

COUNCIL



1 JULY 2016 - 4:00PM

PRESENT: Councillor S Bligh, Councillor C Boden, Councillor G G R Booth, Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor M Buckton, Councillor T R Butcher, Councillor J F Clark, Councillor S Clark, Councillor D W Connor, Councillor M Cornwell, Councillor S Count, Councillor S R Court, Councillor Mrs C R Cox, Councillor M Davis, Councillor Mrs J French, Councillor S Garratt, Councillor D Green, Councillor A Hay, Councillor D Hodgson, Councillor Miss S Hoy, Councillor M J Humphrey, Councillor S J E King, Councillor D Laws, Councillor D Mason, 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 C J Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor M Tanfield, Councillor G Tibbs, Councillor S Tierney, Councillor F H Yeulett.

APOLOGIES: Councillor A Pugh

12/16 APPOINTMENT OF ACTING MONITORING OFFICER

The Chairman, Mrs Carol Cox introduced Kim Sawyer, Monitoring Officer at Peterborough City Council to Members and explained that Kim Sawyer had agreed to attend Fenland's Extraordinary Council Meeting both in her proposed capacity as Temporary Monitoring Officer and also to support the Devolution agenda item. Kim Sawyer left the room whilst the item was being discussed.

Councillor Clark presented the Appointment of Acting Monitoring Officer report.

The item was proposed by Councillor Sutton and seconded by Councillor Miss Hoy.

Members made comments and asked questions as follows:

Councillor Owen asked if stated if Peterborough City Council's Code of Conduct was identical to Fenland's. Tom Lewis explained that in terms of Peterborough's Code of Conduct and Constitution, he had not had a detailed examination of these but could state that in terms of Kim's experience and ability to familiarise herself with Fenland's Constitution he was absolutely sure that she was very capable.

Councillor Clark explained he had stated that "Kim Sawyer is the Monitoring Officer of Peterborough City Council and has good knowledge and experience of the role of Monitoring Officer and will develop her knowledge and understanding of this Council's Code of Conduct and Constitution".

Councillor Booth commented that the report did not state how much this would cost the Council and asked why another officer from this Council could not undertake the role. Councillor Clark stated he did not know the costs as it was a temporary role until Carol Pilson returns.

It was AGREED that:

- **The appointment of Kim Sawyer, Director of Governance - Peterborough City Council,**

as the Acting Monitoring Officer for the Council, with effect from 22 August 2016, to cover a period of maternity leave be APPROVED;

- Fenland District Council enter into a Section 113 (of the Local Government Act 1972) agreement for the new Acting Monitoring Officer to be able to carry out their duties be APPROVED.

13/16

THE PETERBOROUGH AND CAMBRIDGESHIRE DEVOLUTION PROPOSAL

The Chairman, Councillor Mrs Carol Cox stated that Kim Sawyer had been assisting the Leaders and Chief Executives Group in the development of the Devolution Proposal. As such, she proposed to suspend Standing Orders which may preclude Kim Sawyer from addressing the meeting should there be any queries, questions or clarifications of which Kim Sawyer could offer assistance. All Members agreed to suspend Standing Orders.

Councillor Clark presented the Peterborough and Cambridgeshire Devolution Proposal Report.

Councillor Clark stated he found the devolution process challenging, interesting and at times frustrating. Whilst it could be argued that certain aspects of this devolution deal with Government and its associated governance arrangements are not perfect, he believed that as a Council we must reflect on what Fenland residents and businesses will lose out on if we take the decision not to support this. In summary, the key issues needed considering were:

1. First mover advantage. If we reject this deal, it is very likely that the terms of any future deal will greatly be reduced as the Government will have committed ear-marked resources to other parts of the country.
2. Initially we were only expecting to receive single growth pot funding at approximately £12million pa for 30 years. Through tough and protracted negotiations we have managed to increase that amount to £20million pa for 30 years. Whilst that reflects £600million for our area over the time period, the reality is that it is likely to be much more through the ability to borrow against part of the £20million pa.
3. The Government have made it very clear that future growth deal funding for LEP's is likely to be significantly less for those areas that are not covered by the devolution agreement. He had heard suggestions that growth deal funding reductions could be as much as 50% if no devolution agreement is in place. This would have a real negative impact upon the growth aspirations and future prosperity for our area.
4. The Greater Cambridgeshire and Peterborough Enterprise Partnership has officially signed off the Peterborough and East Anglian Devolution Deal at their board meeting on Thursday 23 July, the first to sign off the deal. The agreement by the LEP board moves devolution proposals an important step closer after a significantly improved deal was negotiated with Government by the LEP and its Partners. Mark Reeve, Chairman of the Cambridge and Greater Peterborough LEP said "the current devolution proposal for Cambridgeshire and Peterborough is a radically improved deal from the one that we declined to sign earlier this year. We are committed to representing the views of our businesses throughout the negotiation process, views that we look directly at the Government to negotiate the deal that far better meets the needs of our local area. We were delighted that this has been recognised from the LEP's point of view. These have been long and complex negotiations and we have firmly stood by our ground to ensure that this proposal will create the right conditions for economic growth across Cambridgeshire and Peterborough. Our proposal now includes £100million for more new housing which is critical to our economic prosperity in our area. It will also provide £600million for infrastructure, twice the amount that was originally on offer in the deal that we rejected. Should all local partners follow our lead and sign up to this Devolution proposal it would mean that we have secured the best deal in the country, a deal that has strong support from all our Board members representing the views of the local businesses and brings funding and enhanced powers to our area.

5. Through on-going negotiations with Government, a dedicated housing fund offer has increased from £75million to £100million for our area and further last minute negotiations have resulted in an extra £70million to help Councils replace the right to buy housing stock.
6. Having a first Devolution Deal opens the way further for negotiated deals with Government and the additional benefits that this could bring. We will all have a stake in setting out what any future deals with Government will look like.
7. Fenland will have a greater ability to take local decisions on a wide range of issues that are important to our local areas and people, for example skills, transport, growth and economy.
8. An ability to shape the future for our young people through devolved skills budgets of £90million.
9. A genuine attempt to keep the costs of the Mayor and Combined Authority (CA) to a minimum by agreeing no allowances for Members of the Combined Authority and a commitment to developing an officer structure that is mostly made up from within existing Council, LEP and partner capacity.
10. Importantly, Fenland District Council is not being asked to relinquish any part of its sovereignty as part of this devolution proposal. Therefore the day-to-day operation of the Council is likely to remain largely unaffected.
11. A devolution deal will help maintain momentum and secure the funding to support the next steps towards a Wisbech Garden Town and associated infrastructure which could have a huge impact on the historic deprivation issues that continue to impact on the town. I stated as much in my speech at the County Council meeting. I recognise that all our towns and villages have their issues and this would give us the opportunity to address those and believe that our terms of this devolution deal provide real opportunities which would benefit all of them and their residents.

Should this Council agree to support the devolution, today would represent a key milestone in achieving those things he had already set out. Much work would still be required, commencing with an important period of statutory consultation with residents, local stakeholders and Fenland councillors, who would all have the opportunity to influence the way forward. Furthermore, the work programme of the Combined Authority and the Mayor would need to be developed setting out key delivery priorities.

Should this Council support devolution, it was Councillor Clark's intention that Fenland continue to take an active role in shaping the future role of the Combined Authority and the Elected Mayor and he made a strong personal commitment to ensure that all Fenland Members would be kept fully involved in the next steps.

Councillor Clark added that his summary was intended to confirm the facts of what would be lost to the area if Fenland District Council chooses not to support devolution. The decision now rested with Members of Fenland District Council and the elected representatives of Fenland residents.

The item was proposed by Councillor Yeulett and seconded by Councillor Mrs French.

Members made comments and asked questions as follows:

Councillor Mrs French proposed that the vote be recorded; this was seconded by Councillor Mrs Davis. Members agreed to the vote being recorded.

Councillor Mrs French stated she agreed and supported this proposal; she did have reservations with regard to what the costs would be to the Council but having attended the last Seminar she was pleased to find out that Fenland's share of the deal was based on population and not divided by eight. She had reservations about a Mayor but she thought that would be resolved and therefore supported the deal.

Councillor Miss Hoy stated she worried about the proposed deal as she was concerned about the

ability to pay extra tax on businesses and was doubtful as to how thorough the consultation would be; she hoped that the public's views would be listened to. She had further concerns as the Leader of East Cambs had publically said this was a Huntingdon, South Cambs and Cambridge City deal and he said he felt this deal was not ideal for Fenland and East Cambs. Furthermore she was of the opinion that this was a massive additional area of bureaucracy which the public would not like at all however, she would vote for this because the deal does specifically mention Wisbech which was so vital to the town that she could not jeopardise it.

Councillor Tierney stated he was struck by how many similarities there were in the discussion he had heard on this issue and on the EU Referendum last week. On one hand Members were being asked to join a large conglomerate over which there would be power put down upon the Council called devolution and would solve our problems but if Members did not agree, then the Council will be punished and not receive funding as it would be given to others, meaning Fenland would be detrimentally affected for ever more. He stated he was not anymore convinced by this than he had been previously. He did not have a problem with devolution or an elected mayor but the document they had been given at the beginning was so vague and was just as vague now. There was nothing written in stone, promises are being made but they could easily change therefore this was going ahead on aspirations and he was not sure that should be a reason to change the entire system of local governance. He expected if this was approved, it would continue to escalate, gain more power and a lot of things Members were being told now would be completely reversed in a few years. He did not support this at the moment as he did not think a case has been made but would listen to the debate before he decided how to vote. He thought that if the government were going to devolve then it would have been better to devolve to the existing institutions like Fenland District Council instead of creating a new one.

Councillor Yeulett stated he supported the deal; he did have concerns but if Members support this proposal then Fenland's representatives from the Combined Authority must ensure that Fenland receives its fair share and not just crumbs from the table, Fenland must have a strong voice going forward. The intention was to pass down powers to a more local level; this together with the serious money accompanying it would be welcomed. There are many needs in Fenland and he welcomed the commitment and the agreements to address the level of deprivation. He too had reservations about an elected Mayor, but that's what it was, the Mayor will be elected and the accountable to the electorate and can be thrown out if they do not deliver. There are enough checks and balances within the agreement to ensure that the real power lies with the Combined Authority. If Members vote against this then there is a risk of losing a lot of money and a local say in future developments; it takes away Westminster control and gives it to the local people, this is the first stage in the process; there are other areas in the country that are a stage further and doing more for themselves bringing in more funding locally and more control locally. This was a strategic document on which the public would be consulted and he would be voting in favour of the proposal.

Councillor Booth stated he had reviewed the document and he agreed with Councillor Tierney's comments. He thought the report was very vague; there were some commitments included but even the A47 only stated about securing greater influence, there was nothing cast iron and he was concerned the Council could end up with a "white elephant". With regard to the comparison with the EU Referendum, one argument was that the EU was too bureaucratic and detached from people on a day to day basis and he could see this as the same; people would not connect with it as another layer of bureaucracy. This will generate a large amount of additional work; non-statutory spatial studies of which he was not sure of what their purpose was if they were not statutory as surely this would mean they would have no weight but would take a lot of officer time from each Council to prepare the documents, with regard to working with DWP; this authority would have to co-commission the report and therefore would have to also pay for it. The report states a lot of studies would be carried out therefore the monies provided would be used up. Fenland had earlier announced a press release stating additional funding had been received to look at the district's train stations at £150,000 but this will not improve the stations it would fund

further studies and would not deliver anything. Councillor Booth stated his worry was this would happen with this proposal. The type of funding needed for the A47 would not be provided by the £20million as it would take billions; there were presently commitments just for strategic locations to be developed; they are not talking about duelling the whole of the A47 which is what Councillor King had suggested at a previous meeting; at the moment funding is only there for certain aspects of it. He stated he was concerned that Members would be voting for this and there would be an additional layer of bureaucracy and how would this give real benefit to residents. Councillor Booth asked with regard to funding, would there be funding devolved from Highways England's budget to deal with the main trunk roads; it appears not and if we are not provided with that power then it is not proper devolution. Members have to get government's agreement in certain instances to be able to proceed and the proposal also makes references to the Green Book which is used in civil service for cost benefit analysis and this did not always generate the analysis to state further investment was needed resulting in no further funding being received. In his opinion this did not talk about concrete delivery of items but instead lots of studying and surveys with no real outcomes.

Councillor King stated there was a Network Rail process that had to be followed which included a series of Governance of Railway Infrastructure Projects (GRIP) processes, currently Fenland were on GRIP3 for the Wisbech to March study with another five stages to go through. The funding of £359,000 for Whittlesey and Manea railways was to get Fenland on the GRIP "treadmill" which was good news; where the money will come from to carry out the work would be looked at further down the process. With regard to the A47; the only Highways England road through Fenland is the A47 the rest are Highways Authority roads and this is the power that will be transferred to the Mayor therefore there will be an opportunity to carry out some work in addition to the work County has done because the County does not have the money. Once Fenland is a devolved authority then there will be funding available for additional work; he understood this was vague but it was down to Members to make the case for Fenland. Councillor King added that he supported this.

Councillor Mrs Bucknor stated there was an appalling lack of detail in the report as a lot of it was being "winged" and who knew what the government will become in October; it was a George Osborne "baby" and Fenland could agree to something that was not guaranteed. Councillor Mrs Bucknor thought this would be a great deal for consultants because how could officers in Fenland and elsewhere, where resources and staff have been cut, be able to carry out the work; there was no additional funding available for officers of the Mayor's office and if these officers cannot take the work on then who would; consultants? This was a big flaw in the proposal. Councillor Mrs Bucknor stated that £14.1million will be spent on the Guyhirn roundabout therefore there must be huge sums involved with the A47. Her concerns were lack of detail and that Fenland were being "put over a barrel" and forced to accept the proposal; she felt very uncomfortable but did not know what the alternative was other than to accept it.

Councillor Clark clarified that the Leaders had agreed that the makeup of the Mayor's office would come out of existing resources and therefore would be drawn from each different Council's resources. Regarding the £20million; it was absolutely in the agreement that would be used for delivering projects if it is used in salaries of officers or consultants then at the five year gateway assessment it would affect future funding. therefore no Leader would put that at risk.

Councillor Tanfield stated she was aware some Members were concerned about the projects Fenland would not get and of the concern that the A47 details were vague but at the moment Fenland has none of these, there would be one vote per Council which means that Fenland would have to align with other Councils to ensure these projects go ahead. One Council will not be able to dictate that all the monies go to Cambridge City because everyone has to agree therefore this will mean that Fenland will receive a much fairer deal. She supported this deal as it was about future generations and the development of further devolution and if Fenland are in the forefront and looking forward it was the best way.

Councillor Booth asked if the £20million could not be used for the studies then where would the funding come from; he was aware that 60% needed to be from capital and 40% from revenue therefore he thought it was more complicated than how Councillor Clark had stated. When the floods happened in Somerset he understood that they would not provide flood defences as it did not comply with cost analysis; it married up with the criteria in the Green Book which was a strict document. Regarding the democratic process and directly elected mayors; there have been a number of referendums in local authority areas over the last ten years and a few years ago ten areas were given the option of voting for a directly elected mayor resulting in nine of them rejecting the whole principle; he did not see this view changing as it was another layer and therefore he wondered if this was the time to look at cutting out a layer of local government. With regard to the guarantee of the additional monies of extra £20million; the funding formula had been changed for devolved areas meaning that less monies will be received for the services provided therefore Fenland could receive £20million in one hand but have it taken away in the other. For example the SureStart Centres that look after children were ring-fenced when they were originally put in place but now the funding was all part of the mix but the Government still state there was funding for these Centres which means Councils are now having to make the decision around whether to cut the service. Councillor Booth suspected that was where Fenland could also be penalised although he hoped this was not the case but this deal does not give any assurances of being on a level playing field and that these were definitely additional money.

Councillor Boden stated he had listened to all the comments made and had heard requests made for guarantees but there are no guarantees in the long term. With regard to Councillor Booth's comments about the £20million per year and how guaranteed that would be in the long term; given the changes in Government along with other changes that take place in the economy there was no way it could be assured that in 10 or 20 years' time the additional £20million will still be there which was why it will be very important for the Combined Authority to not borrow against the whole sum of what is anticipated to be coming forward in the future; there will be a need to be cautious and prudent. Councillor Boden added that it would be difficult to spend £600million or one billion on projects in year one or year two as there were not the projects available to spend that money on therefore it would be self-limiting but as Councillor Booth stated, there are no guarantee over the next 20 or 30 years but there was a good guarantee that at least over the next four years whilst there was still a Conservative Government. He added that although the deal was not perfect or fully detailed; there were parts he did not like but as a whole it would be better than taking nothing. This proposal was not about Fenland; the focus is the economic powerhouse of Cambridgeshire which is Cambridge City, the areas around Cambridge City which is succeeding exceptionally well in economic terms and is facing many problems from that success; a lot of this proposal is designed to meet those problems. £70million of £170million was allocated for housing specifically allocated to Cambridge City and in his opinion a lot of the rest would go to South Cambridgeshire and he did not begrudge them that because it was needed to support the economic growth area of South Cambridgeshire however Fenland is part of Cambridgeshire and included in the deal and therefore there are opportunities for Fenland to take advantage of as Fenland's need are not the same as South Cambridgeshire. Fenland does not need massive amounts of new housing to support the workers that cannot find housing for the jobs they have in Cambridge, or the infrastructure to access the city but what Fenland does need is more jobs, desperately needs more skills for adults and children, infrastructure to attract employment and Fenland does need to be able to link better to the economic powerhouse in the south and to improve public transport; all of these things are potentially on the table. Fenland would not get the majority of the money on offer but would get some of it and making some change is worthwhile doing. Councillor Boden stated he looked at the challenges within Fenland and some of the statistics made him despair; the level of skills of both children and adults compared with the rest of Cambridgeshire terrible and Fenland desperately needs to be able to fund more focussed investment to improve the position for both adults and children in Fenland. This devolution deal gives Fenland the opportunity to tackle these issues because although there is a lot of focus on housing and infrastructure, there is also the devolution of the skills budget down to a more local level and Fenland should have a strong say in explaining why it needs a disproportionate amount of that budget to be focussed in Fenland. He

explained there were 33,500 lower super output areas in England and Wales and of these Waterlees Village Ward was the eleventh worst for children skills, as are many other areas of Fenland which are high up in the list; funds and focus are needed to be able to address this desperate situation and this deal gives Fenland that chance. Councillor Boden commented that he hoped Fenland will play an active role in shaping the future of this Combined Authority and especially in shaping the key delivery priorities which the Mayor puts forward; whilst Fenland may not get the lion's share of £170million it is hoped it will receive a significant proportion of the infrastructure monies that are available and a greater proportion of the skills budget. Councillor Boden stated he was surprised that at County Council the representatives from Wisbech had argued against this proposal because he thought it was a derogation of their duty in failing to take advantage of the opportunity and Members owed it to the people of Fenland to give this a chance to take what is guaranteed and argue for more when possible.

Councillor Booth asked for clarification with the regard to the ability for the Combined Authority to be able to levy a 2% precept on business rates; what did this equate to in pounds. Councillor Boden explained it would be approximately a 4% increase but this document merely gives the opportunity for the Mayor to put forward which would then have to be agreed by the Combined Authority. Councillor Booth stated that although this was in the future it was still part of what Members were voting on as it would be powers given to the Combined Authority and the Mayor and therefore very relevant.

Councillor Clark stated that the LEP were fully supportive of this and they represent the business community therefore the businesses would address that problem and taken it into consideration and have chosen to support the deal.

Councillor Owen stated he had not heard an explanation for why this extra layer of a Mayor was needed; if County Council were being cut and their services moving sideways to other authorities then he would agree but he did not see the point of an extra layer to control the Combined Authority.

It was AGREED that:

- **The conclusions of the Governance Review be ENDORSED - that the establishment of a Combined Authority with a Mayor for the Cambridgeshire and Peterborough area would likely to improve the exercise of statutory functions in that area;**
- **The content of the Devolution Deal proposal be APPROVED in principle;**
- **This replaces in its entirety the East Anglia Devolution Agreement signed in March 2016 be CONFIRMED;**
- **The Governance Scheme be APPROVED in principle;**
- **The Chief Executive undertakes appropriate consultation on its content be APPROVED in principle;**
- **A further meeting be convened of Full Council to take place in October 2016 to consider whether to support, in principle, the granting of consent for the Secretary of State to bring forward such an Order to establish a Mayoral Combined Authority covering the area of Cambridgeshire and Peterborough be RESOLVED.**

The vote was recorded as requested by Councillor Mrs French and supported by the majority of Councillors.

In favour of The Peterborough and Cambridgeshire Devolution Proposal - Councillors Mrs Newell, Green, Hay, Garratt, Boden, Mason, Mrs Laws, Miscandlon, Buckton, Mrs French, Yeulette, Clark, Sutton, Butcher, Seaton, Cornwell, Court, Booth, Connor, Mrs Davis, Humphrey, Mrs Clark, Mrs Bligh, Miss Hoy, Tibbs, King, Oliver, Tanfield and Murphy

Not in favour of The Peterborough and Cambridgeshire Devolution Proposal - Councillors Owen, Bucknor, Skoulding and Tierney

Abstained from Voting - Councillors Mrs Bucknor and Hodgson

(Councillors Boden, Yeulett, Butcher, Clark, Connor, Miss Hoy and Count declared a non-pecuniary interest by virtue of being a Member of another local authority which was part of this same proposal for a combined authority, Cambridgeshire County Council and earlier in the week had taken part in the debate on Cambridgeshire County Council meeting to discuss Devolution and having considered all of the arguments at that meeting voted in favour. However this item was now in the interest of Fenland District Council and come to this meeting considering both the proposed Devolution proposal and the outline governance arrangements with an open mind and with Fenland's interests at heart.)

4:50pm

Chairman