

COUNCIL



MONDAY, 22 MAY 2023 - 4.00 PM

PRESENT: Councillor N Meekins (Chairman), Councillor A Miscandlon, Councillor B Barber, Councillor I Benney, Councillor C Boden, Councillor G Booth, Councillor J Carney, Councillor G Christy, Councillor J Clark, Councillor S Clark, Councillor D Connor, Councillor S Count, Councillor D Cutler, Councillor Mrs M Davis, Councillor L Foice-Beard, Councillor Mrs J French, Councillor K French, Councillor R Gerstner, Councillor A Gowler, Councillor S Harris, Councillor A Hay, Councillor P Hicks, Councillor Miss S Hoy, Councillor S Imafidon, Councillor Mrs D Laws, Councillor C Marks, Councillor J Mockett, Councillor P Murphy, Councillor D Oliver, Councillor D Patrick, Councillor M Purser, Councillor B Rackley, Councillor D Roy, Councillor C Seaton, Councillor E Sennitt Clough, Councillor M Summers, Councillor T Taylor, Councillor S Tierney, Councillor S Wallwork and Councillor Woollard

APOLOGIES: Councillor M Humphrey, Councillor Mrs K Mayor and Councillor Dr H Nawaz

C1/23 TO ELECT A CHAIRMAN FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £4,116 PLUS TRAVELLING EXPENSES TO BE PAID TO THE PERSON ELECTED.

It was proposed by Councillor Miscandlon, seconded by Councillor Connor and resolved that Councillor Nick Meekins be elected as Chairman of the Council for the period to the next Annual meeting and that he be paid an allowance of £4,116 plus travelling expenses.

Councillor Meekins received the Chain of Office, signed the Declaration of Acceptance of Office and addressed the Council as follows:

“Fellow Councillors, thank you for electing me as Chairman of the Council. I will carry out the role to the best of my ability and am looking forward to representing Fenland at many events. Before I continue with the meeting there are three people I would specifically like to mention.

Firstly Rob Skoulding, returning members will remember that Rob was Vice Chairman, and had things followed their usual course he would have been made Chairman today. Unfortunately, Rob's health was such that he felt unable to continue in his role as Vice Chairman and subsequently Chairman, hence me taking over from him. I feel that a part of Rob will be with me as I carry out my duties and I hope I can do him proud.

Secondly my mother, Margaret Meekins. Some of you will know that my mum has been very seriously ill over the past four months and there have been times when it looked like we would lose her. They have been tough months for all my family, but she has, I am glad to say, kept going. I was especially pleased to be able to tell her that "her little boy", what she still calls me, was having this honour bestowed on him today.

Finally, Alex Miscandlon. It has been a privilege to work with Alex during the past year, and to be able to represent Fenland District Council on the few occasions that he couldn't attend some events. I would now like Alex to come forward to accept your Past Chairman's badge and to say a few words”.

Councillor Miscandlon thanked Councillor Meekins for his words and said that as the outgoing Chairman of Fenland District Council, he had thoroughly enjoyed his three-year tenure with a brilliant team behind him, namely Member Services, Carol Pilson and Paul Medd, with particular thanks to the Chairman's Secretary Jo Goodrum. It had been a very eventful time in office with highlights being the royal visits, the Jubilee, the Proclamation of the King, and the Coronation, with low points being the deaths and funerals of HM The Queen and Duke of Edinburgh. He also thanked all members of the Council for their support over the last three years.

C2/23 **TO ELECT A VICE-CHAIRMAN FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £1,000 PLUS TRAVELLING EXPENSES BE PAID TO THE PERSON ELECTED.**

It was proposed by Councillor Hoy, seconded by Councillor Boden and resolved that Councillor Brenda Barber be elected as Vice-Chairman of the Council for the period 2023/24 and that she be paid an allowance of £1,000 plus travelling expenses.

Councillor Barber signed the Declaration of Acceptance of Office and addressed the Council saying that she would do her best to support the Chairman in any way she can.

C3/23 **TO ELECT A LEADER OF THE COUNCIL FOR THE 4-YEAR TERM OF THE COUNCIL AND BE NOTIFIED BY THE LEADER OF THE COUNCIL OF THEIR CABINET, TO INCLUDE THE NAMES AND PORTFOLIOS AND WHO HAS BEEN APPOINTED THE DEPUTY LEADER.**

It was proposed by Councillor Mrs French, seconded by Councillor Wallwork and resolved that Councillor Chris Boden be elected as Leader of the Council for the four-year term of the Council.

Councillor Boden congratulated the Chairman on his election to office and confirmed the members of Cabinet and their responsibilities.

C4/23 **PREVIOUS MINUTES**

The minutes of the meeting of 20 February 2023 were confirmed and signed subject to the following comments:

- Councillor Booth referred to the second bullet point on page 15 of the minutes, where it stated he had said that Kings Lynn and West Norfolk had halved the Council Tax base compared to Fenland. This was incorrect and should have said that Kings Lynn and West Norfolk Borough Council have half the Council Tax base compared to Fenland.
- Councillor Booth also pointed out that under the same bullet point, on page 16, he had not said that the level of service being provided to the residents of Fenland needs to be acceptable, rather he said it needs improving.

C5/23 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

The Chairman took the opportunity to congratulate and announce all members elected to Fenland District Council as follows:

- Chatteris North and Manea - James Carney, Alan Gowler and Charlie Marks
- Chatteris South – Ian Benny, Anne Hay and Peter Murphy
- Doddington and Wimblington – David Connor and Maureen Davis

- Elm and Christchurch – Dal Roy and Matthew Summers
- Leverington and Wisbech Rural – Brenda Barber, Sam Clark and Chris Seaton
- March East – John Clark, Stuart Harris and Mark Purser
- March North – Steve Count, Kim French and Paul Hicks
- March South - Gary Christy and Jan French
- March West and Benwick – Tim Taylor and Andrew Woollard
- Parson Drove and Wisbech St Mary – Gavin Booth, Diane Cutler and Michael Humphrey
- Whittlesey East and Villages – Chris Boden, Alex Miscandlon and Dr Haq Nawaz
- Whittlesey Lattersey – Jason Mockett
- Whittlesey North West – Dee Laws and Elisabeth Sennitt-Clough
- Whittlesey South – Roy Gerstner and Kay Mayor
- Wisbech North – Lucie Foice-Beard
- Wisbech Riverside – David Oliver and I, Nick Meekins
- Wisbech South – Samantha Hoy, Steve Tierney and Susan Wallwork
- Wisbech Walsoken and Waterlees – Sidney Imafidon, Billy Rackley and David Patrick

The Chairman added that he would like to take this opportunity to confirm that for this and future meetings during the current municipal year, he would like to exercise his discretion, under Paragraph 19.1 of the Standing Orders, to permit any member who, on health grounds, wishes to remain seated to speak to do so.

C6/23 MEETINGS OF THE COUNCIL 2023/24

The suggested meeting dates for the Annual Meeting and for the ordinary meetings of the Council for 2023/24 were proposed as follows:

- Monday 17 July 2023
- Monday 2 October 2023
- Monday 11 December 2023
- Monday 26 February 2024
- Monday 13 May 2024

Proposed by Councillor Meekins, seconded by Councillor Boden and AGREED the proposed dates for the Annual Meeting and ordinary meetings of the Council for 2023/24.

C7/23 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 Meekins reported that there had been no questions submitted under Procedure Rule 8.6. Under Procedure Rule 8.4, Councillor Booth asked the following questions as Leader of the Opposition:

- Given the cost-of-living crisis and increasing costs associated with private rented accommodation, there is greater need for more affordable housing within the district. Given the viability issues experienced locally and the impact on provision of affordable social housing, will you commit to seeing how Fenland District Council can work with all partners to overcome these issues and explore the potential for more exception sites for people with local connections in the rural areas? Councillor Boden congratulated Councillor Booth on his appointment as Leader of the main opposition group and responded that a lack of housing overall, not just social housing, is a national problem of which all politicians are aware and say they want more homes built. However, he finds it hypocritical that at a local level around the country all too frequently all parties fight elections to stop houses being built in their area. Having said that, Fenland has quite a good record of what is potentially available as far as affordable housing is concerned. We have seven schemes coming to fruition in 2023/24, when 326 affordable new homes should be made available locally, and we currently have a further nine sites in the pipeline with 486 affordable units scheduled to be completed after 31st March 2024. Councillor Boden added that there is a need to look at all forms of affordable housing, not just affordable social housing but there is difficulty in achieving this in the form of exception sites as mentioned by Councillor Booth. However, he will invite Councillor Booth to have a discussion with himself, the Portfolio Holders for Planning and Housing together with officers to look at these issues. One major area where we can make a difference will be with the Local Plan. Councillor Boden said he sympathised with the concept of rural exception sites but one of the difficulties with that is that we do not want to have housing for people who do not have the resources for cars in areas where there is no bus service, but he will endeavour to ensure that discussion takes place before the next meeting of Full Council. Councillor Booth welcomed the commitment from Councillor Boden and said it would be remiss of him not to congratulate him on his election as Leader and the appointment of the Chairman. He added that he raised this issue because it has become more prevalent in the area; people in his ward are struggling to find alternative accommodation and the threat of homelessness hangs over them. He takes on board the point Councillor Boden made about poor bus connections, but people want to live in the communities they have grown up in and where their friends and families are.
- Following the recent announcement that FDC are purchasing the old Barclays Bank site as part of the March Regeneration Project, could Councillor Boden confirm where the decision was taken to purchase this site and the governance regarding that decision and given that it involved the purchase of a commercial building, could he confirm it was a confidential item. Councillor Boden confirmed that the decision was made as a confidential item at the Cabinet meeting on 5th September, where authorisation was given for the spend to take place. Councillor Boden added that we have an anomalous situation in that once a resolution is passed in exempt session it stays confidential until it is de-exempted, even if there is no reason for it to remain exempt. The reason that it was exempt back then was because it was commercially confidential, but now that it is not, he can advise that the amount paid was £750k. Councillor Booth thanked Councillor Boden and said there has been criticism about the purchase of this site and more broadly on the work being undertaken by the March High Street project and he believes this indicates that FDC has not adequately consulted and taken on board the views of residents, so how can we ensure that we properly consult on further changes? Councillor Booth added that as a Council, we need to bring people with us, and we have not achieved that and there is a perception that FDC is not listening to what people want. Councillor Cornwell made the point at the last meeting that we were not following our own consultation strategy, which Overview & Scrutiny has agreed needs to be revisited. Councillor Boden responded that the Council did not get the consultation quite correct, but it is not a case of asking people what they want and then delivering it as there are limitations to what can be done in a consultation. Regarding the March High Street project, the issue was not so much about the road layout, which was determined by Cambridgeshire Council, but for everything associated with that. However, clearly we still did not get that right and there are lessons to

learn. In respect of the Barclays Bank site, there was no consultation because the timing and commercial confidentiality was such that there was no opportunity for that. We still do not have a purpose for it, it is a strategic site with several possibilities and no decision has been made regarding it just yet. Councillor Boden added that he regretted the way in which the issue and the timing of it was caught up in party politics in the run up to the local elections; this was not helpful in the decision-making process. He will be asking, although it may not be possible so is not making any promises, whether there is time and resources available to look again at the precise siting of the fountain in March. It may be that there is no flexibility to change that decision, and it may depend on what English Heritage says or there may be other considerations that the County Council may have but he is willing to make a start in asking officers to look at this again and getting the views from shopkeepers regarding a suitable alternative location. It would mean having to go back to Planning Committee and there would be some additional cost, but it would be worthwhile to at least ask if it is possible to do that. His understanding is that the fountain will not be relocated for at least another 12 months so there is time to look at that; we must be humble enough to accept we did not get it right, learn lessons where we need to and rectify what we can where we can if necessary. Councillor Booth said he welcomed the commitment and response from Councillor Boden and that it should provide some comfort to the people of March and the wider area that this will be looked at again.

- Finally, could we look again at the Constitution and the process for appointments to outside bodies to try and simplify the process. Some years ago, we introduced the step of asking Cabinet to approve the appointments following a review by Overview & Scrutiny, but he is not sure it is delivering what was intended at the time, which was to improve engagement with people on outside bodies. Councillor Booth suggested that the Leaders nominate once proportionality has been agreed, and then ensure a matter of bookkeeping that we have people on those bodies. He also suggested that where more spaces are allocated to an outside body than we have district councillors for that area, we look at filling those spaces with town or parish councillors as they will have better local knowledge than district councillors from another area. Councillor Boden thanked Councillor Booth and said he was correct that the process for appointments to outside bodies was agreed in 2012 and agreed it is time for that to be looked at again and he would hope that the Chairman of Overview & Scrutiny will take this up. He also agreed that the current system is overly bureaucratic and should be simplified. There is no opportunity or time to change the constitution this year before decisions have to be made but he welcomed the suggestion by Councillor Booth and is willing to look at anything that makes the running of this Council smoother and more efficient.

C8/23 **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:

- Councillor Patrick asked what is happening with the proposed decriminalisation of parking to solve some of the parking problems within the district. Councillor Mrs French replied that we are going down the lines of civil parking enforcement but unfortunately with the alliance at County Council they are dragging their heels and have pushed South Cambs forward instead of Fenland, Huntingdon and South Cambs together. However, it should come into effect later this year or next year. Councillor Patrick thanked Councillor Mrs French.
- Councillor Booth asked Councillor Laws if she could provide an update on the position of the draft local plan, what is the position regarding officers able to oversee policy development of the local plan following the recent announcements at Peterborough City Council, and do we have personnel in place to support the plan going forward? He would also like to know when councillors will be given the opportunity to consider the results of the first public consultation and feed into a revised draft local plan, and what the new timescale is for seeing the draft local plan through to conclusion. Councillor Laws replied that she could confirm one FTE in post who

continues to make preparation in the development of the local plan. Prior to the election, Government published a consultation on planning reforms, including the local plan and potentially future systems of development. However, with the timing of local elections and the uncertainty this can create, she will now be reviewing this with officers. To continue with the local plan, further staff will be needed to continue its development and she will be reviewing this with officers as a top priority now she is back in post. The result of the first public consultation has now been published on the FDC website and she will ask officers to circulate the link to this following this meeting. In respect of the timescale to conclusion, this should be about 18 months. Councillor Booth said his point is what we do after receiving the link and if members can comment and feed into policy development. Councillor Laws agreed that this will be part of the process moving forward and it will be a priority.

- Councillor Taylor addressed Councillor Boden and said he had attended a meeting where a question arose about DBS checks for councillors. He asked if this is something that members do need because there is conflicting information on the GOV.UK website and he would like to seek clarification on this matter. Councillor Boden responded that at this level of council, members do not have responsibility for social services or education and so there are not generally many requirements where we would need to have DBS clearance. If we still had a youth council or responsibility for leisure the situation would be arguable, but as we do not, this is no longer the case. Where we appoint to any organisations such as Young People March, we will follow the requirements of that organisation to have DBS checks rather than fulfil any of our own. However, he agrees with Councillor Taylor that the GOV.UK website is ambiguous. Although it would be unnecessary for us as individuals to have DBS checks to do our work as councillors, it is something that officers are enquiring of other councils and the Disclosure and Barring Service, and a statement will be circulated by officers once that enquiry has been concluded.

C9/23 COMMITTEE BALANCE, POLITICAL BALANCE AND ALLOCATION OF SEATS

Members considered the Committee Balance, Political Balance and Allocation of Seats report presented by Councillor Boden.

Councillor Boden thanked officers for the extraordinary amount of time and diligence that they have given in producing this report. He also thanked Councillor Booth as leader of the main opposition group for his cooperation.

Councillor Boden referred to Recommendation 3.3 and said it referred to an alternative approach for politically proportionate allocation of seats. There is a lot of legislation about allocation of seats to committees and outside bodies, but it is in part somewhat contradictory, leading to several different approaches that can be made by individuals depending upon their personal preferences. Therefore, a lot of discussion has taken place, and he again thanked Councillor Booth for his cooperation for the proposals to have been made. What is being suggested is that we adopt an alternative approach which is to allow for all members in groups and the one member who is unaligned to a group to be given their fair share of allocated seats.

He therefore asked that members agree firstly to agree to adopt the alternative approach rather than the strict, legal approach.

Councillor Booth requested that members move to the substantive motion.

Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED to:

- 1.1. **Approve the Committees and Panels set out at Appendix A for the 2023/24 municipal year to include the following specific changes:**

- 1.1.1. That the Audit and Risk Management Determination Sub-Committee is disbanded in favour of creating an Employment Committee comprised of 7 seats;
- 1.1.2. That the number of seats on the Planning Committee and Audit and Risk Committee is reduced from 13 to 7; and
- 1.1.3. That the number of seats on the Conduct Committee is increased to 7.

And AGREED to:

- 1.2. the proposed amendments to the Constitution to reflect the changes set out at paragraph 1.1 above and as set out in Appendix B;
- 1.3. the Alternative Approach for the politically proportionate allocation of seats to Committees and Panels; and
- 1.4. the allocation of seats and position of Chairman and Vice Chairman on the ongoing and newly comprised committees as also set out at Appendix C.
- 1.5. the appointments to seats allocated in accordance with paragraph 1.4 above (Appendix C) including any co-opted or non-members;
- 1.6. the list of Outside Bodies as set out at Appendix D for 2023/24;
- 1.7. the Alternative Approach for the politically proportionate allocation of seats to Outside Bodies all as set out in Appendix D;
- 1.8. Note that the distribution of seats amongst Outside Bodies, to achieve overall political proportionality based on the allocations approved at paragraph 1.7 above and the subsequent appointments to those seats will be discussed between Group Leaders and presented for approval at the next meeting of Cabinet on 12th June 2023;
- 1.9. Note the intended creation of three new Committees; Culture, Arts and Heritage, Rural and Farming and Project Review for consideration at the July Council meeting together with the associated changes in political proportionality and allocation of seats.

C10/23 COMBINED AUTHORITY MEMBERSHIP AND OTHER APPOINTMENTS

Members considered the Combined Authority Membership and Other Appointments Report presented by Councillor Boden.

Councillor Boden pointed out that there had been some changes to the political situation at Peterborough City Council in the last few days which would change the calculations in the papers. However, those changes would not change the total number of seats allocated to a 7- or 14-member committee of the Combined Authority, but they may change the allocation of which local authority has representation from which political party on the 7-member committee of Audit and Governance. Councillor Boden added that none of those changes will affect Fenland District Council so the proposals in front of members today will not change.

Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED to make the following appointments/nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2023/24:

- 1.1. appoint the Leader of Council to act as the Council's appointee to the Combined Authority and one substitute member as set out in Appendix 3;
- 1.2. nominate two members to the Overview and Scrutiny Committee, and two

- substitute members from the same political parties as those appointed as set out in Appendix 3;
- 1.3. nominate one member to the Audit and Governance Committee and one substitute member from the same political party as set out in Appendix 3.
 - 1.4. nominate one member to the HR Committee, Environment and Sustainable Communities Committee, Skills and Employment Committee and Transport and Infrastructure Committee.
 - 1.5. That the Chief Executive be authorised to make any amendments to the appointments to the Overview and Scrutiny Committee and the Audit and Governance Committee in consultation with the Political Group Leaders, if the political balance is amended by the Combined Authority between now and the next Council meeting.

C11/23 WHITTLESEY NEIGHBOURHOOD PLAN

Members considered the Whittlesey Neighbourhood Plan Report presented by Councillor Sennitt Clough.

On behalf of Fenland District Council, Councillor Sennitt Clough congratulated Whittlesey Town Council and all who supported its production on this important achievement.

Councillor Mrs French said she too congratulated Whittlesey Town Council for their hard work. March went through the same process in 2015 and it was completed in 2017. She added that it does make a difference when planning applications are submitted.

Councillor Booth also congratulated Whittlesey Town Council and the people of Whittlesey, saying this is one of the parts of the Localism Act which the Government has got right. He has also gone through a neighbourhood plan and is aware of how much work it takes, and we should commend the community of Whittlesey for putting the plan forward.

Proposed by Councillor Sennitt Clough, seconded by Councillor Booth and AGREED to formally adopt the Whittlesey Neighbourhood Plan as a part of the Development Plan for Fenland and to note the draft Decision Statement which confirms the Council's decision.

(Councillor Boden registered that he does not believe he has either a disclosable pecuniary interest or a disclosable non-pecuniary interest and he is not pre-determined, but he would like it noted that he will take no part in the debate or vote on this item by virtue of the possibility that someone might perceive that he is pre-determined).

(Councillor Miscandlon said he was the Chairman of Planning at Whittlesey Town Council when this was brought before the Council, and he will take no part in the debate or vote on this item).

(Councillor Laws said she was Chairman of the Working Party and very much part of the neighbourhood plan therefore would take no part in the discussion or the vote on this item).

(Councillor Gerstner declared that he does not believe he has either a disclosable pecuniary interest or a disclosable non-pecuniary interest and he is not pre-determined, but he would like it noted that he will take no part in the debate or vote on this item by virtue of the possibility that someone might perceive that he is pre-determined).