

COUNCIL



MONDAY, 14 DECEMBER 2020 - 4.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor C Boden, Councillor G Booth, Councillor J Clark, Councillor D Connor, Councillor M Cornwell, Councillor S Count, Councillor Mrs M Davis, Councillor D Divine, Councillor Mrs J French, Councillor K French, Councillor A Hay, Councillor Miss S Hoy, Councillor M Humphrey, Councillor Mrs D Laws, Councillor A Lynn, Councillor C Marks, Councillor D Mason, Councillor A Maul, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser, Councillor W Rackley, Councillor C Seaton, Councillor W Sutton, Councillor M Tanfield, Councillor S Tierney, Councillor D Topgood, Councillor S Wallwork, Councillor R Wicks, Councillor S Wilkes and Councillor F Yeulett

APOLOGIES: Councillor R Skoulding (Vice-Chairman), Councillor S Clark and Councillor D Patrick

C26/20 PREVIOUS MINUTES

The minutes of the meeting of 8 September 2020 were confirmed.

C27/20 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Miscandlon announced that it was with regret he had cancelled the annual Chairman's Carol Service and staff visits but he has recorded a Christmas message to staff to thank them for and in recognition of their sterling work during the global pandemic, delivering the usual and additional services to residents at such a difficult time.

C28/20 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.

Councillor Miscandlon stated that no questions had been submitted under Procedure Rules 8.6 and asked if there were any questions under Procedure Rule 8.4 from Councillor Tanfield as Leader of the Opposition Group.

Councillor Tanfield said that it is becoming a frequent occurrence to receive late updates or amendments to agenda items, and this means the Independent Group do not have a chance to discuss these in advance. It is unfair to start having to make decisions at such short notice and we need to be more careful that it does not seem we are being undemocratic when we have not had the chance to have a look at the papers properly as a group.

Councillor Tanfield said she is concerned about the Conduct Committee updates. The LGA has an explanation about what bullying and intimidation can be and more comprehensive wording than FDC about bullying and she does not understand why we are not protecting members of the public or fellow councillors from bullying in local government. We talk about there being a difference regarding councillors when they are being individuals, especially online, but characters outside of being a councillor is important when it comes to the principals of public life. (8.50) She would like to

know why FDC has a watered-down version of a conduct committee code of practice when the LGA version is much more comprehensive. In her view our version appears to allow bullying and intimidation with no redress, and she would like to know why we do not have an updated and full version of a code of conduct for the conduct committee.

Councillor Boden responded to Councillor Tanfield's observation about late amendments and updates and said that he had recently made a similar comment to Paul Medd. Every effort will be made to ensure that this is repeated as little as possible; however there is a lot going on within the Council at the moment and perhaps we have been over ambitious in trying to do too much in a short space of time. He has said to Paul Medd that it is important that deadlines are met but we will make every effort to ensure we see less of that in the future and as maximum amount of notice is given as possible.

In respect of the Conduct Committee, Councillor Boden said that codes of conduct belong to each individual council and it is up to the councillors of each council to decide what their own codes of conduct should be. The proposed code of conduct for later discussion has been worked on for over 15 months; it is for the Conduct Committee to decide to then take forward to full Council to debate what is appropriate. He fully agrees however that it is appropriate to look at our own circumstances and our own failings over the last few years in which the way the code has been abused and to decide about what is appropriate for us at FDC.

Councillor Tanfield thanked Council Boden but said if there are late updates in future, maybe these items should be put back to the next full council meeting to allow everyone a chance to discuss them properly. She does not believe there is any difference in bullying between one authority and another and so the conduct committee is not unique; it is about making sure that people feel comfortable and have some redress. This is a serious issue across the country, and she does not understand why our conduct should be so flimsy on some of the most important things we have to deal with, especially online.

Councillor Tanfield quoted James Palmer, Mayor of the Cambs and Peterborough Combined Authority (CA), from a statement he made in December 2020, "Local government in Cambridgeshire is massively muddled and costs about £20million more than an area needs". She has brought up on many occasions that we should be looking at devolution, not necessarily for the cost, but for the ease of where people go to, do we really need four tiers of local government in this area? We need to start looking at devolution and it appears that the Mayor of the CA agrees, therefore can Councillor Boden confirm that at some point we will start talking to the Mayor of the CA about devolution for Cambridgeshire.

Councillor Boden responded that at some point discussions about devolution will take place. Government has been producing several publications and made statements about devolution of various powers. However, what they regard as devolution is the passing down of powers to the lowest appropriate level of local government. He believes that it is important that decisions are made as locally as they reasonably can. There are many examples of decision making at government level that should be devolved to local level, and others made locally that could be even more local and it is important that when discussions commence, he would hope Councillor Tanfield would support and agree devolving responsibility for decision making to the lowest possible level of local government. Councillor Tanfield said that we certainly need to modernise local government.

Councillor Tanfield said that she was pleased to see we are looking at funding for cycling with all the benefits it entails. In respect of electric bikes, she wondered if it would be possible to look at bringing in electric charging points, particularly as there is so much funding available coming from central government.

Councillor Boden said we are highlighting six priority schemes across Fenland for which we can

gain funding and implement as quickly as possible and additionally we are creating a Cycling, Walking and Mobility Vehicle policy. Within that policy, whilst a lot is said about cycling and cycling provision, he would ask that consideration is given to the users of mobility vehicles who are not given as much attention but they have rights too and need access to all their local amenities. In respect of cycling funding, more money is available from Government, so we will be looking to expand the series of six schemes to other areas and so enhance cycling facilities and cycling provision in Fenland. He looks forward to a future debate on electric bikes, they have been used in other areas and there has been mixed feelings about them; with particular concerns from the visually impaired. Therefore, he would firstly like us to learn from the problems and successes in other authority areas and make an informed decision at a later appropriate time.

C29/20 **TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.**

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

1. Councillor Sutton addressed Councillor Boden and said that he had mentioned in response to Councillor Tanfield that there are failings in the current conduct procedure in Fenland. He asked what he felt those failings are.
2. Councillor Boden said some individuals, not necessarily councillors, have abused the current system. It is therefore important to ensure we have a robust conduct process so that the potential for abuse is dealt with.
3. Councillor Sutton addressed Councillor Mrs Laws regarding the five-year land supply and asked why the application number has been changed to a code number because it has made it more difficult to follow. Councillor Mrs Laws explained that Cambridgeshire County Council (CCC) monitors the progress of the housing development sites on behalf of Fenland and also provides this service for a number of other local authorities. Each authority uses a different format for its planning application references, so to manage this the CCC supplies its own case number to provide a consistent format across the authorities. The case number shown in the five-year land supply report merely reflects the content of the data received from CCC. The case number is similar to Fenland's planning application references but with slight differences. However, CCC has agreed to show the case number with the planning application number in future versions of the report. Councillor Sutton thanked Councillor Mrs Laws. He also queried several planning references and whether the number of properties had been double counted. Councillor Mrs Laws thanked Councillor Sutton for bringing this to her attention and that she would investigate this further.
4. Councillor Sutton addressed Councillor Mrs Laws further and said the new local plan is very difficult to find on our website. This is such an important document and he asked if this could be made more visible on the website. Councillor Mrs Laws agreed that she would address this.
5. Councillor Sutton addressed Councillor Hoy and asked that given that Julie Spence, the Queens representative, sent a congratulatory letter to 50 Backpacks Vision, had she also written to them? Councillor Hoy said she had not sent letters to any of the local organisations across the district that had been supporting homeless people.
6. Councillor Sutton said that with the vast amount of money coming into local government it was worth looking at working with 50 Backpacks Vision as they seem to be able to re-house rough sleepers where we sometimes fail, and that is not a reflection on officers but a failing of the system. He asked if Councillor Hoy could work with Councillor Boden and channel some of that money into this organisation, which will help get rough sleepers off the street and into a settled home. Councillor Hoy said we are happy to work with any organisation that wants to work with us but is sure he can appreciate as a council we must have proper checks and balances in place. She believes 50 Backpacks Vision not to be a registered

charity or not for profit organisation and does not believe they are DBS checked so this would all have to be examined as would any organisation, as we are dealing with very vulnerable people. Councillor Sutton thanked Councillor Hoy.

7. Councillor Booth addressed Councillor Murphy on the projects regarding open spaces and play equipment. One of the projects is at Parson Drove and he asked at what point officers will engage with the Parish Council, the charity where the play equipment is placed and the community regarding an understanding of what is requested. If we are going to make applications and put forward bids, we need to have that knowledge. Councillor Murphy responded that we need the money first, so a bid will be submitted and if successful that is when approaches are made to consult on what is required. At Parson Drove we have a third-party bid coming in, which should be received by Spring or Summer next year and we will then consult with the parish council and villagers; unfortunately, we cannot do it the other way around. Councillor Booth said with local knowledge the parish council knows of various other sources of funding, so if officers were able to approach us, we may be able to tap into that. Therefore, he feels there could be more cohesion on these projects going forward in order to be more successful. Councillor Murphy suggested that if other funding is also available than there is no reason why the parish council can make those applications independently. However, he agreed to ask officers to speak to Councillor Booth further on this issue. Councillor Booth thanked Councillor Murphy.
8. Councillor Booth addressed Councillor Clark regarding a situation where a property in one of his village wards has been vacant for some 8/9 months. He approached Clarion Housing but was told they could not use it to provide housing for a variety of reasons. However, after this amount of time it seems ridiculous that the house has not been put back in order to allow people to move in. He wondered if Councillor Clark could take this up and furthermore, investigate how big an issue this is across the district in respect of social housing. Councillor Hoy responded on behalf of Councillor Clark in her absence and said that she was certain Councillor Clark would look into this further having already received information about the property from Councillor Booth. In respect of private properties, our Empty Homes Officer is already doing a lot of work in this area, but Councillor Hoy will ask her to look at this issue in respect of social housing. Councillor Booth thanked Councillor Hoy.
9. Councillor Hay addressed Councillor Boden and asked if, as a representative of the CA, does he have an update on when we can see a route map for the CAM link. Councillor Boden said he has been informed that the Mayor intends to make an announcement in February or March as to how it will be possible to extend the metro to include Fenland. He would hope that there will be further information, if it has not already been provided sooner, at the next full Council meeting in February. Councillor Hay thanked Councillor Boden.

C30/20 **MOTION**

Councillor Cornwell presented a proposed amendment to a motion passed by Full Council on 8 September 2020 in relation to a moratorium of Fenland District Council land in Wisbech in accordance with Rule 14.1 of the Council Procedure Rules, supported by Councillors Sutton, Bligh, Booth, Divine, Meekins, Patrick, Tanfield, Wicks, Wilkes and Yeulett.

FDC has consistently supported the reintroduction of a rail service into Wisbech and has opposed the proposal to build a mega-incinerator in Wisbech. In the near future, both schemes will reach critical milestones.

To help promote the re-instatement of the railway line, and to help defeat the incinerator proposal, Full Council recommends that those exercising delegated authority for decisions connected with the disposal of land within 500 metres of the track of the decommissioned railway line in Wisbech or within 500 metres of any part of the site of the proposed new incinerator) continue to exercise their powers so as to achieve these objectives. Those powers should also be used to promote continued development and opportunity within Fenland provided that this serves the purpose of:

- (a) promoting the re-instatement of the railway line but not the incinerator; and
- (b) assists in the fight to oppose the proposed incinerator but not harm the proposal to re-instate the railway line; and

that in order to achieve that, consideration is given to the use of restrictive covenants and/or retaining strategic parcels/strips of land as part of its overall assessment of the disposal.

The previous moratorium should now be lifted in favour of the proposals set out above with this guidance to remain in place for a period of 12 months again recognising however transactions which FDC are obliged to complete by a Court, or under the terms of a Compulsory Purchase Order, or under threat of legal action against FDC which FDC is unlikely to be able to defend successfully will prevail.

Councillor Sutton seconded the motion and Councillor Miscandlon opened the motion for debate.

1. Councillor Yeulett said that he supports the motion, the knock-on effect of the decision taken at last full Council will be detrimental to the Fenland economy and businesses. The strapline 'Open for Business' will become meaningless. Wisbech businesses will suffer as will employment prospects in the area and this will have a similar effect throughout the rest of Fenland. He said he felt that two Cabinet members had been compromised in their original decision.
2. Councillor Tierney said that he believes 'Open for Business' means we support every attempt to increase all businesses in the Fenland area as best as we can, but it does not mean we will support every business no matter how damaging to the residents. You could argue the incinerator is business, but this Council passed a near unanimous motion not to support the incinerator so clearly that is a type of business we thought differently about. We are stuck between a rock and a hard place; any choice we make regarding the sale of land could go one way or the other so all we can do is the best we can to put in place whatever is possible to frustrate the arrival of an incinerator which our previous motion said we would do and most people agreed to. That motion was put in place so that we would not get into a situation that we would have to sell land that might aide the build of an incinerator or cause a problem the railway line. This is our land and we do not have to sell it to anyone. Therefore, he is surprised to see this motion come forward; the previous motion back in September was just for six months and what business deal will be harmed in the coming weeks over Christmas and during a pandemic. To his mind the motion put forward by the opposition is mischief making and political.
3. Councillor Bligh said she would like to reassure all members and members of the public that she strongly objects to the incinerator and supports the reintroduction of the March to Wisbech rail line. In respect of Councillor Tierney's previous motion, she understands that this was brought before us with a desire to stop the incinerator; a stance she supported with the information provided at the time. However, it has come to light since that meeting that legitimate companies in Wisbech have had their expansion issues hindered and the mantra is 'Open for Business' regardless of whatever that definition may be. Therefore, she feels if we stop the expansion of businesses this could be damaging for FDC which is why she supports this motion. Councillor Bligh added that it not political but helps solve both problems.
4. Councillor Hoy said she does feel this is political and done to cause division; she appreciates the heartfelt sentiments expressed by Councillor Bligh but suggested that not all members had the right motivations. She had no issue with anyone abstaining last time, we are a democracy and we are not all going to have the same views. She agreed with Councillor Tierney's comment about 'Open for Business'; she is hoping that we get the rail line but not the incinerator but bearing in mind both those projects are in the vicinity of our land and so that land could potentially be very valuable. This money will be for the taxpayers of Fenland. She does not know what the impact will be on businesses, but she

does not like ultimatums, and she would ask members to ask how this looks to their electors. Basically, this motion means that members in support want us to sell our land potentially to people who support the incinerator and she finds it disappointing.

5. Councillor Booth said he would be supporting this motion but wanted to address some of the points previously made. This motion does not talk about just selling the land, so it gets into the hands of those who want the incinerator, which he opposes, and he also supports the reintroduction of the rail line. He believes we need to work to the best of our ability, and it is about putting covenants on the sale of land, so it is not used by the company that wants to set up the incinerator. This motion is guidance for the executive of the Council because the way the constitution is structured is that this motion, if successful, and the previous motion are taken under guidance when they decide what they want to do. We are not setting direct policy but giving guidance. There has been speculation in the press about businesses moving out, and the danger we have as a council is that if they do it will have a financial impact because of the new way local government will be funded through business rate retention. We also need to think about what will happen in the future, some of these businesses have announced expansion plans so we would increase the income from these businesses. What will happen to the land that these companies currently occupy, they may seek to dispose of it, and they may seek to dispose of it to the incinerator company. Therefore, the previous motion may end up helping the incinerator company by allowing them to acquire more land which is not what we want. We need businesses expanding onto our land, and this may then leave no land for the incinerator; we also have more information than we did when we voted on the last motion which is why he is supporting this.
6. Councillor Meekins said at the last meeting he seconded Councillor Tierney's motion. At the time he thought it was the best way forward to avoid the incinerator coming to Wisbech. However there have been reports in the press of businesses being offered lucrative deals to move to neighbouring authorities. He feels that if we had some of the information that has come to light since, are we prepared to risk permanent good quality jobs coming to Wisbech and Fenland in general by not selling some of the land to businesses that are already in the Algores Way area. As previously mentioned, there are covenants in this motion to stop people selling it on to the incinerator company. He is strongly anti-incinerator, but he thinks we need to be mindful that what we do need is good quality permanent jobs, which is why he will be supporting today's motion.
7. Councillor Topgood said the current motion only has 6-8 weeks left to run and any company that sells to the incinerator was already going to sell to the incinerator. Councillor Miscandlon said that was possible and is a matter for business.
8. Councillor Booth raised a point of order that this motion is asking to carry on for twelve months, but the original motion was for six months.
9. Councillor Mrs Davis raised the issue of covenants and restrictions and said these are not necessarily a protection and can often fall down in court. She feels that some of the companies are posturing themselves to further their own cause and the rumours circulating are just rumours. Unequivocally we are here to support the residents of Wisbech who have said they do not want this incinerator and if it was in our ward, we would not want it either so she will be voting against the motion.
10. Councillor Lynn said the motion was put in place to prevent the sale of land to people who want to build the incinerator, however it is also wanted by a company that potentially wants to build stuff from the incinerator. It makes no sense to help a business in support of the incinerator and then come to this meeting to say we do not support the incinerator. We are here to represent the residents of Wisbech, and the majority do not want it. We have a motion in place that prevents the sale of that piece of land that makes it difficult for the incinerator. If we now vote to sell this piece of land and the incinerator comes how are these members going to feel.

Councillor Miscandlon invited Councillor Sutton his right to reply.

Councillor Sutton said members have given good representation about how they feel but he is on

public record that he is against the incinerator. The original motion was for six months but the full application for the incinerator will not be submitted until the fourth quarter of 2021 so there was no point to the motion in the first place. It has had an impact on a company or companies but let us hope that we do not see the movement of any company out of Wisbech. If that happens those in support of the motion will need to answer to the electorate.

Councillor Cornwell was given a right to reply and said the amendment does nothing but strengthen what we are trying to do yet it seems to be misunderstood by some.

A Recorded Vote was taken on the Motion.

In Favour: Councillor Bligh, Councillor Booth, Councillor Cornwell, Councillor Divine, Councillor Meekins, Councillor Sutton, Councillor Tanfield, Councillor Wicks, Councillor Wilkes, Councillor Yeulett

Against: Councillor Benney, Councillor Boden, Councillor J Clark, Councillor Connor, Councillor Count, Councillor Davis, Councillor Mrs French, Councillor Miss French, Councillor Hay, Councillor Hoy, Councillor Humphrey, Councillor Mrs Laws, Councillor Lynn, Councillor Mason, Councillor Maul, Councillor Mrs Mayor, Councillor Miscandlon, Councillor Murphy, Councillor Purser, Councillor Rackley, Councillor Seaton, Councillor Tierney, Councillor Topgood, Councillor Wallwork,

The proposed amendment to the Motion approved by Full Council on 8 September 2020 failed.

(Councillor Marks indicated that although he has no pecuniary or non-pecuniary interest in this Motion, he will not take part in any debate or vote on this item and requested that his name be removed as a supporter of the Motion).

C31/20 TREASURY MANAGEMENT STRATEGY STATEMENT & ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW 2020/21

Members considered the Treasury Management Strategy Statement & Annual Investment Strategy Mid-Year Review 2020/21 report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Benney and decided that Council AGREE to note the report.

C32/20 POLLING DISTRICTS AND POLLING PLACES REVIEW

Members considered the Polling Districts and Polling Places Review report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Mrs Laws and decided that Council AGREE to:

- **Note the outcome of the review and the consultation undertaken;**
- **Agree the changes recommended to polling districts and polling places as detailed in the report at Appendix C;**
- **Note that a review of all polling districts will be undertaken at least every five years and delegate authority to the Returning Officer/Electoral Registration Officer to keep polling districts under review in the intervening period between compulsory reviews, and propose any changes which appear necessary to Full Council for its consideration and determination.**

C33/20 MEMBER'S ALLOWANCES SCOPE

Members considered the Members' Allowances Scheme Review Scope Report presented by Councillor Boden.

Members made comments asked questions and received responses as follows.

1. Councillor Booth said in the previous review it was recommended we look at this, but he does not believe there have been many changes since the last review was completed. He would suggest that we postpone this review until the year before the next municipal elections and then go to the electorate with the review. We will also have a better idea of the work of the Investment Board, which has barely started and with everything else officers are dealing with now considering the pandemic, this is something we can do without at the moment.
2. Councillor Boden said there is little point in having an independent review body unless we decide to follow up on their recommendations. They made a conscious decision not to make any changes hoping that in 18 months' time it would be possible for them to make a more rational decision, which he finds perfectly reasonable. Therefore, he feels that we should go ahead with the review, also there does not have to be a cycle of when they take place and it should not be manipulated for political purposes. He proposes we go ahead with the recommendation that came from the independent review panel.
3. Councillor Booth said he did not suggest a delay for political purposes but if we delay it for 18 months the electorate will know what the allowance is. Regulations state that this can be done once every four-year term.
4. Councillor Boden agreed that Councillor Booth is correct regarding the legislation, but we do have the recommendation from the independent panel that they wanted this review to take place after 18 months. He clarified that he meant that political considerations and electoral timetables should not come into the calculation and was not implying that Councillor Booth himself was being political. Nevertheless, we should follow what the panel suggested, and we have no reason not to do so. We must have a very specific reason to go against their recommendations.
5. Councillor Tierney said that it was important to note that just because there is a review pending it does not mean that members are looking to have their allowances increased. It is almost universally agreed within this authority that although members work hard, they do not want any more money and are not seeking a rise in allowances.
6. Councillor Booth thanked Councillor Boden for clarifying his remark regarding political considerations and that it was not aimed at him. He did point out that he was thinking in terms of the work of the Investment Board which was one of the reasons for holding off the review, and as their work had been held up due to the pandemic this was why he had suggested the postponement.

Proposed by Councillor Boden, seconded by Councillor Mrs French and decided that Council AGREE the scope of the Member Allowances Scheme review as set out within the report.

C34/20 STATEMENT OF LICENSING POLICY 2021-2026

Members considered the Revised Statement of Licensing Policy 2021-2026 presented by Councillor Humphrey.

Proposed by Councillor Humphrey, seconded by Councillor Meekins and decided that Council AGREE to adopt the Statement of Licensing Policy 2021-2026 as set out at

Appendix A of the report.

C35/20 REVISED CODE OF CONDUCT FOR MEMBERS

Members considered the Amendments to the Member Code of Conduct Report presented by Councillor Topgood.

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

1. Councillor Hoy said she believed the process is abused because people have the right to confidentiality. When she chaired the Conduct Committee some members will be unaware that several investigations were undertaken into complaints against councillors because that confidentiality was respected. However, some members have aired their complaints with the press before the conclusion of any process and this is unfair. The most powerful action that the Committee can undertake is to release a statement to the press about a breach, but this is almost pointless if that name is already public. Although it is a legal requirement, Councillor Hoy personally does not believe we should have a code of conduct and any decision should rest with the local electorate.
2. Councillor Tanfield said that nobody should be bullied but her issue with the code of conduct is that it is watered down too much. Councillor Hoy is correct that the most that the Conduct Committee can do is issue a statement about a councillor, but her concern is who we are trying to protect, and it is important that people do feel protected. She thinks we do not do enough in local government to ensure we are protecting people and that is why she thinks we should choose the LGA version of the Code of Conduct to make the system more robust and ensure that a complaint is substantial and not made on a whim or because of a political difference. It is her opinion that this revised code does not do enough to protect people.
3. Councillor Tierney said he thinks the LGA document is poor; the LGA itself has no authority over local councils and he agreed with the Leader's earlier comment that it is for local authorities to decide their own code of conduct. He feels the document is not watered down but clarifies the code of conduct so the system cannot be abused. Furthermore, people who have a genuine problem will now know what they can do to get the help they need.
4. Councillor Booth agreed largely with Councillor Tanfield; he also wants to know why we are introducing these changes as the whole code of conduct regime is being reviewed by the LGA so there will be further changes down the line. Councillors do have private lives and should be able to live their lives in that manner, but this is tinkering at the edges so why do we not incorporate these changes at a later time.
5. Councillor Mrs French said it was requested 15 months ago that the Code of Conduct be looked at and is something we certainly need.
6. Councillor Maul said he agrees with Councillor Booth and a comment repeatedly made is 'let's see how it goes' - if that is the case then more research and consideration need to be given before the report comes before Council. There is guidance out there and, in his opinion, the current Code of Conduct is too weak.

Proposed by Councillor Topgood, seconded by Councillor Hoy and decided that Council AGREE to the changes to the Member Code of Conduct as set out in Appendix A of the report and delegates to the Monitoring Officer to update the master copy of the Constitution.

C36/20 CONSTITUTIONAL AMENDMENTS

Members considered the Constitutional Amendments Report presented by Councillor Boden.

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

1. Councillor Mrs French said she welcomed this report. The alignment of days for Motions on Notice should have been brought in years ago when she first pointed it out. She also agreed with all other aspects of the report.
2. Councillor Sutton said he supported the report albeit he feels there should be some clarification; under the previous administration both he and Councillor Mrs Laws thought it undemocratic that the six or more separate sources were deemed as separate households by officers. For example, Councillor Sutton may have a different opinion to a planning application than his wife and so he is sure that we asked back then that those separate sources be individuals and not households. He would therefore suggest that this report interpret this to clarify matters that individuals from a household have an equal right to submit their own opinion. If it must be separate households then let us clarify that also. He would like that issue clarified certainly before voting on this item, he believes he has given wrong advice to members of the public before now not realising that officers interpreted the rule of six differently, and he would be interested to see what Councillor Mrs Laws thinks.
3. Councillor Booth said he supports most of the changes in the report and he believes he suggested the amendment to the constitution when it was reviewed a couple of years ago regarding minor applications about it being the ward or adjacent ward. He thought that it was left that anyone from across Fenland could comment on major applications because as councillors we do not just represent our wards, but we have the interests of the whole district at heart. He would therefore like to amend the point regarding major applications to say if they are received from within the Fenland District Council area.
4. Councillor Mrs Laws agreed with Councillor Sutton that at the time they believed everyone had the democratic right to submit their own views and their opinion counted and went towards six letters of objection or support. It is right that there is the need for clarification, but her understanding is that moving forward individuals in each household in the ward or adjacent ward would be counted as responses. Secondly, in respect of major developments she would disagree and think that major applications have more impact on ward and adjacent wards and yes they may be of interest to people in the wider Fenland area but will not have the same impact as on more local people therefore she would like to retain and be consistent with the minor and major applications that we just go for any views submitted on the ward or adjacent wards.
5. Councillor Sutton said he is pleased that Councillor Mrs Laws still agrees with him therefore he would propose that the document be amended and at bullet point 3 on page 182 of the report the word 'sources' should be deleted and replaced with 'electors' for clarity.
6. Councillor Boden said he would suggest that this is not the best way of moving forward. He would be unhappy about restricting the right to 'electors' as someone may not be on the electoral register or under the age of 18. Organisations are also entitled to submit a representation; therefore, he feels the term 'sources' is most suitable and should stay in the constitution. However, he would suggest that interested members take this matter up with planning officers to ensure that planning officers are now in agreement with the definitions made by Councillor Sutton and Councillor Mrs Laws so there is no doubt on the interpretation in future.
7. Councillor Miscandlon suggested the words 'individuals or organisations' be used instead of 'sources'. Councillor Boden agreed that this would be a suitable replacement. Councillor Mrs Laws suggested 'individuals, groups or organisations'. Councillor Booth said this change would also therefore have to be made to minor applications under the constitution. Councillor Boden agreed the additional proposal that the word 'sources' be changed to 'individuals, groups or organisations' in the context of all references in the constitution to minor and major applications.

Proposed by Councillor Boden, seconded by Councillor Mrs French it was decided that Council AGREE the constitutional changes as set out in Appendix A and to delegate to the Monitoring Officer to update the master copy of the Constitution.

Councillor Miscandlon announced that a proposed alteration to the original recommendation had been tabled to Members prior to the meeting. The proposed alteration was screen shared during this item to allow members of the press and public to see the proposed amendments.

Members considered the Update on Committees and Panels report presented by Councillor Boden.

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

1. Councillor Booth said he was concerned to read in the original report of the external auditors raising their concerns and asked Councillor Boden if they had been advised of this amendment and were happy with the proposed change. Councillor Boden responded that he could only confirm it had gone through our own legal staff to check the legal requirements that exist to ensure the points raised by the auditors will be satisfied by these arrangements.
2. Councillor Tanfield said that with no disrespect to our own legal staff it is difficult to vote on this without confirmation that the external auditors are satisfied; we have received little information and guidance on this amendment and she is not satisfied if we are going to make a major change like this with little notice or discussion and without finding out if CIPFA and our external auditors are in approval. Councillor Boden said he could assure Councillor Tanfield that our legal team have been meticulous in their attention to the detail of what was required by our CIPFA and the external auditors.
3. Councillor Sutton said this was all very well, but our legal officers had approved the previous paper and that was opposed by the external auditors. He asked that this be deferred until the auditors could give their opinion. He does not think we should rush into this and will not be voting for it. Furthermore, there is no statutory requirement to have a Staff Committee so why do we not just end it without trying to amalgamate the two. He also raised an anomaly with the Audit and Risk Management sub-committee stating there was a contradiction within the report regarding who could sit on it. Councillor Boden responded that our legal officers were happy for the first version of the report to be brought forward because it said that this Council recommended both mitigations and additional measures to address the concerns which had been raised. Therefore, it was on that basis that officers were willing to produce the report for the agenda, but those sections were able to be removed once the mitigations and measures were incorporated. Regarding Councillor Sutton's suggestion to abolish Staff Committee, even though it has not met as often as it used to, the committee still fulfils certain functions and those functions still need to be exercised so it is important that they are still allocated to appropriate bodies. Councillor Boden explained that there was no anomaly with the sub-committee and Councillor Sutton had misunderstood the details. This is an ad-hoc sub-committee; members will be determined from the existing members of the main committee when it meets in the same way as members of the ad-hoc meetings of the Licensing Hearing sub-committee are selected from members of Licensing Committee.
4. Councillor Booth said he would suggest that a decision on this item be deferred. He would like to get a view from the external auditors; he appreciates our legal officers have given their view, but the auditors may have a different opinion. It would be prudent to consider that before deciding. Furthermore, item 35 which talks about selection of Chairman and Vice-Chairman seems to be at odds with proportionality.
(Councillor Booth and Councillor Bligh left the meeting).
5. Councillor Yeulett asked if the new committee will have decision making powers. Councillor Boden said it will have the same powers that Corporate Governance Committee currently holds, but no powers in relation to staff. The powers that Staff Committee currently has will be held by the sub-committee. Councillor Yeulett said the importance of the Corporate Governance Committee cannot be overstated and should be kept as independent as

possible from the decision-making process. If it becomes involved in staff matters it is his view that this will not be the case. Currently the O&S Panel makes recommendations on fees and charges and the budget process and he would propose a similar role for O&S advising Cabinet through a portfolio holder if the role of Staff Committee is to be reviewed.

6. Councillor Boden said he is keen to promote the risk management element which currently exists to some extent within Corporate Governance; but in terms of our governance, our member involvement, understanding and challenge on the risk management side is less than he has seen in other local authorities and he wants to see it expanded, strengthened and made more meaningful. Any matters to do with staff are deliberately separated from the committee by being in the determination subcommittee.
7. Councillor Yeulett said he welcomed the strengthening of the risk element, but he was concerned with the relationship between that committee and the decision making process, which is entirely separate to what looks like a scrutiny function on behalf of the governance committee. Councillor Boden said Councillor Yeulett is correct but that is why the subcommittee does not report to the committee.

Councillor Miscandlon advised that the recommendations were as per the revised report.

Proposed by Councillor Boden, seconded by Councillor Connor, it was decided that Council AGREE the amended recommendations to the report as follows:

- **To agree the merger of Staff Committee and Corporate Governance Committee to create a new Audit and Risk Management Committee.**
- **To agree the terms of reference for the new Audit and Risk Management Committee as set out at Amended Appendix A.**
- **To agree the creation of a sub-committee of the Audit and Risk Management Committee called the Audit and Risk Management Determination Sub-Committee.**
- **To agree the terms of reference for the new Audit and Risk Management Determination Sub-Committee as set out at Amended Appendix A.**
- **To agree the political proportionality report set out at Amended Appendix B.**
- **To agree the updated Membership of Committees as set out at Appendix C.**
- **To delegate to the Monitoring Officer to update the master copy of the Constitution with the changes above and to delegate to the Chief Executive appointments to the new Committee.**

(Councillor Clark abstained from voting as Chairman of the Corporate Governance Committee).

(Councillor Mrs French abstained from voting under officer advice that she had an interest).

(Councillor Meeks and Councillor Marks abstained from voting).

On behalf Councillor Kim French as the outgoing Chairman of Staff Committee, Councillor Mrs French thanked members of Staff Committee for their help, support and advice throughout her 18 months on the Committee.

Councillor John Clark said as outgoing Chairman of Corporate Governance he would like to thank the committee for the input and commitment they have shown. He also thanked officers for their professionalism and diligence, hard work and advice they gave him in his 18 months as Chairman. Furthermore, he thanked the external auditors, Ernst Young, saying they had built a good relationship.

Councillor Miscandlon invited Councillor Boden and Councillor Tanfield to make their appointments to the new Audit and Risk Management Committee.

Councillor Tanfield stated she would advise the Monitoring Officer of the FIA appointments to the

Committee in due course.

Councillor Boden nominated Councillor Miss K French as Chairman, Councillor Mrs Davis as Vice Chairman, Councillor Purser, Councillor Skoulding, Councillor Tierney, Councillor Mrs French and Councillor Benney, with substitutes being Councillor Connor, Councillor Mrs Laws, Councillor Hoy and Councillor Humphrey.

Councillor Miscandlon closed the meeting by thanking everyone for attending and wished everyone a Merry Christmas and a Happy New Year.

6.47 pm

Chairman