITH PROCEDURAL RULE 9A**

The Chairman called upon Peter Taylor to pose his question to Councillor Sutton, Portfolio Holder for Planning and Conservation and gave his sincerest apologies for the length of time he had to wait.

Peter Taylor asked Councillor Sutton :

"If it was possible to cancel or quash the Enforcement Action pending against me so that I can then apply for grant assistance under the Fenland Renaissance Grant Scheme to replace the two UPVC windows on the front of my listed property with traditional timber sliding sash windows."

Councillor Sutton responded stating that he apologised for the length of time Peter Taylor had to

wait and thanked him for the prior notice of his question as it had enabled him to research the issue. The straightforward answer to both his questions was no but he felt it only right that he explained the background to these answers. This issue first arose in 2009, has been through planning committee, through appeal via the Planning Inspectorate and it had been to the High Court therefore Fenland could not quash the enforcement actions. Councillor Sutton explained that Peter Taylor had been through all the systems and had received help and advice from officers over and above what was normal therefore the answer to his first question was no which then meant the second question also had to be no as Peter Taylor's house would not cover the criteria for the Renaissance Grant.

Peter Taylor responded stating there were a number of other properties in Chatteris that received grants on listed buildings and he felt he had been singled out and used as a scape goat by Fenland District Council for six years. Councillor Sutton stated he took on board what Peter Taylor had said but he had continually refused to act in the manner he had been asked. Peter Taylor stated he had tried to negotiate and he had never been given any specification for what windows should be fitted to which Councillor Sutton replied stating that recently the enforcement officers have worked with him on quotes for windows.

The Chairman thanked Peter Taylor for his question and stated he was now free to leave the meeting or stay as an observer if he wished.

Councillor Mrs Newell asked for clarification on this matter. The Chairman suggested that Councillor Sutton and Councillor Mrs Newell meet after the meeting to discuss this issue as this was not a debatable issue.

#### **47/14 ANGLIA REVENUES PARTNERSHIP (ARP) - NEW PARTNER PROPOSAL**

Councillor Seaton presented the Anglia Revenues Partnership (ARP) - New Partner Proposal report.

The report was proposed by Councillor Clark and seconded by Councillor Connor.

Councillor Booth stated that the report raised questions as to why they are at a level of membership at the moment was this because there was a different financial contribution model and would there be any potential impact on Fenland's savings. Councillor Seaton explained that the impact to Fenland would mean that there could be possible additional savings over the next five years, this cannot be guaranteed. As far as the arrangements of the two additional partners joining Councillor Seaton stated he would need additional information but it would be a positive impact, certainly not negative. Councillor Booth stated that a downside would be that Fenland's representation would be diluted which meant Fenland would have less control of direction to which Councillor Seaton responded stating presently there are two representatives and one officer; with the additional two members it may be proposed to limit it to one representative and one officer but he reiterated that there would be no negative effect on the savings for Fenland. Councillor Miscandlon asked what happened if one partner disagrees with a proposal to which Councillor Seaton stated that the proposal would fall as it has to have the unanimous decision from all the Councils. It is thought that seven partners, which is what the number would be if this went ahead, would be the maximum amount of partners wanted but this would not mean that ARP services could not be offered to other councils just not as partners.

**It was AGREED that:**

- **The report be NOTED;**
- **Following agreement of the ARP Joint Committee at its meeting on 11 September 2014; it is agreed that Waveney and Suffolk Coastal District Councils become full members of ARP.**

**48/14**      **ANGLIA REVENUES PARTNERSHIP (ARP) - INTERNAL ENFORCEMENT AGENCY PROPOSALS**

Councillor Seaton presented the Anglia Revenues Partnership (ARP) - Internal Enforcement Agency Proposals report.

The report was proposed by Councillor Connor and seconded by Councillor Owen.

Councillor Mrs Bucknor asked for clarity as there were no figures included within the report of what people would be charged to which Councillor Seaton stated he would find out this information and come back to her. Councillor Mrs Bucknor stated she would like to see some protection because as Councillors she has had to deal with those people who have had to deal with debt collectors to which Councillor Seaton stated again that he would need to come back to Councillor Mrs Bucknor with this information.

**It was AGREED that:**

- **The report be NOTED;**
- **The following the decision of the ARP Joint Committee, that Council gives the Corporate Director and Chief Finance Officer, in consultation with the Leader and Portfolio for Finance, delegated authority to introduce a shared Enforcement Agency for the Anglia Revenues (St Edmundsbury Borough Council, Forest Heath District Council, Fenland District Council, Breckland Council and East Cambridgeshire District Council) Waveney District Council and Suffolk Coastal District Council.**

**49/14**      **FLOODING – HELP WITH COUNCIL TAX**

Councillor Seaton presented the Flooding - Help with Council Tax Report.

The report was proposed for adoption by Councillor Skoulding and seconded by Councillor Clark.

Councillor Owen stated that the three month discount would end today yet a number of people would be out of their homes for at least twelve months therefore could this be looked at again in three months to consider extending the period of discount or was this the end. Councillor Seaton responded stating that this was the end as far as the proposal of this particular report but that he would discuss this issue with officers; three months was considered representative of the numbers applying, with some out of the homes for less time and some for longer and bearing in mind the cost this has to the Council. Councillor Owen stated the Council must seriously look at extending this when possible after due consideration to which Councillor Seaton stated he noted Councillor Owen's comments and would talk to officers regarding any options the Council may have.

Councillor Mrs French asked if it could be guaranteed that this discount was only being paid to those who have not been covered via their insurance. Councillor Seaton stated this had been raised with officers but there was difficulty in obtaining information but it would be looked into.

Councillor Booth stated he was happy to support this recommendation but is there a danger that the Council are not helping those that did not have insurance and therefore cannot move elsewhere, which is a worse situation as they are still living in the same property to which Councillor Seaton stated there could be more people applying for this discount as originally there were 16 claims and now 21; but it has to have been a result of the flash flooding on 8 August 2014 and various checks have to be carried out.

Councillor Mrs Mayor stated that even though this was a flash flood; the Council still need to bear in mind that these people may not be able to get insurance in the future.

Councillor Booth asked if the Council planned to approach both the Environmental Agency and Anglian Water for a contribution due to the fact some of these issues have been caused due to the drains not being cleared to which Councillor Connor responded stating he had been involved in this issue and they are in the process of identifying ownership of land and if necessary he could bring an update to the next Council meeting.

**It was AGREED that:**

- **The report is NOTED;**
- **That a Class of Local Discount is created to allow a 100% discount from Council Tax, and defined as "100% Council Tax discount in respect of properties left unoccupied as a direct result of the flash flooding on 8 August 2014" and that it will last for a fixed period of three months be AGREED.**

Councillor Clark added that he would like to extend a thank you to the Council's partners who have taken some of the cost on board.

Councillor Melton stated that as it has been announced that Alan Pain was leaving the authority and therefore on behalf of the Members and in particular, from himself when he was Leader, thanked him for his work for Fenland, the expertise that he brought and that without him some projects would have been difficult to set up and would not have been as successful and wished him all the success in his future career.

7.35pm

Chairman