

# WHITTLESEY TOWN COUNCIL – Full Council

**Minutes of the Full Council held on Thursday 21<sup>st</sup> January 2021 at 7.30pm via zoom.**

For the health, safety, and well-being of our community because of Covid-19 and following the instruction of the Prime Minister's address on 23rd March 2020 all Parish Council meetings will be held remotely until further notice.

**Present:** Cllr Mason, Davies, Miscandlon, Mrs Mayor, Dorling Wicks, Munns, Gerstner, Mrs Windle., Boden, Whitwell, Mrs Laws

**Officer in Attendance:** Mrs Sue Piergianni – Town Clerk & RFO

**Recording:** This is made as an aide memoir for the Clerk

## **F01/21. To receive apologies from absent members and the reason for the apology.**

There were no apologies.

## **F02/210 To receive members' declarations of disclosable pecuniary, non-disclosable pecuniary or non-pecuniary interests in relation to any agenda item including confidential items under agenda item F19/21.**

Cllr Mrs J Windle F11/21 – declared an interest in the grant application for Fenland Youth Radio as her husband is part of the management team.

Cllr Miscandlon as Substitute on FDC Panning may make comment but will reserve the right to change his mind should more information become available.

Cllr Mrs Mayor as a member of FDC Panning may make comment but will reserve the right to change her mind should more information become available. Cllr Mrs Mayor also declared an interest in the item on Saxon Pit as she lives close by.

Cllr Mrs Laws – Portfolio Holder for Planning at FDC will attend the meeting and will contribute if asked by the Chairman for advice and clarification on any policy matters.

## **F03/21 Street Scene Officer Report & CCTV report.**

The report was received by members and no comments were made.

## **F04/21 Police Engagement meeting report.**

The meeting is the same night at our Full Council, Cllr Mason will request a report from the meeting and circulate to all members.

## **F05/21. To confirm and sign the Minutes from the Full Council Meeting held on Thursday 17<sup>th</sup> December 2020**

**Ratified:** The Minutes were approved and signed as a true record.

## **F06/21 Public Forum**

5 members of the public were present.

## **Fenland Youth Radio (FYR) report by Mr Robert Windle on behalf of the Management Team.**

FYR continues to grow. A special 2020 review of the year show was made, which included many clips of audio from the 'Who is in the Hot Seat' and other shows. Presenter shows have increased by 10 hours a week this includes the UK Hot 40 Show on Sunday afternoons from 4pm-7pm.

Usage of the studio has been drastically reduced due to the current climate with some shows been remotely broadcast or pre-recorded.

In the hot seat Tuesdays at noon and repeated on Sundays sees Rev Phil Marsh this week followed by barber Ken Cole. Clare Rayner, Ray Bisby, Bernard Grey Esson and David Mason

The radio station now has 1000 likes and this continues to increase.

The Pride of Whittlesey Awards that have been organised by FYR are now being advertised. Councillors were requested to send any nominations. Adverts for these awards have been placed in the Cambs Times, on social media, and all schools have been emailed.

### **F07/21 County Councillor reports.**

#### **Sir Harry Smith Community College – Cllr Boden**

Members were made aware that at a meeting last week the decision was made that the County Council will proceed with an expansion of Sir Harry Smith and move from 6 form entry to 8 form entry subject to agreement by the Secretary of State for Education. From Autumn 2023, there will be additional buildings on the site with an extension to the dining and kitchen facilities along with changes to the recreation areas. The overall height of the school will remain the same.

#### **Kings Dyke Update – Cllr Boden**

Contractors are maintaining good progress; the western embankment is nearly complete. New signage giving updates will be erected very shortly, advising that Star Pit is being filled.

Cllr Boden was asked to pass thanks to Jones Brothers for the way they are keeping the roads as clean as possible during a difficult time.

Cllr Mrs Laws advised she had been contacted by residents regarding the condition of the road from Whittlesey to Kings Dyke. Cllr Boden will inspect on the weekend, take note of all the holes and report to CCC.

### **F08/21 Agenda items for Discussion.**

#### **1. Property Working Group – Cllr Mason**

Following last month's Full Council Meeting the installation of public electric vehicle charging points at Peel House has now been awarded to A & J Services of Spalding as the preferred contractor, Fenland Electrical did not meet the necessary qualification standard for this type of work. This has resulted in a marginal increase of cost of £11.00.

Fenland Electrical were given the option of seeking the necessary qualification but declined.

GL Developments have been contacted to inform them that they are the preferred contractor for the installation of safety barriers at the front of the Council Chamber and work will commence shortly.

Bridges Fire and Security have been contacted to request them to extend the existing automatic fire alarm system at Peel House to install additional detection in the communal areas of the domestic flats and to provide a sounder in each flat in case of emergency. A quotation for the work is pending.

Further investigation of the water supply to Peel House is currently being undertaken by Phil Brannigan, approved groundworks contractor, to establish the most effective method of splitting the water supply to the domestic flats as discussed previously and we await further information.

#### **2. MVAS progress report – Cllr Miscandlon.**

Cllr Miscandlon advised members that the cameras had been taken down to remove all the data and export to a useable format. The Clerk will be working with Fenland Electrical to ensure this becomes a smooth and quick process. Cllr Miscandlon and Wicks agreed to go to Turves to discuss the location of the MVAS. Cllr Mrs Laws asked if the MVAS on Stonald Road can be moved frequently to keep traffic speed down.

### **3. Public open space - Churchfield Way / Wakelyn Road - Cllr Dave Mason**

Cllr Mason advised he has now met with Simon Bell of Fenland District Council Open Spaces Department to discuss the siting of two public benches on land to the rear of Churchfield Way.

Agreement has been reached on the appropriate positions of two benches which FDC will install at their cost whilst Whittlesey Town Council are asked to stand the cost of the benches themselves which are anticipated to be less than £1000 for the pair. Members agreed unanimously for the purchase of these two benches. The Clerk will contact the supplier and purchase the benches.

### **Saxon Pit – Cllr Boden. (this is the report from Cllr Boden and is written in first person)**

The issues at Saxon Pit have now gone beyond the letter writing stage (although I have written this afternoon to two Environment Agency Officers requesting further information and action on their part). We face having a minimum of 122,858 tonnes of non-conforming waste in Saxon Pit. Of the borehole samples of that waste analysed by the EA, 86% have been found to contain sufficient chemical contaminants to render them hazardous. The EA, without any consultation with local representatives, has clearly become inclined towards just leaving this hazardous waste in situ, capped in a manner which has not been fully disclosed to us. Discussions are further taking place between the EA and a third-party operator to build an incinerator on site, with all the traffic and noise issues that will undoubtedly generate. Meanwhile, there is still no sight of effective enforcement action being taken in respect of what at face value appears to be an egregious and substantial breach of the existing site operator's licence with the EA. This unlawful dumping took place between October 2017 and February 2018, according to the EA. But why have there been no prosecutions and fines for the Operating Company? Why has no action been taken against the Directors and/or whoever else may have been responsible? Meanwhile, water from the pit, contaminated with anything from nothing to hazardous chemical contaminants (we just do not know!) has been pumped into the local watercourse system, with completely unknown consequences for aquatic and human life.

I have been asked by several people why FDC is not acting to stop all this. The truth is that FDC has very few legal powers or responsibilities in this situation.

A District Council ordinarily has planning, building control and environmental protection powers and responsibilities which it can and should use. The situation at Saxon Pit is, unfortunately, different.

Planning powers for waste disposal sites and mineral extraction sites are, by national legislation, vested in the County Council, not the District Council. We can only make recommendations as a consultee. That very limited right is something I intend to latch onto as one of the best ways we can give concerned residents a real voice, as I will explain later in this email.

District Councils' environmental powers do not, by national legislation, extend to what are called "special sites" as defined in the Contaminated Land (England) Regulation 2006. Sites which are 'regulated' for Waste or which are the subject of specific environmental permitting by the Environment Agency come within that definition of "special sites". On both accounts, Saxon Pit therefore falls outside FDC's environmental powers.

Building Control is the one area where FDC does retain normal powers at Saxon Pit. However, those powers would be very limited, regulating only how (rather than whether or not) the chimneys at the site should be demolished, and using what methods of construction (rather than whether or not) an incinerator plant should be constructed.

I will be quite honest with you. To my mind, the Environment Agency has failed abysmally to fulfil its legal functions. But the Environment Agency faces perilously little accountability for its actions and inactions, especially at local level.

What we do have at District Council level is the opportunity to draw much greater attention to the entirely unacceptable situation at Saxon Pit, and that is what I intend to put forward formally in three weeks' time for discussion at the next Full Council Meeting of FDC. Even though I will be putting this forward, supported by Cllr Dee Laws, as an ordinary District Councillor, my position as Leader of the Council will allow this to be publicised and for pressure to be placed on those with responsibility far more effectively.

With the support of others, I plan to call for the following:

1. FDC to be advised by the EA, on an open basis, of the full analytic results from the 50 boreholes drilled on the site, with full details of the types and quantities of hazardous chemical contaminants that were found by the EA.
2. FDC to be provided by the EA, on an open basis, with full technical specifications of any proposed capping of that waste, together with the calculations supporting the likely effectiveness of such capping over the short, medium, and long terms.
3. FDC to be forwarded, by the EA, of their full analysis of water pumped into the local watercourse system from Saxon Pit.
4. In the absence of answers to the first three points, or if those answers are not entirely satisfactory, that FDC make the strongest possible representations to Cambridgeshire County Council's Planning Committee on environmental grounds against any planning permission which is sought to construct an incinerator at Saxon Pit.
5. Additionally, FDC to make the strongest possible representations to CCC's Planning Committee against any application for a proposed incinerator at Saxon Pit on the grounds that our local roads do not have the capacity to cope safely with the additional HCV traffic which would be generated.
6. FDC to request from the EA full details of how the EA has handled the complaints made, and unlawful dumping that has occurred, since October 2017, with an explanation as to why, in accordance with the Environment Agency's Enforcement and Sanctions Policy, effective action in respect of the hazardous waste and in respect of those responsible for its unlawful dumping has not taken place.
7. That the motion be forwarded to Stephen Barclay MP, Cambridgeshire County Council's Planning Department and the Secretary of State for Environment, Food and Rural Affairs.
8. That any failure by the EA adequately to explain its actions and/or inactions in respect of Saxon Pit should be referred by FDC to Stephen Barclay MP, the Secretary of State for Environment, Food and Rural Affairs and to the Secretary of State for Business, Energy, and Industrial Strategy with respect to his Department's overview of the Regulators' Code.

There will, of necessity, be much more detail than above attached to this motion, especially looking at the detail of EA's Enforcement and Sanctions Policy and how the EA appears to have failed to follow its own policy in dealing with Saxon Pit (you can see details of the policy here: <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-policy/environment-agency-enforcement-and-sanctions-policy> ). And I will be grateful for any and all input from residents, councillors and others before this motion is formally submitted. But these appear to me to be the strongest actions that we, locally, can take to fight what is going on and what has gone on at Saxon Pit.

One final point I need to make: Cllr David Connor, my fellow County Councillor here in Whittlesey, is Chairman of the Planning Committee at Cambridgeshire County Council. If through his words or actions (including how he votes at FDC on this motion) he was deemed to have "predisposed" himself against the Saxon Pit incinerator proposal, he would be barred from sitting on, or commenting at, the planning committee meeting which would consider the planning application for the incinerator on the grounds that he was "predetermined". Please, therefore, understand if Cllr Connor keeps quiet during this run-up to the Planning Committee meeting.

Members discussed Saxon Pit in depth with questions regarding the use of the word 'incinerator' and 'incinerator Ash' as both terminologies had been used in the correspondence with the EA and clarification was required.

Cllr Boden confirmed the non-conformed waste was deposited oct 17 to 122858 unlawful waste was deposited. From the boreholes tested 76% showed signs of hazardous waste

however to what quantity is unknown, this could be microscopic or serious in its density and this is unacceptable. The EA has confirmed this is not the total amount of waste and prior to October 17 there was further unlawful waste deposited however no figures are available.

Cllr Wicks asked what pre planning discussions had taken place regarding this bottom ash, Cllr Boden advised there was discussions, but these are confidential, he did not know the information.

Cllr Dorling advised if this is an incinerator the fly ash will surely bury itself. Cllr Boden is still waiting for something official to confirm if this is an incinerator or a recycling plant.

#### **4. COVID 19 – Cllr Dorling**

The NHS is under immense pressure, there is no evidence that vaccinations will reduce the infection rate leading to hospitalisations and possibly death. In education there are concerns about who will be included in the following prioritisation of vaccination cohorts after the first 4 have been dealt with.

**Question 1:** What is being done in Fenland to effectively communicate the current situation and enforcement of legislation?

**Question 2:** What is the Fenland performance in respect of vaccinations of the four most vulnerable cohorts and how does it compare with the best in England?

Cllr Dorling advised that due to the gravity of this situation he would like responses before the weekend.

The Clerk was asked to forward to Cllr Dorling's Statement and questions to Mr Paul Medd CEO Fenland District Council for a response.

#### **5. Pride of Fenland – This was covered during the public forum.**

#### **6. Anglian Water – Cllr Wicks**

Members were advised of the failure of two sewerage pumping stations over Christmas, Eastrea was back online very quickly however the one in Coates was off for 5 days with an external facility in place. One family had no sanitary provision for the full 5-day period. Cllr Wicks has a meeting with a Senior Engineer from Anglian Water next week. Cllr Mrs Laws advised she has some very senior meetings going on this week with the MP and other senior members as it is not only Coates that have an issue, but she would also be happy to help Cllr Wicks.

#### **F09/21. To receive Councillor & outside body reports.**

There were outside body reports.

#### **F10/21. Finance & Policy – To report the minutes from the Finance & Policy Meeting held on Monday 18<sup>th</sup> January 2021.**

#### **F11/21 To report the financial documents.**

- To report the bank reconciliation to 31<sup>st</sup> December 2020.
- To report the list of payments & To report the list of uncashed payments. Voucher Numbers 173 – 192 totalling £1854.52, proposed Cllr Mrs Mayor, seconded Cllr Mason, with a unanimous vote in favour.
- To report the year-to-date figures (2020/2021) – members received the year-to-date figures.
- To consider the grant application from Fenland Youth Radio – Cllr Boden proposed 750.00, seconded Cllr Miscandlon, majority vote in favour.
- Budget 2021/22 - Cllr Boden proposed the budget V1 with a surplus of £23,139.00 at the end March 2022. The precept will remain at £171015.00 for the year 2021 / 2022. This was seconded by Cllr Mrs Mayor with a unanimous vote in favour.



To approve the following revised policies and procedures. Cllr Boden proposed that items 1 to 5 below are approved, seconded Cllr Davies, with a unanimous vote in favour.

1. Smoking & Vaping Policy
2. Grant Awarding Policy
3. Equality Policy
4. Financial Regulations
5. Evacuation Procedure

The Clerk will speak to both the commercial tenants and give a training session on the evacuation procedure.

**F12/21 To report the draft minutes from the Planning Meeting on Monday 18<sup>th</sup> January 2021 and receive the minutes from Wednesday 6<sup>th</sup> January 2021.**

The draft minutes from the Planning meeting on Monday 18<sup>th</sup> January 2021 were reported and the minutes from Wednesday 6<sup>th</sup> January 2021 were received.

**F13/21 To report the draft minutes from the Community Projects Meeting on Wednesday 6<sup>th</sup> January 2021.**

The draft minutes from the Community Projects meeting on Monday 18<sup>th</sup> January 2021 were reported.

**F14/21 Information Only.**

A47/A141 Guyhirn Junction Project update – The Clerk will send out any information when it becomes available.

**PRIDE OF FENLAND AWARDS.**

Members were advised the Pride of Fenland Judges' special award had been presented to Deborah Slater for her dedication to ensuring her home town of Whittlesey has life-saving equipment. Deborah set up Defibs for All in Whittlesey nearly seven years ago with the aim of ensuring no-one in the town was more than three minutes away from a life-saving defibrillator. She has worked tirelessly to fundraise to buy the essential equipment, as well as to fund the testing of young people, and to train people in how to use the defibs. Her example has inspired other towns to follow suit and provide publicly accessible defibs in as many places as possible.

The runner-up: **Carol Turner**. Carol, from Ponders Bridge, was nominated not once but eight times by a variety of people for her dedication to the village. Despite sadly suffering from her own serious health issues, she remains the 'heart and soul' of the community, always willing to help others wherever possible.

**F15/21 Invitations.**

Mayor of Whittlesey Summer Ball – Saturday 31<sup>st</sup> July 2021

**F16/21 Consultations** - There were no consultations.

**F17/21. Date of next meeting – Thursday 18<sup>th</sup> February 2021**

**F18/21. Exclusion of the Public, including the Press.**

**F19/21. To discuss those items previously agreed at agenda item F02/21**

**Meeting closed: 20:55**



Cllr David Mason