

OVERVIEW AND SCRUTINY PANEL

MONDAY, 16 OCTOBER 2023 - 2.30 PM



PRESENT: Councillor Mrs M Davis (Chairman), Councillor R Gerstner (Vice-Chairman), Councillor G Booth, Councillor J Carney, Councillor L Foice-Beard, Councillor A Gowler, Councillor A Hay, Councillor S Imafidon, Councillor Dr H Nawaz, Councillor D Roy and Councillor Woollard

APOLOGIES: Councillor B Barber and Councillor E Sennitt Clough

Officers in attendance: Paul Medd (Chief Executive), Carol Pilson (Corporate Director and Monitoring Officer), Sam Anthony (Head of HR and OD), Garry Edwards (Engineering Manager), Dan Horn (Assistant Director), Phil Hughes (Head of Leisure Services/SRO March Future High Street Project), David Wright (Policy & Communications Manager) and Helen Moore (Member Services and Governance Officer)

OSC15/23 PREVIOUS MINUTES.

The minutes of the meeting of 19 September 2023 were confirmed and signed.

OSC16/23 UPDATE ON PREVIOUS ACTIONS.

Members considered the update on previous actions.

Councillor Booth referred to the item regarding pre-application advice and there still seems to be a disconnect between Clarion and Planning and he would like to know where Clarion are getting their pre-application advice. Councillor Mrs Davis stated that enquiries can be made with Clarion and they are due to attend a future meeting of the panel.

OSC17/23 LOCAL GOVERNMENT OMBUDSMAN - ANNUAL REVIEW OF COMPLAINTS.

Members considered the Local Government Ombudsman- Annual Review Complaints presented by Councillor Tierney.

Members made comments, asked questions, and received responses as follows:

1. Councillor Mrs Davis stated the website improvements have made a difference to complaints reducing. Councillor Tierney thanked Councillor Mrs Davis and commented the data is much easier to use and the information stored makes a difference to the general public's knowledge hence complaints have been improved.
2. Councillor Carney stated that the correspondence category has increased whilst both compliments and complaints are down by 15% each compared to last year. Is this genuinely because the nature of the correspondence received or is it to do with the triage of communications upon receipt? Councillor Tierney answered that the majority of the correspondence come from the MP office and Councillors which indicates the new Council are doing a good job.
3. Councillor Booth stated that he would like to see a more detailed report of the sort of complaints being made to ensure details get identified. Councillor Tierney agreed the triage

needs to be right to identify the odd mistake and the type of complaint being presented to be able to use the correct data to perform accordingly. Councillor Booth responded questions need to be monitored within the call centre to ensure the correct service has been given when dealing with complaints. David Wright stated the service team will push things through the corporate channel so the complaint can be dealt with in a suitable manner with the correct response.

4. Councillor Hay asked what an IDOX web journey is? Councillor Tierney responded the IDOX web journey is a digital way of collating information and ensuring the information is sent to the right place to receive the action required.
5. Councillor Roy asked if the system recognises if the same person has made complaints several times? David Wright stated if a pattern emerges with the same address and complaints showing up on the system an issue warning would be raised. Councillor Booth asked is there a vexatious complainant process in place? David Wright answered there is a persistent complainer system in place where some complaints have been dealt with or have gone to the Ombudsman and been addressed in the correct way, but the complainant persists. Fenland District Council would then adopt the persistent complainant procedure.
6. Councillor Mrs Davis stated the Ombudsman report had two complaints one of which was regarding planning, which were referred back and asked for an explanation? Councillor Tierney stated the Ombudsman is not allowed to deal with certain issues such as staff, the planning process or a function of planning itself therefore the complaint would come back to planning and it would be handled through the usual planning complaints procedure.
7. Councillor Carney stated that he was surprised that the number of the Planning complaints is not higher given some of the controversial applications in the district and would like to see a further explanation of the 21 recorded complaints Planning has had. Councillor Tierney responded planning is one of the areas that would not go to the local Ombudsman as planning has its own process with decisions being made, any complaints that are made should go through the planning system and the Council channels and the fact that there are not that many means Fenland District Council are dealing with the complaints in an efficient way.
8. Councillor Nawaz asked do the officers have any complaints against the complainant and could the panel elaborate about the complaints regarding revenue? Councillor Tierney responded he could assure Councillor Nawaz that any complaints that do come through are dealt with in a professional manner Sam Anthony added there is a process where if members of the public are aggressive towards staff there is guidance that is put in place to protect the staff at the point of contact. Councillor Nawaz asked how many incidents there has been within the last year? Sam Anthony Stated that she could not provide the figure but can send the information to the committee after the meeting.
9. Councillor Nawaz noted from the report there were 43 complaints concerning revenue and asked if these are mostly about the bills and how is this resolved? Councillor Tierney stated a lot of these complaints are to do with Council Tax and once things are explained to the customer the complaint is resolved.

Members noted the statistics in relation to the Ombudsman and 3Cs process.

OSC18/23 PROGRESS OF CORPORATE PRIORITY - ENVIRONMENT

Members considered the Progress of Corporate Priority – Environment presented by Councillor Mrs French, Councillor Murphy, Councillor Wallwork, Councillor Tierney and Carol Pilson.

Members made comments, asked questions, and received responses as follows:

1. Councillor Carney stated Fenland District Council Waste and Recycling still seems to be

going great guns and it is interesting to see how the cost-of-living crisis has affected recyclable materials collected. Is the payment made to Fenland District Council per tonne of waste governed by market forces? In other words, who pays for or sets the rate per tonne? Councillor Murphy responded that the rate of tonnage comes through Cambridgeshire County Council and Thalia which is a recycling plant in Water beach Fenland District Council negotiate every year a certain price this can fluctuate throughout the year as the value of paper and aluminium prices can change, Thalia pays Cambridgeshire County Council and Fenland District Council get paid the surplus.

2. Councillor Gerstner stated on the brown bin charge, there is an income of £968,000 but how is the fee calculated? Is it on last year's costs considering what is received on recycling as there should not be a profit and should be a break even service. Councillor Murphy responded that the price is looked at from last year and Fenland District Council raise the price up by a few percent to cover the outgoings. He advised that this year the prices will have to raise due to the cost of living as this is a non-profit making service, so the cost must be weighted up every year against prices to get the balance right. Councillor Gerstner asked if the cost is put up is there a risk of encouraging fly tipping? Councillor Murphy stated it is hard to control fly tipping and he does not feel changing the cost will made a difference to the situation of fly tipping.
3. Councillor Gerstner congratulated Fenland District Council for a comprehensive website and the rapid response team who act quickly and efficiently to clear the fly tipping once it has been reported. Councillor Murphy stated all the fly tipping is searched once at the depot and if a contact is found that person will be fined. Councillor Tierney added that Fenland District Council benchmarks themselves against other councils and Fenland District Council are the cheapest for bin collection.
4. Councillor Booth stated the rate of the recycling is at 26% in Fenland which is one of the lowest in the County according to the Defra figures and asked if there are there any plans to improve this recycling rate for the future. Councillor Murphy stated Defra count the figures in a different way to how the Council does. Councillor Booth stated that all the councils would be counted in the same way and he would like to know how this figure can be improved for next year. Councillor Murphy begged to differ. Councillor Tierney suggested that Overview and Scrutiny may wish to consider ways to improve the figures for recycling.
5. Councillor Booth commented on the 20% of commercial waste that is recycled and asked is there a plan in place to work with the business and improve recycling? Councillor Murphy could not give a definitive answer as he stated unfortunately the Council cannot control what waste businesses put in their commercial bins as contaminated waste is sometimes added.
6. Councillor Gowler asked what the liaison is between Fenland District Council and Cambridgeshire County Council around combatting fly tipping? Councillor Murphy replied fly-tipping is a big issue and Fenland District Council do clear up as much as possible.
7. Councillor Gowler stated would it be possible to influence changes with Cambridgeshire County Council around the rule of 10-12 drops to the recycling centres per van driver as this would elevate the fly-tipping issue. Councillor Murphy responded this is Cambridgeshire County Councils responsibility and Fenland District Council does not have any influence.
8. Councillor Hay stated that the report shows that 500 incidents were detected using Council CCTV and asked is the Council still pursuing funding for the CCTV camera from the Police? Councillor Wallwork responded the Police do help run St Martins House and Fenland District Council are happy with the relationship that is in place with the Police, so no funds have been asked for.
9. Councillor Roy stated not all households have a brown bin subscription and has there ever been a suggestion of there being a community brown bin for housing estates who struggle to afford a single subscription, and could this be looked at as a lower combined rate? Councillor Murphy stated this is something that can be investigated.
10. Councillor Booth commented the report states 451 removal fly tips of this 249 were

investigated and asked is there a separate team to investigate those who are responsible or is this undertaken by the rapid response team? Councillor Murphy stated the fly tipping comes back to the recycling centre and is checked by the team to look for evidence of who are responsible.

11. Councillor Gerstner asked what is the process with an abandoned vehicle in Fenland District Council car parks? Councillor Murphy stated the cars are checked for tax and insurance and if this is in place the cars cannot be removed. Councillor Tierney added Street Scene will have the vehicle removed if the car has been abandoned for a period of time.
12. Councillor Nawaz asked what is the process for cars that are advertising their business on the side of the road without permission? Councillor Mrs French responded when this happens Cambridgeshire County Council can take the business owner to court as this can act as a road hazard for other drivers.
13. Councillor Nawaz commented on a piece in the report referring to diversity in communities and the phrase used 'fractures in society' asked what this mean? Councillor Wallwork stated when looking a diversity among the community Fenland District Council is lucky as there are no issues to report but it is something that is kept on the agenda and to be mindful of when dealing with planning and a mixed cultural society.
14. Councillor Nawaz commented on the quarterly figure for settled status of 18,640 people in Fenland of mixed cultures. Councillor Wallwork stated that Fenland has become an attractive place to live, and these figures show what a good job Fenland District Council is doing to integrate these mixed cultures. Councillor Nawaz asked if the culture community pays for the ESOL service or is it provided for free and if they do not pay why not? Councillor Wallwork responded English is a second language and across Fenland there are multiple providers where courses are run for free, some are paid for, and it is Fenland District Council's job to support people to settle into the community and gain employment plus support the children with education. She added that the cost to Fenland District Council is zero as this comes under the remit of Cambridgeshire County Council.
15. Councillor Gowler commented on the figures for settled status and asked the date this started to be recorded. Councillor Wallwork responded these dates go back to 2020 when the settled status started to be recorded. Councillor Gowler stated he would like to know where these individuals have been placed and how much strain this has add to housing and the Council's resources. Councillor Wallwork replied 18,000 people have applies for states, yes there is a strain, but the Council has a duty of care to the whole community. Councillor Hoy added these are people who have been in the area for a while and some of these are now homeowners. She made the point that Wisbech is a popular area for mixed cultures due to the factory work and yes this can add a strain on the area as there is a large gap in the market for social housing and something the Council is looking at.
16. Councillor Booth stated these figures for settled status are calculated over a period of years and some people have been here pre-Brexit. He added this is not an overnight problem.
17. Councillor Nawaz asked giving these extra numbers what sort of impact is it having on schools? Councillor Wallwork replied, the strain on the services is huge and services now supply translators to help but this takes extra time and resources to understand the different cultures, but it is part of the duty of care the Council has. Councillor Mrs Davis intervened stating that these questions would best be suited for a different meeting.
18. Councillor Mrs Davis referred to the 60-year lease on Chapel Road Car Park in Wisbech coming to an end and asked, how are the negotiations going with the National Trust? Councillor Mrs French responded the National Trust have stated they do not want the fair to return to the carpark plus there are significant repairs to be done. Gary Edwards added that negotiations are still on going with the National Trust with part of this being a ten-year lease with the condition the fair does not return to the carpark. He stated that officers are compiling a paper looking into the cost of the repairs to the carpark for the Council to consider over the next ten years plus the future of the fair.
19. Councillor Imafidon stated that he would like to know more about Street Pride and litter picking as when he has been out litter picking, he has found the Council lawnmowers have

shredded cans and plastic bottles and asked is there a way the area could be litter picked first before the Council cut the lawns? Councillor Murphy responded that Cambridgeshire County Council are responsible for the lawn cutting and Fenland District Council does not always know when this will be happening so does not get a chance to litter pick beforehand, he added he will investigate this and see if both Councils can work more effectively together in the future.

Members noted the progress of Corporate Priority for Environment.

OSC19/23 ANNUAL MEETING WITH LEADER AND CHIEF EXECUTIVE

Members had received the presentation from the leader and Chief Executive prior to the meeting.

Members made comments, asked questions, and received responses as follows:

1. Councillor Hay asked if unauthorised planning developments get submitted to the Planning Committee? Councillor Boden responded the planning system works in a specific way if it is found that the development requires planning permission Fenland District Council will invite the owner/occupier to make a planning application, if the application is received then the normal application process is followed, and the decision route is determined by the Scheme of Delegation in the Constitution. He added that Fenland District Council do not invite a planning application where it does not think planning permission is likely to be forthcoming, in such circumstances the owner/occupier may remedy the breach of planning control and if not, the Council will issue an Enforcement Notice, if the notice is not complied with then the Council can moved to prosecution and the decision to prosecute is a committee matter.
2. Councillor Hay asked who will be completing the Local Plan work now Peterborough City Council is no longer involved and when will the work be finished? Councillor Boden responded Fenland District Council are looking to recruit their own staff to continue the development of local plan, The Employment Committee agreed to the creation of two new posts at their July meeting and are about to commence a large Autumn recruitment drive across a number of vacant posts within the Planning Team. He added that the greater problem is the Government are going to make changes to the planning process, but this will not stop the Council from going ahead with its original plan.
3. Councillor Hay asked what is meant by a less restrictive Scheme of Delegation would assist in helping meet performance goals for Planning? Councillor Boden explained reducing the number of triggers and a less restrictive Scheme of Delegation this would reduce the number of applications that need to be brought to the Planning Committee thus taking up less officer time which would free them up to prepare reports, agendas, presentations etc.
4. Councillor Hay stated the Barclay's building in March is due to be demolished once the regeneration workers have moved out and asked if this building could be repurposed without demolition? Councillor Seaton responded that the Barclay's building was on the market for some time as the building was deemed unfit for purpose. He stated that Fenland District Council put in an application to use the FHSF grant to purchase the building on the understanding it was to be demolished and then a mix-use site be built in its place with the lower level for commercial use and the accommodation above for residential use. Councillor Seaton expressed the view that without this approach the beneficial cost ratio required by the Government would not have been met and the Barclay's building would remain empty.
5. Councillor Hay questioned what the set up will be for the Fenland Extra Care Consortium at the Nene Waterfront? Councillor Boden responded the outline of the proposal is divided up into five sections for planning purposes, a private sector led consortium will deliver an extra care housing scheme using a combination of private finance and a housing grant for affordable housing. He added that Fenland Extra Care Consortium are submitting a reserved matters application for the scheme and once built the scheme will be run by a

registered provider for affordable homes who have specialism in extra care.

6. Councillor Hay stated the report shows the welcome back fund from the Government being used to fund events across town centres and asked in what form did the events take place? Councillor Murphy stated the four-season events are events that happen in all four towns across Fenland. Councillor Wallwork added this was a Town Council lead project not Fenland District Council.
7. Councillor Gerstner stated the repairs at Freedom Leisure are not being carried out in a timely fashion and asked why they are taking so long? He provided some examples of the work required. Councillor Boden stated this is the responsibility of Freedom Leisure. Councillor Miscandlon added that the highlighted faults have now been fixed and a contractor has now been brought in to accommodate any work needed across all the Leisure Centres. He stated that all four Leisure Centres are being appraised for future proofing.
8. Councillor Nawaz commented on the lack of education and asked what was being done to level this up? Councillor Boden stated the areas mentioned are not the responsibility of the District Council this is the responsibility of the County Council, and the funding is sent to County Council who forward the money to the Academies. Paul Medd added the Council does not have a lead responsibility with education, but Fenland District Council does a lot of work on a political level at an officer level working with partners to lobby the County Council. Councillor Nawaz asked if something could be devised to monitor the service level of education so as the Council could be more involved. Councillor Boden agreed this needs addressing but this is now all run by Central Government and the local council's job is to influence the changes. Paul Medd added when working with the authorities the Councils job is to ensure all educational needs are met from early years right through to adult education through a supportive role Councillor Nawaz expressed his disappointment that the Council does not have more responsibility Councillor Boden reassured the panel that every opportunity is taken to ensure the Council works closely alongside the Government, Combined Authority, and other Councils to meet the education needs for the area.
9. Councillor Mrs Davis stated she was pleased to see the new Culture, Arts and Heritage committee has been formed and noted in the report that £120,000 has been granted from the UK Shared Prosperity Fund and asked are there any other grants that can be applied for to top this amount up? Councillor Boden stated he is pleased to see the committee come together with the view to support arts and culture across the Fenland area. He feels that £120,000 is a great start for this committee and looks forward to seeing how this committee unfolds in the future with real opportunity to grow. Councillor Gerstner asked if tourism could be added to this committee as he feels this has dropped off over the years? Councillor Boden replied tourism is still being promoted in the Fenland area but there are four different towns and the new committee will at present be concentrating on the Culture, Arts and Heritage but he feels confident tourism will naturally fall into place in this committee in time. Councillor Nawaz congratulated Councillor Boden on the new committee. Councillor Roy added he feels tourism does need to be investigated through social media as some information is out of date. Councillor Boden thanked Councillor Roy for bringing this to his attention and assured him that action will be taken.
10. Councillor Booth expressed the view that the report gives a positive spin on what has happened within the Fenland area and asked if there any areas that have not gone well and how could they be improved? Councillor Boden stated nothing the Council has set out to do has ever gone to plan but opportunities have come up and as a Council this is looked at and alternative arrangements have had to be made, which can make budgeting a challenge. Paul Medd added there are always areas that can be improved, there have been challenges with recruitment and the levelling up funding but with each challenge there also comes opportunities.
11. Councillor Mrs Davis referred to the Council securing funding for local businesses and asked what is the plan to let the public know this funding is available? Councillor Boden responded that the grant is being provided over a three-year period and is an application process for local small business, and communities which has been broken down into three

sections concentrating on small business first. He added that social media has been the main area for promotion.

12. Councillor Gerstner asked is the Cycling, Walking and Mobility Improvement Strategy still alive or should it be relaunched, and what is happening to the small amount of money allocated to it? Councillor Seaton responded that the strategy has not stopped, a third of the money has been spent on improving curbs and roadsides to accommodate all walking, cycling and mobility with this work being concentrated within the main four market towns before the wider area is planned. Councillor Gerstner asked if there is any more funding to come? Councillor Seaton stated the majority of money came from the Hereward Heritage Fund and they are now looking at next year's budget. Councillor Gerstner pointed out N63 is a problem area and need addressing urgently. Councillor Seaton advised this area is now being addressed. Councillor Boden stated the strategy has been created to look at all areas of Walking, Cycling and Mobility access so when grants are given out the Council is prepared.
13. Councillor Gerstner asked if there is a possibility of the relaunch of the Dog Walkers Scheme as a District Wide scheme? Councillor Booth replied this is a Parish Council Scheme and is open to any community group, some have taken it up and some have not. Councillor Boden added the Council's Public Space Protection Order for dog ownership is being reviewed and this will be mentioned in the next meeting.
14. Councillor Roy referred to 228 cases of unresolved planning applications over 18 months and asked is this something that can be resolved within Planning? Councillor Boden replied before affective action can be taken with unresolved cases there are certain restraints within the law that have to be abided before the Planning Department can action and resolve, this is something Councillor Mrs Laws is aware of.
15. Councillor Nawaz noted that Kings Dyke and the Guyhirn roundabout has been mentioned but asked about the Whittlesey Southern Relief Road. Councillor Boden responded this project has just started to be looked at and the business case should be finished by next year which will be added to the next report once the business case has been finalised.
16. Councillor Gowler stated South Fens Business Centre is only at 65% occupancy and asked what can be undertaken to get full occupancy and are there any plans to make industrial land available in the future? Councillor Boden responded the occupancy rate is sitting around 68.9% and next year there is a big new letting planned for the Police Firearms Officers Association which will help boost the average occupancy over the following year. He stated that the Council was looking into providing small business units in Chatteris, but the cost has risen and it was not a sensible investment of public money, however this is something that the Council will monitor as this would be a good investment for the future.
17. Councillor Gowler questioned the data on homelessness. Councillor Boden stated there has been an increase in family's needing homes and in response to this there is a large increase in properties becoming available early next year. Dan Horn added in respect of new houses coming through the system there are 195 new affordable houses across 9 sites going to be available this year and 997 new houses are due to be completed next year with Fenland District Council working with several planning sites to oversee this forward plan. Councillor Boden added this will be a helpful solution and the Council are looking to improve the temporary accommodation on a short term as there is a legal obligation to help these people get off the streets. Councillor Gowler asked how many empty houses there are across the district and how many does the Council own? Councillor Boden stated the Council does not own empty properties in the private sector but there is a system in place which allows us to keep tabs on any empty properties and if the property lays empty for some time, the Council can assist the owners to fill the houses within the private sector. He added that for public sector housing the Council has very little control.

Members thanked the Leader and Chief Executive for attending and noted the information presented.

OSC20/23 FUTURE WORK PROGRAMME

Members considered and noted the Future Work Programme.

OSC21/23 ITEMS WHICH THE CHAIRMAN DEEMS URGENT

Councillor Mrs Davis advised members that she waived the Forward Plan notice period and subsequent call-in period in relation to the Portfolio Holder decision on the forward procurement of HR/Payroll Software Contract to enable the decision to proceed to allow the appointment of a preferred supplier within specified contract timescales..

4.53 pm

Chairman