

COUNCIL



18 DECEMBER 2014 - 4:00PM

PRESENT: Councillor G G R Booth, Councillor D Broker, Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor T R Butcher, Councillor J F Clark, Councillor S Clark, Councillor D W Connor, Councillor Mrs C R Cox, Councillor Mrs J French, Councillor D Hodgson, Councillor Miss S Hoy, Councillor M J Humphrey, Councillor B M Keane, Councillor S J E King, Councillor K G Mayor, Councillor Mrs K F Mayor, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D C Oliver, Councillor C C Owen, Councillor D R Patrick, Councillor T E W Quince, Councillor C J Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor G Swan, Councillor M Tanfield, Councillor S Tierney, Councillor P A Tunley, Councillor F H Yeulett.

APOLOGIES: Councillor M Cornwell, Councillor S Garratt, Councillor P Jolley, Councillor A K Melton, Councillor D Stebbing

50/14 PREVIOUS MINUTES

Councillor Mrs French asked for her name to be added to the recorded vote under minute 43/14; under "In Favour of the Amendment" and under "In Favour of the Amendment becoming the Substantive Motion".

Councillor Booth stated that minute 45/14, third bullet point, stated that Councillor Clark believed that both Councillor Booth and Oliver attended a meeting, although this has been captured correctly it was factually wrong and Councillor Cornwell and Oliver attended the meeting to which Councillor Mrs Bucknor added that it had not been an emergency meeting but had been a standard Waterlees meeting.

It was RESOLVED that the minutes of the meeting of 6 November 2014 were agreed and signed subject to the above amendments.

51/14 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.

52/14 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Mayor informed Members that:

- The Chief Executive had received three questions from members of the public in relation to Community House. All three questions were received within the required timescales for submission as outlined in the constitution. Members will be aware that the Chief Executive has also received a petition in respect of Community House; as these issues were directly linked and in order to help inform the debate in relation to this matter, Members agreed to schedule the public questions to directly follow the petition.
- A formal written Motion on Notice had been submitted to the Chief Executive by Councillor

Tunley for debate at Council, in relation to the Fenland Local Plan. The Motion was received within the required timescales for debate as outlined in the Constitution and was Agenda Item 11. As the Motion was linked to Agenda item 12 it was agreed that in order to help inform the discussions in relation to the Motion that Agenda Item 11 be moved to follow Agenda Item 12.

- Due to a software issue regarding the papers for Council which resulted in duplicate pages 114 to 117 were to be disregarded.

Carol Service - Councillor Ken Mayor thanked all who attended his Chairman's Annual Carol Service on Sunday 14 December at St John's Church, March; the event was extremely well attended.

Chairman's Christmas Visits - Councillor Ken Mayor thanked all staff who attended the Chairman's Christmas Visits; these were well attended and as a result Councillor Mayor had been able to see lots of staff across different venues in order to wish them season greetings.

Chairman's Afternoon Tea Event - Councillor Ken Mayor stated he would like to give advance notice that he would be jointly hosting with the Chairman of the Fenland Twinning Association, a Chairman's Afternoon Tea at 5:30pm on 21 January 2015, invitations to be sent out in the New Year, with the aim of:

- raising the profile of the Council's twinning links with Germany and Australia;
- seeking to increase involvement in the district's twinning activities;
- increasing the membership of the Fenland Twinning Association and helping it to raise funding for the work that it undertakes on behalf of the Council.

Lastly, Councillor Ken Mayor thanked the Corporate Management Team for providing the mince pies and sherry for all those who attended Council.

53/14 **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 Leaders of the Main Opposition Groups, Councillors Mrs Bucknor and Councillor Booth, put questions to the Leader of the Council as follows:

- Councillor Booth asked if the Leader could give an update after the discussions today regarding the Street Lighting and Parish Council and what the outcome was from Cabinet to which Councillor Clark responded stating that Councillor Seaton would be able to give an exact detail but it had agreed to fund the Category A lights and that Fenland District Council would go back to the Parish Councils to review both the Concurrent Grants and funding therefore this had been deferred for further talks. Councillor Booth asked if this was following the response from Parish Councils on the offer that has been provided and the fact that there has been quite a substantial increase in costs regarding the street lighting that is said to need replacing. Councillor Clark stated that the repairs and categories 1 and 2 had now changed, further responses have been received and also Councillors Humphrey and Connor attended the Cabinet meeting and put their views forward; the Cabinet have taken those views on board and will now carry out extra consultation. Councillor Booth asked as to what timescales were being looked at bearing in mind that Parish Councils are in the process of setting their precepts. Councillor Clark responded stating a letter would be sent to all Parish Councils but it would be necessary to work out their precepts expecting the worst scenario rather than the best; the offer may change or be improved and also Councillor Humphrey had put various suggestions forward that would be considered.

Councillor Booth thanked Councillor Clark and stated that a number of Parish Councils were concerned regarding the dramatic increase in the cost of repairs since the initial estimate and that a quarter of the district lives in rural parishes. Councillor Booth suggested that further work was required on the surveys as he had looked at a couple of lights that had been stated as needing replacing and thought they looked solid therefore they may need maintenance rather than replacement. Councillor Clark suggested that Councillor Booth speak to Councillor Seaton after the meeting for any further details.

- Councillor Mrs Bucknor stated that there were currently 48 homeless families and asked what the cost was to the Council, did this include children and did the Council look at housing these families in Bed and Breakfasts near to the relevant schools. Councillor Clark stated he did not have that level of detail to be able to answer but would get back to her with a written reply.
- Councillor Mrs Bucknor asked for an update regarding Free School Meals as Cambridgeshire County Council seem to be slow in providing information; can Fenland District Council persuade Cambridgeshire County Council for the updated information to enable Fenland to support its schools as Fenland is one of the lowest funded in the whole of the UK for schools and this is often because the people entitled to these and not acquiring them. Councillor Clark stated he did not have the relevant details but would get back to her.
- Councillor Mrs Bucknor stated that the funding has been secured until the end of August 2015, after which it expires, to develop local volunteer networks to support people from Central and Eastern Europe newly arrived in the Fenland area and asked who to contact regarding this, who is promoting it and how are people told about it, who do we direct volunteers to; there is not enough information in the paper to be of any use. Councillor Clark stated he did not have the relevant details but would get back to her.
- Councillor Mrs Bucknor asked who the Warm Homes Steering Committee and if A3 laminated posters could be provided to help inform people that help is available as there was no information provided. Councillor Clark stated again, as there was no prior notice of the question; he was unable to answer but would ensure the information would be forwarded on.
- Councillor Mrs Bucknor asked for clarification regarding the A47 because as far as she was aware, Fenland were only receiving funding for a roundabout with the rest being given to Norfolk yet the paper states there is a Wisbech Access Strategy that will be announced in the New Year; were there any further details available. Councillor Clark thanked Councillor Mrs Bucknor for her question and explained that Councillor Butcher had indicated he could answer; therefore could Councillor Mrs Bucknor raise this again in the next item, Questions for Cabinet Members.

54/14 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 Patrick asked Councillor Murphy - Back in June 2013, along with Alan Melton, we discussed providing play equipment in the Spider Park for the children of Kirkgate. The only play equipment in the area is a couple of rusty swings to which you had said you would investigate and advised that there could be Wren money available; yet eighteen months later there is no update therefore what investigations have taken place and have you progressed any funding bids for the children's play equipment. Councillor Murphy responded stating that the Council were applying to see what money was available, a survey will be undertaken to see what the public would like, a caravan will visit the area to find out what the kids would want and that Councillor Patrick should have received an email stating the current situation and how this will progress in the New Year.

- Councillor Mrs French congratulated the Leader and his Cabinet for listening to the Overview and Scrutiny Panel about supplying more detail and information in the reports.
- Councillor Mrs French asked Councillor Sutton when the Business Design Awards be held, as this usually takes place during the Summer. Councillor Sutton explained a lot of time and effort went into the whole planning team and the PAS review for planning and therefore the Business Design Awards had been put back until Summer 2015.
- Councillor Tierney stated he had attended the Christmas Party held at Oasis by Community House and suggested it would be a good idea if Cabinet Members contacted them to congratulate them on holding such a great event for the community.
- Councillor Booth reiterated Councillor Mrs French's comments regarding the detail now put into reports and hoped this style would continue as it was extremely informative and gives a clearer picture on how the Council is doing; he congratulated officers in pulling this together.
- Councillor Booth stated that data regarding missed bins that were collected the following day was only 86% and asked Councillor Murphy should there not be a target for actual missed bins on the day. Councillor Murphy stated that about 300 bins are missed per month and there were several different reasons as to why; some are contaminated, some are put out too late and others are genuinely missed. In a year the Council collect 3.5 million bins so not to collect 3,600 in a year, which equates to approximately 0.001%, he thought was very good. Councillor Booth stated that there should be a target for missed bins on the day of collection to which Councillor Murphy stated that if another three or four vehicles were added it would cost £175,00 per vehicle when these bins are collected the next day and the public are very happy with this service; rounds would be looked at again in the new year because of developments that had taken place over the last five years.
- Councillor Connor thanked the Cabinet for listening to the Parish Councils regarding street lighting and concurrent functions grant and reiterated he was satisfied with the decision made.
- Councillor Mrs Bucknor stated she was shocked to read in the report 147 members have been lost from the Hudson Centre after money has been spent on promotion; was this due to the flooding to which Councillor Tanfield stated a small amount was due to the flooding but it was mainly due to the new gym that had opened at Tesco which has attracted younger people. Therefore it has been decided to market the older people to engage those who did not normally attend but the Council always knew there would be a reduction. Councillor Mrs Bucknor asked if the loss was simply from gym membership, if so this was worrying to which Councillor Tanfield explained that Tesco also run classes; it's not just a gym. Hudson Centre data does not show if the loss is from the gym, classes or swimming to which Councillor Mrs Bucknor stated that perhaps it would be important to analyse the data because the marketing needed to be refocused as this must be predominately from gym as Tesco did not have a swimming pool.
- Councillor Mrs Bucknor asked Councillor Butcher as to why far more money was being spent in Norfolk with regard to the A47. Councillor Butcher stated that there were six miles of the A47 in Fenland between Guyhirn and Wisbech, whereas in Norfolk it runs from the Elm roundabout to Great Yarmouth therefore proportionally there would be more spent within Norfolk compared to Fenland. There is another meeting of the A47 Alliance, of which he attends along with a Fenland officer and this will take place in King's Lynn in January. Councillor Butcher clarified that the only funding that Fenland is receiving from the government is for the roundabout in Guyhirn and this will be in the first tranche of spending; he knew of no other monies coming forward at this stage regarding the duelling between Guyhirn and Wisbech. Councillor Mrs Bucknor asked if Councillor Butcher could seek clarification from the Steering Group as it appears there is an indication that something will be happening between Wisbech and Peterborough to which Councillor Butcher stated there was funding for the A1 into Peterborough, which was part of the same deal; which is what the report may refer to.
- Councillor Booth asked Councillor Butcher regarding the administration of Rural Capital Grants; would it be useful in future to state how much had been allocated in order to keep an eye on its progression to which Councillor Butcher replied stating that there were two

grants in the process and if these were granted then it would leave between £100,000 and £120,000 in the pot.

- Councillor Booth commented that it would be helpful if Cabinet Members' responsibilities are included on the front page of the report to help Members direct their questions to the correct Cabinet Member.

55/14 PETITION - ON PROPOSED CLOSURE OF COMMUNITY HOUSE

Councillor Mrs Bucknor presented her petition on the Proposed Closure of Community House stating:

Wisbech residents want the continuation of the current resourcing, services and ethos, that gives support for families, individuals and the broader community provided by the very knowledgeable, professional and existing staff. The services provided are in a caring, personal, confidential, welcoming atmosphere, shaped to individual needs when necessary and it is vital that this support continues in this locality. This very special service, if closed, as proposed in the Cabinet paper, will actually not be transferred as a whole to anywhere else in the area and this is what residents are strongly objecting to.

Councillor Mrs Bucknor stated that there were residents attending this meeting in order to speak as they felt very compassionate about the issue. This Council boasts that we are 100% people driven, yet this proposal put to the Cabinet by Councillor Cornwell to de-prioritise and stop the community support programme at Community House; these are people with many needs. Councillor Mrs Bucknor circulated a booklet that had been prepared by Shelly Roberts, a local housewife and mother of three children and user of Community House; she was so upset by Councillor Cornwell's proposal that she asked us to help her prepare a petition and with this petition she knocked on doors within the community to let people know what the Council was actually considering, to ask for people's support and to give some background about what Community House is there for. Community House does not sit in isolation, it works closely with the careers services, health partners, citizens advice, locality team as well as the Oasis Children's Centre, Oasis Trust and the Orchards School.

Councillor Mrs Bucknor stated that Members were aware this was the most deprived ward in Cambridgeshire and child deprivation is in the top 6% in the UK; resources must follow need particularly in these challenging times. Cambridgeshire County Council planned to pull the children support workers from the adventure playground in Wisbech and gave two years notice six months ago however at a recent meeting advised they have now changed their decision and despite the severe cutbacks this will not happen as they recognise that saving £1 now will cost £2 in the future. Councillor Mrs Bucknor asked Members to please help the community to become more resilient to the issues they have to face and please do not allow Community House to be closed.

The Chairman thanked Mrs Bucknor and informed Members that as agreed earlier, questions will now be taken from the public in relation to Community House to help inform discussions.

Stacey Pitcher presented her question stating she was speaking on behalf of the youth of Wisbech community :

"Have you considered the consequences of closing Community House and how it would affect the youth if you take away the place where they feel safe and enjoy themselves. The house is a brilliant place for young people to receive the help and advice they need and in a setting they actually feel comfortable in. For example, a friend of mine went to the house for help with a CV, later on he went into town, got an interview and got the job all on the same day. Although yes he could have had results elsewhere, he said it was the atmosphere and how comfortable he felt that

made him go there.

For ten years I have been using the house and when I was younger I used to visit the events that they put on and now I volunteer. It has provided me and other youngsters with thorough enjoyment, the Christmas party being one of them, and invaluable experience as well as allowing access to useful services that I would have not known about had it not been for the Community House. One of the most important things about the house, for me and many others, is how inviting they are; they regularly invite you for a drink and a chat which is one of the points in the booklet and in a deprived area, like the Waterlees estate, people do not have the confidence to go straight in and ask for help, but the drink is the first step towards gaining that confidence and solving problems that they need solving.

If the house was to go, it would certainly leave an unfillable void in myself and many other's lives so if this were the case, could you provide a list of facilities that you feel would fully satisfy the needs of the community."

The Chairman thanked Stacey Pitchard and called upon Karen Rippen to present her question.

Karen Rippen asked:

"Why are you trying to deprive an already extremely deprived area? I am representing young adults; I would not be stood here today speaking to you if it wasn't for the Community House, they have provided an environment which I felt comfortable and safe in due to mental health and anxiety issues, they then built my confidence up and sent me to the Oasis Centre to a Confidence course and built my confidence up even more. When I arrived in Wisbech with my partner five years ago, I didn't know how to cook or anything and due to their budget recipe group, I now know how to cook on a budget and plan my meals and I still do the budget recipe group which benefits other people in the community, as they can come in, pick up the recipe book which tells you how much they cost, how many people they can feed and added extras if they can afford it. Also, if you move it, due to my disability, I cannot access it if it is anywhere else because it would be too far for me to walk and unless my husband can drive me and if he gets a job then I will have no car and no means to access it."

The Chairman thanked Karen Rippon and called upon Terry Van Santen to present his question.

Terry Van Santen asked:

"Chairman, Cabinet Members and Councillors - Are Fenland District Council aware of the impact upon our community the closure of Community House would have; not only the impact to the youth in our community but also to the senior citizens. I speak on behalf of the residents of two residential properties adjacent to Osbourne Road in Wisbech, some 500 yards from Community House; they, the residents, have benefited from the facilities provided at Community House. For example, computer courses, armchair exercise, cookery demonstrations and more importantly. the sharing of traditional family recipes. Computer courses have now made such a difference to the majority of our senior citizens, they never had the confidence to make use of the computers available to them, to remain in contact with distant relatives by using Skype, they not only have verbal contact but visual contact; perhaps seeing their grandchildren for the first time. Armchair exercises - senior citizens are now able to exercise in the safety and comfort of their own home without fear of injury; you could say that most of these facilities could be available at the Oasis Community Centre but a lot of our senior citizens do not have the mobility to walk as far as the Oasis Community Centre and they are not all privileged in owning a motor car.

When making your decision, Members of the Cabinet, I ask you please to consider the points I have raised. The closure of Community House will have a large impact upon, a difficult life they, our senior citizens, can enjoy."

The Chairman thanked all for their questions and called upon the Councillor Oliver, who would like to make an announcement in relation to Community House.

Councillor Oliver stated:

"Firstly, I would like to thank Councillors Mr and Mrs Bucknor for engaging with the consultation process and co-ordinating this petition. Secondly, I would like to thank the three residents for taking the time to attend today's meeting and asking their questions.

Full Council is aware of the 12 week consultation ending tomorrow on the proposal to close Community House.

Any proposal to close a community facility is something that Cabinet takes very seriously. Our focus has always been to meet the challenging reductions to our budget in a way that protects important frontline services. Faced with a challenge to reduce our budget in 2015/16 by almost £1million we have had to look at everything to meet that financial challenge and Community House was one such area.

What is evident at Community House is that it does great work and offers valuable support for local residents. No one is disputing that fact. So, in recognition of this, the Leader and Portfolio Holder emphasised to officers that alongside consulting the community we were equally keen to consult widely with partners. Within the consultation with partners we were keen to capture not only their views on the proposed closure but also to ensure there were no other ways with which funding could be sourced to keep the facility open.

Subsequently, one of many discussions with partners has been held with the Department of Work and Pensions (DWP). They were interested in the facility and whether a pilot project could be undertaken to develop a Community Support approach to help residents overcome barriers to skills, training and employment. From this the Council submitted a proposal to what is called their Flexible Support Fund.

The proposal has been approved and subject to some minor formalities I am delighted to announce that we have secured £48,410 funding to keep the house open for the next financial year 2015/16. The funding will deliver:

- A referral service directly from DWP for residents to go to the house
- The house team will deliver a programme of "Community Based" activities to build confidence with customers who want to access a network of local partners offering further support in their journey towards employment.

I would like to express my thanks to the DWP and Job Centre Plus for their speed and willingness to work with the Council.

Although there will be a clear focus for the house based team to deliver the requirements of the funding submission from DWP, it is proposed the house will remain open to the wider community to access the computer suite and the signposting to support services available through the Citizens Advice Bureau kiosk.

The Chairman thanked Councillor Oliver and stated the report recommended that Members note the petition and refer the matter for consideration by the Overview and Scrutiny Panel on 5 January 2015 as there was a substantive agenda item in relation to this matter.

The recommendation was proposed by Councillor Connor and seconded by Councillor Patrick.

Councillor Mrs Bucknor stated she was delighted with the announcement but was the Council aware of the pain and heartache that the announcement originally caused in September and could funding not have been looked at first before this was taken to Cabinet and why was this not raised with the Members for Waterlees ward before this was taken to Cabinet. Councillor Mrs Bucknor explained that when a major decision has such a huge impact on the community, not even to mention it to the local councillors beforehand, they found appalling and asked for clarification and assurance that the current staffing levels, one full time officer and two part-time, would remain in place for the forthcoming year. Councillor Oliver stated he had been informed that yes that was the case in terms of staffing levels.

Councillor Patrick reiterated Councillor Mrs Bucknor's comments but in his opinion, he was surprised that the closure of Community House was almost a foregone conclusion and that Council were going through the motions and it was only because of public pressure that this funding has been sought and this should have been sought before.

Councillor Tierney thanked the members of public who had attended and made passionate speeches and stated it was a shame, in his opinion, that they had been so badly led astray because what has happened is that people have used the consultation to worry and scaremonger people and staff when no decision had yet been made and this is not how things should be done.

Councillor Hoy stated she appreciated the work carried out by Community House and how deprived Waterlees is but Members have recently received information that shows there are other areas of Wisbech are also highly deprived and that Community House was a Wisbech wide issue and not just a Waterlees one and therefore engagement should be carried out with the rest of Wisbech, as well as Waterlees, to promote Community House bring people from outside Waterlees into Community House.

Councillor Bucknor stated that part of the problem with Community House and why it has not been publicised, is that funding has continually been cut back which has resulted in Community House not being fully opened due to staff implications but he was glad to hear the encouragement from other Councillors and Community House is a success story and should be published more; in times where many projects have not worked, Community House has and this should be applauded. If people thought we were scaremongering, this was not the case; it was the way it was hidden within a document with the details on page 49 of a 52 page document which did not state closure of community house in the heading so certainly did not sound as if it was closing, this was a shock and as ward councillors that do work then we would have to step behind it. Councillor Bucknor stated that Councillor Oliver had said that both Councillors Mr and Mrs Bucknor had worked to help get this sorted and he was sorry if Councillor Tierney saw this as some sort of political game show but he was sure his residents did not.

Councillor Tierney pointed out that Councillor Bucknor had just made the point himself by saying it did not look like it was closing and then he told everyone he thought it was closing and this is what he was talking about regarding scaremongering. Councillor Bucknor responded stating he certainly had not said it was closing as the report had said it would be stopped.

Councillor Booth stated he had a lot of sympathy with the residents of Waterlees regarding this matter but pointed out that there was not just one area of deprivation, there are many other areas of deprivation and since the restructure of Community Development Team, services provided to those other areas are almost non-existent, particularly in the rural areas and therefore he would like to see a broader view of services being delivered.

Councillor Seaton stated for clarification that it had been mentioned that Fenland District Council had withdrawn funding from Community House but the reality is that two years ago the funding from a partner ceased and Fenland District Council actually put the required monies to keep into Community House. Councillor Bucknor responded stating that he meant that funding was drying

up and did see that more money was put in, this was not a confrontation and just wanted to see things done for their community.

Councillor Mrs Bucknor stated she would like to see going forward into the coming year and with just one year's funding available, is that both herself and Councillor Bucknor work with officers to seek funding from elsewhere to establish a long term future for Community House and would also like to see some volunteers to support the work that officers do there, with some training and certainly one of the losses had been the outreach workers. This facility is available to all Wisbech residents and always has been as there is clearly a need for its services.

56/14 PETITION - ON WINDFALL DEVELOPMENT SITES

The Chairman invited Michael Rutter to presented his petition on Windfall development sites.

Michael Rutter stated:

"Thank you Chairman for allowing myself on behalf of the residents who signed this petition to speak. My name is Michael Rutter and I am a resident on the Berryfield Estate. Firstly, I must point out that whilst our petition mentions the Leader by name, there is no personal vendetta but the Leader is ultimately responsible for all the Council's actions, both good and bad. Unfortunately the latter applies to the issue before Council; which is the crux of our petition.

You must agree that nearly 800 signatures on our petition is a significant number and that number was gained in just over two weeks however the strength and depth of feeling of the residents' comments from the whole of March and beyond will be summarised in my presentation. Potential housing on the Estover Playing Field by the County Council has highlighted the problem with District Council's interpretation of windfall where the problem extends far beyond the Estover Playing Field. Residents and some District Councillors were not aware of the District Council's definition of windfall until the Leader of Cambridgeshire County Council announced it at a public meeting last July; when he stated that planning officers had informed him that it would be acceptable to gain planning permission for 249 dwellings on the playing field and elsewhere under the term windfall. This is despite the North East Housing allocation being deleted only just over a year ago; residents were never made aware of that definition. Windfall is not a policy in the local plan despite it hiding 249 dwellings, in fact the word windfall is not specifically used in the local plan. This was brought before Council on 6 November 2014 and states that over 250 dwellings is a major development and therefore by default a small estate of housing of 249 is windfall, such massive housing developments, that are totally unacceptable. Can I ask Councillors to actually imagine 249 dwellings, it is approximately four times the size of Berryfields estate, massive. I think everyone would find it difficult to comprehend an estate four times the size of Berryfields as windfall. In a report to Council in May last year, when the District Council considered the deletion of the North East Housing allocation, it never made mention of the fact that if Members did decide to meet the housing allocation, the consideration could still be given to housing developments up to 249 under the windfall guise. We ask the question, why was this important information left out of the report. Was there an error by the officers, if so that could be termed as incompetence, or were the officers told not to mention it, which in our minds makes much more sense. Former District planning officers have stated that the District Council's interpretation of windfall does not reflect planning law and does not reflect that followed by all the planning authorities around the UK. Planning law states that up to ten dwellings is windfall and anything over ten is major development. Because of this omission in the report to Council in May of last year, we have all been misled, misleading both Councillors and residents over a serious matter that could result in a legal challenge. It appears to us that Officers are informing developers and land owners of this definition but not relating that same information to residents and we suspect the majority of Councillors.

For these reasons, we, the residents of March and elsewhere considered you have misled us; we

put our trust in you and you have broken that trust. It is the whole of Fenland District Council, both at officer and Member level that has created this problem which has not only affected the residents of March but indeed residents throughout Fenland but also across the whole spectrum of local government, Cambridgeshire County Council as well as March Town Council. Windfall is determined by this District Council as being defined in the local press as torrid, meaningless, disingenuous and incomprehensible as residents can only but agree. We have never seen such a breakdown in trust in the District Council before. The majority of you have been dishonourable towards the residents of Fenland and that was the main reason for our petition."

The Chairman referred all Members to the report in which Mr Rutter's petition is highlighted and asked if any Members wished to comment on the petition.

Councillor Tierney stated Members did not have a list of all those who had signed the petition; are their names and addresses available to confirm they are residents of Fenland; as this is the same petition that was online and people had signed it from Poole and Hampstead, Councillor Tierney ask to check those names had been taken out to which the Chairman said it can be looked into.

Councillor Tunley thanked the Chairman for affording latitude to the residents; what is has brought out is the fact that there is a sense of mistrust between Fenland and the electorates. Councillor Tunley stated that over the last 50 years he had never seen a situation where the electorate had found it necessary to submit a petition to make these points and in his opinion the Council should listen to this.

Councillor Booth asked that as the petition directly named Councillor Clark as Leader would he not respond and provide a statement in relation to the petition to which Councillor Clark responded stating that he was happy to provide a response in writing to the people who presented the petition.

Councillor Tierney stated he had sympathy with the residents but was very uncomfortable about the way this had been set up to target the Leader; it does not state it is a petition to protect the field or valued for sports facilities and is a negative way to present a petition and he wondered what the motives were behind it.

57/14 **MOTION SUBMITTED BY COUNCILLOR TUNLEY REGARDING GOVERNANCE ARRANGEMENTS**

The Chairman stated that prior to Councillor Tunley presenting his Motion in relation to Governance Arrangements, he would like to draw Members' attention to the Briefing Report circulated earlier and in addition the Monitoring Officer had a further briefing note which was intended to help inform discussions.

Alan Pain, Corporate Director and Monitoring Officer presented the briefing note:

The Localism Act 2011 has enabled a switch in a Committee System from our current Leader and Cabinet form of governance.

Members should be mindful of the fact that the legislation is very clear in that any resolution to make such a switch as an outcome of today's motion and debate (although the change may only take place at an AGM) is, once passed, binding for a minimum period of 5 years.

The only exception to this would be were a District wide referendum to be held which determined to undo the resolution and switch of system. The cost of running any such referendum would fall upon the Council and is likely to be well in excess of £100,000.

If Members are minded to approve the motion today, and in order to ensure an appropriate

process to introduce a new means of governance, Members might want to agree that such a change to governance should come into effect from the Council AGM in May 2016 as opposed to what is currently proposed ie the next AGM in May 2015, less than four months away.

Councillor Mrs Bucknor asked where the figure of £100,000 had come from to which Alan Pain responded stating it was a best estimate on a factual basis, on the kind of elections work that takes place across the district regularly.

The Chairman invited Councillor Tunley to present his Motion.

Councillor Tunley stated he was withdrawing the Motion as it has appeared that pressure had been put on the controlling group to not support this Motion and therefore it would not receive favour and on that basis there would seem little point in raising it .

The Motion was WITHDRAWN.

58/14 UPDATE ON THE COUNCIL'S LOCAL PLAN (ADOPTED MAY 2014) AND ASSOCIATED POLICIES

The Chairman stated that before Councillor Sutton presented the report that he would like to draw Members' attention to a briefing note from the Monitoring Officer which was intended to help inform discussions.

Alan Pain, Corporate Director and Monitoring Officer presented the briefing report.

This advice note is intended to help inform Members with debate regarding today's proposed Motion and the adopted Local Plan.

The following 5 points are intended to reinforce some of the detail which is contained in the summary report at Agenda Items 11 and 12. 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 of 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 approximately 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 the 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 the Estover Playing Field site would have to be fully assessed against both the NPPF and the other policies of the Local Plan, including 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 consultations.

In my role as Monitoring Officer, I would advise that Members are mindful of this note to help inform their discussions and before making any decision on the Motion before you today.

If Members are minded to revisit the Local Plan, Officer's 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 Sutton presented the Update on the Council's Local Plan and Associated Policies report.

The report was proposed by Councillor Tierney and seconded by Councillor Miscandlon.

Councillor Owen stated that no applications have been submitted therefore what was everyone getting upset about but on five or more occasions reference is made to "windfall" but where, in the document Members approved, did it state windfall. Councillor Owen stated he was in receipt of a Freedom of Information request regarding the Windfall Policy stating that the Council does not have a formal Windfall Policy yet Members have just been told "the Council's Windfall Policy" therefore this does raise confusion. Councillor Sutton answered stating that he had referred to windfall as "so-called", there is not a Windfall Policy on unallocated land.

Councillor Mrs French stated she agreed with Councillor Owen and that the Freedom of Information request was answered by a Corporate Support Officer stating that Fenland does not have a Windfall Policy therefore would people stop referring to Windfall as it is allocated or unallocated land. Councillor Sutton confirmed this was the case; it is either allocated or unallocated. Councillor Owen therefore stated that if an application is submitted on the basis of windfall in an area of which there is no allocation then the Council will respond stating it is not appropriate.

Councillor Tunley agreed that there was no windfall policy and where the term "windfall" had come from, was from the Leader of Cambridgeshire County Council in a meeting he had called in July where he made a statement that he had advice that up to 249 dwellings could be built under the windfall policy; the difficulty is the inconsistency in the Local Plan and the terminology as to what is and isn't major development, what is an allocated site and what isn't, Chatteris allocation is stated as major and is only 100 dwellings. Reference has been made to the fact that the Plan cannot be reviewed yet it mentions within the plan about partial review under certain scenarios and when it was adopted, seconded by Councillor Yeulett who stated at that time of the flexibility within the Plan. The Chairman asked Councillor Tunley if he had a question to which he replied he was asking for clarification on the inconsistencies that he had stated. Councillor Sutton responded stating that Councillor Tunley's interpretation of the Plan clearly showed he had a misunderstanding of it; if an allocated area is for 100 houses then its for 100 houses; if its for 250 then its 250 and unallocated is 249 or less. The final route for the Plan was the Government Inspector, which he understood that Councillor Tunley had made presentations to and three months were given to respond to the Inspector's report of which Councillor Tunley failed to do and therefore he could not understand Councillor Tunley's thinking.

Councillor Booth stated that windfall was not mentioned within the Local Plan but is within the NPPF which has to be considered and needs to be taken into account. Councillor Sutton called a point of order stating that two Members had not wanted windfall mentioned because it is unallocated land to which Councillor Booth responded stating that the NPPF refers to windfall and its definition is used in planning consideration as this was the highest planning document in the country.

Councillor Booth stated he was concerned with:

- the report, as it is not balanced and mentioned the Local Plan was voted through unanimously when it was not as although he had voted in favour of the Plan, it was an unqualified support as he had reservations but recognised that if Fenland did not have the Plan then the NPPF would be relied upon which gives a broader scope.
- the nature of Supplementary Planning Documents and in his opinion, Fenland requires a

- SPD on windfall as this would give a clearer definition
- the neighbourhood plans currently being developed if the SPDs were classed as "not worth the paper they are written on" as these are critical and shape locations
- the flexibility of the plan as this has not been clear from the outset

Councillor Booth asked that if SPDs are indicated as "not worth the paper they are written on" then why is the Council considering using these to support other areas of planning. Councillor Sutton responded stating that SPDs are being done as stated in the Local Plan but there is such SPD recommended for unallocated sites and why would Councillor Booth consider voting in favour of the Local Plan only to then state afterwards that he did not support it as he personally would not vote for something that he had no confidence in. Councillor Booth responded stating this was because having a Local Plan of some sort was better than none and having to rely on the NPPF which could allow for a vast amount of development on green fields site, as has happened in other areas and he had said this at the time, the Local Plan would give some protection against this.

Councillor Tierney stated he was worried about using the word windfall; the briefing document made it very clear that Fenland has a Local Plan and if an application came forward for Estover then it should be looked at and challenged through the planning process and dismissed if not appropriate.

Councillor Mrs French stated that regarding Councillor Booth's comments about windfall that under the NQPS it does state on previously developed land, not virgin land; it means like an old factory or warehouse; that is windfall, not what is being talked about in North March.

Councillor Owen stated that Councillor Booth's comments had made no sense because he had said the NPPF trumped both the Local Plan and Core Strategy in that case why did he, Councillor Bucknor, Councillor Newell and Councillor French spend three years putting a Core Strategy and Local Plan together.

It was AGREED that Update on the Council's Local Plan (Adopted May 2014) and associated policies be NOTED.

59/14 MOTION SUBMITTED BY COUNCILLOR TUNLEY REGARDING THE FENLAND LOCAL PLAN

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

He called upon Councillor Tunley to present his Motion.

Councillor Tunley stated:

"The National Planning Policy Framework (NPPF) affirms a commitment to work within a plan-led system for development which means that the development plan (The Local Plan) must be the starting the point for decision making.

Unfortunately, with the Fenland Local Plan having a windfall terminology that allows up to 249 dwellings in one planning application anywhere in Fenland. This is quite contrary to Planning Law which defines Major Development as "development of 10 dwellings or more". Windfall is usually defined as any development of less than 10 dwellings. This criteria is followed by all other Planning Authorities in the UK. The District Council's current definition of Windfall, of up to 249 dwellings, is therefore not in accordance with Planning Law, undermines the Core Strategy principles and is a serious threat to localism. The notion that Windfall can be up to 249 dwellings is truly bizarre and could not be further away from the notion of a credible plan led approach. For this reason it is an unacceptable terminology.

The District Council current terminology of Windfall, is an unaccountable approach as far as local communities are concerned, for the simple reason, that there is no certainty as to where large scale development will occur, and fundamentally, allows no joined up thinking when it comes to the provision of infrastructure, which has to be provided in an holistic way and not an ad-hoc piecemeal way.

Turning whether the Local Plan can be amended or reviewed or not, the Council, if it decides to do so, can initiate a full or partial review of its Local Plan at any stage following adoption. This is clearly stated in the NPPF, para153. The Fenland Local Plan no longer reflects the vision and aspirations of local communities with the Current definition of Windfall Development.

The Council's Local Plan is owned by its Members, not its officers who are not accountable to the electorate. Members can therefore initiate a review at any stage to address any major problems, such as currently being experienced by the Windfall issue.

I move that this Council approves a partial review of the Local Plan to address the issues of Windfall Development over the whole of Fenland. And officers bring forward to Council a realistic policy for Windfall Development to be included in the Local Plan.

The Motion was seconded by Councillor Booth.

Councillor Tunley requested a recorded vote; the Chairman asked if there were six Members that would agree to a recorded vote. It was decided that the vote should be recorded.

The Chairman now declared the debate open.

Councillor Tierney stated that as this had been debated at the previous item, he requested to move straight to the vote.

The Motion FAILED.

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

In favour of the Motion - Councillors Bucknor, Mrs Bucknor, Booth, Patrick, Skoulding, Tunley, Keane

Not in favour of the Motion - Councillors Hodgson, King, Humphrey, Hoy, S Clark, Tierney, Yeulett, Sutton, Tanfield, Murphy, Mrs Mayor, Miscandlon, Swan, Mrs Newell, Connor, Broker, Quince, Mrs Cox

Abstained from voting - Councillors Owen and Mrs French

60/14 REGULATIONS OF INVESTIGATORY POWERS ACT (RIPA) - UPDATE

Councillor Oliver presented the Regulation of Investigatory Powers Act (RIPA) - Update report.

The report was proposed by Councillor Owen and seconded by Councillor Mrs Mayor.

Councillor Booth stated it is excellent that Fenland does not use these powers; which should be seen as a positive.

It was AGREED that:

- The report following an update given to Corporate Governance Committee at its meeting on 2 December 2014 be NOTED;
- Designated Officers with regards RIPA be amended to those shown in Sections 5.11 and 5.12 of the report and the revised policy be AGREED.

61/14 COUNCIL TAX SUPPORT 2015-16 SCHEME

Councillor Seaton presented the Council Tax Support 2015-16 Scheme report.

The report was proposed by Councillor Humphrey and seconded by Councillor Sutton.

Councillor Mrs Bucknor asked how the Council coped with those on zero contracts to which Councillor Seaton stated there were an intricate set of calculations involved and suggested that Geoff Kent responded after the meeting to this.

Councillor Booth stated asked if the Council were using DWP figures or not to which Councillor Seaton stated he would ask Geoff Kent to respond after the meeting to this.

It was AGREED that the Council Tax Support Scheme takes effect from 1 April 2015 as set out in Section 13.5 and Annex B to the report.

62/14 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW 2014/15

Councillor Seaton presented the Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review 2014/15 report and thanked the financial management team for their excellent work.

The report was proposed by Councillor Murphy and seconded by Councillor Tanfield.

It was Agreed that:

- The report be NOTED;
- The increase in CFR, gross borrowing and the capital prudential indicators (paragraph 4) be APPROVED;
- Changes to credit methodology (paragraph 5) be APPROVED.

63/14 POLLING DISTRICTS AND POLLING PLACES REVIEW

The Chairman stated that before he called Councillor Seaton and Councillor Booth to present the Polling Districts and Polling Places Review report he would like to take the opportunity to draw Members' attention to a briefing note that was circulated earlier in the week

Councillor Seaton and Booth presented the Polling Districts and Polling Places Review report.

The report was proposed by Councillor Patrick and seconded by Councillor Skoulding.

Councillor Mrs Mayor stated she would like to acknowledge the work of the officers involved, as she had been involved greatly on this and Fenland has achieved what it wanted; therefore she thanked officers.

Councillor King asked for clarification as he had noticed there was EB3 listed in the Octavia Hill ward; why was there a new register when previously there had been EB1 and EB2 to which the Chairman responded stating a response would be given later.

It was AGREED that:

- **The outcomes of the view and the consultation undertaken were NOTED;**
- **The changes recommended to polling districts and polling places, as detailed in the report at Appendix C, be AGREED;**
- **A review of all polling districts and polling places will be undertaken at least every five years and delegates authority to the Returning Officer/Electoral Registration Officer to determine any changes necessary to polling districts or polling places within a ward, in the intervening period between formal reviews be NOTED.**

64/14 APPOINTMENT OF MONITORING OFFICER

Councillor Clark presented the Appointment of Monitoring Officer report.

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

It was AGREED that the appointment of Carol Pilson, Corporate Director, as Monitoring Officer for the Council, with effect from 1 February 2015 be APPROVED.

6:15pm

Chairman