

# COUNCIL



**THURSDAY, 19 JULY 2018 - 4.00 PM**

**PRESENT:** Councillor K Mayor (Chairman), Councillor Benney, Councillor S Bligh, Councillor C Boden (from 4.05pm), Councillor G Booth, Councillor M Buckton, Councillor R Butcher, Councillor J Clark, Councillor S Clark, Councillor D Connor, Councillor M Cornwell, Councillor S Count (from 4.12pm), Councillor S Court, Councillor C Cox, Councillor J French, Councillor S Garratt, Councillor A Hay, Councillor D Hodgson, Councillor S Hoy, Councillor M Humphrey, Councillor S King, Councillor D Laws, Councillor D Mason, Councillor A Miscandlon, Councillor P Murphy, Councillor F Newell, Councillor D Oliver, Councillor K Owen, Councillor A Pugh, Councillor C Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor G Tibbs, Councillor S Tierney and Councillor F Yeulett

**APOLOGIES:** Councillor M Davis (Vice-Chairman), Councillor M Bucknor and Councillor V Bucknor

## **C16/18      PREVIOUS MINUTES**

The minutes of the meeting of 17 May 2018 were confirmed and signed, subject to amendment to minute C6/18, penultimate paragraph, to include that Councillor Booth commented that a Government Minister effectively said that local Council leaders needed to get their act together to obtain the funding and it was extremely disappointing that a Conservative Government was attacking Conservative Councils.

Councillor Owen stated in relation to minute C7/18, second paragraph, that the boat in March had now been removed.

## **C17/18      TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

### **1. Former Vice-Chairman**

The Chairman asked Councillor Hodgson, as departing Vice-Chairman, whether he would like to say any words as he was not present at the Annual Council meeting.

Councillor Hodgson thanked fellow councillors for electing him as Vice-Chairman a role which he has enjoyed supporting the Chairman.

### **2. New District Councillor**

The Chairman welcomed Councillor Ian Benney to his first meeting of Council following his election to the District Council in the Birch Ward By-Election.

### **3. Twinning Visit**

The Chairman thanked members who took part in the twinning visit with German colleagues from Stadt Nettletal. The extended weekend and the associated activities were extremely successful and enjoyed by all.

#### **4. Armed Forces Day**

The Chairman thanked members who were able to attend the Armed Forces Day celebrations and particularly the Badge Presentation Service which took place at St Mary's Church in Whittlesey. The event was well attended recognising the selfless contribution of our Armed Forces men and women, with the veteran's badges being presented by the High Sheriff of Cambridgeshire, Dr Andrew Harter.

#### **5. Civic Reception**

The Chairman informed members that her Civic Reception would take place on Friday 14 September 2018 at the Neale-Wade Community College, March and invitations would be sent out to all members shortly.

#### **6. Coffee Morning**

The Chairman informed members that she will be hosting the annual Charity Coffee Morning on Thursday 27 September 2018, with all the proceeds being donated to MacMillan Cancer Relief. She stated that all members were welcome to attend and donations for raffle prizes to raise money for this worthwhile cause were also appreciated.

#### **7. Customer Service Excellence**

The Chairman announced that the Council has been successful in obtaining reaccreditation of the Customer Service Excellence standard. This is a rigorous external assessment that recognises the Council's commitment and excellence in the delivery of its customer service.

The Chairman presented the Customer Service Excellence Award to Councillor Mrs Hay as Portfolio Holder.

#### **C18/18      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.**

No questions had been submitted under Procedure Rule 8.6 and Councillor Booth, as leader of the main opposition group, asked questions under Procedure Rule 8.4, as follows:

- is the Council going to modernise the way it interacts with the public, in particular with access to meetings and the possibility of screening meetings in the future as other councils do? Although he had the question answered in relation to timescales in an e-mail, he felt it was a broader subject than this. The Leader stated that he would expand upon this response;
- further to the Leader's role on the Combined Authority and his update to members last week on the Wisbech 2020 projects, Councillor Mrs Bucknor had suggested a briefing to Councillors and is it the Leader's intention to provide a briefing? The Leader stated that the Council was given a late opportunity to participate in a paid for editorial by Anglian Water, with no new information on the projects being available;
- what is the position with the Wisbech Rail Project as it seems to be losing momentum? The Leader stated that it has been to the Wisbech Access Study and passed by the County Council only 5-6 weeks ago. The project is in its infancy at the moment and once more information is available he would provide it to Members. Councillor Booth expressed the view that this contradicts what Councillor King stated when he was Portfolio Holder when he indicated it was at more advanced stage more than six months ago;

- when is the Council going to engage with the public over Wisbech Garden Town as it is moving ahead at some speed and the public are unaware, which he has concerns about? The Leader stated that contact from the Environment Agency is still awaited over flood risk and whether it will allow the development to be built;
- is there any more information on the Mayor of the Combined Authority's published document on strategic initiatives, which includes the desire to extend the M11 past Chatteris up to the Guyhirn Roundabout? It is vague in detail but does refer to investment through public or private initiatives and is there any further information on this? The Leader stated that the Mayor has had various meetings with investors, both nationally and internationally, and once he is aware of any further information he will provide it to Members. The Mayor is still trying to finalise portfolios, which is hoped will be concluded in a week, and it is hoped that further information will be forthcoming after this;
- Cabinet agreed earlier today to pass the costs of repairs and maintenance of parish street lighting to the Parish Councils and, therefore, costs to parishioners in the precepts. How will the Council let parishioners know about this issue as the decision was made by this Council and it will involve costs to people living in rural villages? Up to now, street lighting has been paid for in the Council Tax and shared equally and fairly and this decision means there will be extra costs in rural villages because they are paying for the street lighting in the towns through Council Tax and the parish lighting through precepts. The Leader acknowledged that some street lights belong to the District and some to the Parish. Cabinet has made a compromise on the energy costs for twelve months listening to the arguments put forward. The costs will be equitable across the parishes and depend upon whether the parish becomes part of the Council's contract or goes it alone, for which there would be grant funding. Councillor Booth made the point that this still does not answer his question about how parishioners will be informed that it is the District Council's decision to pass on costs to people in the villages. The Leader stated that these assets belong to the parishes and it will be for the parishes to give an explanation as to why they are raising precepts and he believes that most parishes put their precepts up in the past to cover the eventuality of the street light issue. Councillor Booth disagreed with it being fair as the previous situation came about due to the way assets were allocated by the Local Government Act 1974 with for some reason the towns lighting being provided by the District Council. In his view, the reason that the Council paid for the Parish street lighting was in recognition that this legislation was flawed in the first place and now the Council is penalising parishioners that live in the villages as it is passing on those costs. This is not a good situation and the Council should act for the good of the whole District and it is some of the most vulnerable people that live in the villages. The Leader stated that this situation has been going on for over four years and the Parish Councils have had ample opportunities through various means to express their concerns, with all cases being assessed. However, the Council have had to make a decision as it is in a difficult situation economically having to make significant savings. These lights are parish assets and the Council has paid for them for the past thirty years which it cannot longer afford to do;
- are there going to be any further surprises in relation to the Comprehensive Funding Review that would affect the parishes? The issue is transparency as the position with the parishes keeps moving being told different things at different meetings. The Leader stated that at present nothing else would change.

Councillor King stated in relation to Councillor Booth's comments on the Wisbech Rail project that he has no recollection of saying the study was underway as a source of funding had not been secured.

## **PROCEDURE RULES 8.1 AND 8.2.**

Standing orders were suspended to allow for full discussion on this item.

Members asked questions of Portfolio Holders in accordance with Procedure Rules 8.1 and 8.2 as follows:

- Councillor Mrs French asked when will the replacement of March Skate Park happen making the point that she would like to see it sooner rather than later? Councillor Murphy responded that matched funding has not yet been secured. WREN who the Council used to obtain funding from no longer recognises Wisbech and March as it is outside its area. It is hoped that there will still be consultation in the late Summer with works to start in 2019;
- Councillor Mrs French asked for the timeframe for the car parks to be resurfaced? Councillor Mason stated that he will respond to her after the meeting;
- Councillor Butcher referred to the e-mail received about the Business Awards. He made the point that the Council made a decision a few years ago as part of Comprehensive Spending Review to withdraw from these Awards and asked who has made the decision to financially support them again? Councillor Mason responded that it was his suggestion to the Leader and Chief Executive as it presented an opportunity to engage and support local businesses after two years of inactivity. He referred to the support given to a similar event, Pride of Fenland Awards. Councillor Butcher recognised the reasons for the decision as business is important to the Council, but, in his view, this is an open Council and it should have been a discussion with Members. Councillor Mason expressed the opinion that £1,200 is a small amount of money and he felt the Awards should be supported;
- Councillor Mrs Bligh asked in reference to savings why Members are still receiving paper payslips? Councillor Mrs Hay responded that the payroll service is administered by Bedford Borough Council and she will speak to officers about Members receiving electronic payslips and report back;
- Councillor Sutton stated that he had e-mailed Councillor Mason raising his objection to the financial support to the Business Awards as he feels that it has existed and worked perfectly well without any input from the Council. He made the point that when he goes to officers or the Portfolio Holder for something in his villages he is being told there is no money and he feels it is outrageous that the Portfolio Holder, Leader and officers have given approval for this;
- Councillor Sutton referred to the microphone situation. He had brought some leaflets back from the LGA and given them to the Chief Executive stating that the microphone situation needed resolving. It is now 12 months later and, in his view, it took the diabolical situation of the September meeting with the Chairman speaking and the microphones whistling away for officers to recognise the problem. The Council has hired in a system for the last few Council meetings and is using an archaic system that is not fit for purpose for other meetings. He asked how much the hired-in system costs per meeting and when is the microphones issue going to be resolved? Councillor Seaton stated that he would provide an answer following the meeting;
- Councillor Tierney referred to street drinking in Wisbech, with the Police undertaking a recent drive, but he is still seeing street drinking in areas where a DPPO exists, asking how the Council can undertake more enforcement? Councillor Oliver stated that he would report back as it may be that patrol timings need adjusting and whilst CCTV can pick up instances the person has moved on when officers get there. Councillor Tierney expressed the view that, whilst the new system is working as it has cut instances, he wants to work with Cabinet as the issue has moved onto Church Terrace. Councillor Oliver stated that he had noticed this during

the Rose Fair and he will liaise with officers to find a solution;

- Councillor Booth asked what funding has been set aside for maintenance and improvements to play areas across the District for 2017/18, 2018/19 and 2019/20? Councillor Murphy responded that £20,235 for 2017/18 and £29,500 for 2018/19 and the same the following year. This funding is to be used to repair any play equipment reported to the Council or identified during safety inspections. Councillor Booth expressed the view that last year he was told there was no funding available for play equipment in the villages, although Wisbech Skate Park obtained funding, and asked how can it be assured that there is a level playing field and everyone gets funding? It shouldn't be forgotten that we need to look after our villages as well as towns. Councillor Murphy stated that money is obtained from Section 106 Agreements or external funding, with funding for Bath Road Skate Park coming from Clarion, this Council through Section 106 Agreement money and Wisbech Town Council. Councillor Booth asked that other areas of the district are not forgotten. Councillor Murphy assured him that no parts of the district are forgotten;
- Councillor Tibbs stated that he had the update from officers, but asked if there was any further update on Wisbech Vehicle Exchange? Councillor Oliver stated that he cannot expand any further than what is contained in officer's e-mail to Members, there is another party involved and we have to wait until this is resolved;
- Councillor Mrs French referring again to the Business Awards asked for assurances that the money goes to the Cambs Times for its expenses and not towards Members to attend. Councillor Mason stated that this was his intention;
- Councillor Booth referring again to street drinking in Wisbech stated that it would be useful to know how many people are removed so Members can see how effective it is. Councillor Oliver responded that he would provide this information to him;
- Councillor Booth referred to the Portfolio Holder reports in relation to Street Pride and that there is no mention of the Murrow group. He feels that reports are being prepared too much in advance and Members are not receiving up-to-date information. In his view, Members need at least the previous month before Council as they are currently looking at information that is two months old. Councillor Murphy stated that all information within the reports has to be collated and this takes time to do. Councillor Booth responded that, in his view, information up to previous month could be included. Councillor Murphy stated that information does come out in the form of press releases. Councillor Booth responded that a press release does not constitute a formal report to Council;
- Councillor Booth asked for an update on grass cutting. Councillor Murphy informed Members that he has met with the company, they have had a bad start and are catching up fast, especially as the grass is now not growing as fast. The company is being fined each month and the Council is not paying them as per their contract. They have been told if they undertake their duties correctly, they will get paid for it. Councillor Booth expressed the view that this is reassuring;
- Councillor Booth referred to the business support events mentioned in the Portfolio Holder reports and asked how cost effective these events are, a question which he had asked at Overview and Scrutiny Panel? Councillor Mason promised to supply him with the information as soon as possible.

**C20/18      QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH  
PROCEDURE RULE 9A**

In accordance with Procedure Rule 9A, Helena Minton attended Council and asked the following

question to the Leader of the Council:

“I would like to ask what Fenland District Council is doing to further the ‘Growing Fenland – Chatteris’ Plan as part of the Market Towns Masterplan for Growth Project?”

The Leader of the Council thanked Helena for her question and stated that the Council was delighted to learn of the Combined Authority’s commitment to invest £150,000 in the towns of March, Chatteris and Whittlesey as part of their plans to create Masterplans for Growth. He advised that Fenland decided to use the branding ‘Growing Fenland’ for these projects, which describes the planned economic growth and a nod to our agricultural heritage.

The Leader of the Council stated that the £50,000 of funding allocated to the town of Chatteris will be used to produce an economic masterplan for the town, identifying potential improvements and opportunities for future economic growth, taking into account social and environmental considerations. He made the point that the purpose of the £50,000 is not to finance existing schemes or projects, but to produce a bespoke growth and economic plan for the town with the aim of identifying those initiatives that will transform the future of the town and attract even larger amounts of funding to help deliver these ambitious plans.

The Leader of the Council stated that a great deal of work is going on in the background since the Combined Authority made their initial announcements, with officers producing detailed document briefs to be considered by potential consultants who will work with each town to produce their bespoke growth and economic plan. He advised that consultants will be asked to fully engage with Town, District and County Council representatives as well as members of the business and voluntary communities. They will also lead on the community consultation which will ultimately ensure that these plans are devised by the community with each town’s individual needs and aspirations being fully considered.

The Leader of the Council advised that once the growth and economic proposals are produced, they will then be used to bid for additional funding for bigger, bolder projects, helping to secure the economic futures of these market towns. The members of the Stakeholder Groups in each town will be kept fully up-to-date with any developments, and the public will be updated with regular press releases and social media posts.

The Leader of the Council asked Mrs Minton to contact him or Councillor Mason as Portfolio Holder for Growth if she had any further questions.

The Chairman asked Mrs Minton if she had a further follow on question she wished to ask. Mrs Minton asked how the committee was chosen and made up? The Leader of the Council advised that Councillor Mason is identifying those groups and would be happy to speak to Mrs Minton after the meeting.

## **C21/18      OVERVIEW AND SCRUTINY ANNUAL REPORT**

Councillor Boden presented the Overview and Scrutiny Panel Annual Report for 2017/18. He stated that he was in an unusual position presenting a report for 2017/18 for a committee which he was only appointed Chairman of for a few weeks before the end of that municipal year. He congratulated Councillor Yeulett, as the previous Chairman, on a notably successful year for Overview and Scrutiny under his Chairmanship.

Councillor Boden referred to paragraph 5.5 of the report which lists the recommendations and shows the depth and breadth of the work undertaken last year and, of particular note, was the valuable work in scrutinising the new heating contract with Clarion Housing and the relentless pursuit of the LEP when that body was in some difficulty and failing to deliver in Fenland.

Councillor Boden stated that as Chairman of the Overview and Scrutiny Panel, he hopes this year to match Councillor Yeulett's success of last year. There is an ambitious programme of work planned, a policy review of the Council's Economic Development Service and the intention to open up the Overview and Scrutiny process to the general public to give residents an opportunity to put forward matters which are of importance.

Councillor Boden made the point that Overview and Scrutiny is not just within Fenland, with Councillor Hodgson and himself representing Fenland on the Combined Authority Overview and Scrutiny Committee and Councillor Cornwell sitting on the Health Committee at County scrutinising the local health service.

**Proposed by Councillor Booth, seconded by Councillor Owen and AGREED to adopt the report.**

## **C22/18      CORPORATE GOVERNANCE COMMITTEE ANNUAL REPORT**

Councillor Clark presented the annual report for the Corporate Governance Committee. He stated that this report is an opportunity to consider if the committee has effectively fulfilled its role. Good corporate governance depends upon the assurances of adequate financial operational management and reporting, with this assurance being best delivered by a committee that is independent of the Cabinet and Scrutiny functions.

Councillor Clark referred to the activity of the committee outlined in the work programme and outcomes shown within the report. He made the point that the CIPFA checklist was completed assessing the committee's compliance with a range of activities deemed essential for committees of this nature. There is a high degree of compliance with only minor areas with partial compliance and the areas of non-compliance relate to differences in terminology and do not represent a risk to the authority.

Councillor Clark made the point that external auditor confirmed the continued maintenance of high financial management in control standards. The annual audit letter explains that all significant respects of the Council make proper arrangements to secure economy, efficiency and effectiveness in its use of resources and an unqualified value for money conclusion was given.

He thanked the committee, the previous chairman, Councillor Buckton, and officers, especially Kathy Woodward, Mark Saunders and Brendan Arnold as his CMT support.

Councillor Sutton stated that he was pleased to be back on Corporate Governance Committee and it was his pleasure to congratulate the financial team led by Brendan Arnold, with it being a real shame for the Council to have lost him, but also to Mark Saunders and Kathy Woodward who do a fantastic job.

**Proposed by Councillor Seaton, seconded by Councillor Boden and AGREED that the report be adopted.**

## **C23/18      HOUSING ENFORCEMENT POLICY**

Councillor Mrs Laws presented the Housing Enforcement Policy, which is one of the key building blocks for the work that is already underway in implementing Councillor Cornwell's Private Rented Sector improvement plan. She stated that the policy sets out for openness and transparency to tenants, agents and landlords the range of powers available to the Council contained in legislation that has been utilised on a day to day basis for many years.

Councillor Mrs Laws stated that whilst the policy can look scary from a landlord's perspective, the Council will work under the framework of the Corporate Enforcement Policy which ensures

prevention and intervention before enforcement wherever possible. She believes landlords who engaged with Councillor Cornwell's task and finish group expressed the view that the Council's approach should not punish good landlords, which she feels this policy takes into account and if you are a good landlord you have nothing to fear.

Councillor Mrs Laws advised that the policy sets out some changes to how the Council operates some of its existing powers alongside an approach to some new powers that have recently become available. In summary, the new policy sets out:

- the broad range of powers available to the Council to tackle the management and condition of the housing stock
- a proposal that the Council will start to charge for when a notice needs to be served where the legislation allows the flexibility to do so
- a proposal to charge for non-statutory housing inspections where requested to do so by a landlord or agent to help with the development of their business
- a proposal to introduce a Civil Penalty process for certain offences, which are now allowed under the Housing and Planning Act 2016, whereby the Council can take civil action with a maximum fine of up to £30,000. This is an alternative to prosecution through the courts which is what the Council currently undertakes
- a proposal to utilise a Rent Repayment Order which requires landlords, who have been proved to not fulfil their statutory requirements for the condition and management of a home, to repay an amount of rent that they received either directly back to the tenant, or if relevant back to the public sector through public subsidy as the tenant qualified to receive it
- that the Government has also proposed that it will be extending the mandatory Housing in Multiple Occupation scheme to include properties that are less than three storey, which comes into force in October, with the Council setting a fee based on a full cost recovery model.

Councillor Mrs Laws informed members that the policy was subject to consultation between 23 April to 17 June 2018, which included a letter to 216 known landlords. She stated that 9 responses were received, with changes made to the policy. Further additional powers have been included relating to Energy Performance Certificates in partnership with the County Council and feedback received from the Overview and Scrutiny Panel has been incorporated.

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

- Councillor Boden stated that as Councillor Mrs Laws said this policy was referred in draft form to Overview and Scrutiny Panel. The Panel made suggestions and recommendations for improvements and correction, particularly emphasising the need for prevention and information before enforcement. He thanked Councillor Mrs Laws and officers for incorporating every positive suggestion made.
- Councillor Tierney expressed the view that he thinks it is important that when we are heading on the wrong path to recognise it and a year ago we nearly did take the wrong path, the options were looked at taking time to think about it, with lots of Councillors being involved in that and speaking to many groups and landlords. Another view was taken and what is happening now under Councillor Mrs Laws' leadership is excellent. Landlords appreciate it, they grumble about it as it is quite tough on them, but they recognise that it is fair because a lot of things are what they told us is what we should be doing and that is the balance in trying to get a situation where you are tough but not so tough.
- Councillor Booth supported the comments of Councillor Tierney, it demonstrates that what we have done is identify the powers we have and use them in the first instance and not seek more powers for the sake of it. He made the point that a couple of issues that he raised at Overview and Scrutiny Panel have not been taken fully on board. He referred to the cost of the Housing Act Notice and had queried how this was calculated as he is not convinced the figure is correct



and the balance needs to be at the right level, as with planning pre-application discussions, as people will not use the service. Councillor Booth expressed the view that the replacement wording in relation to registered authorities, ie Housing Associations, he is not entirely happy with, but recognises that it is a lot better than what was there and acknowledges the fact that we are not going to give Housing Associations an easy ride and that, he feels, is an important message.

**It was proposed by Councillor Tierney, seconded by Councillor Booth and AGREED that the Housing Enforcement Policy be adopted.**

(Councillors Hodgson and Humphrey declared a non-pecuniary interest in this item, by virtue of having family members that are landlords. Councillor Hodgson requested it be recorded that he abstained from voting)

(Councillors Benney, Clark, Mrs Cox, Connor, Count, Skoulding and Sutton declared a pecuniary interest in this item, by virtue of being landlords, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Hoy declared a pecuniary interest in this item, by virtue of the nature of her employment, and retired from the meeting for the duration of the discussion and voting thereon)

## **C24/18      CORPORATE ENFORCEMENT POLICY**

Councillor Mrs Hay presented the Corporate Enforcement Policy. She stated that this is a refresh of an existing policy that was considered in 2014 and revision is needed to ensure it is fit for purpose in the types of prevention, intervention and enforcement provided by the Council in undertaking its regulatory functions.

Councillor Mrs Hay stated that the changes will ensure the Council can utilise flexibility, with an example of this being the new opportunities to improve the condition and management of homes in Fenland contained in the Housing Enforcement Policy. She summarised that the key changes to the updated policy include some minor wording changes to better explain the policy and how it will be used, updating the policy to reflect that the Council may charge for some notices to be issued and undertaking a civil penalty prosecution route rather than through the courts where legislation allows.

Councillor Mrs Hay informed members that a consultation process took place between 23 April to 17 June 2018 to seek the views of the Fenland community on the proposed changes, along with promotion through normal media channels and letters being sent to 1797 businesses. A survey was developed, with 6 being completed, and during the consultation, Overview and Scrutiny Panel met and considered the policy. She stated that overall there was support for the proposed changes.

**Proposed by Councillor Boden, seconded by Councillor Sutton and AGREED to adopt the Corporate Enforcement Policy.**

## **C25/18      ECONOMIC DEVELOPMENT UPDATE**

Councillor Mason informed members that at Cabinet earlier today it was agreed to defer consideration of any proposals in relation to the Economic Development Service pending the outcome of an Overview and Scrutiny Member-Led Review into this important policy area for the Council.

Councillor Mason stated that he was keen to hear the outcome of the review to find the best way forward for the Council and pledged his full cooperation to the Chairman of Overview and Scrutiny

Panel and his team.

**It was AGREED to defer this item until the Overview and Scrutiny Member-Led review into Economic Development has reported back to Cabinet.**

**C26/18      APPOINTMENT OF ACTING MONITORING OFFICER AND NOTIFICATION OF ACTING DEPUTY MONITORING OFFICER**

Councillor Seaton informed members that Carol Pilson, the Council's Monitoring Officer and Corporate Director, will be commencing a period of maternity leave from 31 August 2018. To ensure adequate coverage for the Monitoring Officer role it is suggested that Amy Brown, Senior Solicitor at Peterborough City Council, fulfils the role of Acting Monitoring Officer during this period of maternity leave.

Councillor Seaton advised members that Amy is currently Deputy Monitoring Officer at Peterborough City Council and, therefore, has a wide range of knowledge and experience of governance, code of conduct and constitutional matters. She has regularly supported this Council through the Service Level Agreement the Council has with Peterborough City Council for the provision of legal advice, therefore, is already familiar with the organisation, its culture and its aims and objectives. Amy will be on site at the Council offices 3 days per week, but will operate flexibly to meet the needs of the Council.

Councillor Seaton informed members that it is also the intention that Anna Goodall, Head of Governance and Customer Services, becomes Acting Deputy Monitoring Officer for the Council during this period.

**It was proposed by Councillor Sutton, seconded by Councillor Murphy and AGREED to:**

- **approve the appointment of Amy Brown, Senior Solicitor for Peterborough City Council, as the Acting Monitoring Officer for the Council, with effect from 31 August 2018 to cover a period of maternity leave. These arrangements will come into effect from 31 August 2018, unless the maternity leave date is required to commence before this point, which will require these arrangements to commence with immediate effect**
- **approve that Fenland District Council enter into a Section 113 (of the Local Government Act 1972) agreement for the Acting Monitoring Officer to be able to carry out their duties**
- **note the appointment of Anna Goodall, Head of Governance and Customer Services, as Acting Deputy Monitoring Officer for the Council with effect from 31 August 2018 (or earlier as outlined above) during the period in which Amy Brown is Acting Monitoring Officer.**

*(Councillor King requested it be recorded that he abstained from voting on this item)*

*(Amy Brown and Anna Goodall left the room for this item for the duration of the discussion and voting thereon)*

**C27/18      MEMBERSHIP OF COMMITTEES, PANELS AND OUTSIDE BODIES**

Councillor Seaton informed members that since Annual Council in May there have been some changes to the political make-up of the Council, which needs to be reflected in the political proportionality of committees and panels. To accommodate all political groups' entitlement to seats on committees, it is necessary to increase the number of seats on Overview and Scrutiny Panel from 11 to 12. In addition to the political proportionality changes, there is also a new outside body; the March Area Transport Study Group.

It was proposed by Councillor Mrs French, seconded by Councillor Connor and AGREED to

- increase the number of members on the Overview and Scrutiny Panel from 11 to 12 to accommodate all political groups' entitlement to seats on committees
- adopt the schedule of political allocations as set out in the appendices to the report.

## **C28/18      CONSTITUTIONAL UPDATE**

Councillor Seaton reminded members that at the last meeting of Council, members approved the incorporation of the Combined Authority into the Leader's Portfolio, and to enable him to take urgent decisions relating to it. It has since been identified that the same provisions could usefully be extended to all portfolio holders to ensure that there are adequate provisions in place for executive decisions to be taken by individual Cabinet member in urgent circumstances. However, these powers would only be called upon in exceptional circumstances and would be subject to the agreement of the Chairman of the Overview and Scrutiny Panel.

Councillor Booth made the point that there is a need to ensure that checks and balances exist for its use, which could be undertaken in the annual report to Overview and Scrutiny Panel detailing where this provision has been used. Councillor Seaton stated that he is sure this could be accommodated.

**Proposed by Councillor Mrs Laws, seconded by Councillor Boden and AGREED to approve the amendments and to delegate to the Monitoring Officer to update the Constitution as follows:**

### **Page F.41 - Part 3, Responsibility for Functions - Table 5 - Functions Delegated to All Portfolio Holders**

Insert a new heading under 'All Portfolio Holders' to read:

**"All portfolio holders, including the Leader, have delegated authority to take executive decisions on behalf of the Council in circumstances where the matter is urgent. A decision will be urgent if any delay would seriously prejudice the Council's or the public interest. The request for a decision to be deemed urgent will be considered by the Chairman of the Overview and Scrutiny Panel (in accordance with Rules of Procedure 2 and 5) and the relevant member of the Corporate Management Team/Chief Executive who will take into account the reasons provided. The decision will only be taken if the Chairman of the Overview and Scrutiny Panel and the relevant member of the Corporate Management Team/Chief Executive agree that the decision is a matter of urgency. The decision will be recorded via a Cabinet Member Decision Notice and the public record of the decision will state:**

- (a) Why in the opinion of the decision making person and the relevant member of Corporate Management Team/Chief Executive, the decision is urgent; and**
- (b) The consent of the Chairman of the Overview and Scrutiny Panel.**

**In the absence of the Chairman of the Overview and Scrutiny Panel, Rules of Procedure 2 will apply."**

**Delete the heading 'The Leader' and paragraph 1 directly below that.**

5.15 pm

Chairman