

COUNCIL



26 FEBRUARY 2015 - 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 M Cornwell, Councillor Mrs C R Cox, Councillor M J Curtis, Councillor Mrs J French, Councillor S Garratt, 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 K Melton, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D C Oliver, Councillor C C Owen, 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 F H Yeulett.

APOLOGIES: Councillor P A Tunley, Councillor P Jolley, Councillor D R Patrick

65/14 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 18 DECEMBER 2014

It was **RESOLVED** that the minutes of the meeting of 18 December 2014 were agreed and signed.

66/14 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.

67/14 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Commonwealth Flag Raising Ceremony - Councillor Ken Mayor reminded Members that he would be holding a Commonwealth Flag Raising Ceremony at 10:00am on Monday 9 March at Fenland Hall, March, to which all Members were invited to attend. This would be followed by a special simple but meaningful Single Commemorative Act Marking the Centenary of World War One as there were many representatives from around the Commonwealth who supported this country in the conflicts of the war. Light refreshments will be available in the Council Chamber following the ceremony.

68/14 LEADER'S STATEMENT

Councillor Clark stated he would like to bring to Members' attention that this was the last Full Council Meeting for a number of Members who would not be seeking re-election on 7 May. On behalf of the Council, he extended his sincere thanks to those who were stepping down for their dedication and commitment to the people of their wards but also to the whole of Fenland. These Members have served the public selflessly for a number of years and have achieved a number of positive improvements for their areas. He congratulated their time served as a Councillor and wished them all the very best in their future endeavours.

He added that it would be remiss of him if he did not single out Councillor Alan Melton in his

thanks; Alan has been a councillor for 34 years and been very supportive of me since I became a councillor eight years ago; he was responsible for sending him on a Leaders Course of which he was thankful for, he also thanked him for all the help he has given him in his final year whilst being Leader.

Councillor Clark invited Councillor Melton to say a few words. Councillor Melton thanked John for his kind words and for his leadership over the last year and taking Fenland forward. It would be a challenging time after May as local government would still be an easy hit. He paid tribute to all those officers and Members who had supported him over the years but wanted to pay a special tribute to Fenland's dustbin crews; and on behalf of the Council and the people of Fenland everyone owed them such a debt as the crews are out in all weathers, bins are emptied on time, streets are clean and the gardens have never looked better; this is what matters to the people of Fenland and he expressed his thanks and appreciation to everyone but particularly those outside serving the people of Fenland in such a stupendous way.

Councillor Clark added that a special mention should go to the current Chairman, Councillor Ken Mayor and his wife Kay. Ken has represented the Council as Chairman for the past two years at many local and regional events as well as hosting a number of excellent events in Fenland.

Councillor Mayor thanked Councillor Clark and stated he had enjoyed enormously his sixteen years as an elected Member of Fenland and it had been a great privilege to represent the Council as Chairman for the past two years, which had been a busy but fulfilling role. He thanked his wife Kay for her unfaltering support, Member Services and in particular Sharon Smith who has been a great support as the Chairman's Secretary; he also thanked Councillor Mrs Cox for her support as Vice-Chairman.

69/14 **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 Group, Councillor Mrs Buckno, put questions to the Leader of the Council as follows:

If the Leader would consider instigating a Fenland wide long term campaign involving groups, schools and organisations to help Fenland save money by keeping the towns and villages tidy. Presently there is stress on the Council to find further savings and the Council spend a high amount trying to keep the streets clear of rubbish and this has continually increased over the years. The Council are aware that this is a priority for residents but why is so much money spent; it is her and Councillor Bucknor's belief that the answer to this is re-education as many do not appreciate how much it is costing the tax payer. There needs to be a local ownership from the community then this would be self-financing and save money within Fenland; she stated she would appreciate the Leader's support with this. Councillor Clark agreed and explained there was a forthcoming campaign in the pipeline, therefore asked if Councillor Mrs Bucknor would liaise with the relevant Portfolio Holder, Councillor Murphy, to take this forward.

70/14 **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 Curtis stated that the Leader was aware there were residents from Mandelay Park at today's meeting and that he had huge concerns regarding the circumstances and treatment of these residents as they were caught up in the middle of unfortunate circumstances. He asked the Leader for assurances that Fenland would give a

commitment to these residents that they would be kept updated regarding progress on the site and give them a rough timescale so they have some idea of when they can expect things to move on the site. Councillor Clark stated this Council is committed to treating all people fairly and ensuring that the individual rights of persons involved are protected. Clearly wherever possible we will endeavour to provide a suitable update to Councillors and residents as further information becomes available. Councillor Clark handed over to Councillor Sutton to explain further stating that he had more in-depth knowledge of the issue, but he appreciated the residents' frustrations. Councillor Sutton stated this was a difficult situation and he fully understood the concerns of the residents; the issues were complex and lengthy but the Council did want to keep everyone informed. Councillor Curtis asked if the Council would agree to regular meetings with the residents. There was also an immediate concern regarding whether the Council would allow a gate to be added to give the residents some security on the development. Councillor Curtis stated that both Councillor Laws and Councillor Mrs Mayor have worked hard on this issue and done a great job. Councillor Sutton responded stating he fully understood how the residents must feel but going forward he explained the residents had a deal with the developer for the gates to be added and therefore that deal is between the residents and the developer and is not something that Fenland District Council can make the developers do but dialogue will be sorted.

- Councillor Mrs Mayor stated that she had been in regular contact with the residents but had been unable to tell them anything as she did not know anything herself and felt this was unacceptable. Councillor Clark stated that the Council would give Councillor Mrs Mayor an undertaking to keep her better informed to enable her to disseminate information to residents.
- Councillor Broker asked Councillor Sutton for an update on the transition from Building Control to CNC. Councillor Sutton responded stated he had attended his first board meeting along with officers and whilst there had been some teething problems with the phone lines initially, which has now been resolved; everything was going really well with business looking up. He explained he had recently received feedback from a developer who had stated that whilst he had had no problems when building control was under Fenland District Council that he felt it was better now under CNC.
- Councillor Mrs French stated she had just been informed by residents that builders had downed tools and walked off a development down Gaul Road and could Fenland District Council do anything about this. Councillor Clark responded stating he had no knowledge of this but undertook to look into the situation and get back to Councillor Mrs French as soon as possible.
- Councillor Tierney asked Councillor Oliver if he was aware that a gentleman on Norfolk Street was subject to a vicious and violent attack recently, the police has already made an arrest but was there anything the Council could do to support the gentleman. Councillor Oliver responded stated that there are CCTV cameras down Norfolk Street and Fenland will monitor these but with respect to the person with regard to the incident, there would be Police Liaison Officers supporting him.
- Councillor Booth asked Councillor Tanfield about the grants allocated by the Youth District Council, why was this amber as he thought there was a new scheme in place where they were going to do six monthly presentations, is there a concern that not enough people are applying for these grants and could Fenland District Council promote this. Also, the issue of low aspirations had been an issue for young people in this area, can the Youth District Council lead on this. Councillor Tanfield stated this was now green as several applications have been received but explained when the Youth District Council first started receiving applications, they were over cautious about having sufficient monies but now realised they need to be more consistent with their advertising. Councillor Tanfield also explained there have been talks with the Youth District Council regarding the issues of low aspirations and how they could visit schools and become more involved as there are a high proportion of children are self-harming and the Youth District Council has an important role to play as they are young people and know what young people go through.

- Councillor Booth commented to Councillor Murphy that with regard to the number of hours undertaken by streetscene officers, only 7 hours out of 325 were in the rural areas which equated to just 2% of the total time; can Fenland take action to improve, he was aware that some Parish Councils have been contacted as to what areas they felt needed patrolling and this feedback had been given. Also, regarding the refurbishment of the car park, how much would this cost. Councillor Murphy responded stating when Streetscene officers are in the rural areas they find there are no hot spots or litter about which is why the hours are low but he would look into Streetscene officers making more frequent visits. With regard to the car park, Councillor Murphy stated he did not have an answer as it was currently in progress. Councillor Murphy stated that regarding the question Councillor Booth had asked him prior to the meeting regarding recycling materials performance measures; the reason the figures appear low is because the figures are taken up to December and there are still three more months to add and therefore the figures will be higher..
- Councillor Booth asked Councillor Butcher for an update on the Rural Capital Grants to which Councillor Butcher responded stating that if the Manea application of £100,000 was successful then a balance of £103,000 would remain.
- Councillor Booth asked Councillor Seaton, with regard to the performance of the Contact Centre, he thought Fenland was aiming too low and the target should be 80%. Would Councillor Seaton give a commitment to look into this to which Councillor Seaton stated that yes he could give this commitment and this was monitored continually and it was the Council's current remit to give the best service possible.
- Councillor King explained to Councillor Murphy that in Spain there was a system whereby any dog mess not cleared up was posted back to the owner, which acts as a powerful deterrent; could enquiries be made as to whether this happens elsewhere in this country.
- Councillor Murphy thanked Councillor Melton for his thanks regarding the bin men and added that he took his hat off to them as they do an excellent job. Over 3 million bins a year are emptied which equates to 75,000 bins a week; they do a fantastic job.
- Councillor Mrs Bucknor asked for clarification regarding the table about disabled facilities to which Councillor Cornwell stated this was down to wording and being looked into.
- Councillor Mrs Bucknor stated the Council has only one apprentice; could the Council look at expanding this to which Councillor Yeulett replied stating that the Council always try to work with local employers to encourage apprenticeships and would speak to Councillor Mrs Bucknor after the meeting on how this could be progressed further.
- Councillor Humphrey stated he understood that Cabinet were trialling a paperless system, yet two thirds of Cabinet had paper copies of the Council agenda to which Councillor Clark stated that there had been some teething problems with regards to the size of the electronic document but the Council were fully committed to becoming paperless. Councillor Humphrey asked if it was the intention of being paperless from May to which Councillor Clark stated this was the intention.
- Councillor Booth stated he had received comments from the public with regard to the size of the documents on the planning portal being too big, did the Council have the best technology to which Councillor Clark stated he could not answer but would look into it.

**71/14 QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH
PROCEDURE RULE 9A.**

Councillor Ken Mayor called upon Stephen Hodson to present his question to Councillor Sutton, Portfolio Holder for Neighbourhood Planning

Stephen Hodson stated he was the Principal of Hodson Chartered Surveyors, a small general practice firm in Whittlesey and had 37 years of experience in planning and property matters and explained that last September he submitted a pre-application for a small housing development in Whittlesey to which he received an email response that stated quite categorically there were now minimum distance standards of ten metres for back gardens and 21 metres for back to back

distances, which was a shock. Minimum standards had been muted by Mr Whitehead, previous Head of Planning in 2003, which he and others contested strongly and to his knowledge they were not implemented or approved. In his many years of planning applications for developments arbitrary distances have not been applied; he referred to Guidance Notes from 2001 which were superseded by the National Planning Policy which simplified matters and allowed maximum flexibility for development. He stated many of the applications from his firm had, quite rightly, been considered on their own merits and he had dealt with many approved schemes, some on appeal, especially in town of which some have six to seven metre back gardens. Although these changes were not on the agenda; if these changes are eventually approved it would mean housing schemes on challenging sites would not come forward, resulting in a loss of housing for Fenland. Under the new Guide, if Planning wish to bring these rules in, an SPD will have to be produced which would be subject to public consultation and will come before Councillors. He stated it was his belief that to bring these changes in now is unfair and unjust.

Councillor Sutton responded stated the written question he had differed to the one Mr Hodson had presented, which was: "We are advised by the Planning Department that they are proposing mandatory distances between dwellings for future developments. These have never been applied before and will greatly restrict housing schemes, especially in town on small sites. We ask that their request is not approved." This was received from Mr Hodson on behalf of himself and also from the Agents Development Forum.

Councillor Sutton stated he was concerned as a Developers Forum had recently taken place where this was never mentioned and yet he presented his question on their behalf; he was also concerned as to why people who reside in the towns should have different regulations to anywhere else.

Councillor Sutton read out his official response to Mr Hodson:

It is confirmed that there is currently no Supplementary Planning Document that has been produced which stipulates specific standards in relation to elevation to elevation distances for new development and we are sorry if any confusion has been caused. Any reference made by Planning Officers in relation to acceptability of development with regard to distances between elevations is on a site by site basis having regard to the principle within planning that each site is dealt with on its own merits. The degree of separation needed between existing and proposed development to protect against issues of overlooking and loss of privacy are dependent upon many different factors such as the layout and levels of the site, its relationship to neighbouring properties and what is actually being proposed. In considering any proposal in respect of privacy the Council must clearly have a starting point. In respect of elevation to elevation distances there is a well-established rule of thumb within planning of a back to back distance of 20m. Which was previously recognised within such documents as 'Better Places to Live by Design: A Companion Guide to PPG3'.

Although it is appreciated that this guide has been superseded by the National Planning Practice Guidance, in the absence of specific guidance in respect of distancing, this rule of thumb can be considered as a reasonable starting point for any assessment. It is crucial to understand, however, that this is a guide in the assessment of harm and is not intended to be slavishly adhered to. There may well be specific circumstances where shorter distances are considered to be completely acceptable, subject to careful design and conversely those where a greater distance is required. This is a matter for the Local Planning Authority to decide when providing advice or when determining an application.

Lastly, it is advised that, whilst at a very early stage, the Council is in the process of drafting a Supplementary Planning Document in respect of a Residential Development Design Guide, which may include reference to elevation to elevation guidance. However, any such document would obviously be the subject to a public consultation exercise prior to any adoption and it would be at

that stage that individuals would clearly be able to make representations to any element to which they disagreed.

The Chairman invited Stephen Hodson to respond. Mr Hodson stated that in his 37 years, there had never been minimum statutory distances applied; every site had been considered on its own merit. He had a list of six sites where all the back gardens were six to seven metres and worked well. It is not the intention for rural properties to have more or less than town properties, it is that they do not want an artificial distance imposed, this has never been the case and it has worked well.

The Chairman thanked Mr Hodson for attending the Full Council meeting.

72/14 FINAL CORPORATE PLAN 2015-18

Councillor Clark presented the Final Corporate Plan 2015-18 report.

The report was proposed by Councillor Melton and seconded by Councillor Mrs French.

Councillor Booth stated he was supportive of the Plan but slightly concerned regarding the nature of the report as it states that a consultation had taken place but contained no summary and therefore it appeared that Fenland was not prioritising residents' views; Fenland was missing the localism issue in enabling communities to take on more themselves and make decisions at a local level. Councillor Clark stated the survey measured the weight of what was put behind each of the priorities and evolving services to Parishes would happen in due course.

Councillor Melton complimented the Leader and Cabinet on the emphasis that was still given to the economy and believed it should be Fenland's top priority. The only way in the future to be sustainable will be through growth, as this provides infrastructure, housing, business, social homes therefore a flexible and responsive planning regime is needed. Fenland needs to continue to work closely with partners, the Local Enterprise Partnership, County Council who have both been very proactive and keen to work with Fenland. Councillor Melton added that Fenland would need to be careful as it would be in competition with its surrounding districts, particularly Peterborough and Cambridge and should not be prepared to accept the "crumbs from the table" of other areas.

Councillor Mrs Bucknor stated she agreed with Councillor Melton that Fenland had received the "crumbs from the table" and now needed to keep shouting otherwise Fenland would be forgotten as improvements to the A47 are needed and Wisbech does need a railway station and businesses are put off coming to Fenland due to the lack of infrastructure and therefore a big funding from the Local Enterprise Partnership is needed.

Councillor Sutton stated he supported everything said and to put Members' minds at rest he read out two emails he had received regarding planning; one from a developer stating that planning officers were a breath of fresh air, positive, helpful and pleasant and constructive which is the attitude required to get things done and the another from a national company saying thank you for Fenland's positivity throughout the application process which was much appreciated and bodes well for the future.

Councillor Melton stated a point of order and thanked Councillor Mrs Bucknor for her remarks and support and redressed his term "crumbs from the table" he meant in the future that Fenland did not want to be left with the "crumbs from the table". He explained that previously whenever he has asked for help from the County Council and other bodies in bringing in funding the County Council had always got involved, including the 20/20 for Wisbech funding for South Fens Business Centre and the work around the port, this was all through partnership funding and this should be strengthened in order to permanently push forward.

Councillor Curtis thanked Councillor Melton for recognising the work that Cambridgeshire County Council had been involved in and that regarding "crumbs from the table", every other district states the same and unless this is backed up this needs to stop. A lot has been achieved, investment in Kings Dyke crossing which has been driven by County Council, supported by Fenland including funding from the Local Enterprise Partnership, all the work being undertaken regarding a future railway in Wisbech which has included support from the County Council and from Stephen Barclay MP. The notion that Fenland is left the "crumbs on the table" is not correct and the County Council should be applauded for what they do to maintain investment in Fenland.

Councillor Yeulett confirmed that funding had been received from the Local Enterprise Partnership for the Kings Dyke Crossing, the Cromwell Road development in Wisbech is fantastic and stated that Fenland had a good Core Strategy and Local Plan and could provide jobs and accommodation resulting in Fenland becoming vibrant, business rates are increasing, new businesses opening and this momentum needs to be taken forward as a lot of good work has been carried out.

It was AGREED that the Fenland's Corporate Plan 2015-18 be APPROVED.

73/14 GENERAL FUND BUDGET 2015/16 AND CAPITAL PROGRAMME 2015-18

Councillor Ken Mayor informed Members that this item was subject to a recorded vote as set out in the Constitution.

Councillor Seaton presented the General Fund Budget 2015/16 and Capital Programme 2015-18 report and thanked the excellent Finance Team led by Mark Saunders, Rob Bridge and Geoff Kent for the hard work that has gone into the report.

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

Councillor Mrs Bucknor reiterated the phenomenal work done by the Finance Team and asked what impact had there been to the accounts due to the loss of income from Tesco in Chatteris to which Councillor Seaton replied he would need to come back to Councillor Bucknor with a written answer.

Councillor Skoulding asked Councillor Clark if the £10,000 for street lighting down Wimblington Road was in the budget. Councillor Clark confirmed this money has been earmarked for March Town Council.

Councillor Tierney conveyed his thanks on behalf of the residents of Fenland, regarding the clever financial management resulting in no increase to Council Tax fees.

Councillor Booth thanked the Financial Team but also reiterated thanks for the savings being made by all departments across the Council. He commented that a general inflation figure had been used which he thought was over optimistic and would have an impact in two or three years' time and also regarding street lighting; he thought the decision to withhold any further discussions until after May was short sighted as the new Parish Councils would not have met until June and by then it would be time to set the precepts again therefore it was unacceptable to wait until after May; the feedback received from the Town and Parish Councils agree with this. Councillor Seaton stated he was well aware of the concerns regarding inflation but would note Councillor Booth's comments; regarding the street lighting, there have been provisions made for moving funds across for future problems of which this could be one. Councillor Clark reiterated this would not come in before the next administration.

Members AGREED that:

- The General Fund Revenue Budget for 2015/16 as set out in paragraphs 8 and Appendix A be APPROVED;
- The Capital Programme and Provisional Funding Statement as set out in Appendix C be APPROVED;
- The Medium Term Financial Strategy as outlined in this report be ADOPTED;
- The Treasury Management, Minimum Revenue Provision, Investment Strategy, Prudential and Treasury Indicators for 2015/16 as set out in paragraph 13 and Appendix D be APPROVED;
- The expenses detailed in paragraph 10 be treated as general expenses for 2015/16;
- The Port Health Levy for 2015/16 be set as shown in paragraph 11;
- The Band D Council Tax level for Fenland District Council Services for 2015/16 be set at £245.61, no increase in the coming year.

The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 impose an obligation on Local Authorities (after 25 February 2014) to record all votes on decisions on budget and council tax, with this in mind Members voted on this item as follows:

In Favour of the Proposal - Councillors Mrs Bucknor, Bucknor, Booth, Skoulding, Keane, Hodgson, King, Humphrey, Miss Hoy, S Clark, Tierney, Cornwell, Yeulett, Sutton, Tanfield, Murphy, Curtis, Mrs Mayor, Miscandlon, Mrs Newell, Melton, Broker, Quince, Owen, Mrs French, Butcher, Clark, Seaton, Oliver and Mrs Cox

Against the Proposal - None

Abstentions - None

74/14 COUNCIL TAX RESOLUTION

Councillor Ken Mayor reminded Members that this item was a recorded vote as set out in the Constitution.

Councillor Seaton presented the Council Tax Resolution report and thanked all Members for approving the Budget.

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

Members AGREED unanimously to pass the Resolution as follows:

1. It be noted that the Tax Base for the year 2015/16 has been calculated in accordance with the Local Government Finance Act 1992 and associated regulations as follows
 - 27,368 being the amount calculated by the Council as its Council Tax Base for the year, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended).
 - (as detailed in Agenda Item 11 (1b)) being the amounts calculated by the Council, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate, in accordance with regulation 6 of the Regulations.

2. The Council calculates that the Council Tax requirement for the Council's own purposes for 2015/16 (excluding Parish precepts) is £6,721,854.

3. That the following amounts be now calculated by the Council for the year 2015/16 in accordance with Sections 31 to 36 of the Local Government & Finance Act 1992 (as amended):

- £56,216,821 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act [Gross Expenditure including benefits & Town/Parish Precepts]
- £48,516,261 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act [Revenue Income including reimbursement of benefits, specific & general grants & use of reserves]
- £7,700,560 being the amount by which the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year [Net Expenditure, including Parish Precepts]
- £281.37 being the amount at 3(c) divided by the Council Tax Base at 1(b) above, in accordance with Section 31B(1) of the Act, [basic amount of its Council Tax for the year, including Parish Precepts]
- £978,706 being the aggregate amount of all special items referred to in Section 35(1) of the Act [Parish Precepts]
- £245.61 being the amount at 3(d) less the result given by dividing the amount at 3(e) by the amount at 1(a), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates:
- (as detailed in the table at Agenda item 11 (3g)), being the amounts given by adding to the amount at 3(f) the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b), calculated by the Council, in accordance with Section 34 (3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate
- (as detailed in the table at Agenda Item 11 (3h)) being the amounts given by multiplying the amounts at 3(g) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands [Council Tax relating to the District Council & Parish expenditure]

4. It be noted that the year 2015/16 the major precepting authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings as shown in the table at Agenda Item 11 (5);

5. Having calculated the aggregate in each case of the amounts at 3(h) & 4, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2015/16 for each of the categorised of dwellings as shown in the table at Agenda Item 11 (5)

6. Authorise the publication of the amounts

7. Authorise the appropriate officer to demand the amounts in accordance with the Council Tax (Administration and Enforcement) Regulations 1992

8. This Council hereby determines that its relevant basic amount of Council Tax for 2015/16 is not excessive in accordance with Section 52ZB of the Local Government Finance Act 1992, as amended by Section 5 of the Localism Act 2011.

The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 impose an obligation on Local Authorities (after 25 February 2014) to record all votes on decisions on budget and council tax, with this in mind Members voted on this item as follows:

In Favour of the Proposal - Councillors Mrs Bucknor, Bucknor, Booth, Skoulding, Keane, Hodgson, King, Humphrey, Miss Hoy, S Clark, Tierney, Cornwell, Yeulett, Sutton, Tanfield, Murphy, Curtis, Mrs Mayor, Miscandlon, Mrs Newell, Melton, Broker, Quince, Owen, Mrs French, Butcher, Clark, Seaton, Oliver and Mrs Cox

Against the Proposal - None

Abstentions - None

75/14 DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Councillor Yeulett presented the Developer Contributions, Supplementary Planning Document report and informed Members that Cabinet had recommended an amendment to the report. The words "with full costs to be paid by the applicant" to be deleted from bullet point 2.10 and 4.22.

The report was proposed by Councillor Mrs French and seconded by Councillor Sutton.

Councillor Mrs Bucknor stated that in her opinion the costs should be shared between the council and the developer to which Councillor Yeulett stated the Council had a strong steer from the Inspector and have taken that steer forward.

Councillor Mrs French stated she had brought this issue to the attention of Councillor Yeulett and explained that the Inspector's advice was that it would be unlawful to charge developers twice and therefore she had requested the amendment; developers have already paid for planning fees.

Councillor Curtis stated that he believed this was a real step forward and therefore supported this report but was still confused regarding pooled contributions and how this would work as the Council does not have control over where sites will come forward from in Fenland; without this control, how will the Council manage where pooled contributions come from.

Councillor Sutton stated he agreed with Councillor Mrs Bucknor as he did not like the idea of the Council Tax Payer footing potential developers' costs but having been told by the Inspector, the Council has to follow his advice.

Councillor Booth raised his concern regarding consultation responses after feedback only being received from two organisations and no summary included within the report or any changes made as a result. He explained that if this policy is approved as it stands then the Council will not be seeking to enhance pavements outside properties in rural development locations and therefore the Council would be compounding the problem and not addressing it; two Parish Councils have responded making that point, yet this has not been included. Councillor Booth stated the policy was lacking as it did not help the Council resolve these issues; instead the Council are compounding the issue by putting more houses on those types of roads where there is no infrastructure; Highways will not add pavements due to the costs associated with it therefore this needs to fall to the developers.

Councillor Booth added that he would like clarification regarding the infrastructure contributions in points 5.2 and 5.3 whereby it states that small schemes would be excluded; does this mean that potential under 5.1 that small schemes would not be excluded and therefore the Council could still

ask for contributions.

Councillor Yeulett stated that the consultation responses were lengthy, 53 pages long and included the report.

Councillor Sutton stated that pavements were not a Fenland District Council issue but instead falls to Cambridgeshire County Council and that he himself had raised the issue of Back Road, Murrow on many occasions; it is a road not fit for purpose and supported Councillor Booth's comments and the problem is with the small developments and therefore the Council's hands are tied.

Councillor Booth asked if the Council could engage with Highways to resolve the issue of lack of pavements as Fenland are unable to reject development on highways grounds. Councillor Sutton agreed with Councillor Booth and he would bring this issue up with highways.

Councillor Curtis stated that pooling arrangements do now allow for small developments, therefore the Council need to understand how this would work within its proposals, as only five applications can be pooled together to provide Section 106 monies.

It was AGREED that:

- **An Amendment be made to 4.22 with the deletion of "with full costs to be paid by the applicant";**
- **With the above amendment the Developer Contributions Supplementary Planning document (SPD) be ADOPTED and brought into effect on 6 April 2015;**
- **Both The Play Space Provision SPG (2003) and the Planning Agreements - Education Provision SPG (2000) be REVOKED, effective from 6 April 2015 onwards.**

(Councillor Curtis declared a non-pecuniary interest due to the fact that he works for a company involved in the planning industry.)

76/14 RATE RELIEF POLICY - AMENDMENT

Councillor Seaton presented the Rate Relief Policy - Amendment report.

The report was proposed by Councillor Booth and seconded by Councillor Mrs Bucknor.

It was AGREED that:

- **The report be NOTED;**
- **The Rate Relief Policy be revised to include the provisions indicated in the guidance within the report and that the new Policy shown in annex A be ADOPTED with immediate effect, noting that this is a temporary change that will last until 31 March 2017.**

(Councillor Sutton declared a non-pecuniary interest by virtue of involvement with the March Boxing Club who receive a discretionary rate relief.)

77/14 AMENDMENT TO THE COUNCIL'S CONSTITUTION - LICENSING

Councillor Oliver presented the Amendment to the Council's Constitution - Licensing report.

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

It was AGREED that:

- **The recommended additions and amendments for delegations under the Licensing Act 2003 as detailed within the report be APPROVED;**
- **Part 3, Table 4, Section 105 of the Constitution be deleted and replaced with the detail as outlined in Appendix A;**
- **The Monitoring Officer be authorised to make those amendments suggested in Appendix A of the Report to the Constitution.**

78/14 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – MEMBER CONDUCT

Councillor Clark presented the Amendments to the Council's Constitution - Member Conduct report.

Councillor Miss Hoy added that the Committee had wanted this amendment in view of some of the complaints that have been received as the system can be abused by vexatious and tit for tat complaints and this amendment will bring the committee in line with other authorities that already use this process.

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

Councillor Melton stated he welcomed the amendment as there were a lot of tit for tat and vexatious complaints received.

Councillor Bucknor asked who the Independent Members on the committee were and how they were appointed; to which Councillor Miss Hoy explained Anne Hay was the Independent Person but had now stepped down from the role, to which the Council would shortly be recruiting a replacement and the Deputy Independent Person was Claire Hawden Beal. The Council place an advert in the local paper for completely independent persons who are then interviewed, vetted and recruited. Independent Members unfortunately have no voting rights on the committee but do offer guidance to the committee on different issues which is often very useful.

Councillor Humphrey stated he had experience of the Standards committee since its inception and that all of the Independent Members he had worked with had done a great job; were conscientious and he was supportive of the amendment.

Councillor Tierney stated this new system now brings Fenland in line with the county but the power of this committee is in the press.

It was AGREED that:

- **The recommendations of Conduct Committee to amend the process for the handling of initial complaints in relation to Member conduct be ENDORSED;**
- **The Monitoring Officer be authorised to make those amendments suggested in Appendix A of the report to Conduct Committee annexed to this report to the Constitution.**

79/14 SENIOR MANAGER PAY POLICY STATEMENT

Councillor Clark presented the Senior Management Pay Policy Statement report.

The report was proposed by Councillor Seaton and seconded by Councillor Melton.

Councillor Mrs Bucknor asked if it was usual for the role of the Returning Officer, also being the Chief Executive of the Council, to receive payment for that additional role as she found it incredible

that this proposal was put forward each year to which Councillor Mayor stated that Paul Medd was happy to talk to Councillor Mrs Bucknor after the meeting regarding this.

Councillor Booth stated this was written into legislation and therefore Members had no say over the matter.

It was AGREED that the Senior Managers Pay Policy Statement for 2015/16 as set out in Appendix A as required by the Localism Act 2011 be ADOPTED.

80/14 RE-TENDER OF GROUNDS MAINTENANCE CONTRACT INCLUDING POTENTIAL INCLUSION OF CLEANSING SERVICES

Councillor Murphy presented the Re-Tender of Grounds Maintenance Contract including Potential Inclusion of Cleansing Services report.

The report was proposed by Councillor Yeulett and seconded by Councillor Butcher.

It was AGREED that:

- **The recommendations within the report be AGREED**

6.24pm

Chairman