

# Public Document Pack

## COUNCIL

A meeting of Council will be held at Council Chamber, Fenland Hall, County Road, March on MONDAY, 22 MAY 2023 at 4.00 PM and I request you to attend accordingly for transaction of the following business:

This is a public meeting and as such we encourage members of the public to view the meeting via our YouTube channel: <https://youtube.com/live/fcygoR-hp18?feature=share>

- 1 To receive apologies for absence.
- 2 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.
- 3 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.
- 4 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.
- 5 Previous Minutes (Pages 5 - 20)  
To confirm and sign the minutes of 20 February 2023.
- 6 To receive any announcements from the Chairman of the Council and/or the Head of Paid Service.
- 7 Meetings of the Council 2023/24  
To determine that:

1. The Annual Meeting of the Council in 2024 be held on:

Monday 13 May 2024

2. The ordinary meetings of the Council in 2023/24 to be held as follows:

Monday 17 July 2023

Monday 2 October 2023

Monday 11 December 2023

Monday 26 February 2024

- 8 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 9 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.
- 10 To receive reports from and ask questions of Cabinet members with portfolio holder responsibilities, in accordance with Procedure Rules 8.1 and 8.2.
- 11 Committee Balance, Political Balance and Allocation of Seats (Pages 21 - 60)

The purpose of this Report is to agree the committee structure and terms of reference for the forthcoming municipal year as well as confirming the allocation of seats to those committees and to outside bodies in accordance with political proportionality rules or for alternative arrangements to be approved and to receive notification of the appointments to them.

- 12 Combined Authority Membership and Other Appointments (Pages 61 - 70)

To request the Council to make appointments to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2023/24.

- 13 Whittlesey Neighbourhood Plan (Pages 71 - 134)

For members to formally adopt the Whittlesey Neighbourhood Plan as a part of the Development Plan for Fenland.

Fenland Hall  
March



Chief Executive

Friday, 12 May 2023

**NOTE** The Council may, by resolution, as exemplified below, exclude the public from a meeting during the consideration of any item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present, there would be disclosure to them of exempt information as defined in Section 100 I of the Local Government Act, 1972

"Resolved that under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for Item No./Minute No. on the grounds that the item involves the disclosure of exempt information as defined in Paragraph of Part I of Schedule 12A of the Act"

This page is intentionally left blank

# COUNCIL

**MONDAY, 20 FEBRUARY 2023 - 4.00 PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor N Meekins (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor C Boden, Councillor G Booth, Councillor J Clark, Councillor S Clark, Councillor D Connor, Councillor M Cornwell, Councillor S Count, Councillor Mrs M Davis, Councillor D Divine, 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 J Mockett, Councillor P Murphy, Councillor D Patrick, Councillor M Purser, Councillor W Rackley, Councillor C Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor S Tierney, Councillor D Topgood, Councillor S Wallwork, Councillor R Wicks and Councillor F Yeulett.

**APOLOGIES:** Councillor Mrs J French, Councillor A Maul, Councillor Mrs K Mayor, Councillor M Tanfield and Councillor S Wilkes.

**C42/22      PREVIOUS MINUTES**

The minutes of the meeting of 12 December 2022 were confirmed and signed.

**C43/22      CIVIC ENGAGEMENTS UPDATE.**

Councillor Miscandlon drew members' attention to the civic activities undertaken by himself and the Vice Chairman in the weeks preceding Full Council.

**C44/22      TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

Councillor Miscandlon paid tribute to Cyril Bellamy who had sadly passed away. Cyril had served as a councillor for 31 years and his family described him as dedicated and hard working with a mantra to always help others in the community.

Councillor Miscandlon informed members that Cyril first became a councillor in 1978 when he joined Parson Drove and Wisbech St Mary Parish Councils where he also served as Chairman from 1999 to 2005 and again from 2007 to 2009. In 1999 Cyril also joined Fenland District Council as a ward councillor for Parson Drove and Wisbech St Mary and during this time he served on both the Licensing and Planning Committees as well as being involved in a number of community groups.

Councillor Miscandlon offered condolences to Cyril's family and a minute's silence was observed in his memory.

Councillor Miscandlon advised members that the Annual General Meeting of the Twinning Association will take place at Fenland Hall at 2pm on 2 March and all are welcome to attend.

**C45/22      LEADER OF THE COUNCIL ANNOUNCEMENT**

Councillor Boden stated that he would like to bring to Members' attention that this was the last Full Council meeting for a number of Members who would not be seeking re-election on 4 May and on behalf of the Council, he extended his sincere thanks to those who were stepping down for their dedication and commitment to the people of their wards but also to the whole of Fenland. He made

the point that these Members have served the public selflessly for a number of years and have achieved a number of positive improvements for their areas and congratulated their time served as a Councillor, wishing them all the very best in their future endeavours.

Councillor Boden stated that those particular members who have chosen not to seek re-election at this time have between them given 75 years of service to the Council and to their residents are Councillors Sarah Bligh, Andy Lynn, David Mason, Kay Mayor, David Topgood, Rob Skoulding and Fred Yeulett. He added that if there any other members who have decided that they are not going to re-stand for election who he has not formally recognised then they should accept his apologies and asked members of the Council to join him in a round of applause in recognition of their service.

Councillor Miscandlon added his thanks also and gave those members that wished to do so the opportunity to address Full Council.

Councillor Mrs Bligh stated that she has thoroughly enjoyed the eight years that she has served as a councillor and thanked Councillor Tierney for introducing her to politics and also to Councillor Booth for providing her with their guidance and knowledge in helping her to fulfil her role as a councillor.

Councillor Yeulett stated that he would like to thank all members and officers for their assistance provided to him over the years and he wished them well for the future.

Councillor Mason stated that it has been a privilege to serve the Council, and he has enjoyed it thoroughly. He thanked members for their support and help over the years.

Councillor Skoulding thanked everybody for their support and friendship and he stated that he would like to thank all of the officers, especially thanking the team in Member Services.

**C46/22 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 Rule 8.6. Under Procedure Rule 8.4, Councillor Cornwell also thanked those officers for their service and friendship who are not re standing for election in May and asked the following questions as Leader of the Opposition:

- Councillor Cornwell stated there has been much discussion in March concerning the regeneration of the Town Centre and in particular Broad Street, with the matters particularly centred around the dissatisfaction with the supposed public consultation regarding the proposal and whilst it appears that there was some consultation it has become apparent that it was not always well delivered and was not well received. He stated that he has recently undertaken a review and it has become apparent that the consultations did not always comply with the Council's Consultation Strategy which has led to a number of residents losing confidence in the Council and some officers, which he finds unacceptable as residents should never lose confidence in their own Local Authority, adding that if the scheme consultation is compared with the consultation which was undertaken under the planning process where there were three elements requiring planning approval and appears to have been a far better consultation system which is more wide ranging, better and a larger number of responses in a well proven adopted consultation system. Councillor Cornwell explained that there did appear to be a small discrepancy where the Council's IT system did appear to reject a submission from one of the long-standing businesses trading in the Town Centre and he hoped the issue is being investigated. He asked Councillor Boden whether he will issue a public apology to the residents of March for some of the failings that they have experienced in the Council's processes in relation to the proposals?

Councillor Cornwell added whether a system can be adopted so that prior to any public consultation in the future, the relevant Portfolio Holder and member of the Corporate Management Team review the proposed process to ensure that it accords with the Council's own strategy and the manner in which feedback is received and published. He also expressed the opinion that as one of the Council's planning applications was incomplete, due to the fact that the replacement of the demolished public toilets in Broad Street was not included, can a guarantee be made for the residents of March that replacement public toilets will be provided and with some urgency following the demolition of the existing ones?

- Councillor Boden responded that he was unaware that there had been any IT failings with regards to the planning permission and he is confident that the relevant Portfolio Holder will investigate the issue to ensure that if there is a problem it will be addressed so that it does not happen again. He added that if there has been a failing, it is the Council's responsibility to get things right and the Council will apologise. Councillor Boden stated that with regards to the public consultations that took place, he is aware from some of the feedback that he received personally that some people were not content with the information that was provided to them and also the way that the information was provided to them. He added that it is an unfortunate fact that some people will not be happy with the proposals, however, in his opinion there are lessons to be learnt and it is important that in the future there should be more thorough planning so that if there are any concerns raised by residents it will allow the Council to deepen the level of consultation so that the issues raised can be explored further, however, the reality is that there will be occasions where consultations take place and people will not be happy with the outcome of them. Councillor Boden added that consultation does not necessarily mean making a change but means listening and responding to what the Council is told. He explained that with regards to the planning application for the public toilets in Broad Street, he was also somewhat surprised that it only contained the detail of the demolition of them and did not refer to any replacement, however, he confirmed that a separate and new set of public toilets will be made available and as far as he is concerned, they will be sited as close to the existing ones as possible, but the exact location is still being considered. Councillor Boden added that it had been mentioned that there were public toilets located within the Library, however, that suggestion was turned down by the Cabinet because it is clear that something more substantial is necessary and the location of the new toilets needs to be located as visible as they can be in order to make them less susceptible to vandalism. He stated that the supply of public toilets is not an obligation for a local authority to provide and explained that if there continues to be a large amount of vandalism then there is the danger that the facility will be lost totally and, therefore, they need to be designed in such a way that the possibility of vandalism can be minimised.
- Councillor Cornwell stated that the comments made by Councillor Boden with regards to the public consultation are relevant as there were problems with one particular aspect of the process and there was a failure to comply with the Council's own policy. He added that he has carried out his own investigation and there was a problem which may never happen again as it has caused so many problems in the town of March.
- Councillor Cornwell stated that he has reviewed the figures with regards to Fenland Future Ltd and the figure for set up costs is almost a third of £1,000,000 which appears to be very high. He asked whether it is normal for the costs to be so high as, in his opinion, they are astronomical. Councillor Boden responded that when development companies start the costs are always high as there is no real income available until buildings are actually constructed and sold and, therefore, it is not unusual for costs to be incurred before any income is received. He explained that the current situation accords with what was forecast and emphasised that the overwhelming majority of the costs that Councillor Cornwell referred to were costs that were going to be incurred anyway because they are costs of the Council which are primarily but not exclusively down to salary costs, with the cost recharge from the Council to Fenland Future Ltd. Councillor Cornwell stated that he finds the response provided interesting because the information that he has reviewed relates to consultants' fees and nothing that relates to charges for officer time. Councillor Boden

stated that Councillor Cornwell is completely correct and whenever there is any project like this taking place consultants will be brought in to give assistance. He added that it would appear that the list Councillor Cornwell has received does not contain all the costs for Fenland Future Ltd, whereas the actual list details the majority of the costs are for recharges including staff costs, administrative costs and other associated overhead costs. Councillor Boden stated that the consultant costs would have been incurred had development taken place under the auspices of Fenland District Council rather than Fenland Future Ltd.

**C47/22 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 Hay stated that she noted in the Portfolio Holder report that it mentions the Local Plan consultation and it states that the Local Plan will be considered by Full Council during 2023/2024, however, she has also read that Peterborough City Council will be withdrawing their support for planning and she asked whether that will affect the timetable for the completion of the Local Plan? Councillor Mrs Laws responded that Peterborough City Council have been undergoing an assessment of its own Planning Department, which started in July 2022 and they have advised that they are considering withdrawing certain services from the Council. She stated that discussions are currently taking place with regards to the situation as it will also affect other areas of the shared service but at the current time she has no firm answers that she is able to provide.
- Councillor Sutton asked whether Councillor Murphy was able to provide an update with regards to whether the brown bin charge was going to be removed in place of Waste Vertical Integration (WVI)? Councillor Murphy responded that there is no intention to remove the brown bin charge and there is an increase in the amount of people who subscribe to the service with 2,800 customers paying for the service by direct debit. He explained that with regards to WVI, there is no further update from Central Government from that which was provide in 2022.
- Councillor Sutton referred to the Horizons windfall funding which had been discussed previously at Full Council, with East Cambridgeshire District Council setting up a Community Fund to make use of their share of the funding and asked the Leader whether he had given any consideration to a capital fund being raised and in particular for the rural areas who receive very little, in his opinion, but who represent 28% of the Fenland population. He added that consideration could be given for a small amount of money of £10,000 to £15,000 which would make a difference to some of the projects that the small villages would like to progress. Councillor Sutton asked Councillor Boden whether he would consider a scheme where villages can request some funding? Councillor Boden made the point that he objects to the use of the word windfall to describe the monies received from Cambridgeshire Horizons and explained that the Council was one of the original shareholders for Cambridgeshire Horizons Ltd which was a company that was set up around twenty years ago in order to promote economic growth in Cambridgeshire as a whole and in particular housing growth. He added that the company had some very specific legal objectives set out in its memorandum and articles at the time. Councillor Boden explained that the company reached a certain stage in managing to utilize the large amounts of capital funding, which was received by Central Government, but they only reached a certain point, and did spend a large amount of public money. He stated that in 2012 that operation all but ceased and the only interaction which took place following 2012 was just residual changes which took place with the small amounts of money that were still left which was small in comparison to the original amount, but still substantial in anyone else's view. Councillor Boden explained that since there has been no significant movement



or any prospect of any movement from the company, he had put forward a proposal which was accepted, that the company should repatriate almost all of the excess money that it still had available to its shareholders, with the only legal way to achieve this was to repatriate it for the same purposes that Cambridgeshire Horizons was set up for and, therefore, there are limitations as to how the money may be spent. He stated that the Council received £3.89 million pounds from Cambridgeshire Horizons and of that £1.05 million was to be utilized towards the expenditure on the A14 and the remaining £2.84 million has been earmarked for economic growth projects. Councillor Boden made the point that the only amount which is currently being used is £149,000 which operates on an annual basis and as of the 31 March every year the Section 151 Officer has to write to the Company Secretary of Cambridgeshire Horizons Limited to say what use has been made of the funding in the previous 12 months and what the justification is for using it, based on the legal criteria under which Cambridgeshire Horizons Ltd was formed. He stated that the current projects for 22/23 see another £330,000 of expenditure designated by the Section 151 Officer to go towards economic growth in Fenland and will leave £2.3 million which will be available for future years and when it was set up, the proposal that he put forward which was accepted, was that the money needs to be spent within 6 years and, therefore, there will be the need for the £2.3million to be spent over the course of the next four financial years. Councillor Boden stressed that there are legal restraints on how it could and should be used and it is his opinion that economic growth in the area is of the utmost importance. He added that there is more expenditure on economic growth than ever before by the Council and it is the one area of expenditure that has really grown in real terms over the last two or three years and, in his view, it is something that he would advocate that the Council needs to do more of because it effects people's jobs, livelihoods and their businesses. Councillor Boden expressed the view that the prioritisation of economic growth is very important and made the point that the money has not been squandered over the last two years as the overwhelming majority of the £2.8 million of the £3.9 million is still available and it will be for the new Council to decide how they spend it. Councillor Sutton stated that the fact the East Cambridgeshire Council have set up a Community Fund shows that it is legal and can be done. Councillor Boden stated that he is unsure what projects that Councillor Sutton is referring to, but the projects need to be brought forward in order to be considered. He added that there are other sources of funding which can be considered and used for good projects, and he would have liked to have known what the projects were and whether they have been brought forward for consideration by the Council.

- Councillor Sutton expressed the view that the UK Shared Prosperity Fund had appeared to focus and be very town centric for bids and asked whether the villages had been considered? Councillor Boden stated that it was a very difficult set of projects to move forwards and explained that the Council had not been given autonomy with regards to making applications towards the fund, with the Government deciding that in those areas which have Combined Authorities it should be the Combined Authority who submit the bid and then in turn money would be filtered down to the District Councils. He stated that some of the monies ended up being centrally organized by the CPCA and the Council had to agree with what was put forward and other items were a matter for the Council to decipher how the criteria published by Government could be matched with opportunities that the Council had. Councillor Boden explained that the Council did not distinguish between villages and towns or indeed between the towns although Wisbech did receive more as it qualified under the specified criteria more favourably than other areas. He added that the Council made the decision to go with the best schemes that were available with the funds that were potentially available using the criteria which had been laid out by Government. Councillor Boden made the point that there are instances where Government states that there will be a rurality premium where rural areas will take preference, but this was not the case with this particular scheme and in this instance the schemes were selected which were available and in order to benefit the whole of Fenland. Councillor Sutton asked Councillor Boden that if he has some schemes in his own ward which are looking for a small amount of funding, can he bring those forward directly to him? Councillor Boden stated that if any

member wishes to bring forward schemes they can be added to a list, however, whether they will be chosen is another matter.

- Councillor Sutton stated that the LATCO set up fee appears to be displayed incorrectly on the website and, in his opinion, some of the fees displayed are not set up fees and they need to be reviewed.
- Councillor Sutton made reference to purdah and expressed the opinion that he is very disappointed to have been told that a Golden Age Fair cannot take place during the Purdah period but he has received notification that the March St Georges Fair is taking place on April 28 which is also during the Purdah period, and asked Councillor Boden to explain the justification in allowing that to go ahead, when the Golden Age event cannot. Councillor Boden stated that he does have sympathy with the comments that Councillor Sutton has raised but there is a clear distinction between what happens with what has been called St Georges Fair in the past and is known as St Georges Festival this year and what happens with Golden Age Fairs. He explained that Golden Age Fairs are Council events and are promoted as such whereas the St Georges annual event is jointly organised by the Council and the March Events Committee in conjunction with various other partners including March Library, March Community Centre, 2020 Productions and CPP Market Place. Councillor Boden stated that although the Council design the promotional materials, they are not Fenland District Council branded events whereas the Golden Age events are. He made the point that it is his understanding that the reason that the Golden Age Fair is not taking place during the Purdah period is that in order to organise the celebration event of the 20<sup>th</sup> anniversary of the Golden Age fairs in June, it was decided that a fair would not take place prior to that event. Councillor Boden agreed with Councillor Sutton that the rules surrounding purdah are over bureaucratic, but they are in place to protect the interests of those who are not in power, and the reason purdah exists is that sometimes those that are in administration can manage to manipulate publicity, consultations and events just before an election to try and benefit themselves politically.
- Councillor Sutton asked Councillor Mrs Laws if she could explain what she understands her role and responsibilities are as the member responsible for the Internal Drainage Board delivery and what are the outcomes from being in that role? Councillor Mrs Laws responded that the answer is complex, and she will provide a response to all members in due course.
- Councillor Sutton addressed Councillor Mrs Laws and asked whether she could ensure that the Local Plan information can be accessed easier on the Council's website as it is currently difficult to navigate and find. Councillor Mrs Laws agreed that she would deal with this matter.
- Councillor Sutton asked Councillor Mrs Laws if she could explain what effect it will have on the Local Plan moving forward as Central Government are no longer dictating numbers. He added that there is a requirement to have a housing needs assessment for evidence to go to inspection and he asked whether that process has commenced. Councillor Mrs Laws explained that the information has to and will be considered and then moving forward the reports will be reviewed including the housing assessment need in order to move forward with the Local Plan, however, due to the changes it does mean that the process will be delayed yet again.
- Councillor Sutton stated that he has raised previously the issue of Level 2 Flood Risk Assessments which are in place in Wisbech so that development can take place in Flood Zone 3 but there are other areas in the district which are in the same flood zone, such as Benwick, but development cannot take place. He added that in the documentation he has read in conjunction with the emerging Local Plan concerning site selection and the reasoning behind why some sites are not being picked due to their flood zone and made the point that nothing will change and the issue concerning where people can and cannot build due to flood zones will be the same as it currently is. Councillor Sutton explained that all the sites that Benwick have put forward have been rejected because of flood risk but there is no other land in Benwick and expressed the view that it must be reviewed. Councillor Mrs Laws stated that there was a first and second call for sites due to the fact that a public consultation exercise could not take place due to the pandemic and all of the sites have

been assessed correctly and there has been consistency applied, however, she agreed that she would re-examine them again. Councillor Sutton stated that he would like confirmation and commitment that a Level 2 Flood Risk Assessment will be in place across the board. Councillor Mrs Laws stated that her commitment will be to review the reports and review the officers' assessments.

- Councillor Booth stated that when considering the flood zones, in his opinion, officers appear to be discounting sites in Floods Zones 2 and 3 that Parish Councils and residents are putting forward. He expressed the view that the point that Councillor Sutton is making is that with mitigation measures in place, development should be able to take place and what is needed within the new Local Plan is a policy where the sites can be there but there needs to be flood mitigation measures included so that development can take place and if such a policy was in place it would assist with the sustainability of the rural areas as there would be more housing in these areas which in turn will support the local services. Councillor Mrs Laws stated that she does not disagree with the points made by Councillor Booth and due to the changes made by Government there will be further work undertaken to take those changes into consideration.
- Councillor Booth made reference to the page 46 of the report where it details that only 62% of minor applications are being dealt with during the target set by Government, the Leader has given assurances previously that the performance is improving but he asked how the Council can ensure that the figures provided can be improved as it is a common complaint that he is receiving from residents and developers as they are not receiving responses during to the Planning Department facing staffing issues. Councillor Mrs Laws responded that planning is an important department, and the team has experienced some significant staffing changes recently, with over a ten year period there not being the desire for officers to study for town and planning qualifications and degrees and it has now reached a point where some officers have retired, taken early retirement or gone to work in the private sector and the team now find themselves with a number of Junior Planners but without the Senior Officers and that is where the gap has arisen. She explained that there has been efforts made to fill those gaps by using agency staff which has not always proved to be successful, however, another recruitment company is now being used and it is hoped that the staff provided will enable the planning team to stabilise and improve. Councillor Mrs Laws explained that there will be a recruitment exercise to fill a post for a full-time Tree Officer and also a Conservation Officer. She added that any member queries concerning planning can be directed to both herself and Councillor Connor who will do their best to answer and field any questions in order to support the planning staff.
- Councillor Booth asked whether he would be able to receive a written response in answer to his question concerning page 29 of the report where it refers to Capital Projects for street lighting, making the point that there were updates contained in the report previously with regards to the Parish Council schemes, however, that information now appears to have been removed from the report. He added that a request was submitted over two years for the street lighting in Parson Drove to be replaced, however, there has been no update provided and, in his opinion, there appears to be something not working correctly with the supplier and cable testing and getting the information sent to the Parish Councils. Councillor Boden responded that in the absence of Councillor Mrs French he will arrange for the information to be provided as soon as possible.
- Councillor Booth made reference to the report where it details bringing empty households back into use, with Councillor Hoy repeatedly assuring over the last year that she would provide information concerning that status of the net position, however, that information is still not detailed in the report, and asked what the current position is of bringing empty homes back into use. Councillor Hoy stated that she recalls a conversation with regards to empty properties and social housing and there is data available, making the point that every empty home brought back into use is a positive step and more homes are brought back into use year on year. She explained that if Councillor Booth requires an overall figure of the current situation plus what the percentage of empty homes are brought back into use she will look to address this and ensure it is added to the report going forward.

*(Councillor Topgood left the meeting at 4.57pm following this item and the remainder of the agenda items)*

**C48/22      QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH PROCEDURE RULE 9A**

In accordance with Procedure Rule 9A, the Parish Clerk for Manea, Alan Melton attended Council and asked the following question to Councillor Mrs Laws, Portfolio Holder for Planning.

Mr Melton stated that he has been invited by a number of parishes to undertake work with them and explained that he has worked with authorities in South Cambridgeshire, East Cambridgeshire and Huntingdonshire. He expressed the view that he is concerned with regards to the level of Section 106 monies that they are in receipt of for local communities that Fenland does not appear to be receiving and asked Councillor Mrs Laws if she could clarify why does Fenland not receive these contributions and what is she going to do about it in the future.

Mr Melton continued by explaining that whilst working with East Cambridgeshire he received a letter from the Financial Officer to advise him that £60,000 had been credited to their bank account for development and a further £3,000 for a single dwelling. He explained that during the financial year he was provided with a list of all the Section 106 contributions that have been paid to all of the parishes in East Cambridgeshire with the exception of Sutton who have advised that they have invested any Section 106 monies received by Sutton Parish Council into property.

Mr Melton stated that South Cambridgeshire Council have also advised him that they will be crediting the relevant bank account and so far this year contributions of £109,000 have been received and another £60,000 is also due. He explained that whilst undertaking some work in Fenstanton he was surprised to find that there was some Section 106 accounts with over £300,000 in them which were due to be allocated to local projects.

Mr Melton expressed the opinion that he is concerned that Fenland does not have a policy which deals with Section 106 contributions, and he made reference to the Wenny Meadow development where there are no contributions for the local community and another development in Doddington Road, Chatteris where again there are no funds for the local community. He expressed the view that developers are using the legislation which is set out on the viability standards, and referred to the Wenny Meadow application where the application indicates that the developer states that the proposed selling of the dwellings will be in the region of £250,000 and the same houses on the same layout are selling for in excess of £450,000. Mr Melton stated that there needs to be a review of a policy and viability standards and criteria need to be challenged.

Councillor Mrs Laws responded that she was under the impression it was Wenny Road and the Wenny Meadow stage of the proposal has yet to be achieved. She stated that East Cambridgeshire District Council and Huntingdonshire Council both operate a Community Infrastructure Levy (CIL) scheme and under the Government rules for CIL the Council must give a cash proportion of the CIL income to Parish Councils and where the CIL paying development is located in that Parish.

Councillor Mrs Laws stated that Fenland District Council have looked at the development viability twice now and have decided that it is not appropriate to introduce CIL due to the low property values in the area and this is why the Town and Parish Councils in Fenland do not receive monies from the District Council as a matter of course. She explained that with regards to South Cambridgeshire District Council they do not operate a CIL system and, therefore, the parishes do not receive any CIL monies.

Councillor Mrs Laws stated that where there is a Section 106 for a development it can sometimes

be the case that the developer provides money to be spent on new and improved community facilities, such as the play park in Snowley Park in Whittlesey. She added that in such cases it is usual for the money to be held by the District Council and the money will be used by the Council itself, but it can potentially also be made available to the Town and Parish Councils in order for them to spend on qualifying projects.

Councillor Mrs Laws stated that in the past periodically the Town and Parish Councils have been contacted so that they are aware of the Section 106 position in their respective areas. She made the point that she will arrange for that contact to be made again by the end of the month.

In accordance with Procedure Rule 9A, Mr Melton was given the opportunity to ask a further supplementary question or seek clarification to the response provided in relation to his original question.

Mr Melton stated that it is his understanding that in Huntingdonshire and also in East Cambridgeshire they operate both Section 106 and CIL schemes as there is a differential in values as there also is in Fenland. He stated that the Leader of the Council, along with the Chairman and also Councillor Mrs Laws, are all elected Whittlesey members and they should be aware of the large development taking place in that area which is over 1,000 dwellings.

Mr Melton added that due to the tax base the Council is able to reduce its Council Tax, however, if a proper Section 106 policy was in place then Whittlesey Town Council would not be borrowing money or missing out on maths funding and they would be in the same position as Sutton Parish Council and have money to invest in the town of Whittlesey for the local community.

In response, Councillor Mrs Laws questioned where Whittlesey Town Council is borrowing money from and for what purpose?

#### **C49/22      MOTION SUBMITTED BY COUNCILLOR TIERNEY**

Councillor Tierney presented his motion to members of Full Council concerning works to a damaged building in Wisbech.

Members made comments as follows:

- Councillor Booth stated that he is happy to support the motion and added that he would like to see the process expedited in order that the Town of Wisbech and the Market Place are returned back to normal.

**Proposed by Councillor Tierney, seconded by Councillor Booth and AGREED that the motion be approved for**

- **officers to work with the building owners to expediate the important repairs that will put the building back in good order as early as possible; and**
- **if this is not achievable, the Council exercises its statutory powers and assesses the options for enforcement action if a planning application is not forthcoming in the next few months.**

#### **C50/22      BUSINESS PLAN 2023/24**

Members considered the Final Business Plan 2023-24 report presented by Councillor Boden.

Councillor Boden highlighted that the Business Plan contains a new section this year which is titled Council for the Future which highlights some of the bigger changes which are taking place and will be taking place going forward. He explained that the Transformation One agenda is being focussed on which involves the process mapping of the work that is undertaken and the reorganisation of the services that the Council has.

Councillor Boden also explained that preparation is also taking place for the Transformation 2 agenda which changes the physical and virtual footprint of the Council. He stated that the report went to the Overview and Scrutiny Panel last month and they in turn made various suggestions which have been incorporated within the report.

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

- Councillor Cornwell stated that he was surprised to see 29 people had responded positively to the Business Plan consultation out of a population of 102,500 which, in his opinion, is a very poor response. He made the point that it is concerning to see that no businesses responded, and added that could be because there is very little in the plan which deals with business and economic development and, in his view, that is an area which needs to be addressed. Councillor Cornwell stated that the feedback received did contain some very pertinent questions or answers and some people had obviously given it some thought prior to responding, although some of those views do not seem to be reflected in the final version. He referred to the Council's consultation strategy where it states that 'only consult if you are willing to make changes based on responses' and he expressed the view that he does not see any changes because of those responses. Councillor Boden responded that the reason why there are so few responses is, in his opinion, people are fed up with consultation exercises taking place by all layers of Government and people do not believe that consultations matter and they are of the view that their responses will not be even read. He added that is the reason why there are such small numbers of individuals responding. Councillor Boden made the point that it is possible as a local member to get more interest in your area out of something which is relevant by encouraging people to read what has been said and to respond to something what is particularly important to an area. He stated that all responses in this case were read, and consideration was given to the comments made by the Overview and Scrutiny Panel, with changes were made as a result.
- Councillor Booth stated that one of the biggest comments which seemed to come out of the consultation was that the language style used could be made clearer and simpler and whilst there have been improvements made to the presentation style rather than the content compared to previous versions. He explained that he had highlighted at the Overview and Scrutiny Panel, the section in the Business Plan which lists the priorities but there does not appear to be any actual measures in place on delivery which is the Council for the future. Councillor Booth expressed the view that individuals are also of the opinion that whatever they say will not be considered anyway and in particular the views of those residents who live in a rural area often focus on what the District Council is delivering for them. He stated that the document pays lip service to what is happening in rural areas and all of the projects appear to focus on the towns and there does not appear to be anything to help and support those residents who live in the more rural areas of the district, who are isolated and receive poor services. Councillor Boden stated that the whole ethos of growth in Fenland is that it needs to be as widespread as possible and there are opportunities in the rural areas which do not exist in the towns and the Council needs to ensure that every opportunity which exists to promote economic growth is in place. He explained that more resources have been included into the economic growth section this year and this will continue to grow next year. Councillor Boden added that he is very aware that there are any number of opportunities especially for micro and small businesses within the rural areas where assistance can be given to ensure that those businesses start, grow and thrive. He gave assurances to Councillor Booth that the districts' larger businesses in the rural areas receive as much attention as the larger businesses do in the town centre locations.
- Councillor Tierney stated that some members have raised the point that some of the consultation documents that are published are difficult for people to understand and he apologised as that is something which forms part of his role. He added that he has worked with officers and focussed on the Business Plan, portfolio reports and the website to try and make them more user friendly but he has never thought to review consultation documents

and he gave assurances that it will be something that from now on he will be doing to ensure that they are clear and easy to understand.

**Proposed by Councillor Boden, seconded by Councillor Tierney and AGREED that the Business Plan 2023-2024 be approved.**

## **C51/22      CORPORATE BUDGET 2023/24**

Members considered the General Fund Budget Estimates 2023/24 and the Medium-Term Financial Strategy 2023/24 to 2027/28; and Capital Programme 2023-2026 report presented by Councillor Boden.

Councillor Boden highlighted that there was an item which needed to be amended within the recommendations and he explained that the recommendation at (x) makes reference to section 15 whereas it should read section 16.

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

- Councillor Tierney explained that ever since he became an elected member, he has regularly circulated surveys asking people questions with regards to policy in order that he can ensure that the aspects that he represents reflects what the voters want him to stand up for and he explained that one of the questions that he is often asked about is Council Tax. He stated that it is only a very small proportion of people who respond who are happy with their Council Tax payments increasing, making the point that many of his fellow councillors have stated that they choose to become a councillor because they do not wish to see their residents paying too much Council Tax but then in a short period of time, they appear to accept that there will be a significant increase to Council Tax payments. Councillor Tierney stated that he has often argued for a Council Tax freeze or a cut to payments but that has often been brushed aside and added that there should never just be the presumption that the Council is going to increase peoples bills and there should be the opportunity to look at the money required and then only take the amount which is needed. He made the point that it is not the Council's money, it is residents money and due to the current economic climate, there has never been a more important time for this reduction to be put in place. Councillor Tierney added that when the last administration came into being four years ago, the aspiration was to freeze Council Tax every year and that has been achieved every year and this year there is a proposal to cut Council Tax, which does not mean that services will be cut as the Council continues to deliver services and, in his opinion, he would like to think that the general consensus of members is that Fenland is quite a successful Council. He stated that it is the right thing to do and he knows people are going to support the proposal as money is better off in people's pockets in order to give them their own choice on how to spend it.
- Councillor Booth stated that the report makes the point that it is a political decision, and, in his opinion, it is an election year and that is why the proposal has been brought forward, with the reason that he is sceptical is due to the fact that at a recent Overview and Scrutiny panel meeting there was a budget report put forward which proposed 0% and now there is a -2% figure being proposed. He expressed the opinion that he does not disagree with the cut as it is, in his view, that residents of Fenland are paying in excess as far as District Councils are concerned compared to others, although he feels that the Government have not got the correct funding formula in place for local government, particularly as Fenland suffers from areas of deprivation and is not being given its fair share of Government resources compared to other areas. Councillor Booth stated that Fenland is being poorly served by the Government and that is why the Council Tax is probably twice as it needs to be. He stated that Kings Lynn and West Norfolk Borough Council have halved the Council Tax base compared to Fenland and made the point that people should not be overtaxed but the Government not providing enough support to this area is a factor. Councillor Booth added

that another failing is the unsuccessful bid in obtaining the levelling up funding, however, he does support the reduction and that other members have stated that services are adequate at the Council but, in his view, there have been aspects highlighted that services are suffering and residents are becoming disgruntled. He added that at Parish Council meetings residents are complaining about the length of time it is taking to get through to the Council and that it is a service area where those residents who do not have access to the internet are suffering. Councillor Booth made the point that the street lighting issues needs to be addressed and the rates for recycling has dropped significantly by 11% since the introduction of the brown bin charge. He expressed the view that the level of service being provided to the residents of Fenland needs to be acceptable and he will support the report because he feels it is a step in the right direction.

- Councillor Boden thanked members for the points that they raised and agreed with the point made by Councillor Booth that things are not perfect and there is always room for improvement. He stated that the issue concerning the answering of phone calls is a service area which is fundamental in the way in which residents can contact the Council and it forms part of the Transformation projects which are underway and it will be particularly important that the Council can ensure that in the future that the best possible means of listening to its residents and responding to their enquiries and that does not mean just considering the phone system as other means of ways of contact will also need to be considered. Councillor Boden stated that the changes that will need to be made in the next administration are likely to be ones that will last for a generation and there are likely to be fundamental questions and answers that will arise but ultimately it needs to be about the service that is provided to the residents of Fenland and how the Council responds to their needs.

**Proposed by Councillor Boden, seconded by Councillor Booth and AGREED that the following be approved:**

- (i) **the General Fund revenue budget for 2023/24 as set out in Section 8 and Appendix A;**
- (ii) **the Medium-Term Financial Strategy as outlined in this report and Appendix B;**
- (iii) **the Capital Programme and funding statement as set out in Appendix D ;**
- (iv) **the adoption of the additional Business Rates Relief measures as detailed in Section 6 using Discretionary Relief Powers;**
- (v) **the expenses detailed in Section 11 to be treated as general expenses for 2023/24;**
- (vi) **the Port Health levy for 2023/24 as shown in Section 12;**
- (vii) **the adoption of the Council Tax Support Fund proposals as detailed in paragraphs 13.16 – 13.22 of this report, using discretionary powers;**
- (viii) **the current working age Council Tax Support Scheme be adopted with effect from 1 April 2023 as set out in Section 14, with appropriate changes to the prescribed pensioner scheme as determined by regulations;**
- (ix) **that subject to the relevant legislation being passed and as detailed in Section 15:**
  - (a) **to agree to shorten the period that a 100% Council Tax premium on long term empty dwellings is payable from the current 2 years (empty) to 1 year from 1 April 2024.**
  - (b) **to agree to implement the 100% Council Tax premium on all second homes from 1 April 2024 (if legislation passed before 31 March 2023).**
- (x) **the Treasury Management Strategy Statement, Minimum Revenue Provision, Treasury Investment Strategy, Prudential and Treasury Indicators for 2023/24 and Capital Strategy 2023/24 as set out in Section 16 and Appendix E;**



- (xi) the Band D Council Tax level for Fenland District Council Services for 2023/24 be set at £255.24, a decrease of 2% (£5.22) on the current year.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 impose an obligation on Local Authorities (after 25 February 2014) to record all votes on decisions on budget and council tax, with this in mind Members voted on this item as follows:

**In favour of the proposal:** Councillors Benney, Mrs Bligh, Boden, Booth, John Clark, Sam Clark, Connor, Cornwell, Count, Mrs Davis, Divine, Kim French, Hay, Hoy, Humphrey, Mrs Laws, Lynn, Marks, Mason, Meekins, Miscandlon, Mockett, Murphy, Patrick, Purser, Rackley, Seaton, Skoulding, Sutton, Tierney, Wallwork, Wicks and Yeulett.

**Against the proposal:** None

**Abstentions:** None

*(Councillors Marks and Rackley left the meeting at 6.00pm following this item and for the remainder of the agenda items)*

## **C52/22      COUNCIL TAX RESOLUTION 2023/24**

Members considered the Council Tax Resolution 2023/24 report presented by Councillor Boden.

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

- Councillor Sutton stated that he also agrees with a council tax reduction as long as it does not put the long-term viability of the Council into jeopardy as has been seen in other places. He added that in terms of costs to residents it does still mean that Fenland is very much adrift compared with other neighbouring authorities. Councillor Sutton stated that residents who live in Black Bear Lane pay £111.37 pence more in Fenland compared to the other half of the road which is in the jurisdiction of Kings Lynn and West Norfolk. He provided the comparison in amounts from the neighbouring authorities and made the point that whilst he welcomes the reduction there is still a long way to go.
- Councillor Hoy stated that her Council Tax has increased over the last 5 years and will rise. She added that she lives in the lowest Council Tax band and receives a single person discount but there will be some residents who will need to find the extra money in order to make their payments and they may find this a struggle.
- Councillor Cornwell stated that the Council Tax rates contain £1.9 million for the drainage levies and many large parts of the country do not have that and they get the advantage of something that Fenland does not. He explained that Lincolnshire have £3.4 million of levy payments and Norfolk have £2.8 million, which are significant figures, and, in his opinion, it is time for this to be reviewed and the drainage boards should be advised that the amounts they are charging are to be capped and if they are not happy with that course of action then they can address that with Central Government. Councillor Cornwell expressed the view that the amounts are excessive and whilst support used to be provided by the Government that has now ceased and, in his view, there needs to be pressure applied to the Government to address the issue.
- Councillor Count stated that he would like to pay tribute to the Leader, members of the Cabinet and officers who have been instrumental in putting the budget together in order to deliver a Council Tax freeze for a number of years and to now bring forward a reduction of 2% and should be highly commended. He added that he knows it is difficult to achieve and that the majority of councils have decided to increase their Council Tax. Councillor Count stated that a comment was made earlier which pointed out that Government funding is primarily one of the main sources of funding and for many years in Cambridgeshire there

has been arguments put forward for a fairer funding formula as the formula has been broken many years and there is the acknowledgement that it is broken, and Cambridgeshire has lost out because of that. He stated that when it is finally implemented it will enable the Council to be able to change the amount that our residents are charged but comparisons should not be made with regards to the amounts that other local authorities charge for their Council Tax without understanding all the facts and figures that go towards those decisions being made. Councillor Count referred to a point made by Councillor Cornwell with regards to the drainage board levies that are imposed on Fenland authorities, pointing out that South Cambridgeshire do not operate any leisure centres with heated swimming pools which is a significant burden. He expressed the opinion the comparisons made are not like for like and, therefore, should not be made and the Council should be proud of the direction that it is taking and the current position that it has arrived at. Councillor Count expressed the view that he would be concerned with regards to capping the drainage boards as there has been much discussion around flooding and Fenland is surrounded by ditches and dykes, and it is due in the main to the drainage boards who keep them clear and running that negate flooding incidents. He added that he does support the point raised with regards to going to Government and asking them to address some of the unfairness imposed on us.

- Councillor Booth stated with regards to points made with regards to the drainage boards, as a local authority the Council does not have the authority to cap any levies and it would require a Central Government approach which they do not appear to be interested in. He made that point that there had previously been an issue with regards to red diesel and the fact that the drainage boards were going to have to start paying for the supply of it and it was only when a significant amount of pressure from the drainage boards and from the Association of Drainage Authorities (ADA) was applied, the Government reversed the exemption.
- Councillor Boden made the point that it is very difficult to compare one authority with another and added that the number of properties in Council Tax bands A and B is unusually large especially when comparing it to neighbouring authorities. He added that he agrees with Councillor Sutton that the cost base is too high and when the medium to long term position is looked at when considering the two transformation agendas that the Council has, it will need to be looked at carefully and reacted to accordingly and he will be happy to discuss this further going forwards with Councillor Sutton. Councillor Boden referred to the comments made by Councillor Cornwell with regards to the drainage levies and the figure of £1.9 million represents 25% of the Council Tax that the Council receives and in South Holland jurisdiction that figure is 50%. He added that there are around 20 to 25 authorities around the country who have a significant problem when it comes to drainage levies and, therefore, the issue has not received the amount of attention that it deserves, despite the amount of pressure that has been put forward to MP's and to Government. Councillor Boden added that the Secretary of State produces a settlement letter each year to all local authorities, which advises them what money that they can expect to receive each year and includes a resume of what changes can be expected, with the letter being received by this Council at the start of February and it does mention that the Government is aware that there is an unfairness to some local authorities in the increase in drainage levies which have been imposed on them and that Government is looking to address that issue before the end of March 2023. He expressed the view that he is hopeful, therefore, that the Council is going to receive some money in this financial year in relation to monies that are spent on the drainage boards. Councillor Boden stated that Councillor Booth is correct when he explains that the Council cannot impose a cap on the drainage boards but the way in which they account for their expenditure is not an up to date system and, in his opinion, there are a significant amount of changes that the drainage boards can make, with the Council being in a strong position to influence them due to the number of members of local authorities who are members of each drainage board.

**Proposed by Councillor Boden, seconded by Councillor Booth and AGREED the**

resolution set out in the report for the Council Tax requirement be approved.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 impose an obligation on Local Authorities (after 25 February 2014) to record all votes on decisions on budget and Council Tax, with this in mind Members voted on this item as follows:

**In Favour:** Councillors Benney, Mrs Bligh, Boden, Booth, John Clark, Sam Clark, Connor, Cornwell, Count, Mrs Davis, Divine, Kim French, Hay, Hoy, Humphrey, Mrs Laws, Lynn, Mason, Meekins, Miscandlon, Mockett, Murphy, Patrick, Purser, Seaton, Skoulding, Sutton, Tierney, Wallwork and Wicks.

**Against:** None

**Abstentions:** None

*(Councillor Yeulett left the meeting at 6.10pm and was not present when the recorded vote for this item took place and for the remaining agenda items)*

*(Councillor Wicks left the meeting at 6.17pm after this item and for the remaining agenda items)*

**C53/22**      **APPROVAL FOR THE ANGLIAN REVENUES PARTNERSHIP (ARP) ENTERING INTO A SECTION 113 AGREEMENT WITH BROADLAND DISTRICT COUNCIL AND SOUTH NORFOLK COUNCIL AND FOR ARP TO PROVIDE FRAUD SERVICES**

Councillor Boden presented the report to Council to seek approval for the Anglian Revenues Partnership (ARP) entering into a Section 113 agreement with Broadland District Council and South Norfolk Council and for ARP to provide Fraud Services.

**Proposed by Councillor Boden, seconded by Councillor Mrs Laws and AGREED that Fenland District Council enters into the Section 113 partnership agreement with Broadland and South Norfolk District Councils for the provision of Fraud Services.**

**C54/22**      **APPROVAL FOR THE ANGLIAN REVENUES PARTNERSHIP (ARP) ENTERING INTO A SECTION 113 AGREEMENT WITH LINCOLNSHIRE COUNTY COUNCIL (TO INCLUDE BOSTON BOROUGH COUNCIL, CITY OF LINCOLN COUNCIL, EAST LINDSEY DISTRICT COUNCIL, WEST LINDSEY DISTRICT COUNCIL, SOUTH KESTEVEN DISTRICT COUNCIL, NORTH KESTEVEN DISTRICT COUNCIL AND SOUTH HOLLAND DISTRICT COUNCIL) FOR ARP TO PROVIDE SINGLE PERSON DISCOUNT FRAUD SERVICES.**

Councillor Boden presented the report to Council to seek approval for the Anglian Revenues Partnership (ARP) entering into a Section 113 agreement with Lincolnshire County Council (to include Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council, South Kesteven District Council, North Kesteven District Council and South Holland District Council) to provide Single Person Discount Fraud Services.

**Proposed by Councillor Boden, seconded by Councillor Hoy and AGREED to enter into the Section 113 partnership agreement with Lincolnshire County Council (to include Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council, South Kesteven District Council, North Kesteven District Council and South Holland District Council) for the provision of Fraud Services.**

**C55/22**      **POLITICAL PROPORTIONALITY REPORT**

Members considered the Political Proportionality report presented by Councillor Boden.

Councillor Cornwell stated that he is very happy with the proposal put forward.

**Proposed by Councillor Boden, seconded by Councillor Cornwell and AGREED that the revised political proportionality of the Council be noted and that the allocations to Committees and Panels and Outside Bodies as set out at Appendix A and B continue for the remainder of the 2022/23 municipal year.**

**C56/22      SENIOR MANAGEMENT PAY PAPER**


Members considered the Senior Manager Pay Policy report presented by Councillor Boden.

Councillor Booth expressed the opinion the whole point of this report is to try to stop wage escalation for senior management within local councils and it is his understanding that Eric Pickles introduced the legislation some time ago.

**Proposed by Councillor Boden, seconded by Councillor Count and AGREED to adopt the Senior Management Pay Policy Statement for 2022/23 at Appendix 1 as required by the Localism Act 2011.**

6.27 pm

Chairman

<b>Agenda Item No.:</b>	<b>11</b>	
<b>Committee:</b>	<b>Council</b>	
<b>Date:</b>	<b>22<sup>nd</sup> May 2023</b>	
<b>Report Title:</b>	<b>Committee Balance, Political Balance and Allocation of Seats</b>	

## COVER SHEET

### 1. Purpose/Summary

1.1. The purpose of this Report is to agree the committee structures and terms of reference for the forthcoming municipal year as well as confirming the allocation of seats to those committees and also to outside bodies in accordance with political proportionality rules and to receive notification of the appointments to committees.

### 2. Key Issues

2.1. The Constitution provides under Rule 1, paragraph 1.2 that at the Annual Meeting, Council will:

- 2.1.1. determine which committees and panels should be established for the ensuing municipal year;
- 2.1.2. agree the terms of reference for those committees/panels as outlined in the Constitution;
- 2.1.3. allocate the seats and position of the Chairman and Vice Chairman to Political Groups in accordance with political proportionality rules where appropriate in respect of committees, panels and outside bodies;
- 2.1.4. receive notification and to appoint Councillors to the allocated seats on each committee and panel and to serve as Chairman and Vice- Chairman.

2.2. In accordance with the Local Government and Housing Act 1989, seats are proportionately allocated to political groups (paragraphs 15 and 16) however, it is possible to agree a variation to those arrangements provided that there is no dissenting vote (paragraph 17). Where there is dissent, the strict legal position must be adhered to. Political Groups are allocated seats proportionate to their size.

### 3. Recommendations

It is recommended that Council:

3.1. Approves the Committees and Panels set out at Appendix A for the 2023/24 municipal year to include the following specific changes:

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

- 3.2. Agrees the proposed amendments to the Constitution to reflect the changes set out at paragraph 3.1 above and as set out in Appendix B;
- 3.3. Agrees the Alternative Approach for the politically proportionate allocation of seats to Committees and Panels or, in the event of dissent, the calculations based on the strict application of s15 of the Local Government and Housing Act 1989 all as set out in Appendix C (“the 1989 Act Approach”); and
- 3.4. Agrees 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.
- 3.5. Agrees the appointments to seats allocated in accordance with paragraph 3.4 above (Appendix C) including any co-opted or non-members;
- 3.6. Agrees the list of Outside Bodies as set out at Appendix D for 2023/24;
- 3.7. Agrees the Alternative Approach for the politically proportionate allocation of seats to Outside Bodies or, in the event of dissent, the calculations based on the strict application of s.15 of the Local Government and Housing Act 1989 (“the 1989 Act Approach”) all as set out in Appendix D;
- 3.8. Notes that the distribution of seats amongst Outside Bodies, to achieve overall political proportionality based on the allocations approved at paragraph 3.7 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 12<sup>th</sup> June 2023;
- 3.9. Notes 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.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Chris Boden – Leader of the Council
Report Originator(s)	Carol Pilson – Corporate Director Amy Brown – Assistant Director
Contact Officer(s)	Paul Medd – Chief Executive Email: paulmedd@fenland.gov.uk Carol Pilson – Corporate Director Email: <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a> Amy Brown – Assistant Director Email: <a href="mailto:amybrown@fenland.gov.uk">amybrown@fenland.gov.uk</a>
Background Papers	Fenland District Council’s Constitution

## **REPORT**

### **1. BACKGROUND AND INTENDED OUTCOMES**

- 1.1 For each municipal year, Council must agree the Committees and Panels which are to be established together with their terms of reference. On establishing the Committees and Panels, in accordance with the rules relating to Political Proportionality the seats on each committee and panel together with the position of Chairman and Vice Chairman are then allocated to Political Parties. Council also receives notification of the appointments to these Committees and is required to confirm allocations to Outside Bodies based again on political proportionality.

### **2. COMMITTEE STRUCTURE**

- 2.1 The Constitution provides that the Council considers the establishment and terms of reference of committees at its Annual Meeting. This must be determined before seats can be allocated to committees in accordance with the political proportionality rules.
- 2.2 The Committees and Panels of Fenland District Council are as identified in Appendix A and their terms or reference are as set out at Part 3 of the Constitution save as it is proposed they are amended as set out in Appendix B.

Further 'in-year' changes can be made to the committee structure and proportionality calculations at future meetings of the Full Council. It is proposed that a further Report is presented to Full Council at its next meeting which sets out proposals for the establishment of a further 3 politically proportionate Committees to include Culture, Arts and Heritage, Rural & Farming and Project Review.

### **3 ALLOCATION OF SEATS**

#### **3.1 Political Proportionality**

- 3.1.1 The Constitution provides that the Council's allocation of seats and positions of Chairman and Vice Chairman are subject to political balance arrangements where appropriate.
- 3.1.2 The rules relating to political proportionality in relation to membership of committees are set out in the Local Government and Housing Act 1989 and the supporting regulations.
- 3.1.3 For the purposes of the Act, the Local Government (Committees and Political Groups) Regulations 1990 specify that a political group must consist of two or more members who have signed a declaration to that effect.

3.1.4 Where one or more groups exist the relative proportions of the groups should be used in allocating seats on committees/outside bodies. In ordinary circumstances therefore, any elected members who are not part of a group are not automatically allocated seats on committees unless any remain unallocated after political groups have been given their proportionate allocation (“**the 1989 Act Approach**”). It is however possible for group leaders to reach an alternative agreement as regards the allocation of their seats to unaligned members provided that there is no dissent (abstentions do not count as dissent for this purpose) (“**the Alternative Approach**”). In this instance members are being asked to consider and agree the Alternative Approach as comprised within Appendix C of this Report. In the event of dissent, the 1989 Approach is also comprised within Appendix C and will instead be put to the vote if the Alternative Approach cannot be agreed.

### **3.2 Outside Bodies**

3.2.1 Also, in accordance with legislative requirements, local and national convention, allocations to seats on outside bodies are to the majority group where there are 2 or fewer seats available but in all other cases politically proportionate percentages are applied to recognised groups or, where alternative arrangements are agreed, such other nominees as may be appropriate. The list of Outside Bodies and the allocation of seats in accordance with either the Alternative or 1989 Act approaches is as set out at Appendix D. Members are again being asked to consider and agree the Alternative Approach but in the event of dissent, the 1989 Approach should instead be considered.

3.2.2 Confirmation of membership to the Outside Bodies will be undertaken at the first meeting of Cabinet on 12<sup>th</sup> June 2023 which will allow sufficient time for Group Leaders to appoint to their allocations and, subject to any amendments to the allocations which the Group Leaders may propose in order to ensure overall political balance.

## **4 COMMITTEE APPOINTMENTS**

4.1 The Constitution provides that Council agrees the appointments to the seats allocated at paragraph 3.1 above.

4.2 The terms of reference of the Conduct Committee also provide for the appointment of up to 2 co-opted members and Independent Persons.

4.3 The proposed allocations for the forthcoming municipal year are as set out at Appendix C together with the positions of Chairman and Vice Chairman.

## **5 CONSULTATION**

5.1 The proposals set out in the Appendices to this Report will be formulated in consultation with relevant Group Leaders.



## **6 ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 The proposals set out in this Report reflect legal and constitutional requirements.

## **7 IMPLICATIONS**

### **7.1 Legal Implications**

- 7.1.1 The proposals set out in this report meet with the Council's legal and constitutional obligations.

### **7.2 Financial Implications**

- 7.2.1 There are no direct financial implications arising from this report.

## **8 Equality Implications**

- 8.1.1 There are no specific equality implications associated with these proposals.

## **9 APPENDICES**

- 9.1.1 Appendix A – Proposed Committees and Panels for 2023/24
- 9.1.2 Appendix B – Draft Constitutional Amendments
- 9.1.3 Appendix C – Proposed Allocation of and Appointments to seats on Committees and Panels.
- 9.1.4 Appendix D - Allocation of Seats on Outside Bodies

## APPENDIX A - PROPOSED COMMITTEES AND PANELS FOR 2023/24

***NB: The proposals in relation to substitute members have been formulated on the basis of there being up to 4 substitutes per committee for each group save in respect of where that group's substantive allocation is less than 4 in which case the number of substitutes will be commensurate with that number.***

<b>Committee</b>	<b>Allocation of Seats</b>
Overview & Scrutiny Panel	13 substantive seats with 6 substitute members.
Planning Committee	<p>7 substantive seats with each political group able to allocate a number of substitutes commensurate with their substantive allocation up to a maximum of 4.</p> <p>The restriction on the number of Cabinet members reduced from 4 to 2.</p> <p>(Reducing the previous allocation of seats from 13 to 7 and substitutes from 4 per political group to 4 for the Conservative Group and 1 for the FIA).</p>
Licensing Committee (Licensing Act 2003)	<p>13 substantive seats with 6 substitute members.</p> <p>The same Members to be appointed for the Licensing Act 2003 Committee and the Non Licensing Act 2003 Committee.</p> <p>(Retaining both the number of substantive seats and the number of substitutes).</p>
Audit & Risk Management Committee	<p>7 substantive seats comprised of:</p> <p>No more than 2 members of Cabinet and not to include the portfolio holder responsible for finance;</p> <p>5 substitute members.</p> <p>(Reducing the previous allocation of seats from 13 to 7 substantive seats and 6 substitute members to 5; 4 for the Conservative Group and 1 for the FIA).</p>
Audit & Risk Management Determination Sub-Committee	To be disbanded.
Employment Committee	<p>To be newly created to include:</p> <p>7 substantive seats and 5 substitute members.</p>

<p>Conduct Committee</p>	<p>7 substantive seats and 5 substitute members.</p> <p>2 members of Town and Parish Councils, an Independent and Deputy Independent Person.</p> <p>(Increasing the previous allocation of substantive seats from 6 to 7 and the number of substitutes from 3 to 5; 4 for the Conservative Group and 1 for the FIA).</p>
<p>Appointments Panel</p>	<p>7 substantive and 5 substitute members.</p> <p>(Retaining the previous allocation of substantive seats at 7 but increasing the number of substitutes from 3 to 5; 4 for the Conservative Group and 1 for the FIA).</p>

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

## RESPONSIBILITY FOR FUNCTIONS

### INTRODUCTION

The Local Government Act 2000 and regulations made under the Act distribute responsibility for the Council's functions between the full Council and the Executive (Cabinet). The law allows the full Council to decide whether some functions (known as "local choice functions") should be exercised by the full Council, the Cabinet or another Council body.

The volume of the Council's business makes it impracticable for the full Council to make every decision that lies within its remit. The full Council has, therefore, delegated certain of its functions to other "Council bodies" which are known as 'Panels' and 'Committees'. Under the law, the full Council and the Cabinet may also delegate powers to officers to make decisions that they could make. The distribution of these powers to officers is set out in the "Scheme" of Delegation to Officers. Individual members of the Cabinet (Portfolio Holders) may also make decisions that could be made by the Cabinet.

This part of the Constitution describes the powers which may be exercised by the full Council, the Cabinet, other Council bodies and Portfolio Holders and sets out the scheme of delegation to officers.

Table 1	Local Choice Functions Council
Table 2	Responsibility for Functions
Table 3	Responsibility for Executive Functions
Table 4	Functions Delegated to Officers
Table 5	Functions Delegated to Portfolio Holders

### DEFINITIONS OF MEMBERSHIPS<sup>1</sup>

The following table defines the membership of the various decision making bodies used in Table 1 and Table 2<sup>2</sup>.

Decision Making Body	Membership
Council	All <del>39</del> <u>43</u> members of the Council
Cabinet	The Leader and up to 9 further members appointed by the Leader
Investment Board <sup>3</sup>	The Leader and up to two further Cabinet Members appointed by the Leader.

<sup>1</sup> Amendment approved 25 February 2010

<sup>2</sup> Amendment approved 30 April 2020, deleted 7 May 2021

<sup>3</sup> Amendment approved 9 January 2020

Decision Making Body	Membership
	<p>Two additional substitute Cabinet Members to be appointed by the Leader.</p> <p>The Investment Board shall be advised by the Chief Executive, s.151 and Monitoring Officers together with the Director of Growth [and its meetings may be attended by the Chairman or Vice Chairman of O&amp;S in an observatory capacity].</p>
Overview and Scrutiny Panels	<p>Up to 13<sup>4</sup> members of the Council (none of which may be part of the Cabinet) for each panel defined in Table 1 of the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution</p> <p>Six additional substitute members to be appointed.<sup>5</sup></p> <p>Each panel will have one Chairman and one Vice Chairman.</p>
Planning Committee	<p>Up to <del>13</del><sup>7</sup> members of the Council. No more than <del>four</del><sup>6</sup><sub>2</sub> of which can be members of the Cabinet.</p> <p>The committee will have 1 Chairman and 1 Vice Chairman none of which can be members of the Cabinet.</p> <p>No planning decision will be taken at Committee if the number of Cabinet members is more than 50% of the voting members present.<sup>7</sup></p> <p>Each Political Group may appoint <u>a number of substitutes precisely commensurate with their substantive allocation of seats up to a maximum of 4</u> <del>up to 4 substitute members of Planning Committee</del> who shall be subject to the rules of substitute members, and shall be required to abide by the training requirements for the Planning Committee.<sup>8</sup></p> <p>A new member appointed to Planning Committee must not take part in or vote on any decision made by Planning Committee until they have attended at least one internal and one external training session on planning related topics.</p>

<sup>4</sup> Amendment approved 19 May 2011, amendment approved 19 May 2021

<sup>5</sup> Amendment approved 18 July 2019

<sup>6</sup> Amendment approved 8 December 2021

<sup>7</sup> Amendment approved 8 December 2021

<sup>8</sup> Amendment approved 19 May 2011

Decision Making Body	Membership
	<p>Existing members of Planning Committee who take part in or vote on any decision made by Planning Committee should attend at least one internal and one external training session on planning related topics during each municipal year. Failure to complete the training will be brought to the attention of the group leader prior to reappointment at annual council. Any new member undertaking initial training will meet their annual requirement. For the avoidance of doubt any member who fails to comply with the annual training provision will not by itself render a decision unlawful.</p>
Licensing Committee	<p>Up to 13<sup>9</sup> members of the Council.</p> <p>Power is given to the committee to appoint panels of 3 to determine individual cases.</p> <p>Six additional substitute members to be appointed.<sup>10</sup></p> <p>A new member appointed to the Licensing Committee must not take part in or vote on any decision made by Licensing Committee until they have attended at least one internal and one external training session on Licensing related topics.</p> <p>Existing members of Licensing Committee who take part in or vote on any decision made by Licensing Committee (or a panel) should attend at least one internal and one external training session on Licensing related topics during each municipal year. Failure to complete the training will be brought to the attention of the group leader prior to reappointment at annual council. Any new member undertaking initial training will meet their annual requirement. For the avoidance of doubt any member who fails to comply with the annual training provision will not by itself render a decision unlawful.</p>
Conduct Committee	<p>Up to 6<del>7</del><sup>11</sup> members of the Council.</p> <p>The Conduct Committee shall be advised by the Independent Person appointed in accordance with section 28 of the Localism Act 2011.</p>

<sup>9</sup> Amendment approved 3 November 2011, amendment approved 19 May 2021

<sup>10</sup> Amendment approved 18 July 2019

<sup>11</sup> Amendment approved 19 May 2021

Decision Making Body	Membership
	<p>The committee may appoint up to two non voting members who are Town or Parish Councillors. <sup>12</sup></p> <p><del>Three-Five</del> additional substitute members to be appointed. <sup>13</sup></p>
<p>Audit and Risk Management Committee<sup>14</sup></p>	<p>Up to <del>7</del><sup>15</sup> members of the Council to be formed from:</p> <p>Up to <del>3</del><sup>2</sup> members of Cabinet <u>and not to include</u>ing the Portfolio Holder responsible for Finance</p> <p><del>Up to 3 members drawn from the Overview and Scrutiny Panel</del></p> <p><del>7</del><sup>16</sup> <del>Backbench members</del></p> <p><del>Six-Five</del> additional substitute members to be appointed.</p> <p>The Chairman may not be a member of Cabinet.</p>
<p><del>Audit and Risk Management Determination Sub-Committee<sup>17</sup></del></p>	<p><del>Up to 6 members of the Audit and Risk Management Committee including with the Chair or Vice-Chair (but not both) and no more than 2 Cabinet members.</del></p> <p><del>The Chairman and Vice-Chairman must be the same as those appointed to the corresponding positions on the Audit and Risk Management Committee.</del></p>
<p><u>Employment Committee</u></p>	<p><u>Up to 7 members of the Council.</u></p> <p><u>Five substitute members to be appointed.</u></p>
<p>Appointments Panel</p>	<p>Up to 7 members and not less than 3 nominated by the Leader to reflect political proportionality.</p> <p><del>Five</del><sup>Three</sup> additional substitute members to be appointed. <sup>18</sup></p>

<sup>12</sup> Amendment approved 26 July 2012

<sup>13</sup> Amendment approved 18 July 2019

<sup>14</sup> Amendment approved 14 December 2020 (replaces Staff Committee and Corporate Governance Committee)

<sup>15</sup> Amendment approved 19 May 2021

<sup>16</sup> Amendment approved 19 May 2021

<sup>17</sup> Amendment approved 14 December 2020

<sup>18</sup> Amendment approved 18 July 2019



**TABLE 1 - LOCAL CHOICE FUNCTIONS<sup>19</sup>**

<b>Function</b>	<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Delegation of Functions</b>
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution
The conduct of Best Value Reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999	Overview and Scrutiny Panel reporting findings to Council for decision	As defined in Tables 4 and 5 of this Part of the Constitution
<p>Any function relating to contaminated land:</p> <p>(i) approval of contaminated land strategy</p> <p>(ii) preparation of draft contaminated land strategy</p> <p>(iii) all other functions relating to contaminated land</p>	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>	<p>As defined in Tables 4 and 5 of this Part of the Constitution</p> <p>As defined in Tables 4 and 5 of this Part of the Constitution</p> <p>As defined in Tables 4 and 5 of this Part of the Constitution</p>
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution
The service of an abatement notice in respect of a statutory nuisance	Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>19</sup> Amendment to table approved 25 September 2008 and 25 February 2010

<b>Function</b>	<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Delegation of Functions</b>
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area	Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution`
The inspection of the authority's area to detect any statutory nuisance	Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution
The obtaining of particulars of a person's interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976:  (i) in so far as the information is required in connection with a function of the Planning Committee	Planning Committee	As defined in Tables 4 and 5 of this Part of the Constitution.
(ii) in so far as the information is required in connection with a function of the Licensing Committee  (iii) in so far as the information is required in connection with a function of the Cabinet	Licensing Committee  Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution  As defined in Tables 4 and 5 of this Part of the Constitution
The making of agreements for the execution of highways work	Planning Committee	As defined in Tables 4 and 5 of this Part of the Constitution

**TABLE 2 – RESPONSIBILITY FOR COUNCIL FUNCTIONS <sup>20</sup>**

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
Council	<b>Corporate Asset Management Plan</b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Budget</b>	As defined in Tables 4 and 5 of this Part of the Constitution
	<b>Medium Term Financial Strategy</b>	
Council	<b>Cultural Strategy</b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Economic Development Strategy</b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>The Housing Strategy <sup>21</sup></b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Waste Management Plan</b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Corporate Plan</b>	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>20</sup> Amendment to Table 2 approved 21 December 2006, 11 May 2017 and 9 January 2020

<sup>21</sup> Amendment approved 26 July 2012

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
Council	<b>Development Plan Documents (DPDs)</b> <sup>22</sup>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Making of Neighbourhood Plans and Neighbourhood Development Orders</b> <sup>23</sup>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Crime and Disorder Reduction Strategy</b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Elections and Electoral Registration</b>	As defined in Tables 4 and 5 of this Part of the Constitution
Council	<b>Health and Safety</b>  Functions relating to Health and Safety under any “relevant statutory provisions” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer	As defined in Tables 4 and 5 of this Part of the Constitution.
Council <sup>24</sup>	Commercial Investment Strategy	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>22</sup> Amendment Approved 14 December 2017

<sup>23</sup> Amendment approved 14 December 2017

<sup>24</sup> Amendment approved 9 January 2020

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
Planning Committee	<p><b>Planning and Conservation</b></p> <p>Functions relating to town and country planning, conservation and listed buildings and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations)</p>	As defined in Tables 4 and 5 of this Part of the Constitution
	<p><b>Highways use and regulation</b></p> <p>The exercise of powers relating to the regulation and the use of highways as set out in Schedule 1 to the Functions Regulations</p>	As defined in Tables 4 and 5 of this Part of the Constitution
	<p><b>Trees and Hedgerows</b></p> <p>The exercise of powers relating to the preservation of trees and protection of important hedgerows as set out in Schedule 1 to the Functions Regulations</p>	As defined in Tables 4 and 5 of this Part of the Constitution
	<p><b>Brownfield Register (and other Registers)</b></p> <p>To undertake the functions of the Council under Part 2 of the Planning and Compulsory Purchase Act 2004 (local development), Section 14A (Register of Land), including preparation of a Brownfield Land Register as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017.<sup>25</sup></p>	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>25</sup> Amendment approved 14 December 2017

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
	<b>Rights of Way<sup>26</sup></b>	As defined in Tables 4 and 5 of this Part of the Constitution
Licensing Committee	<p><b>Licensing Act 2003</b> To discharge the functions of the Council as Licensing Authority under the Licensing Act 2003 with the exception of the Statement of Licensing Policy which is reserved to Council</p> <p><b>Taxi, gaming, entertainment, food and miscellaneous licensing</b></p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations</p>	<p>As defined in Tables 4 and 5 of this Part of the Constitution</p> <p>As defined in Tables 4 and 5 of this Part of the Constitution</p>
Conduct Committee <sup>27</sup>	<p><b>The promotion and maintenance of high standards and conduct within the Council</b></p> <p>To advise the Council on the adoption or revision of its Code of Conduct for Members</p> <p>To determine any complaints of a breach of The Members' Code of Conduct via the Sub-Committee Hearing Panel <sup>28</sup></p>	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>26</sup> Amendment approved 14 December 2017

<sup>27</sup> Amendment approved 26 July 2012

<sup>28</sup> Amendment approved 18 September 2019

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
	<p><b>Town/Parish Councils</b></p> <p>The promotion and maintenance of high standards of conduct within the Town and Parish Councils within Fenland and the determination of complaints made against these members in pursuance to the Code of Conduct.<sup>29</sup></p>	<p>As defined in Tables 4 and 5 of this Part of the Constitution</p>
<p><u>Audit and Risk Management Committee</u><sup>30</sup><u>Employment Committee</u></p>	<p>To receive reports from the Head of Paid Service and/or the Chief Finance Officer<sup>31</sup> on strategic employment policies, ie those employment policies immediately and directly affecting all employees and which incurs an additional cost to the service area in question.</p> <p>In collaboration with the Staff Side group to promote effective communications and consultation between the Council and its employees on general personal matters</p> <p>Exercise discretion allowed under the local government pension scheme, including the award of discretionary payments to employees</p>	<p>As defined in Tables 4 and 5 of this Part of the Constitution</p>

<sup>29</sup> Amendment approved 26 July 2012

<sup>30</sup> Amendment approved 14 December 2020

<sup>31</sup> Amendment approved 26 July 2012

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
Appointments Panel	<p><b>To appoint or dismiss the Head of Paid Service<sup>32</sup> Chief Officers and Directors</b></p> <p>Note: The appointment of the Chief Executive<sup>33</sup> must be confirmed by the full Council</p> <p>To take disciplinary action against the Chief Executive, and hear disciplinary appeals made by the<sup>34</sup> Chief Officers, the Monitoring Officer (and Deputy) and Chief Finance Officer (and Deputy) in accordance with the relevant provisions</p> <p>To consider and determine the terms and conditions of service of the Chief Executive and other employment related issues as they apply to the Chief Executive</p> <p>To consider any grievance submitted by the Chief Executive in accordance with the relevant provisions.</p>	As defined in Tables 4 and 5 of this Part of the Constitution
Overview and Scrutiny Panel	Overview and Scrutiny functions under the Local Government Act 2000 as amended <sup>35</sup>	As defined in Tables 4 and 5 of this Part of the Constitution
Audit and Risk Management Committee <sup>36</sup>	Functions relating to audit, the regulatory financial framework and accounting policies	As defined in Tables 4 and 5 of the Part of the Constitution

<sup>32</sup> Amendment approved 26 July 2012

<sup>33</sup> Amendment approved 25 February 2010

<sup>34</sup> Amendment approved 25 February 2010 and 26 July 2012

<sup>35</sup> Amendment approved 8 May 2008

<sup>36</sup> Amendment approved 14 December 2020



**TABLE 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

**3.1. CABINET**

<b>Who is responsible?</b>	<b>Membership</b>	<b>Functions</b>	<b>Onward Limit of Delegations</b>
Cabinet	Up to 10 members of the Council	All functions of the Council which are not the responsibility of any other part of the Council as defined in this Constitution	As defined in Tables 3 <sup>37</sup> , 4 and 5 of this Part of the Constitution
Leader	The member so appointed by the Council	The creation of portfolios of related functions and appointment of members of the Cabinet to portfolios	
Portfolio Holders	See Appendix	Responsible for functions delegated to Portfolio Holders by the Cabinet	As defined in Tables 4 and 5 of this Part of the Constitution

3.1.1<sup>38</sup> Cabinet will be responsible for the following specific functions in relation to the Commercial Investment Strategy and the Council's companies and partnerships:

- (a) Conducting a formal review of the Commercial Investment every 2 years and recommending any necessary amendments for approval by Full Council;
- (b) Agreement of process and documentation for approval of Part 2 and 3 proposals;
- (c) The establishment of any new company and/or partnership;
- (d) The decommissioning/winding up of existing companies or partnerships;

<sup>37</sup> Amendment approved 9 January 2020

<sup>38</sup> Amendment approved 9 January 2020

- (e) The determination of Articles of Association;
- (f) The determination of the percentage share of ownership;
- (g) The determination of Reserved Matters for example appointment or dismissal of Directors<sup>39</sup> unless delegated to the Investment Board;
- (h) Scheme of delegations to the Investment Board and Officers;
- (i) To delegate to the Investment Board the requisite funding allocated for delivery of the Council's Commercial Investment Strategy and to oversee spending against that budget in accordance with the agreed processes.

## **3.2 INVESTMENT BOARD** <sup>40</sup>

To create a new committee of Cabinet called the Investment Board which will have the delegated function set out at paragraph 3.2.1 to 3.2.3 below:

### **3.2.1 Purpose**

The Investment Board is responsible for implementing the Commercial Investment Strategy including oversight of the Council's companies and partnerships.

The Investment Board will act as a decision-making body in relation to the functions delegated to it and will report to Cabinet in relation to the exercise of those functions.

Support and advice will be provided to the Investment Board by the Chief Executive, Section 151 Officer, Monitoring Officer and Director of Growth.

### **3.2.2 Membership and Operation of the Investment Board**

The Investment Board will comprise a maximum of two Cabinet Members (one of whom should be the portfolio holder for finance if that position is not held by the Leader) in addition to the Leader who will determine their appointment annually.

The Leader will Chair the Investment Board and a Vice Chair will be selected from the elected members of the Investment Board. The Investment Board shall meet on a basis agreed by itself with a minimum of 3 meetings per year. The quorum shall be the Leader in the presence of a minimum of; • one other Cabinet Member; • one senior advisory officer (or their appointed deputy). If there are only 2

---

<sup>39</sup> Amendment approved 9 January 2020

<sup>40</sup> Amendment approved 9 January 2020

voting members present, then any decision must be unanimous.<sup>41</sup> [An invitation to attend must have been provided to the Chair of O&S at least 5 clear days in advance of the meeting taking place. This notice period may be waived if the Chair of O&S or their nominated deputy so agrees.] An invitation to attend must also have been provided to the section 151 officer and the Monitoring Officer (or their nominated deputies) which will normally be at least 5 clear days in advance of the meeting taking place.

The provisions relating to substitution set out at paragraph 28 of the Standing Orders shall apply to meetings of the Investment Board save that the Leader and Cabinet Members may only be substituted by Cabinet Members [and the Chair of O&S may only be substituted by the Vice Chairman]. Such substitutions to be notified to Council as part of the annual nomination process. The Cabinet Procedure Rules shall apply to meetings of the Investment Board save in respect of paragraphs 1.6, 1.8, 2.2 (second paragraph), 2.3(g) and (h) and paragraph 2.5(d) which shall be disapplied.

### **3.2.3 Functions of the Investment Board**

- (a) To determine investment appraisals submitted under Part 2 of the Council's Commercial Investment Strategy together with the most appropriate means of delivery;
- (b) To determine business cases submitted under Part 3 of the Council's Commercial Investments Strategy by the Council's companies and partnerships;
- (c) To determine the amount and terms of any investments, loans and assets required for the delivery of proposals approved in accordance with paragraphs (a) and (b) above from the agreed budget allocation;
- (d) To produce a report to Cabinet twice a year summarising its activities in accordance with paragraphs (a) to (c) above.
- (e) Approve the business plans of the Council's companies and partnerships;
- (f) to monitor performance and financial delivery in line with the approved business plans;
- (g) To ensure that those companies and partnerships comply with relevant Council policies, strategies and objectives;
- (h) To exercise decisions, where delegated by Cabinet, in relation to a company or partnerships' reserved matters;
- (i) To oversee the relationships between the Council and the Council's companies and partnerships in accordance with the Council's objectives.
- (j) To prepare and present an annual report to the Overview and Scrutiny Committee;

---

<sup>41</sup> Amendment approved 20 February 2020.

- (k) To determine for each individual company or partnership whether the Investment Board recommends to Cabinet the delegation of any functions to the officers of the Council.

All other matters not falling within the remit of the Investment Board functions set out at (a) to (k) above will be referred to Cabinet for decision.

## APPENDIX

### FENLAND DISTRICT COUNCIL CABINET AND PORTFOLIOS<sup>42</sup>

Councillor Chris Boden - <del>Leader</del>	<del>Finance</del> <del>Cambridge and Peterborough Combined Authority</del> <del><sup>43</sup>Leader and Portfolio Holder for Finance</del>	
Councillor Jan French	<del>Deputy Leader of the Council and Portfolio Holder for</del> <del>Revenues and Benefits and CPE</del>	
Councillor Ian Benney <del>Councillor Sam Clark</del>	<del>Portfolio Holder for Economic Growth and Skills</del> <del>Health</del>	
Councillor Sam Hoy	<del>Portfolio Holder for Housing and Licensing</del>	
Councillor Dee Laws <del>Councillor Steve Count<sup>44</sup></del>	<del>Portfolio Holder for Planning and Flooding</del> <del>Licensing and Community Safety</del>	
Councillor Peter Murphy	<del>Portfolio Holder for Refuse and Cleansing, Parks and</del> <del>Open Spaces, Street Scene and Waste Management</del>	
Councillor Chris Seaton	<del>Portfolio Holder for Transport, Social Mobility and</del> <del>Heritage and Culture</del>	
Councillor Steve Tierney <del>Councillor Alex Miscandlon</del>	<del>Portfolio Holder for Transformation, Communication,</del> <del>Climate Change and Strategic Refuse and Environment</del> <del>Portfolio Holder for Leisure and IDBs</del>	
<del>Councillor Sue Wallwork</del>	<del>Portfolio Holder for Community, Health, Environmental</del> <del>Health, CCTV, Community Safety and Military Covenant.</del>	

<sup>42</sup> Amendment made 23 May 2019, amendment made 21 January 2021

<sup>43</sup> ~~Amendment approved 17 May 2018~~

<sup>44</sup> ~~Amendment approved 11 July 2022~~

### **NEW RULE 10 – AUDIT AND RISK MANAGEMENT COMMITTEE ~~AND AUDIT AND RISK MANAGEMENT DETERMINATION SUB-COMMITTEE~~ PROCEDURE RULES<sup>1</sup>**

#### **AUDIT AND RISK MANAGEMENT COMMITTEE**

##### **Statement of purpose**

1. Our Audit and Risk Management Committee is a key component of Fenland District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of our Audit and Risk Management Committee is to provide independent assurance to the members and other parties of the adequacy of the risk management framework and the internal control environment. It provides independent review of Fenland District Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. It also ensures the Council is managing the risk of ensuring services have the resources to deliver on the Council's statutory responsibilities and corporate priorities whilst recognising the Council's financial position.

##### **Governance, risk and control**

3. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
7. To monitor the effective development and operation of risk management in the Council.
8. To monitor progress in addressing risk-related issues reported to the committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.

---

<sup>1</sup> Adopted 14<sup>th</sup> December 2020

12. To review the governance and assurance arrangements for significant partnerships or collaborations.

### **Internal Audit**

13. To approve the internal audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
15. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
17. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
18. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
  - b) regular reports on the results of the QAIP
  - c) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
19. To consider the Head of Internal Audit's annual report:
  - a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
  - b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
20. To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
21. To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.

**External audit**

- 22. To support the independence of external audit through consideration of the external auditor’s annual assessment of its independence and review of any issues raised by PSAA or the authority’s auditor panel as appropriate.
- 23. To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance.
- 24. To consider specific reports as agreed with the external auditor.
- 25. To comment on the scope and depth of external audit work and to ensure it gives value for money.

**Financial reporting**

- 26. To review the annual statement of accounts.
- 27. To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

**Accountability arrangements**

- 28. To report to those charged with governance on the committee’s findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- 29. To report to Full Council on an annual basis on the committee’s performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

**Membership**

- 30. There shall be a maximum of ~~744~~ members of the Council on the Audit and Risk Management Committee with seats allocated to political groups in proportion to the number of seats held by each group on the Council as a whole. Up to ~~three~~-TBC members from Cabinet and ~~three~~-TBC members of the Overview and Scrutiny Panel may be members. A Cabinet member may not be Chairman.

Commented [AB1]: Figures to be confirmed

**Co-optees**

- 31. The Committee shall be entitled to appoint up to 3 people at any one time as non-voting co-optees. The Committee shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items.



### **Meetings**

32. There shall be no more than 5 ordinary calendar meetings of the Committee<sup>i</sup>. In addition, extraordinary meetings may be called from time to time as and when appropriate.
33. The Committee meeting may be called by the Chairman of the Committee, by any three members of the Committee, by the Chief Executive or by the Section 151 officer.

### **Quorum**

34. The quorum for the Audit and Risk Management Committee shall be as set out for committees, in the Council Procedures Rules at Part 4 of the Constitution.
35. The Chairman and Vice-Chairman of the Audit and Risk Management Committee will be drawn from among the Councillors sitting on the Committee and subject to this requirement and that of 34 above, the Committee may appoint such persons as it considers appropriate as Chairman and Vice-Chairman. A member of Cabinet may not be Chairman.

### **Work programme**

36. The Audit and Risk Management Committee will be responsible for setting its own work programme and in doing so shall take into account the wishes of all members on the panel irrespective of political affiliation in line with its terms of reference.

### **Agenda items**

37. Any member of the Audit and Risk Management Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
38. Any five members of the Council who are not members of the Audit and Risk Management may give written notice to the Chief Executive that they wish an item relevant to the functions of the Committee to be included on the agenda.

**NEW RULE 11 - AUDIT AND RISK MANAGEMENT DETERMINATION SUB-COMMITTEE EMPLOYMENT COMMITTEE**

**Statement of Purpose**

- 1 Our ~~Audit and Risk Management Determination Sub-Committee~~Employment Committee ~~is a sub-committee of the Audit and Risk Management Committee and~~ has decision-making powers in relation to the following delegated functions:
- (a) To receive reports from officers on strategic employment matters & policies;
  - (b) To consider staffing restructures and changes to the establishment;
  - (c) In collaboration with the Staff Side group to promote effective communications and consultation between the Council and its employees on general personnel matters; and
  - (d) Exercise discretion allowed under the local government pension scheme, including the award of discretionary payments to employees.

**Membership & Meetings**

- 2 There shall be a maximum of 7 members of the Council on the Employment Committee with seats allocated to political groups in proportion to the number of seats held by each group on the Council as a whole.

**Quorum & Chairmanship**

- 3 The quorum for the Audit and Risk Management Determination Sub-Committee shall be 3.

The Chairman and Vice-Chairman of the Employment Committee will be drawn from among the Councillors sitting on the Committee and subject to this requirement the Committee may appoint such persons as it considers appropriate as Chairman and Vice-Chairman.

### **Work Programme**

- 4 The Employment Committee will be responsible for setting its own work programme and in doing so shall take into account the wishes of all members on the panel irrespective of political affiliation in line with its terms of reference.

### **Agenda Items**

- 5 Any member of the Employment Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

Any five members of the Council who are not members of the Employment Committee may give written notice to the Chief Executive that they wish an item relevant to the functions of the Committee to be included on the agenda.

---

<sup>1</sup> Amendment approved 30 April 2020, deleted 7 May 2021

## Appendix C – Proposed Allocation of and Appointments to seats on Committees and Panels.

<b>FENLAND DISTRICT COUNCIL – OVERALL PROPORTIONALITY</b>		
<i>Calculation under paragraph 15 of the LGHA 1989 – ‘Legal’</i>		
Conservative	<b>35</b>	<b>83.33%</b>
FIA	<b>7</b>	<b>16.66%</b>
Ungrouped	<b>1</b>	<b>N/A</b>
<i>Calculation under paragraph 17 of the LGHA 1989 – ‘Alternative’</i>		
Conservative	<b>35</b>	<b>81.395%</b>
FIA	<b>7</b>	<b>16.279%</b>
Ungrouped	<b>1</b>	<b>1.418%</b>

Group	Conservative	FIA	Ungrouped	Total
<b>Alternative Approach</b>	<b>Entitlement: 50</b> <i>Allocation: 51</i>	<b>Entitlement: 10</b> <i>Allocation: 9</i>	<b>Entitlement: 1</b> <i>Allocation 1</i>	61
<b>1989 Act Approach</b>	<b>Entitlement: 51</b> <i>Allocation: 52</i>	<b>Entitlement: 10</b> <i>Allocation: 9</i>	N/A	61

Based on the above and in order to achieve overall political balance, within both the Alternative Approach and 1989 Act Approach, it has been proposed that the Conservative Group relinquish 1 seat to the FIA.

Within the proposed arrangements for the Alternative Approach, this has been achieved by offering a seat on the Audit and Risk Committee. In the event of this being agreed, Cllr Wallwork will relinquish her substantive seat on this Committee and replace Cllr Gowler as a substitute. Cllr Wallwork’s relinquished substantive seat will then be allocated to the FIA and taken up by Councillor Booth.

If however the Alternative Approach is not agreed, the following will comprise the 1989 Act Approach for agreement:

- Cllr Wallwork will take a substantive seat on the Audit and Risk Committee and Cllr Gowler will become a substitute with only 1 substantive and 1 substitute FIA seat then being available and filled by Cllrs Clark and Summers.
- Cllr Gowler will relinquish his substantive seat on the Licensing Committee and replace Cllr Jan French as a substitute opening up 1 additional substantive and 1 additional substitute seat for the FIA, appointments TBC.

Committee/ Panel	Group	Proportionality		Substantive Nominee	Substitute
		'89 ACT	Alternative		
<b>Overview &amp; Scrutiny</b> 13 substantive 6 substitute	Conservative	11	10	<b>Maureen Davis (C)</b>	Gary Christy
				<b>Vacant (VC)</b>	David Connor
				Brenda Barber	Stuart Harris
				James Carney	Jason Mockett
				Lucie Foice-Beard	
				Alan Gowler	
				Anne Hay	
				Sidney Imafidon	
				Haq Nawaz	
				Elisabeth Sennitt-Clough	
	Andrew Woollard				
FIA	2	2	Gavin Booth	Paul Hicks	
			Dal Roy	TBC	
Ungrouped	0	1	<b>Roy Gerstner (VC)</b>	N/A	
<b>Planning Committee</b> 7 substantive 5 substitute	Conservative	6	6	<b>David Connor (C)</b>	Billy Rackley
				<b>Charlie Marks (VC)</b>	Sam Clark
				Jan French	Mark Purser
				Sidney Imafidon	Peter Murphy
				Ian Benney	
				Maureen Davis	
	FIA	1	1	Paul Hicks	Gavin Booth
Ungrouped	0	0	N/A	N/A	
<b>Licensing Committee</b> 13 substantive 6 substitute	Conservative	10	11	<b>David Oliver (C)</b>	Brenda Barber
				<b>Michael Humphrey (VC)</b>	Jan French
				James Carney	Dee Laws
				Alan Gowler	Jason Mockett
				Stuart Harris	Alan Gowler
				Anne Hay	
				Kay Mayor	
				Nick Meekins	
				Alex Miscandlon	
				Peter Murphy	
				Andrew Woollard	
	FIA	3	2	Diane Cutler	Gavin Booth
				Paul Hicks	TBC
TBC				TBC	
Unaligned	0	0	N/A	N/A	
<b>Audit and Risk Management Committee</b> 7 substantive 5 substitute	Conservative	6	5	<b>Kim French (C)</b>	Ian Benney
				<b>Stuart Harris (VC)</b>	Lucie Foice-Beard
				Gary Christy	Sue Wallwork
				Jason Mockett	Haq Nawaz
				Steve Tierney	Alan Gowler
				Sue Wallwork	
	FIA	1	2	John Clark	Matthew Summers
				Gavin Booth	TBC
Unaligned	0	0	N/A	N/A	

Committee/ Panel	Group	Proportionality		Substantive Nominee	Substitute	
		'89 ACT	Alternative			
<b>Employment Committee</b> 7 substantive 5 substitute	Conservative	6	6	<b>Gary Christy (C)</b>	Lucie Foice-Beard	
				<b>Haq Nawaz (VC)</b>	David Connor	
				Ian Benney	Anne Hay	
				Alan Gowler	Kay Mayor	
				Sidney Imafidon		
				Maureen Davis		
	FIA	1	1	John Clark	Gavin Booth	
	Unaligned	0	0	N/A	N/A	
<b>Conduct Committee</b> 7 substantive 5 substitute	Conservative	6	6	<b>Steve Count (C)</b>	Brenda Barber	
				<b>Alan Gowler (VC)</b>	David Connor	
				Billy Rackley	Maureen Davis	
				Mark Purser	Anne Hay	
				Tim Taylor		
				Jason Mockett		
		FIA	1	1	David Patrick	Diane Cutler
		Unaligned	0	0	N/A	N/A
	Independent and Deputy Independent Person			Stuart Webster	Claire Hawden-Beale	
	Town and Parish Members			Appointment process to be completed		
<b>Appointments Panel</b> 7 substantive 5 substitute	Conservative	6	6	<b>Chris Boden (C)</b>	Ian Benney	
				<b>Jan French (VC)</b>	Kim French	
				Sam Hoy	David Oliver	
				Steve Tierney	Haq Nawaz	
				Michael Humphrey		
				Kay Mayor		
		FIA	1	1	Gavin Booth	1 TBC
	Unaligned	0	0	N/A	N/A	

**The Leader will also make the following appointments to Cabinet:**

<b>Portfolio Holder</b>	<b>Portfolio Description</b>
Councillor Chris Boden	Leader and Portfolio holder for Finance
Councillor Jan French	Deputy Leader and Portfolio holder for Revenues and Benefits and CPE
Councillor Ian Benney	Portfolio Holder for Economic Growth and Skills
Councillor Sam Hoy	Portfolio Holder for Housing and Licensing
Councillor Dee Laws	Portfolio Holder for Planning and Flooding
Councillor Alex Miscandlon	Portfolio Holder for Leisure and IDBs
Councillor Peter Murphy	Portfolio Holder for Refuse & Cleansing, Parks & Open Spaces
Councillor Chris Seaton	Portfolio Holder for Transport, Heritage and Culture
Councillor Steve Tierney	Portfolio Holder for Comms, Transformation, Climate Change, Strategic Refuse
Councillor Sue Wallwork	Portfolio Holder for Community, Health, Environmental Health, CCTV, Community Safety and Military Covenant.

## Appendix D - Allocation of Seats on Outside Bodies

### KEY

In the 'Proportionality' column, where there are more than 2 seats to allocate:

<b>Red Text</b>	Denotes the proposed 'Alternative' arrangements (142 seats allocated proportionately across all members)
<b>Purpose Text</b>	Denotes the 'Legal' arrangements calculated with strict reference to s.15 of the LGHA 1989 (142 seats allocated proportionately across members of recognised groups only).

The same percentages for the purpose of the calculations have been applied as set out in Appendix C and create the following results:

Group	Conservative	FIA	Ungrouped	Total
<b>Alternative Approach</b>	<b>Entitlement: 117</b> <span style="color: red;">Allocation: 123</span>	<b>Entitlement: 23</b> <span style="color: red;">Allocation: 18</span>	<b>Entitlement: 2</b> <span style="color: red;">Allocation 1</span>	142
<b>1989 Act Approach</b>	<b>Entitlement: 118</b> <span style="color: purple;">Allocation: 123</span>	<b>Entitlement: 24</b> <span style="color: purple;">Allocation: 19</span>	N/A	142

Based on the above, provided the overall entitlement is agreed by Full Council either in relation to the Alternative or 1989 Act calculations, the recommendations make provision for Group Leaders to negotiate the reallocation of seats before appointments are finally confirmed and agreed at the next Cabinet meeting in June.

In the case of the Alternative Approach being agreed, the Conservative Group would need to relinquish 6 seats; 5 to the FIA and 1 to the ungrouped member to achieve overall political proportionality.

In the case of the 1989 Act Approach being agreed, the Conservative Group would need to relinquish 5 seats to the FIA.



Outside Body	Representation Required	Proportionality	Substantive Nominee	Substitute
Anglia Revenue Partnership	1 substantive 2 substitutes	Conservative		
Benwick Internal Drainage Board (IDB)	4	3 Conservative 1 FIA 3 Conservative 1 FIA		N/A
Cambridgeshire Horizons Board	1	Conservative		N/A
Cambridgeshire Military Community Covenant Board	1	Conservative		N/A
Cambridgeshire Police and Crime Panel	1 substantive 1 substitute	Conservative		N/A
Cambridgeshire Health and Wellbeing Board + District Lead Members Group	1	Conservative		N/A
Chatteris Community Centre Association	2	Conservative		N/A
College of West Anglia Governing Body	1	Conservative		N/A
Community Learning and Skills Partnership	1	Conservative		N/A
Curf and Wimblington Combined IDB	1	Conservative		N/A
Feldale IDB	7	6 Conservative 1 FIA 6 Conservative 1 FIA		N/A
Fenland Association of Community Transport	1	Conservative		N/A
Fenland Diverse Communities Forum	1	Conservative		N/A
Fenland Health and Care Forum	Open meeting		Any members can attend	
Fenland Tension Monitoring Group	1	Conservative		N/A

Outside Body	Representation Required	Proportionality	Substantive Nominee	Substitute
Fenland Transport and Access Partnership	1	Conservative		N/A
Fenland Transport Strategy	2	Conservative		N/A
Fenland Twinning Association	4	3 Conservative 1 FIA 3 Conservative 1 FIA		N/A
Hanson, Fletton Brickworks Industry	1	Conservative		N/A
Health Committee	1 substantive 1 substitute	Conservative		N/A
Hundred of Wisbech IDB	15	12 Conservative 2 FIA 1 Ungrouped 12 Conservative 3 FIA		N/A
Kings Lynn IDB	1	Conservative		N/A
LGA/ LGA Rural Commission/ LGA Urban Commission	1 substantive 1 substitute	Conservative		
Manea and Welney Drainage Commissioners	3	2 Conservative 1 FIA 2 Conservative 1 FIA		N/A
March Area Transport Study	2	Conservative		N/A
March West and White Fen Internal Drainage Board	6	5 Conservative 1 FIA 5 Conservative 1 FIA		N/A
March East IDB	11	9 Conservative 2 FIA 9 Conservative 2 FIA		N/A
March Education Foundation	1	Conservative		N/A
March Fifth District Drainage Commissioners	8	7 Conservative 1 FIA 7 Conservative 1 FIA		N/A
March Sixth District Drainage Commissioners	4	3 Conservative 1 FIA 3 Conservative 1 FIA		N/A

Outside Body	Representation Required	Proportionality	Substantive Nominee	Substitute
March Third IDB	5	4 Conservative 1 FIA 4 Conservative 1 FIA		N/A
Middle Level Commissioners	3	2 Conservative 1 FIA 2 Conservative 1 FIA		N/A
Needham and Laddus IDB	1	Conservative		N/A
Nightlayer IDB	10	8 Conservative 2 FIA 8 Conservative 2 FIA		N/A
North Level District IDB	7	6 Conservative 1 FIA 6 Conservative 1 FIA		N/A
Wisbech Community Development Trust (Oasis Village Centre)	1	Conservative		N/A
Ransonmoor District Drainage Commissioners	2	Conservative		N/A
RECAP	1 substantive 1 substitute	Conservative		
Rural Cambs CAB	3	2 Conservative 1 FIA 2 Conservative 1 FIA		N/A
Safer Fenland Partnership	1	Conservative		N/A
The Wash and North Norfolk Marine Partnership	1	Conservative		N/A
The Combined Authority	1 substantive 1 substitute	Conservative		
The Combined Authority Overview and Scrutiny Committee	2 substantive 2 substitutes	Conservative	TBC	
The Combined Authority Audit and Governance Committee	1 substantive 1 substitute	Conservative	TBC	

Outside Body	Representation Required	Proportionality	Substantive Nominee	Substitute
The Combined Authority HR Committee	1 substantive 1 substitute	Conservative	TBC	
The Combined Authority Environment and Sustainable Communities Committee	1 substantive 1 substitute	Conservative	TBC	
The Combined Authority Transport and Infrastructure Committee	1 substantive 1 substitute	Conservative	TBC	
The Combined Authority Employment and Skills Committee	1 substantive 1 substitute	Conservative	TBC	
Upwell IDB	2	Conservative		N/A
Waldersey IDB	2	Conservative		N/A
Warboys, Somersham and Pidley IDB	1	Conservative		N/A
Whittlesey & District IDB	5	4 Conservative 1 FIA 4 Conservative 1 FIA		N/A
Wisbech Access Strategy Member Steering Group	2	Conservative		N/A
Young People March	1	Conservative		N/A
Water Resources East (WRE) Strategic Advisory Group	1	Conservative		N/A
<b>TOTAL</b>	<b>142 substantive 14 substitutions</b>	<b>123 Conservative 18 FIA 1 Ungrouped</b>  <b>123 Conservative 19 FIA</b>		

Agenda Item No:	<b>12</b>	
Committee:	<b>Council</b>	
Date:	<b>22 May 2023</b>	
Report Title:	<b>Combined Authority Membership and Other Appointments</b>	

## 1. PURPOSE/SUMMARY

- 1.1. This report requests the Council to make appointments to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2023/2024.

## 2. KEY ISSUES

- 2.1. In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority Board. This is usually the Leader of the Council.
- 2.2. The Council is also asked to make appointments to the Combined Authority Overview and Scrutiny Committee, Audit and Governance Committee, HR Committee, Environment and Sustainable Communities Committee, Skills and Employment Committee and Transport and Infrastructure Committee in line with political proportionality across Cambridgeshire and Peterborough.

## 3. RECOMMENDATIONS

Members are requested to make the following appointments/nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2023/24:

- 3.1. 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;
- 3.2. 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;
- 3.3. nominate one member to the Audit and Governance Committee and one substitute member from the same political party as set out in Appendix 3.
- 3.4. nominate one member to the HR Committee, Environment and Sustainable Communities Committee, Skills and Employment Committee and Transport and Infrastructure Committee.
- 3.5. 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.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Leader of the Council
<b>Report Originator(s)</b>	Paul Medd – Chief Executive – <a href="mailto:paulmedd@fenland.gov.uk">paulmedd@fenland.gov.uk</a> Peter Catchpole - Corporate Director with responsibility for Governance - <a href="mailto:PeterCatchpole@fenland.gov.uk">PeterCatchpole@fenland.gov.uk</a> Amy Brown - Assistant Director & Deputy Monitoring Officer – <a href="mailto:amybrown@fenland.gov.uk">amybrown@fenland.gov.uk</a> Carol Pilson – Corporate Director and Monitoring Officer
<b>Contact Officer(s)</b>	Elaine Cooper, - Team Leader for Elections, Land charges and Member Services – <a href="mailto:ecooper@fenland.gov.uk">ecooper@fenland.gov.uk</a>
<b>Background papers</b>	Cambridgeshire and Peterborough Combined Authority Order 2017

#### **4. COMBINED AUTHORITY BOARD APPOINTMENTS**

- 4.1. In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority. Each Council made these appointments at its respective Council meeting in May 2017 for the 2017/18 municipal year and is requested to do so for each subsequent municipal year. The Council is now asked to appoint a member and substitute member for the municipal year 2023/24.

#### **5. OTHER APPOINTMENTS**

##### **5.1. Non-Executive Committees**

- 5.1.1. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires the Combined Authority to establish an Overview and Scrutiny Committee and an Audit Committee. The Order sets out the rules for membership. The membership of the Overview and Scrutiny and the Audit Committees as a whole should reflect so far as reasonably practicable the balance of political parties of the constituent councils when taken together. The balance is based on membership of political parties, not political groups, on constituent councils across Cambridgeshire and Peterborough.
- 5.1.2. On 4 May 2023, there were local elections for Fenland District Council, Huntingdonshire District Council, South Cambridgeshire District Council, Cambridge City Council and Peterborough City Council. The Combined Authority has reviewed the political balance on constituent councils and has requested constituent councils to make the following appointments to these committees.

5.1.2.1. **Overview & Scrutiny Committee**

5.1.2.2. The Combined Authority agreed that to ensure an equitable representation across each constituent authority, two members from each council should be appointed to the Overview and Scrutiny Committee representing a total membership of fourteen members.

5.1.2.3. The implications of applying political proportionality to a fourteen-member Overview and Scrutiny Committee are detailed in Appendix 2.

5.1.2.4. **Audit & Governance Committee**

5.1.2.5. The Combined Authority agreed to establish an Audit and Governance Committee consisting of seven constituent members: one member from each constituent council.

5.1.2.6. The implications of applying political proportionality to a seven-member Audit and Governance Committee are detailed in Appendix 2. The Council is required to nominate one member to sit on the Audit and Governance Committee for the municipal year 2023/24 based on the political balance set out in Appendix 2.

5.1.2.7. **Substitute Members**

5.1.2.8. The Combined Authority has agreed that substitute members should be appointed for each position on the Audit and Governance Committee and the Overview and Scrutiny Committee. Any substitute members should come from the same party as the Member they are substituting for to maintain political balance.

5.1.2.9. For the Overview and Scrutiny Committee, if constituent councils have appointed members from the same political parties, those Councils might only wish to appoint one substitute rather than two. The quorum set down in legislation is two thirds of the total membership. Therefore, it is preferable to appoint two members in case both members are absent from a meeting and need to substitute.

5.2. **Executive Committees**

5.2.1. CPCA Board members are also invited, in consultation with the Mayor to make nominations to the executive committees of the Combined Authority which may include (with the exception of the Chair), another member from their constituent council. The Board member shall also nominate a named substitute member. The Council is therefore asked to note the proposed appointments to the HR, Environment and Sustainable Communities, Skills and Employment, Transport and Infrastructure Committees for the municipal year 2023/24 as set out in the Appendix 3 to this Report.

## **6. CONCLUSION**

- 6.1. All appointments and nominations made by constituent councils will be reported to the Combined Authority's annual meeting on 31 May 2023.
- 6.2. The political balance calculations in the Appendices are based on up-to-date statistics given by constituent councils and take account of the outcome of the local elections that took place on the 4 May 2023. However, there may be last minute changes in the lead up to constituent councils' annual meetings and Combined Authority's annual meeting on 31st May 2023.
- 6.3. If there are consequential changes to the overall political balance, the Combined Authority may need to review the membership and the allocation of seats to political parties on the above committees. The Monitoring Officer will advise constituent councils if any subsequent changes have been necessary, and whether any changes need to be made to their nominations. It is recommended that the Chief Executive is given delegated authority to approve any consequential changes to these appointments in consultation with the relevant group leaders.

## **7. IMPLICATIONS**

### **7.1. Financial Implications**

- 7.1.1. In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, no remuneration is to be payable by the Combined Authority to its members.

### **7.2. Legal Implications**

- 7.2.1. These are set out in the report. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires a combined authority to ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together.

### **7.3. Equalities Implications**

There are no equalities implications arising from this report.

## **8. APPENDICES**

- 6.1 Appendix 1 – Political Proportionality across Cambridgeshire and Peterborough Combined Authority area
- 6.2 Appendix 2 - Overview and Scrutiny Committee political balance calculations &– Audit and Governance Committee political balance calculations.
- 6.3 Appendix 3 – FDC Appointments to Cambridgeshire and Peterborough Combined Authority positions.
- 6.4 Accessible versions of the appendices are available on request from [Democratic.Services@cambridgeshirepeterborough-ca.gov.uk](mailto:Democratic.Services@cambridgeshirepeterborough-ca.gov.uk)



APPENDIX 1

**Audit and Governance Committee of Seven**

**POLITICAL BALANCE ACROSS THE COUNTY as at 5 May 2023**

	Total	Vacancy	Conservative	Labour	Liberal Democrats	Independent	Green	St. Neots Independent		Total (exc. Ind)	Entitlement
CAMBRIDGESHIRE	1		26	9	22	3		1		58	1 Liberal Democrat
CAMBRIDGE CITY	1	1		26	10	1	4			40	1 Labour
EAST CAMBS.	1		15		13					28	1 Liberal Democrat
FENLAND	1		35		2	6				37	1 Conservative
HUNTINGDONSHIRE	1		21	4	11	15	1			37	1 Conservative
PETERBOROUGH	1		30	14	8	5	3			55	1 Conservative
SOUTH CAMBS.	1		9		35	1				44	1 Liberal Democrat
<b>TOTAL</b>	<b>7</b>	<b>1</b>	<b>136</b>	<b>53</b>	<b>101</b>	<b>31</b>	<b>8</b>	<b>1</b>		<b>299</b>	
POLITICAL BALANCE %			45.48	17.73	33.78		2.68	0.33			
<b>Seat allocation</b>			<b>3</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	
Committee seat allocation	7		3.171	1.2453	2.3723	0	0.1876	0.0238	0		

**Overview and Scrutiny Committee of 14  
POLITICAL BALANCE ACROSS THE COUNTY as at 5 May 2023**

	Total	Vacancy	Conservative	Labour	Liberal Democrats	Independent	Green	St. Neots Independent		Total (exc. Ind)	Entitlement
CAMBRIDGESHIRE	2		26	9	22	3		1		58	1 Con; 1 Lib Dem
CAMBRIDGE CITY	2	1		26	10	1	4			40	2 Lab
EAST CAMBS.	2		15		13					28	1 Con; 1 Lib Dem
FENLAND	2		35		2	6				37	2 Con
HUNTINGDONSHIRE	2		21	4	11	15	1			37	1 Con; 1 Lib Dem
PETERBOROUGH	2		30	14	8	5	3			55	1 Con; 1 Lab
SOUTH CAMBS.	2		9		35	1				44	2 Lib Dem
<b>TOTAL</b>	<b>14</b>	<b>1</b>	<b>136</b>	<b>53</b>	<b>101</b>	<b>31</b>	<b>8</b>	<b>1</b>		<b>299</b>	
POLITICAL BALANCE %			45.48	17.73	33.78		2.68	0.33			
<b>Seat allocation</b>			<b>6</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>14</b>	
Committee seat allocation	14		6.342	2.4906	4.7446	0	0.3752	0.0476			

### STATUTORY COMMITTEE POLITICAL PROPORTIONALITY EXPLANATION: MAY 2023

The political proportionality of the Audit & Governance and Overview & Scrutiny Committees is based upon the total number of Councillors sitting at constituent authorities from political parties registered nationally with the Electoral Commission. Therefore, the total number of Councillors across the combined authority area disregards those elected as Independents. Following the elections in May 2023 this provides a total of 299 elected members (the total is 332 including Independents).

The total number of elected representatives across each of the constituent authorities are totalled by political party and a total percentage of representation is calculated (i.e. there are 136 Conservative members divided by the total of all members (299) to reach a proportionality of 45.48%). The Overview & Scrutiny Committee has 14 members in total; and Audit & Governance seven. The proportionality is then factored against the total membership to provide a seat allocation by political group.

Once this 'seat' allocation has been derived it is necessary to allocate the 'seats' against the constituent authorities. Where a political party has a majority of members on a constituent authority it follows that party would be allocated a 'seat' on the Committee. However, the political balance of the combined authority area has to be reflected and this requires an arithmetical call with regard to membership between constituent authorities.

The Audit & Governance Committee has a membership of seven, following the May 2023 elections the balance based upon proportionality would be three Conservative; three Liberal Democrats; and one Labour members. The allocation is then based upon the percentage of members from each political party at the individual constituent authorities. To reflect the political balance it is necessary to allocate seats based upon the percentage of elected members by constituent authority. Table 1, below shows the constituent authorities with most Conservative members to fill the allocation of three are: Fenland, Peterborough and Huntingdonshire. The three Liberal Democrat members should, therefore, represent Cambridgeshire County Council, East Cambridgeshire and South Cambridgeshire. The one Labour members should, therefore, be a representative of Cambridge City Council.

Table 1

Constituent Authority	Conservative %age	Labour %age	Liberal Democrat %age	Others %age	A&G 'seat' allocation
Cambridgeshire	44.83	15.52	37.93	1.72	LIB DEM
Cambridge City	0.00	65.00	25.00	10.00	LAB
East Cambridgeshire	53.57	0.00	46.43	0.00	LIB DEM
Fenland	94.59	0.00	5.41	0.00	CON
Huntingdonshire	56.76	10.81	29.73	2.70	CON
Peterborough	54.55	25.45	14.55	5.45	CON
South Cambridgeshire	20.45	0.00	79.55	0.00	LIB DEM

The Overview & Scrutiny Committee has a membership of 14, following the May 2023 elections the balance based upon proportionality would be six Conservative; three Labour; and five Liberal Democrat members. The allocation is then based upon the percentage of members from each political party at the individual constituent authorities. To reflect the political balance it is necessary

to allocate seats based upon the percentage of elected members by constituent authority. Where one political party has two-thirds representation on a constituent authority that party has been allocated full representation (i.e. two seats) on the committee. Table 2, below shows the constituent authorities with most Conservative members to fill the allocation of seven are: Fenland (two members), Huntingdonshire (two members), East Cambridgeshire, Peterborough and the County Council. The three Labour members should, therefore, be representatives of Cambridge City (two members) and Peterborough. The four Liberal Democrat members should, therefore, represent South Cambridgeshire (two members), East Cambridgeshire, and the County Council.

*Table 2*

<b>Constituent Authority</b>	<b>Conservative %age</b>	<b>Labour %age</b>	<b>Liberal Democrat %age</b>	<b>Others %age</b>	<b>O&amp;S 'seat' allocation</b>
Cambridgeshire	44.83	15.52	37.93	1.72	1 CON, 1 LIB DEM
Cambridge City	0.00	65.00	25.00	10.00	2 LAB
East Cambridgeshire	53.57	0.00	46.43	0.00	1 CON, 1 LIB DEM
Fenland	94.59	0.00	5.41	0.00	2 CON
Huntingdonshire	56.76	10.81	29.73	2.70	1 CON, 1 LIB DEM
Peterborough	54.55	25.45	14.55	5.45	1 CON, 1 LAB
South Cambridgeshire	20.45	0.00	79.55	0.00	2 LIB DEM

**APPENDIX 3**

<b>Committee</b>	<b>Proportionality</b>	<b>Name of FDC Nominee</b>
Combined Authority Board	Conservative	Cllr Chris Boden
Combined Authority Board Substitute	Conservative	Cllr Jan French
CPCA Overview and Scrutiny Committee	Conservative	Cllr Maureen Davis
CPCA Overview and Scrutiny Committee	Conservative	Cllr Ann Hay
CPCA Overview and Scrutiny Committee Substitute	Conservative	Cllr Elisabeth Sennitt Clough
CPCA Overview and Scrutiny Committee Substitute	Conservative	Cllr Steve Tierney
CPCA Audit and Governance Committee	Conservative	Cllr Gary Christy
CPCA Audit and Governance Committee Substitute	Conservative	Cllr Susan Wallwork
Employment Committee	Conservative	Cllr Chris Boden
Employment Committee Substitute	Conservative	Cllr Jan French
Housing and Communities Committee	Conservative	Cllr Dee Laws
Housing and Communities Committee Substitute	Conservative	Councillor Sam Hoy
Skills Committee	Conservative	Cllr Ian Benney
Skills Committee Substitute	Conservative	Cllr Dr Haq Nawaz
Transport and Infrastructure Committee	Conservative	Cllr Chris Seaton
Transport and Infrastructure Committee Substitute	Conservative	Cllr Dr Haq Nawaz

This page is intentionally left blank

<b>Agenda Item No:</b>	<b>13</b>	
<b>Committee:</b>	<b>Council</b>	
<b>Date:</b>	<b>22 May 2023</b>	
<b>Report Title:</b>	<b>Whittlesey Neighbourhood Plan</b>	

Cover sheet:

**1 Purpose / Summary**

- 1.1 For Council to formally adopt the Whittlesey Neighbourhood Plan as a part of the Development Plan for Fenland.

**2 Key Issues**

- 2.1 Following the successful referendum on 23rd February 2023, the Whittlesey Neighbourhood Plan needs to be formally ‘made’ by Fenland District Council and thereby be formalised as part of the Development Plan (alongside the 2014 Local Plan) for Fenland.
- 2.2 Please note that the word ‘made’ is the word used in legislation when referring to Neighbourhood Plans and means to all intents and purposes ‘adopted’.

**3 Recommendations**

- 3.1 For Council to formally adopt the Whittlesey Neighbourhood Plan (Appendix 1) as a part of the Development Plan for Fenland and to note the draft Decision Statement (Appendix 2) which confirms the Council’s decision.

Wards Affected	Bassenhally; Benwick, Coates and Eastrea; Lattersey; St Andrews; Stonald
Forward Plan Reference	KEY/10JUN22/01
Portfolio Holder(s)	Leader of the Council
Report Originator(s)	Gareth Martin – Senior Development Officer (Policy)
Contact Officer(s)	<p>Gareth Martin – Senior Development Officer (Policy) Email: <a href="mailto:gmartin@fenland.gov.uk">gmartin@fenland.gov.uk</a></p> <p>Dan Horn – Assistant Director Email: <a href="mailto:dhorn@fenland.gov.uk">dhorn@fenland.gov.uk</a></p> <p>Carol Pilson – Corporate Director Email: <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a></p>

Background Papers	Appendix 1 – Whittlesey Neighbourhood Plan (Referendum Version)  Appendix 2 – Draft Decision Statement (Regulation 19)
-------------------	--

## Report:

### **1 Reasons for Exemption**

1.1 None

### **2 BACKGROUND AND INTENDED OUTCOMES**

- 2.1 The Whittlesey Neighbourhood Area was designated by Fenland District Council (FDC / the Council) in April 2015. This includes the villages of Coates, Eastrea, Pondersbridge and Turves as well as Whittlesey itself.
- 2.2 The Whittlesey Neighbourhood Plan (the Plan) and supporting evidence documents were submitted to FDC by Whittlesey Town Council in June 2022.
- 2.3 The Council published the Plan for a period of eight weeks in July and September 2022. Following this publication period, the Council submitted the Plan for independent examination.
- 2.3 An independent examination was held in September to November 2022. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Penny O'Shea Consulting. The examination was carried out through written representations. No public hearing session was required.
- 2.4 The examiner considered that, subject to applying his recommended modifications, the Whittlesey Neighbourhood Plan makes appropriate provision for sustainable development, has appropriate regard to national policy, and is in general conformity with the strategic policies in Fenland's development plan. In addition, the examiner concluded that there is no evidence to suggest the Plan is not compatible with EU obligations, including human rights requirements.
- 2.5 Where modified in accordance with his recommendations, the examiner concluded that the Plan meets the basic conditions and recommended it proceed to referendum.
- 2.6 In January 2023, the Council published its Regulation 18 decision statement explaining the actions which would be taken in response to the recommendations of the examiner, including the modifications which would be applied to the draft plan.
- 2.7 Based on the examiner's findings and recommendations, the Council is satisfied that the Whittlesey Neighbourhood Plan (Referendum Version), meets the basic conditions and is otherwise legally compliant.
- 2.8 The Council held a referendum on Thursday, 23rd February 2023. As recommended by the Independent Examiner, the boundary of the Whittlesey



Neighbourhood Area (i.e. Whittlesey parish) formed the referendum area. The referendum ballot asked the following question:

“Do you want Fenland District Council to use the Neighbourhood Plan for Whittlesey to help it decide planning applications in the neighbourhood area?”

- 2.9 The turnout was 14.95%. Of the 2,035 votes cast the majority were in support, with 1,577 in favour and 458 against. There were 7 rejected ballots.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 Following the successful referendum result, the Neighbourhood Planning Act (2017) automatically gives the Whittlesey Neighbourhood Plan the same legal status as a plan which has been made (or ‘adopted’) by the applicable District Council. Accordingly, since the referendum result, the Council has treated the Whittlesey Neighbourhood Plan as part of the Development Plan for the purposes of decision-making on planning applications.
- 3.2 However, despite this automatic post-referendum legal position, Fenland District Council is required to formally ‘make’ the Whittlesey Neighbourhood Plan part of the Development Plan for the district.
- 3.3 The making of the Whittlesey Neighbourhood Plan contributes to delivering the Council's corporate priorities, namely to:
- Attract new businesses, jobs and opportunities whilst supporting our existing businesses
  - Promote and enable housing growth, economic growth and regeneration
  - Promote and lobby for infrastructure improvements
- 3.4 Forming a part of Fenland's Development Plan, the Whittlesey Neighbourhood Plan will shape development proposals and planning decisions in Whittlesey Parish.
- 3.5 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The Whittlesey Neighbourhood Plan has been prepared by Whittlesey Town Council and has been supported by the wider community through its preparation and at the referendum stage.
- 3.6 Planning law requires that development proposals which accord with the Development Plan should normally be approved and those which conflict be refused. Making the Whittlesey Neighbourhood Plan a part of Fenland's Development Plan provides the local community greater influence over planning decisions affecting Whittlesey Parish.
- 3.7 The Whittlesey Neighbourhood Plan received majority support at a duly held referendum of 23<sup>rd</sup> February 2023. Council is therefore required to formally ‘make’ the Whittlesey Neighbourhood Plan part of the Development Plan for Fenland, as per the will of the majority of voters in Whittlesey Parish. In doing so, the Whittlesey Neighbourhood Plan has the same status in law as the Fenland Local Plan 2014.

## **4 CONSULTATION**

The Whittlesey Neighbourhood Plan has been subject to extensive consultation both during its preparation and through the referendum process.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

5.1 No alternatives have been considered or are relevant in this case.

## **6 IMPLICATIONS**

### **6.1 Legal Implications**

6.1.1 The Whittlesey Neighbourhood Plan forms part of the Development Plan for Fenland which is the legal basis for making planning decisions.

### **6.2 Financial Implications**

6.2.1 None

### **6.3 Equality Implications**

N/A

### **6.4 Any Other Relevant Implications**

6.4.1 The making of the Whittlesey Neighbourhood Plan would be in accordance with FDC's priorities in its Business Plan 2023/24 to:

- Attract new businesses, jobs and opportunities whilst supporting our existing businesses
- Promote and enable housing growth, economic growth and regeneration
- Promote and lobby for infrastructure improvements

## **7 SCHEDULES**

N/A

# Whittlesey Neighbourhood Plan 2021- 2040

Referendum Version





# Contents

<b>1. Introduction.....</b>	<b>3</b>
1.1. What is a Neighbourhood Plan?	
1.2. The Neighbourhood Area	
1.3. Understanding the Area	
1.4. Understanding the Community	
1.5. Understanding the Policy	
<b>2. Vision and Objectives.....</b>	<b>9</b>
2.1. The Vision	
2.2. The Objectives	
<b>3. Policies.....</b>	<b>11</b>
3.1. Policy 1: Spatial Strategy	
3.2. Policy 2: Local Housing Need	
3.3. Policy 3: Primary Shopping Frontages	
3.4 Policy 4: Open Space	
3.5 Policy 5: Local Green Space	
3.6 Policy 6: Country Park	
3.7 Policy 7: Design Quality	
3.8 Policy 8: Historic Environment	
3.9 Policy 9: Coalescence of Villages	
3.10 Policy 10: Delivering Sustainable Transport	
3.11 Policy 11: Adapting to and Mitigating Climate Change	
<b>4.Supporting Information.....</b>	<b>37</b>
<b>Appendix A: Policy Maps</b>	

# 1. Introduction

## 1.1 What is a Neighbourhood Plan?

1.1.1

The Whittlesey Neighbourhood Plan is a planning document that will help guide development in Whittlesey in the period up to 2040. This timescale has been chosen to align with the lifespan of the emerging Fenland Local Plan. Whittlesey Neighbourhood Plan Group has produced it in consultation with the community. The ability to make a Neighbourhood Plan was introduced by the Localism Act 2012, which aimed to give communities more power to create a shared vision for their neighbourhood and shape development in their local area.

1.1.2

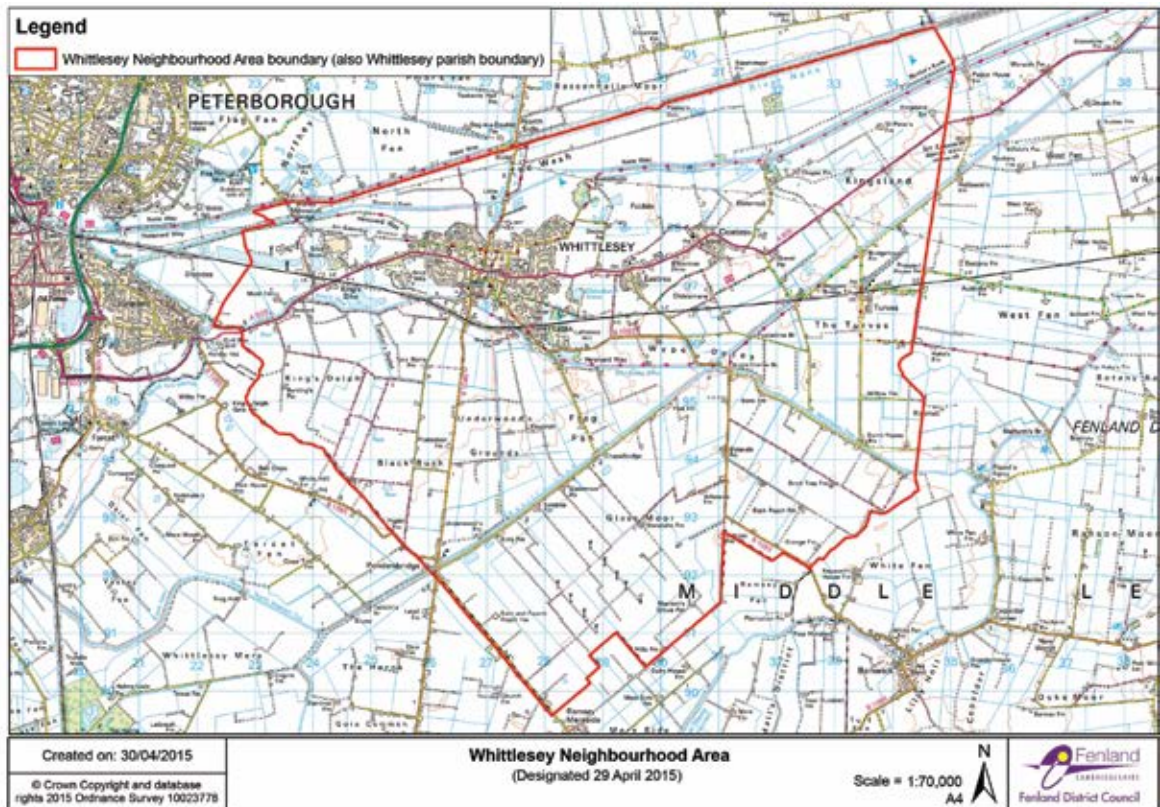
The Plan provides a vision for the community's future and sets out clear policies to help realise this vision. The Localism Act says that policies in a Neighbourhood Plan shouldn't conflict with higher-level planning policy. Those policies are the Government's National Planning Policy Framework (NPPF) and Fenland District Council's adopted Local Plan (FLP) for Whittlesey. Because of this rule, there are certain things that a Neighbourhood Plan can and can't do. This is explained in more detail on page 7.

1.1.3

This Neighbourhood Plan doesn't include policies from these higher-level planning documents. Instead, it supports them by providing more clarity on several topics that the community thinks are important. These important local topics were captured in a series of consultation events. Page 6 offers some more details about these events.

# 1. Introduction

## 1.2 The Neighbourhood Area



1.2.1

The Parish of Whittlesey was formally designated a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 (Part 2, Section 6) on 29th April 2015.

# 1. Introduction

## 1.3 Understanding the Area

1.3.1

The Parish of Whittlesey is located in the East of England and sits inside the boundary of Fenland District Council.

1.3.2

The nearest city is Peterborough, which sits just to the west of Whittlesey Parish. The towns of Wisbech, March and Chatteris also sit inside the Fenland District Council Boundary.

1.3.3

The Neighbourhood Area contains the town of Whittlesey, the villages of Coates, Eastrea, Pondersbridge, Turves and settlements at Kings Dyke and Kings Delph.

1.3.4

Whittlesey Parish sits within a distinctive, historic wetland landscape which contributes to its beauty and biodiversity but also causes flooding issues.

1.3.5

It has a unique cultural heritage, with Bronze Age history, historic conservation areas, listed buildings, the unique mud walls and the popular tradition of the Straw Bear festival.

1.3.6

Whittlesey town is the largest settlement with a range of shops and services. Road and public transport connectivity is reasonable for a rural area but could be improved.

1.3.7

More information about the area can be found in the Baseline Report.



Straw Bear  
Photo © Kev747 via Wikimedia

# 1. Introduction

## 1.4 Understanding the Community

1.4.1

The Draft Neighbourhood Plan has been produced in collaboration with the local community of Whittlesey Parish.

1.4.2

The process started with a scoping questionnaire mailed out to every household in the Parish in March 2017 to understand the key issues. This received 2,582 responses including 678 responses to a special children's questionnaire and 746 responses from young people at Sir Harry Smith College. The responses helped to guide and shape the topics that this Neighbourhood Plan covers.

1.4.3

The next step was to hold a Vision and Objectives workshop in October 2017 where residents thought about what the Neighbourhood Plan should seek to achieve and develop a vision for the future of the Parish. The findings of the workshop were used to develop the Vision and Objectives on pages 9 and 10.

1.4.4

Finally we held a Policy Development workshop in February 2018, where residents worked in groups to develop policy ideas on a range of topics including housing, design, landscape, employment, conservation and leisure. The work from this session has been used in addition to the questionnaire and previous workshop to develop the policies within the Neighbourhood Plan.





# 1. Introduction

## 1.5 Understanding the Policy

1.5.1

An important thing to understand about a Neighbourhood Plan is that it can only deal with issues relating to the development and use of land. The document will only be used in two main ways. By developers preparing applications for a particular site or piece of land. They will look at the Neighbourhood Plan to see which policies their proposed development must comply with. By decision makers to assess applications for a particular piece of land against the policies in the Neighbourhood Plan. It will help them to decide whether to approve or refuse permission for the development.

1.5.2

A Neighbourhood Plan or Order must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the government's planning policies for England and how these are expected to be applied.

1.5.3

Paragraph 13 of the National Planning Policy Framework states that neighbourhood plans should support the delivery of strategic policies in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically, paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.

1.5.4


Paragraph 8(2) of Schedule 4 to the Town and Country Planning Act 1990 (as amended) and paragraph 065 of the Planning Practice Guidance (PPG) set out basic conditions that all Neighbourhood Plans have to meet in order to proceed to referendum and be 'made'.

1.5.5

Basic condition e) requires the Neighbourhood Plan to be in general conformity with the strategic policies in the development plan for the local area. The following policies of the adopted Fenland Local Plan (in particular) have informed the Neighbourhood Plan's approach:



# 1. Introduction

- 
- LP1 - A Presumption in Favour of Sustainable Development
  - LP2 - Facilitating Health and Wellbeing of Fenland Residents
  - LP3 - Spatial Strategy, the Settlement Hierarchy and the Countryside
  - LP4 - Housing
  - LP5 - Meeting Housing Need
  - LP6 - Employment, Tourism, Community Facilities and Retail
  - LP7 - Urban Extensions
  - LP11 - Whittlesey
  - LP12 - Rural Areas Development Policy
  - LP13 - Supporting and Mitigating the Impact of a Growing District
  - LP14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland
  - LP15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland
  - LP16 - Delivering and Protecting High Quality Environments Across the District
  - LP17 - Community Safety
  - LP18 - The Historic Environment
  - LP19 - The Natural Environment

## 2. Vision and Objectives

### 2.1. The Vision

#### 2.1.1

The Vision for Whittlesey Parish was developed based on the responses from the Vision and Objectives Public Workshop held on the 13th October 2017. It imagines what a future visit to the Parish might be like:

*“It’s the year 2037 and a visitor has arrived in Whittlesey Parish. It’s their first visit to the area - they were attracted by the fascinating heritage and are particularly keen to see the mud walls and explore the Bronze Age settlement at Must Farm.*

*Our visitor strolls down Market Street admiring the thriving town centre. There are many different shops and businesses and they don’t seem to be short of customers! On rounding the corner they encounter a bustling market. The stalls are bursting with unique local produce and the visitor gets chatting to a friendly stallholder while sampling a local ale.*

*The stallholder has lived in the area all his life, as have several generations of his family. He’s seen the area change over the years; new people have moved into the community, attracted by well - designed new housing in sustainable locations, great public transport access and excellent local services. New residents feel welcome and part of a strong community, and the population is now a sustainable mix of both younger and older people. The population growth has helped to support local businesses, which is why the town centre and market are doing so well.”*

## 2. Vision and Objectives

### 2.2. The Objectives

The following Objectives have emerged from the consultation process:

- 2.2.1** Provide new high-quality homes in appropriate sustainable locations that meet the need of the Neighbourhood Area without compromising the distinctive and attractive setting of the Town and Villages, or their natural environment, securing high-quality development in all new schemes.
- 2.2.2** The Neighbourhood Area maintains its vibrant community through proportionate growth, which delivers a range of housing, retains or enhances employment opportunities whilst protecting the rural setting of the settlements within. Local people will have opportunities to live and work in the area they have grown up in and remain essential and thriving within the community.
- 2.2.3** Promote new high quality economic and employment opportunities in appropriate locations and encourage the retention of existing employers in the Neighbourhood Area.
- 2.2.4** Secure the appropriate regeneration of the town centre, tackling long-standing issues around traffic, parking, and retail offer, to give an improved shopping experience.
- 2.2.5** Seek ongoing improvements to transport, specifically east-west connectivity and access to industrial areas, and to remove the designated HGV route from residential areas. To encourage a southern relief road or bypass, which local people have said that they support.
- 2.2.6** Seek ongoing improvement to flood defences, utility infrastructure, and digital connectivity, especially mobile phone reception and broadband.
- 2.2.7** Seek improvements to public transport (mainly the frequency and span of operation) walking and cycling.
- 2.2.8** Promote the health and well-being of residents and visitors, creating a place which supports a high quality of life.

## Section 3: Policies

### 3.1 Policy 1: Spatial Strategy - Justification

3.1.1

Whittlesey Parish (the Neighbourhood Area) includes the vibrant Market Town of Whittlesey, the villages of Coates, Eastrea, Pondersbridge, Turves and settlements at Kings Dyke and Kings Delph. The town of Whittlesey is a strategic location for growth in the Fenland Local Plan. In recent years, Whittlesey has made a positive contribution to meeting the areas' housing requirement. The supply of new dwellings, either built, allocated or with planning permission, has significantly surpassed the housing requirement set out in the Fenland Local Plan.

3.1.2

The Fenland Local Plan is currently under review and a draft plan was published for consultation from August to October 2022. However, this is only an emerging plan which may attract increasing weight in decision making the further advanced it becomes in the plan making process. For this Neighbourhood Plan, all references to the Local Plan are to the adopted version only (May 2014).

3.1.3

Whittlesey parish is located within The Fens, a distinctive historic, low-lying and flat, wetland landscape. The majority of land within the parish is at risk from fluvial and tidal flooding, as illustrated on the government's Flood Map for Planning, and is unsuitable for many forms of development.

3.1.4

As shown on the Flood Map (Maps 1A and 1B at Appendix A), the town of Whittlesey and villages of Coates and Eastrea are located in Flood Zone 1, but with areas of Flood Zone 3 running close to the edge of the built area. The villages of Pondersbridge and Turves, and most of the open countryside in the Parish, are located in Flood Zone 3 and therefore have little opportunity for development.

3.1.5

An extensive area in the north of the parish, and adjacent to the built area of Whittlesey, forms part of the Whittlesey Washes Flood Storage Reservoir which protects Peterborough, Whittlesey and other settlements and Fenland areas from flooding.

3.1.6

The edges of settlements are particularly visually sensitive due to the open character of the landscape. In addition, the Neighbourhood Area experiences infrastructure constraints particularly in terms of transport and access, at least in part due to the historic street patterns within Whittlesey and the presence of rail line and level crossings.

## Section 3: Policies

3.1.7

Opportunities for new development within the Neighbourhood Area are therefore constrained. However, the Fenland Local Plan identifies a strategic allocation to the East of Whittlesey, located north and south of Eastrea Road which is shown on the Key Diagram for Whittlesey (replicated on page 14). This Neighbourhood Plan supports the provision of new development to the East of Whittlesey. Such development will be accompanied by infrastructure and facilities, and will be expected to support the delivery of a new country park (see Policy 6 – Country Park).

3.1.8

The different settlements within the Parish have their own unique character and identity. New development should not result in the coalescence (i.e. merging) of these settlements.

3.1.9

This policy sets out a spatial strategy for the location of new development within the Neighbourhood Area. The purpose of the policy is to provide certainty about future growth and ensure new development is sustainable.

### Policy 1: Spatial Strategy

**a.** The Market Town of Whittlesey is the main centre for growth in the Neighbourhood Area.

**b.** Significant new housing development should be located predominantly east of the town, adjacent to the built area and strategic allocation North and South of Eastrea Road. Development at this location will support the delivery of new and enhanced infrastructure, including a new Country Park.

**c.** Other complementary uses in this area, such as employment, leisure and retail, will be supported where it will not harm the vitality and viability of the town centre or existing employment areas.

**d.** Retail development will principally be located in Whittlesey's town centre. Employment development should be located at existing employment areas. The Town Centre and Employment Areas are indicated on Map 2A, 2B and 2C in Appendix A.

**e.** The villages of Coates and Eastrea are markedly smaller in scale and offer fewer facilities than Whittlesey, but are likely to provide some limited opportunities for new development. Policy LP3 of the Fenland Local Plan provides further detail on the settlement hierarchy and appropriate levels of development within it.

## Section 3: Policies

### Policy 1: Spatial Strategy (Continued)

**f.** Development proposals adjoining the built area of Whittlesey, Coates and Eastrea should demonstrate that the development will:

- i.** Reduce the causes and impacts of flooding, minimise flood risk and be resilient to flooding, in accordance with national and strategic policies for flooding;
- ii.** Be designed to minimise visual impacts upon the landscape; and
- iii.** Be supported by necessary infrastructure and facilities.

**g.** In addition to their relatively small scale and isolation from services and facilities, opportunities for housing development at Pondersbridge and Turves are likely to be limited due to flood risk. In addition, many areas to the North and South of Whittlesey, Eastrea and Coates are also constrained by flood risk.

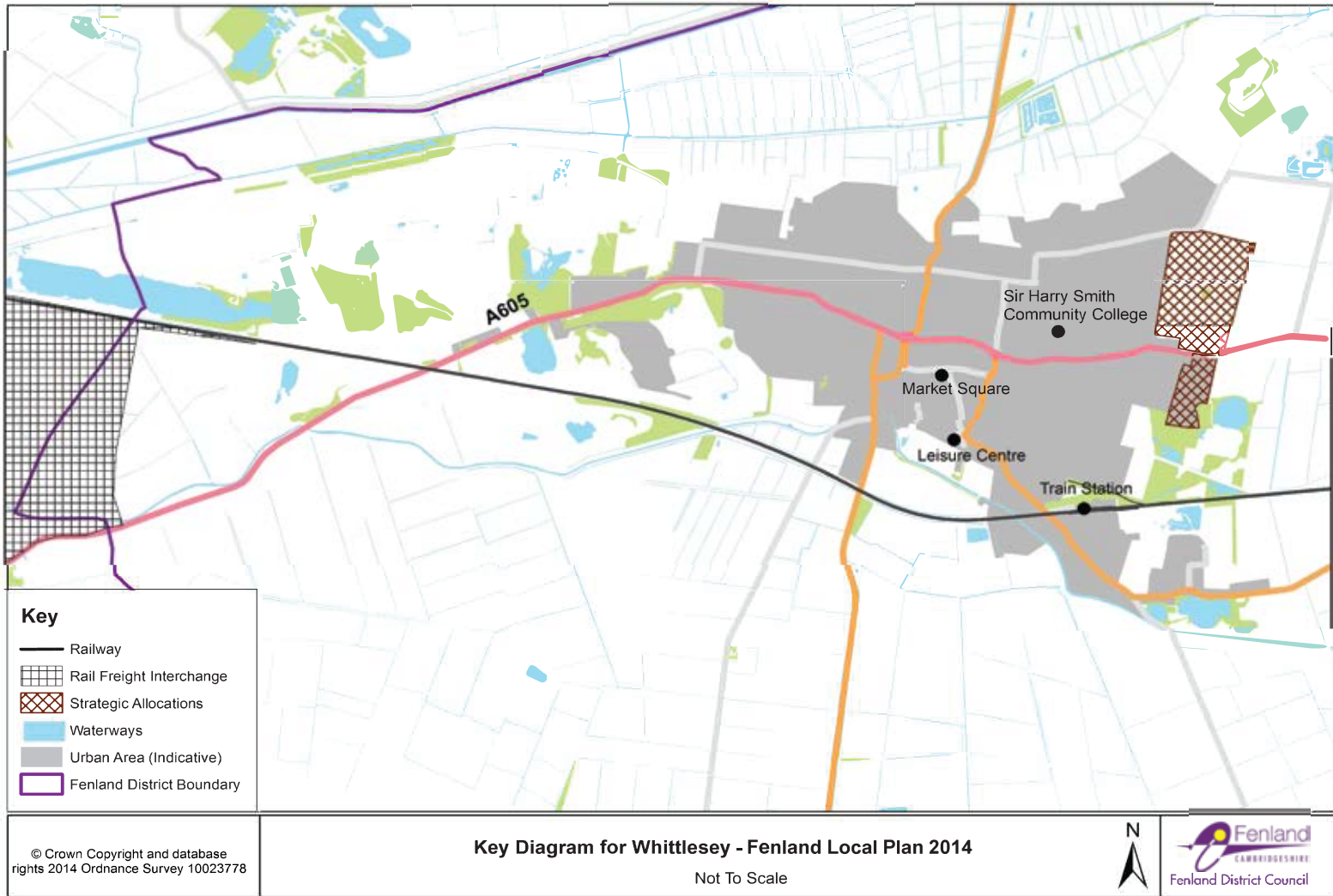
**h.** Development in the open countryside, and physically separate from the built area of Whittlesey, Coates and Eastrea will be limited to uses which justifiably require a countryside location, such as agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace.

### 3.2 Policy 2: Local Housing Need - Justification

3.2.1

The Whittlesey Neighbourhood Plan is accompanied by a Housing Needs Assessment (July 2017) (HNA). The HNA identifies several key issues affecting housing in Whittlesey, including:

- Increasing house prices resulting in homes being unaffordable for households;
- The declining stock of affordable housing;
- Increasing demand for single-person dwellings, reflecting the number of older residents and an ageing population;
- Demand for smaller house types; and
- Providing housing suitable for families.





## Section 3: Policies

3.2.2

Whittlesey is a popular place for family life and retirement, and many of the issues identified by the HNA relate to the needs of families and older residents. Whittlesey Town Council believes that sustainable development will only be achieved if all community sectors are catered for – families should have access to suitable housing. Homes should enable older people to live independently for as long as possible.

3.2.3

To meet the needs of a diverse community, this Neighbourhood Plan supports providing a range of house types, tenures and models for delivery, including starter homes, family homes, executive homes, self-build homes and affordable tenures.

3.2.4

In particular, increasing the provision of affordable housing is a crucial aim of this Neighbourhood Plan. New development should provide opportunities for young people to access the housing market.

3.2.5

Where developers are required to provide affordable housing by the Fenland Local Plan, the Town Council's preferred approach is to deliver on-site, with off-site provision permitted only in exceptional circumstances.

### Policy 2: Local Housing Need

**a.** Development proposals will be supported where they contribute towards meeting the housing needs of the local community. Applicants should have regard to the Whittlesey Town Council Housing Needs Assessment (2017) (HNA) when preparing development proposals.

**b.** Delivering affordable housing

This Neighbourhood Plan places great importance on the delivery of Affordable Housing.

## Section 3: Policies

### Policy 2: Local Housing Need (Continued)

Developers are required to provide affordable housing by the Fenland Local Plan. The Town Council's preferred approach is to deliver on-site, with off-site provision permitted only in exceptional circumstances.

#### c. Meeting the demand for homes

Development proposals should provide a mix of house types, which reflects the findings of the HNA. In particular, the HNA identifies a need for smaller homes, particularly for older residents, and housing that is suitable and affordable for families.

#### d. Accessing home ownership

House prices in Whittlesey are increasing, and homeownership may be inaccessible to many families and households. Development proposals that increase homeownership opportunities will be supported.

#### e. Meeting changing needs

New homes should be accessible and adaptable to meet people's needs, which may change over time.

New dwellings should make reasonable provision for most people to access them and incorporate features that make them suitable for a wide range of occupants, including older people, those with reduced mobility, and some wheelchair users.

Proposals should strive to achieve Building Regulations Part M4(2), unless there are exceptional design reasons why this is not possible.

Development proposals that include dwellings designed explicitly for a wheelchair user to live in will be supported. Such homes should conform to Building Regulations Part M4(3).

## Section 3: Policies

### Policy 2: Local Housing Need (Continued)

#### f. Meeting Wider Needs

Development proposals which make provision for self-build and custom build housing will be supported. Schemes which provide 'executive homes', as part of a wider housing mix will also be supported.

#### g. Residential care and supported housing

Housing proposals which are designed to meet the needs of those who require care, such as residential care homes and supported housing schemes, will be supported where located in a sustainable location with good access to local services and facilities.

### 3.3 Policy 3: Primary Shopping Frontages - Justification

3.3.1

Whittlesey Town Centre has traditionally been the focus for shopping and community, cultural and entertainment activities within the Neighbourhood Area. Whilst the role of town centres is changing, Whittlesey Town Council wishes to ensure the future vitality and viability of the town centre, recognising the importance of providing residents with shops and associated facilities as an essential contribution towards sustainable development objectives.

3.3.2

We have considered responses from our initial survey (April 2017) that provided valuable feedback regarding what residents wanted to (and did not wish to) experience. With the right blend of traditional and niche businesses, Whittlesey Town centre can retain trade within the town and attract visitors. This will benefit the local economy, reduce travel to other locations, and reduce emissions whilst enhancing the community.

3.3.3

Map 3 at Appendix A illustrates the places within Whittlesey Town centre that residents and visitors consider to be the Primary Shopping Frontages. Although there is some convergence of retail and other commercial activities in these locations, the Primary Shopping Frontages indicate the main areas for shopping in the town centre.

## Section 3: Policies

### 3.3.4

Defining a Primary Shopping Frontage provides a focus on a described area to help businesses (new and current) plan their location and logistics associated with their trade, and can help support future investment such as the provision of modern and integrated parking and other transport solutions.

### 3.3.5

The NPPF defines retail uses as a 'main town centre use' and requires plans to provide a positive strategy for the future of town centres and primary shopping areas <sup>1</sup>. Planning law enables retail uses <sup>2</sup> the ability to change to a range of other commercial, business and service uses without the need for planning permission. Policy 3 aims to provide a positive strategy which supports flexibility, whilst supporting the Primary Shopping Frontages as a vibrant and attractive location for retail uses.

<sup>1</sup> Para. 86

<sup>2</sup> As described by Class E of the Use Classes Order 1987 (as amended)

### Policy 3: Primary Retail Frontages

Proposals for new retail development will be required to give priority, first to the primary shopping frontages shown on Map 3, and then to town centre locations generally, in accordance with the detailed requirements of Local Plan Policy LP6. Where planning permission is required, changes of use of retail floorspace to non-retail uses within the primary shopping frontages will only be supported where the proposal, including any extant planning permissions, would retain the predominant retail element within the frontage; where there is no impact on the vitality and viability of the centre as a whole; and where all other relevant policies in the plan are satisfactorily addressed.

## Section 3: Policies

### 3.4 Policy 4: Open Space- Justification

3.4.1

There is a significant under-provision of accessible open space in Whittlesey and its villages. In 2006 Fenland District Council carried out an open-space audit of the District, which revealed that (based on the standards set by the National Playing Fields Association (NPFA)) an overall shortage in provision of 1.82 Hectares in Whittlesey, 0.89 Hectares in Eastrea, but a surplus of 0.13 Hectares in Coates. The study revealed that there was a deficit in outdoor sports provision of 1.42 Hectares in Whittlesey, 1.38 Hectares in Eastrea, and 1.96 Hectares in Coates. The study also revealed that children's play provision has a deficit of 0.40 Hectares in Whittlesey. It showed a surplus of 0.50 Hectares in Eastrea and a surplus of 2.10 Hectares in Coates. It also predicted that the situation would worsen by 2021, with the deficit in outdoor sports provision increasing to 2.76 Hectares in Whittlesey and the deficiency in children's play provision increasing to 0.95 Hectares. (No prediction was made for Eastrea or Coates). These figures were predicated on an anticipated population increase in Whittlesey of 800 in the period 2006-2021. However, as the Fenland Local Plan identifies a housing land requirement in Whittlesey of 1000 dwellings in the period 2011-2031, these projections are conservative at best.

3.4.2

The community recognise the extent of the problem. They have highlighted this as one of its main concerns in early engagement work, with current open space provision regarded as one of its most precious assets. It is therefore vital that both formal and informal open space is safeguarded from development pressure, and in particular, land in use or which has is for outdoor sports.

#### Policy 4: Open Space

**a.** Proposals for development that would result in the loss of formal and informal public open space will not be permitted unless replacement provision is secured of equivalent or greater quality and quantity in a sustainable location, and is brought into use prior to the loss of existing provision.

**b.** All proposals for new dwellings will be required to provide open space in accordance with the criteria set out in Appendix B to the Fenland Local Plan.

## Section 3: Policies

### Policy 4: Open Space (Continued)

c. Where appropriate and safe, public access should be encouraged onto existing and new wildlife habitats, which should be integrated with public open space provision.

### 3.5 Policy 5: Local Green Spaces- Justification

3.4.2

Local Green Space is a national designation that aims to protect green areas or spaces which are demonstrably unique to a local community and hold a particular local significance. Designation of Local Green Space can happen where the green space is:

- In reasonably close proximity to the community it serves; and
- Demonstrably unique to a local community and holds a particular local significance, for example, because of its beauty, historic significance, recreational value (including playing fields), tranquility or richness of its wildlife; and
- Local in character and is not an extensive tract of land.

3.4.3

Local communities have the opportunity through Neighbourhood Plans to identify Local Green Spaces for designation. This gives the green space protection equivalent to Green Belt status.

3.4.4

Whittlesey Town Council has assessed Local Green Spaces, as set out in the Local Green Spaces Assessment, which accompanies this Neighbourhood Plan.

## Section 3: Policies

### Policy 5: Local Green Spaces

a. This Neighbourhood Plan designates the following Local Green Spaces, as illustrated on Map 4A to 4D at Appendix A:

**Bass 1:** Teal Road  
**Bass 2:** Pinewood Avenue  
**Bass 3:** Feldale Field  
**Bass 4:** Viking Way  
**Bass 7:** Crescent Close  
**Bass 8:** Eastrea Road/ Guildenburgh Crescent  
**Bass 10:** Larkfleet (Sorrel Avenue)  
**Bass 11:** Hemmerley Drive  
**Bass 12:** Otago Road/Close  
**Bass 13:** Roman Close  
**Bass 14:** Whittlesey Town Bowls Club  
**Coates 1:** North Green  
**Coates 2:** South Green  
**Coates 4:** Barnfield Gardens  
**Coates 5:** Grounds Way/Nobles Close  
**Coates 6:** Nobles Close North  
**Eastrea 1:** Springfields  
**Eastrea 2:** Thornham Way  
**Latt 1:** Burdett Grove  
**Latt 2:** Sycamore Road  
**Latt 3:** New Road Lattersey Nature Reserve Area  
**Latt 4:** Station Road  
**Latt 5:** New Road Allotments  
**Latt 7:** The Grove  
**StA 1:** Churchfield Way/Priors Road  
**StA 3:** Church Street  
**StM 1:** Manor Playing Fields  
**StM 2:** Briggate River/The Bower (Towing Path)  
**StM 3:** St Mary's Churchyard  
**StM 4:** The Pound, Aliwal Road  
**Stm 5:** Garden of Rest Station Road  
**Ston 1:** Snowley Park  
**Ston 2:** Water Tower  
**Ston 4:** Field of Dreams  
**Ston 5:** Yarwells Headlands  
**Ston 6:** Kings Dyke Nature Reserve  
**Turves 1:** Red Barn South

## Section 3: Policies

### Policy 5: Local Green Spaces (Continued)

These Local Green Spaces will be protected from development, and will be treated as equivalent in status to 'Green Belt' land. Development on a Local Green Space will be regarded as inappropriate and will not be permitted except in very special circumstances, as set out by national policy.

### 3.6 Policy 6: Country Park - Justification

3.6.1

A Country Park would contribute to the quality of the place and complement the urban environment and the broader public realm. Quality of place is a critical factor in attracting investment, jobs, and growth to an area. It is also vital in making the area an attractive place to live, work, and spend time. A Country Park could bring real economic value to the surrounding area and create community well-being.

3.6.2

The preferred location is a site for a 54.0 acre (22.0 hectare) Country Park previously approved. (*F/YR14/0991/F, Land South And West Of 300 Eastrea Road Whittlesey Cambridgeshire*). The preferred broad location for the site is to the south of the A605 between Whittlesey and Eastrea and north of the mainline railway and shown on Map 9. Whilst the planning permission is not now to be taken forward in full the aspiration for a country park in this location is very much alive and Whittlesey Town Council will seek to work with key partners, including Fenland District Council, to see how the Country Park might be delivered.

3.6.3

Whittlesey Town Council will also support any other suitable site for a country park that might come forward for consideration if it is well located with Whittlesey and is accessible by a range of transport modes. Until an alternative site is located and delivered, Whittlesey Town Council will seek to ensure that the approved site is not developed for any alternative purpose, other than in exceptional circumstances.



## Section 3: Policies

### Policy 6: Country Park

Proposals for a Country Park on a suitable site and location in relation to Whittlesey will be supported, provided it is accessible to the majority of residents by sustainable methods of transport. The Country Park should:

- Enhance the public realm, where informal social interaction can take place;
- Provide pitches and facilities for sports and supporting physical activities;
- Form part of a network of paths and spaces, enabling movement through an area;
- Provide habitats for wildlife, including water-based habitats and natural corridors and spaces which create opportunities for connectivity between habitats;
- Provide flexible space for recreation, local cultural events and performance;
- Provide children's play areas and play equipment for a range of age groups;
- Add to local amenity, providing an attractive setting and outlook for surrounding residential and commercial properties;
- Form part of the character or setting of buildings and townscape; and
- Provide suitable access, car parking arrangements and foot and cycle links to the surrounding public rights of way, the national cycle route network and nearby residential developments.

### 3.7 Policy 7: Design Quality - Justification

3.7.1

Good design is about the way a development functions, its appearance and its relationship to its surroundings. National planning policy places great importance on delivering well-designed buildings and places. Well-designed, safe and attractive new development can help raise the quality of the built environment and the quality of life of those who live and work there.



## Section 3: Policies

3.7.2

The national policy notes the critical role Neighbourhood plans can play in identifying the unique qualities of each area and explaining how this should be reflected in development. Policy 7 - Design Quality builds on national policy, providing a specific and relevant policy to the Whittlesey Neighbourhood Area.

3.7.3

The Whittlesey Neighbourhood Area is characterised by its open, low-lying, flat, Fenland, principally used for agriculture. The landscape is typical of The Fens, which due to its topography, provides extensive views of the horizon and huge skies. The Neighbourhood Area interspersed by the market town of Whittlesey and the villages of Eastrea, Coates, Turves and Pondersbridge.

3.7.4

Settlements in the Neighbourhood Area include development from many different periods and have been constructed in a variety of different styles. Some using building materials - from 17th century stone and thatched cottages to fine 18th-century brick buildings and 19th-century civic buildings, along with substantial modern development.

3.7.5

Whittlesey's town centre is historical and is designated as a Conservation Area. The town centre includes many historic buildings and landmarks, such as the Buttercross, and provides shops, services and housing. Shop frontages and signage is an essential feature of the character of the town centre. In addition, a Conservation Area is designated in Coates around the attractive North and South Green area.

3.7.6

The purpose of Policy 7 is to set out clear design expectations for new development, providing applicants with clarity and certainty about what is likely to be acceptable. Applicants are encouraged to engage with the District and Town Council at an early stage of the planning application process.

3.7.7

Poorly designed proposals that fail to take the opportunities available for improving the character and quality of an area and its functions should be refused. The design of a development accords with clear expectations in the following policy will be supported.

3.7.8

Development within the gardens of existing houses can lead to inappropriate development concerning adverse impacts on neighbouring properties and poor means of access. Unless an adequate land area is available or can be assembled and demonstrated to be accessible and sustainable without causing detrimental harm to the amenity of neighbouring dwellings or the area's character, development will be resisted.

3.7.9

In determining applications, consideration should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with their surroundings' overall form and layout.

## Section 3: Policies

### Policy 7: Design Quality

The design of new development will respect the character, identity and setting of Whittlesey and its villages. Specifically, where relevant, and in proportion to its scale, nature and specific context, new development will be expected to:

- a)** Function well and add to the overall quality of the area through proposals which:
- Enable suitable and safe access for vehicles, pedestrians, and cyclists with sufficient parking and turning space in appropriate circumstances;
  - Provide a high standard of amenity for users of new buildings and maintain the existing amenity of neighbours including by avoiding a loss of privacy and daylight, visual intrusion by a building or structure, removal of mature vegetation or landscaping, a loss of car parking and additional traffic movements resulting from the development;
  - Maximise energy efficiency and support the provision of renewable energy technologies;
  - Provide green areas and other public spaces, and support the provision of local facilities and infrastructure; and
  - Include measures for the long-term management and maintenance of assets and services.
- b)** Be visually attractive, through proposals which:
- Create visual richness through building types, height, layout, scale, form, density, massing, materials and landscape design;
  - Provide active ground floor frontages, mainly where located in Whittlesey town centre; and
  - Provide attractive, legible, uncluttered streets.
- c)** Be sympathetic to local character and history, through proposals which:
- Are based on an understanding and respect for Whittlesey and its villages' built, natural and social heritage;
  - Complement the layout, form and vernacular materials in the local area;
  - Consider the objectives of the Conservation Area Appraisals and Management Plans for Whittlesey and Coates where relevant;
  - Are of an appropriate scale to the existing settlement; and

## Section 3: Policies

### Policy 7: Design Quality (Continued)

- Respect the character of, and minimise the visual impact on, the surrounding landscape, conserving and enhancing landscape features such as field patterns, trees and hedgerows, watercourses and valued built features.

**d)** establish or maintain a strong sense of place through proposals which:

- Create welcoming and distinctive places to live, work and visit that enhance the identity of Whittlesey and its villages;
- Are comprehensively planned or “master-planned”;
- Are located within the town/village or immediately abut the existing built-up area;
- Where located at the edge of settlements, form attractive ‘gateways’ along transport routes;
- Protect valuable and more extended distance views and vistas of landmarks, landscapes and townscapes;
- Include public and private spaces that are safe, attractive, easily distinguished, accessible, complement the built form, and foster civic pride.

**e)** Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development through proposals which:

- Make effective and efficient use of land and buildings; and
- Ensure a sustainable, balanced mix of uses that work together.

**f)** create places that are safe, inclusive and accessible, through proposals which:

- Contribute to the achievement of a sustainable and mixed community;
- Promote healthy lifestyles;
- Are accessible to all users;
- Encourage social interaction between users of the site;
- Reduce fear of crime; and
- Adapt to and mitigate the effects of climate change.

## Section 3: Policies

### 3.8 Policy 8: Historic Environment - Justification

3.8.1

The Neighbourhood Area has an extensive history of human settlement. The area includes the site of the recently discovered, 3,000-year-old, Must Farm Bronze Age settlement. Dubbed “Britain’s Pompeii”, Must Farm has transformed our understanding of Bronze Age Britain.

3.8.2

Whittlesey is a rural market town with a Conservation Area (Map 5, Appendix A) covering its historic core. This includes the town’s centre and surrounding residential development, based on an irregular grid pattern of growth.

3.8.3

The conservation area is split into two sections. The northern part of the conservation area is separate from the main body of the conservation area. The historic focal point of the town is Market Place which comprises a group of listed buildings surrounding a public open space focused upon an open 17th-century market building.

3.8.4

The conservation area has two fine parish churches, St Mary’s and St Andrews. However, with its splendid spire, St Mary’s is the church that features most prominently within views through the town and in distance views of the town from the surrounding countryside.

3.8.5

Whittlesey’s historic buildings were built over a range of periods and constructed from various building materials, ranging from 17th century stone property and thatched cottages to fine 18th-century brick buildings and 19th-century civic buildings.

3.8.6

There are 61 listed buildings within the conservation area, of which one, the Church of St Mary, has grade I listed status and six with grade II\* listed status. The Whittlesey Butter Cross is designated a Scheduled Ancient Monument. An inventory of the designated heritage assets within the Whittlesey Conservation Area is set out in the Whittlesey Conservation Area Appraisal.

3.8.7

The village of Coates also has a designated Conservation Area (Map 6, Appendix A). The open spaces at North Green and South Green are located at the centre of the Conservation Area, with the boundary extending Northwards and Southwards to include adjacent residential areas.

*Note: There are designated heritage assets located outside Conservation Areas and Conservation Area Appraisals can fall out of date; for completeness, the Historic England website should be consulted as part of any analysis informing an application.*

## Section 3: Policies

### Mud Walls

3.8.8

A unique and memorable local feature of the Neighbourhood Area is its numerous surviving mud walls in Whittlesey and Eastrea. These are the only settlements in Cambridgeshire where mud walls are found. (See Maps 7A and 7B at Appendix A).

3.8.9

An unpopular 'Brick Tax' was introduced in 1784 to help fight the Thirteen Colonies' revolutionary war. Unfired clay lump blocks were used in the construction of walls and buildings to avoid paying the tax.

3.8.10

Whilst some mud walls are located within Whittlesey's Conservation Area or have listed status. Others are not protected. The preservation of these unique features is a key objective of this Neighbourhood Plan.

3.8.11

Whittlesey Town Council, Whittlesey Mud Walls Group - a group of local volunteers who work to preserve and maintain mud walls, and Fenland District Council are exploring the possibility of designating an 'Article 4 Direction'. This designation could remove permitted development rights, meaning a planning application would be required for any works affecting a mud wall.

3.8.12

The Fenland Local Plan and national planning policy place great value on the historic environment. Policy 8 builds on these strategic policies to protect, conserve and enhance the rich and diverse heritage assets in Whittlesey and its villages.

### Policy 8: Historic Environment

All new development will respect and, where possible, enhance local distinctiveness, historic significance, character, and sense of place.

Proposals for development which would affect designated or non-designated historic assets and their settings must ensure that these assets are conserved and enhanced, in accordance with Fenland Local Plan Policy LP18 and national planning policy.

## Section 3: Policies

### Policy 8: Historic Environment (Continued)

The historic Mud Walls of Whittlesey and Eastrea are of great importance and will be preserved. Development proposals on land containing, or adjacent to, Mud Walls must:

- Demonstrate that the proposal will not result in harm to the Mud Wall;
- Describe how the proposal will conserve the Mud Wall, including how the Mud Wall will be maintained throughout the lifetime of the development;
- Explore opportunities to enhance the setting and views of the Mud Wall, and improve public understanding of the Mud Wall's significance;
- Have regard to the information presented in the Mud Walls Survey Report.

All development proposals within or adjacent to the Coates and Whittlesey Conservation Areas, as shown on Maps 5 and 6, must demonstrate how the proposal supports the aims and objectives of the relevant Conservation Area Appraisal and Management Plan.

### 3.9 Policy 9: Coalescence of Villages - Justification

3.9.1

Whittlesey is a rural parish. All undeveloped areas around its villages have importance in retaining this characteristic. Several areas are more sensitive concerning maintaining separation with neighbouring settlements and avoiding coalescence.

3.9.2

At present, there is a sense of separation as you travel between these neighbouring settlements. In many cases, development has occurred in these gaps over recent decades, which has somewhat reduced the sense of separation. It is vital to maintain this separation so that the distinctive identities of each village can be maintained.

## Section 3: Policies

### Policy 9: Coalescence of Villages

It is intended that the Villages of Eastrea and Coates, and the Village of Eastrea with Whittlesey should have a distinct separation. This is to ensure that there is a distinct separation between the villages and Whittlesey Town.

Development proposals should respect the individual and distinct identities of the villages in the parish.

The development will not be permitted if individually, or cumulatively, it would result in the loss of the visual and physical separation of the villages which would harm the setting and identity of these distinct areas or lead to their coalescence. See Map 8 - Green Buffers in the Appendix.

Any development proposals in these gaps should be accompanied by evidence of the visual impact of the proposed scheme concerning the gap, including any impact on nearby heritage assets.

### 3.10 Policy 10: Delivering Sustainable Transport - Justification

3.10.1

Traffic, congestion and the effects of Heavy Commercial Vehicles (HCVs) on amenity are key concerns for Whittlesey's residents and businesses.

3.10.2

The Market Town Transport Strategy for Whittlesey forms part of Cambridgeshire's Local Transport Plan and is an essential source of evidence for this Neighbourhood Plan. The transport strategy attempts to address the existing shortcomings of the transport network within Whittlesey. It sets out a policy basis for the district and county councils to negotiate developer contributions and secure funding.



## Section 3: Policies

### *Heavy Commercial Vehicle movements*

3.10.3

The A605 bisects Whittlesey through the centre. It forms part of Cambridgeshire's Strategic Advisory Freight route and as such, traffic from Heavy Commercial Vehicle's (HCV) is quite heavy through the town. The transport strategy suggests that, on average, 5% of vehicles entering and leaving Whittlesey are HCVs, and in some locations, HCVs make up an even more significant proportion of traffic (e.g. 10% of traffic on Station Road near the station). Whittlesey experiences greater proportions of HCV traffic compared with other market towns in Cambridgeshire.

3.10.4

There is a 7.5 tonne HCV ban which broadly covers the central area of the town to the south of the A605 between High Causeway and Broad Street and London Street and the A605, which helps reduce the effects of HCVs in those areas.

3.10.5

From the A605, large vehicles are signposted locally to the industrial area via the B1093 along Inhams Road, which passes through a residential area. Large vehicles have difficulty turning from Eastgate into Inhams Road and need to pass into the path of oncoming traffic to negotiate the corner, causing conflict with other road users. This route to the Station Road industrial area is viewed locally as one of the biggest barriers to attracting further business to the town.

### *King's Dyke and other level crossings*

3.10.6

There are a number of level crossings within the Whittlesey Neighbourhood Area, including: at King's Dyke on the A605; at Funthams Lane accessing the brickworks to the west of the town; at the B1040 on Ramsey Road; at the B1093 on Station Road; at Wype Road, Eastrea; and three crossings in the village of Turves.

3.10.7

Although the frequency with which trains stop at Whittlesea Station is quite low, the volume of rail traffic (especially freight) along this line is high. In peak periods, the level crossing barrier can be down for between 12 and 23 minutes per hour, resulting in significant delays to traffic. Plans by the rail industry to increase the number of trains travelling along the route are also set to increase traffic delays further. Cambridgeshire County Council is building a scheme to bypass the existing Kings Dyke level crossing, which will help reduce congestion in this area. This was completed in July 2022.

### *Growing Fenland masterplan*

3.10.8

In January 2020, the Cambridgeshire & Peterborough Combined Authority (CA) approved the 'Growing Fenland' market town plan for Whittlesey. This masterplan was developed by a 'town team', consisting of a broad range of representatives from business, local government, schools, and others.

## Section 3: Policies

3.10.9

The masterplan seeks to enable Whittlesey's economy to continue to grow sustainably, encourage more people to visit and enjoy the town's rich heritage and cultural offer, and enable residents to access opportunities to improve their CV and boost their career. The masterplan will be used to bid for funding from the Combined Authority and other funding providers.

3.10.10

To deliver this vision, the Plan for Whittlesey identifies a package of necessary transport improvements. These include improvements to bus and train services, provision of a park and ride scheme, a new bridge over the King's Dyke level crossing, and delivery of a new relief road South of Whittlesey.

3.10.11

Similarly, the Fenland Local Plan aims to create a sustainable transport network in Fenland. Through Policy LP15, the Local Plan seeks to deliver new transport-related infrastructure. It requires all development proposals to contribute to a range of transport objectives, including improving and better managing road infrastructure.

3.10.12

The relief road identified by the Growing Fenland master-plan would ensure HCVs can access industrial sites from the East instead of adding to the congestion of residential routes, mainly along Inhams Road and Station Road. It has been a long-held aspiration to see a bypass (or relief road) to Whittlesey for many local people, providing access to the industrial area to the south of the town.

3.10.13

This Plan aims to deliver the transport improvements identified by the master plan to facilitate Whittlesey's sustainable growth.

3.10.14

Policy 10 is intended to complement the Growing Fenland master plan, Fenland Local Plan and Whittlesey Market Town Transport Strategy, through transport improvements.

### Policy 10: Delivering Sustainable Transport

Where appropriate to their scale and nature, development proposals should contribute towards the delivery of the transport objectives of the Fenland Local Plan, Local Transport Plan (including the Whittlesey Market Town Transport Strategy), and Growing Fenland masterplan for Whittlesey. The precise nature and scale of such contributions will be the subject of negotiations as part of the consideration of planning applications for development.

## Section 3: Policies

### 3.11 Policy 11: Adapting to and Mitigating Climate Change - Justification

#### ***Why this Neighbourhood Plan must address climate change***

3.11.1

Climate change is the biggest threat to the future of our area and dealing with its implications is at the heart of this neighbourhood plan.

3.11.2

The effects of a changing climate are already being felt and are expected to continue in the future, as illustrated in the following key points <sup>4</sup>:

- Globally, atmospheric CO<sub>2</sub> has reached the highest levels in human history.
- Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels and it is predicted that on the current trajectory, warming will likely increase to 1.5°C above pre-industrial levels between 2030 and 2052.
- Extreme weather events have been seen around the world. The UK's winter floods of 2013-14 and the European summer heatwaves of 2018 and 2003, where heat-related deaths ran into tens of thousands, were all made more likely by climate change.
- The UK Met Office predicts that Britain could experience summers as much as 5°C hotter by 2070. Winters could be up to 4.2C warmer.
- Sea levels could rise by up to 1.15 metres by 2100, leaving the UK coastline unrecognisable.
- Average summer rainfall could decrease by up to 47% by 2070, while there could be up to 35% more precipitation in winter.
- The Intergovernmental Panel on Climate Change (IPCC) has warned that a global temperature rise of 2°C will “significantly increase” the risk of “drought, floods, extreme heat and poverty for hundreds of millions of people”.

3.11.3

The Whittlesey Neighbourhood Area is especially vulnerable to climate change. The area is characteristic of its fen landscape, with much of the Neighbourhood Area low lying and vulnerable to flooding. Located in the East of England, the area is an area of “serious water stress” <sup>5</sup> and is therefore at risk of drought. The majority of the land in the Neighbourhood Area is in agricultural use, providing high quality soils for food production which could be threatened by drought, flooding and changing temperatures. The area's fenland peat soils provide important carbon sinks, requiring protection.

<sup>4</sup> *Neighbourhood planning in a climate emergency*, Centre for Sustainable Energy

<sup>5</sup> <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

## Section 3: Policies

3.11.4

The Climate Change Act 2008 commits the UK to achieving net zero carbon emissions by 2050. Planning law requires plans to help meet this target and contribute to the mitigation of, and adaptation to, climate change<sup>6</sup>. The National Planning Policy Framework (NPPF), which sets out government's planning policies for England, says

*“plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures, in line with the objectives and provisions of the Climate Change Act 2008”<sup>7</sup>.*

3.11.5

This Neighbourhood Plan therefore has both a moral and legal responsibility to support a reduction in carbon emissions and address climate change.

### ***How is climate change addressed through this Neighbourhood Plan?***

3.11.6

Mitigating and adapting to climate change is not an isolated topic. Rather, it is a key theme which is reflected in many different policies within this plan. Many of the measures relevant to addressing climate change, also support wider sustainability objectives – for example:

- *Policy 1: Spatial Strategy* directs new development to the town of Whittlesey, a sustainable location offering employment, education, retail, services and public transport, and directs new development away from the open countryside and areas at risk from flooding.
- *Policy 7: Design Quality* sets out design principles for new development, which includes maximising energy efficiency, supporting the provision of renewable energy technologies, and adapting to and mitigating climate change.
- *Policy 10: Flood Risk* requires development proposals to assess flood risk, taking into account the likely effects of climate change, and provide sustainable drainage on-site.
- *Policy 12: Delivering Sustainable Transport* seeks to deliver new and improvements to existing infrastructure to encourage walking, cycling and the use of public transport, and reduce congestion.

<sup>6</sup> Section 19 of the 2004 Planning and Compulsory Purchase Act [www.legislation.gov.uk/ukpga/2004/5/section/19](http://www.legislation.gov.uk/ukpga/2004/5/section/19), as amended by section 182 of the 2008 Planning Act [www.legislation.gov.uk/ukpga/2008/29/section/182](http://www.legislation.gov.uk/ukpga/2008/29/section/182)

<sup>7</sup> Para. 153, NPPF

## Section 3: Policies

3.11.7

*Policy 13: Adapting to and Mitigating Climate Change* includes measures to tackle the root causes of and adapt to living in a changing climate. The measures seek to enhance the environmental sustainability of development proposals and are intended to complement other policies in this plan.

### Policy 11: Adapting to and Mitigating Climate Change

#### **a. Sustainable construction**

All new developments should be built to sustainable construction standards, as set out in Policy 7: Design Quality.

New dwellings should satisfy the sustainability and energy efficiency requirements set out in Building Regulations.

Non-residential buildings should meet the BREEAM technical standard and achieve at least a “very good” rating.

#### **b. Sustainable water management**

To minimise impact on the water environment all new dwellings should achieve the Optional Technical Housing Standard for water efficiency of no more than 110 litres per day as described by the Building Regulations (part G2).

Meeting the standard is not expected to adversely affect development viability. The government’s assessment of the cost of meeting the standard is approximately £9 per dwelling <sup>8</sup>.

<sup>8</sup> Table 26 – Water standards costs summary, ‘DCLG publication *Housing Standards Review – Cost Impacts*’ (EC Harris, September 2014)

## Section 3: Policies

### Policy 11: Adapting to and Mitigating Climate Change (continued)

#### **c. Renewable and low carbon energy and heat technologies**

Proposals which include renewable, low carbon and decentralised energy or heat technologies are encouraged and will generally be supported provided they do not conflict with other policies in the development plan.

#### **d. Transition to Electric Vehicles**

All new development proposals which include car parking provision should provide charging points for electric vehicles.

#### **e. Peat soils and carbon sinks**

Proposals for new development on peat soils must demonstrate how peat soils will be conserved through the scheme and that the development will not result in desiccation or carbon loss.

Where appropriate to their scale and nature proposals should explain how opportunities to create 'carbon sinks' through on-site planting, landscaping schemes, and wetland features have been maximised.

#### **f. Local food production**

Larger scale proposals should seek opportunities for on-site food production, such as community orchards and allotments, as part of the scheme's on-site recreation provision.

#### **g. Biodiversity**

All development proposals should contribute to and enhance the natural and local environment. Proposals should seek to avoid impacts on biodiversity, or minimise impacts where avoidance isn't possible.

Where practicable development proposals should provide measurable net gains for biodiversity.



## **Section 4: Supporting Information**

The following documents have informed the production of the Whittlesey Neighbourhood Plan:

### **4.1 National Planning Policy Framework - July 2021**

Sets out the government's planning policies for England.

### **4.2 Fenland Local Plan - 2014**

Contains the policies and broad locations for growth and regeneration of Fenland over a 20 year period.

### **4.3 Fenland Open Spaces Audit - 2006**

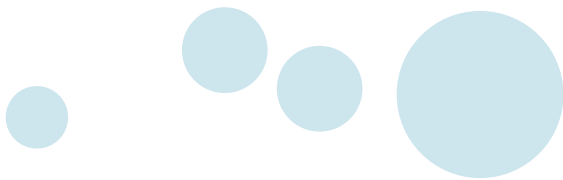
An analysis of the amount and quality of open space in Fenland.

### **4.4 Whittlesey Housing Needs Assessment - 2017**

An assessment of the housing need within Whittlesey Parish prepared by Aecom.

### **4.5 Whittlesey Baseline Report**

An analysis of the Parish of Whittlesey looking at the population and the place.



### **4.6 Whittlesey Consultation Reports**

Summary reports detailing the findings of each stage of the consultation process.



### **4.7 Whittlesey Local Green Space Assessment**

An analysis of the location, type and quality of green space within the Parish.

### **4.8 Whittlesey and Coates Conservation Area Appraisals**

A description of the history and features of the conservation areas contained within the Neighbourhood Plan boundary.

### **4.9 Survey of Mud Walls in Whittlesey and Eastrea**

An analysis of the location and character of the mud walls within the Neighbourhood Plan boundary.

### **4.10 Cambridge Flood and Water SPD - 2016**

A document giving guidance on how to manage flood risk and the water environment as part of new development proposals.

### **4.11 Anglian River Basin Management Plan - 2018**

A document setting out the environmental objectives for protecting and improving the water environment.





# Appendix A: Policy Maps

**Maps 1A and 1B** - Flood Risk and Flood Zones



**Map 2A, 2B and 2C** - Town Centre and Employment Areas

**Map 3** - Primary Retail Frontages

**Map 4A, 4B, 4C and 4D** - Local Green Spaces

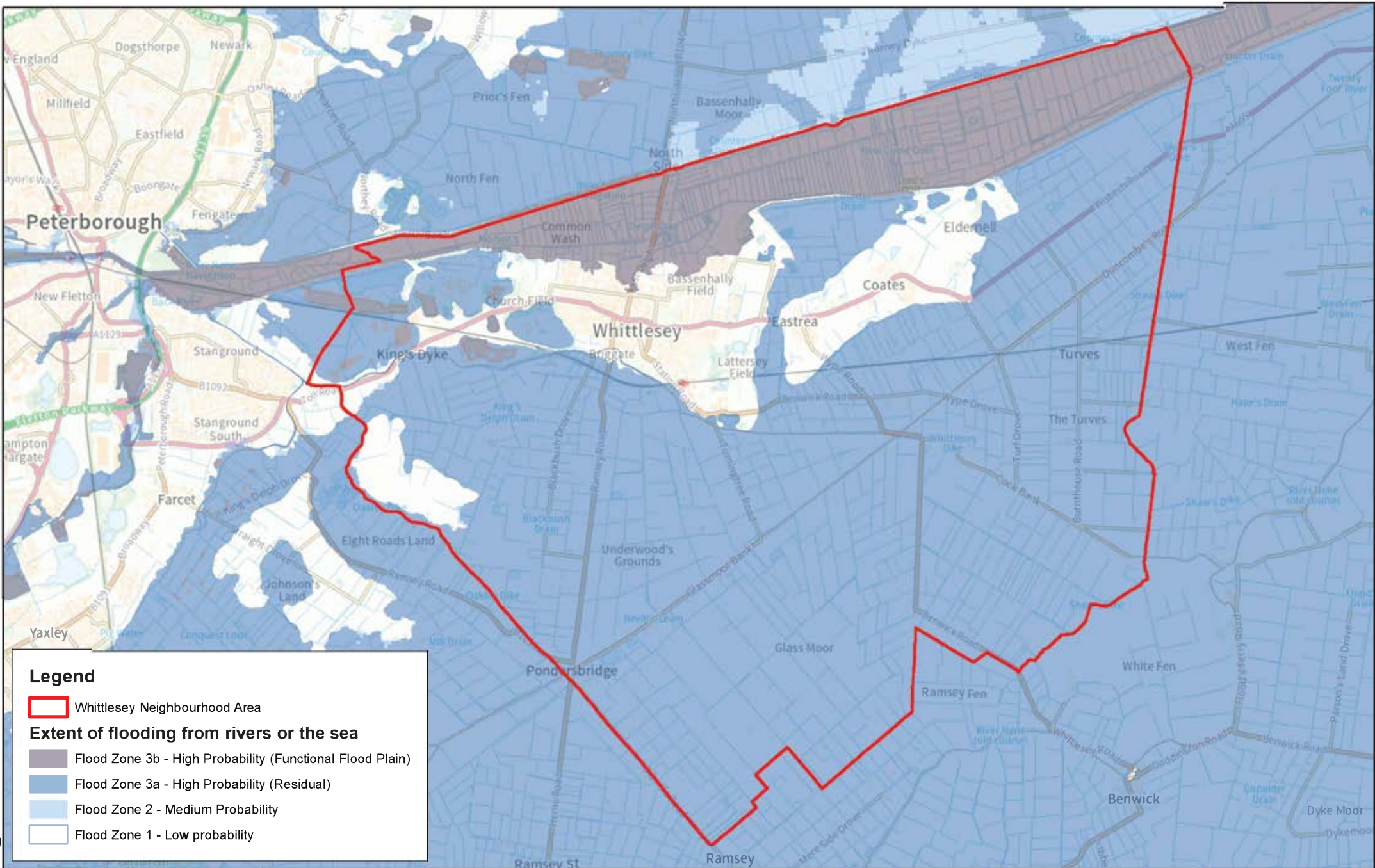
**Map 5** - Whittlesey Conservation Area

**Map 6** - Coates Conservation Area

**Map 7A and 7B** - Mud Walls

**Map 8** - Green Buffers

**Map 9** - Country Park



**Legend**

- Whittlesey Neighbourhood Area
- Extent of flooding from rivers or the sea**
- Flood Zone 3b - High Probability (Functional Flood Plain)
- Flood Zone 3a - High Probability (Residual)
- Flood Zone 2 - Medium Probability
- Flood Zone 1 - Low probability

Created on: 12/01/2023

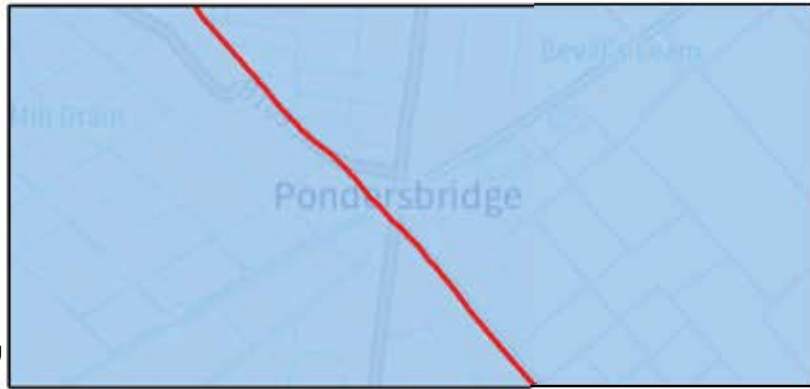
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

**Map 1A : Flood Risk (gov.uk Long Term Flood Risk Map)**



Scale = 1:70,000





**Legend**

- Whittlesey Neighbourhood Area
- Zone 3a and 3b
- Zone 2

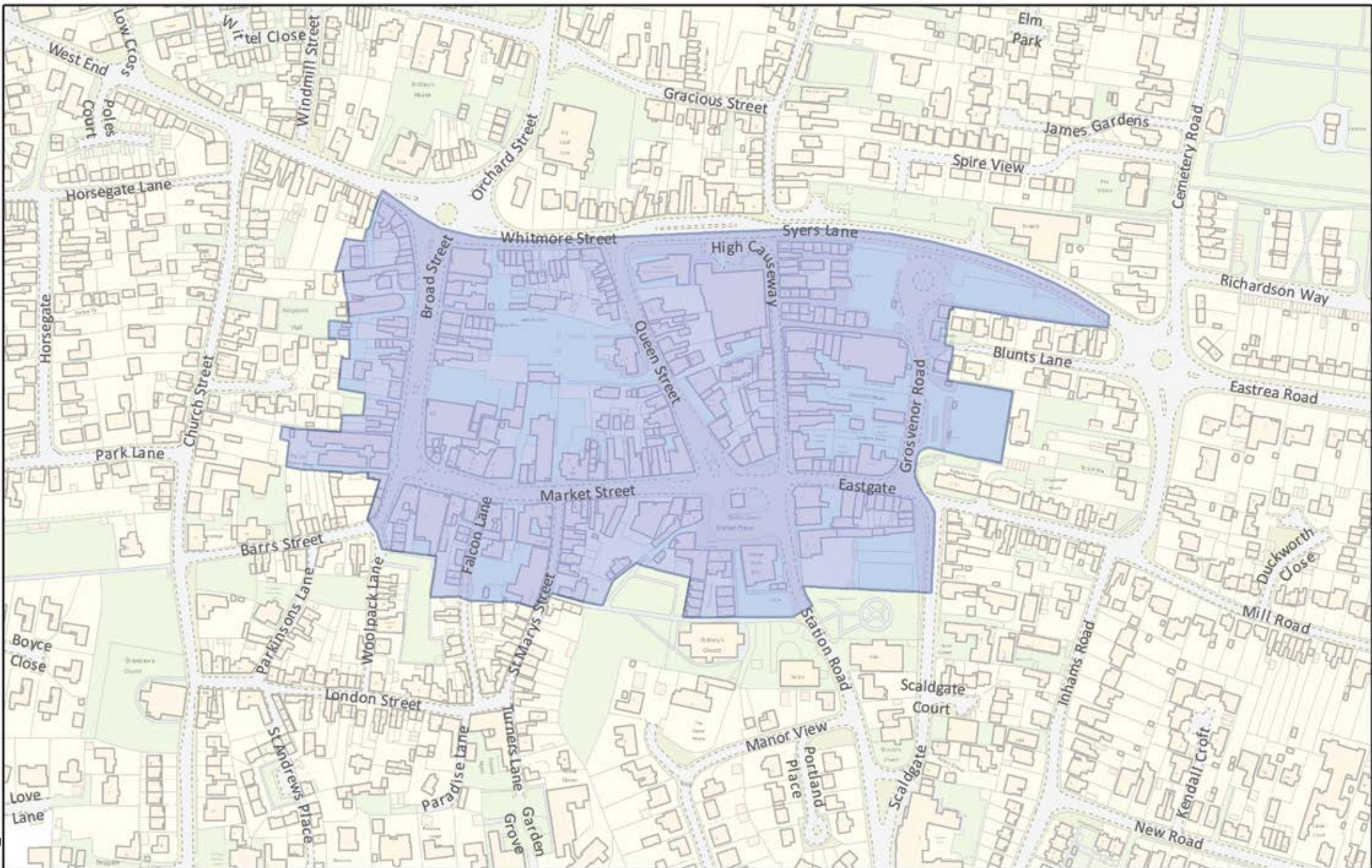


Created on: 12/01/2023

© Crown Copyright and database rights 2023 Ordnance Survey 100023778


**Map 1B : Flood Zone (Environment Agency Flood Zone Map)**





Created on: 12/01/2023

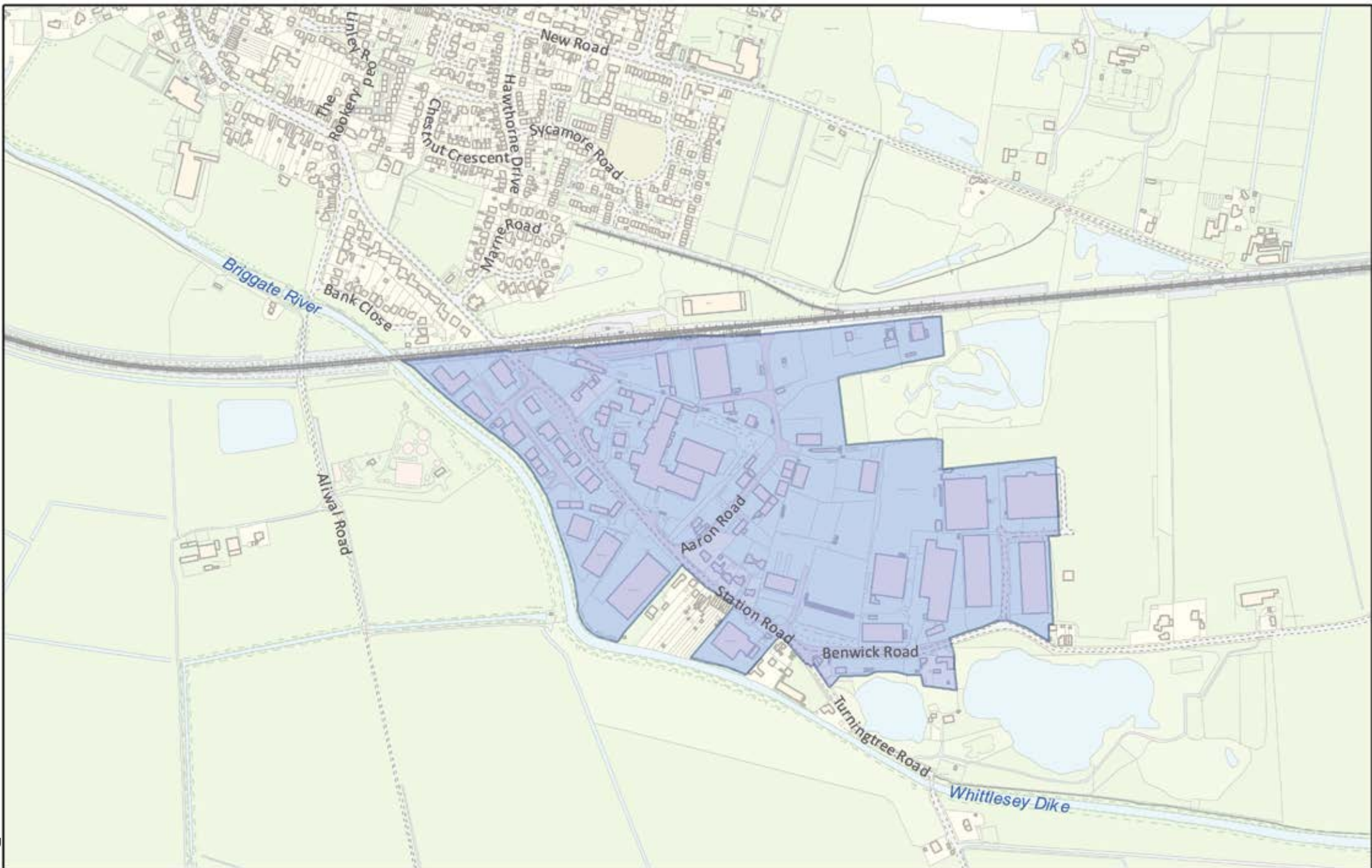
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Town Centre

**Map 2A : Town Centre**

Scale = 1:3,000





Created on: 12/01/2023

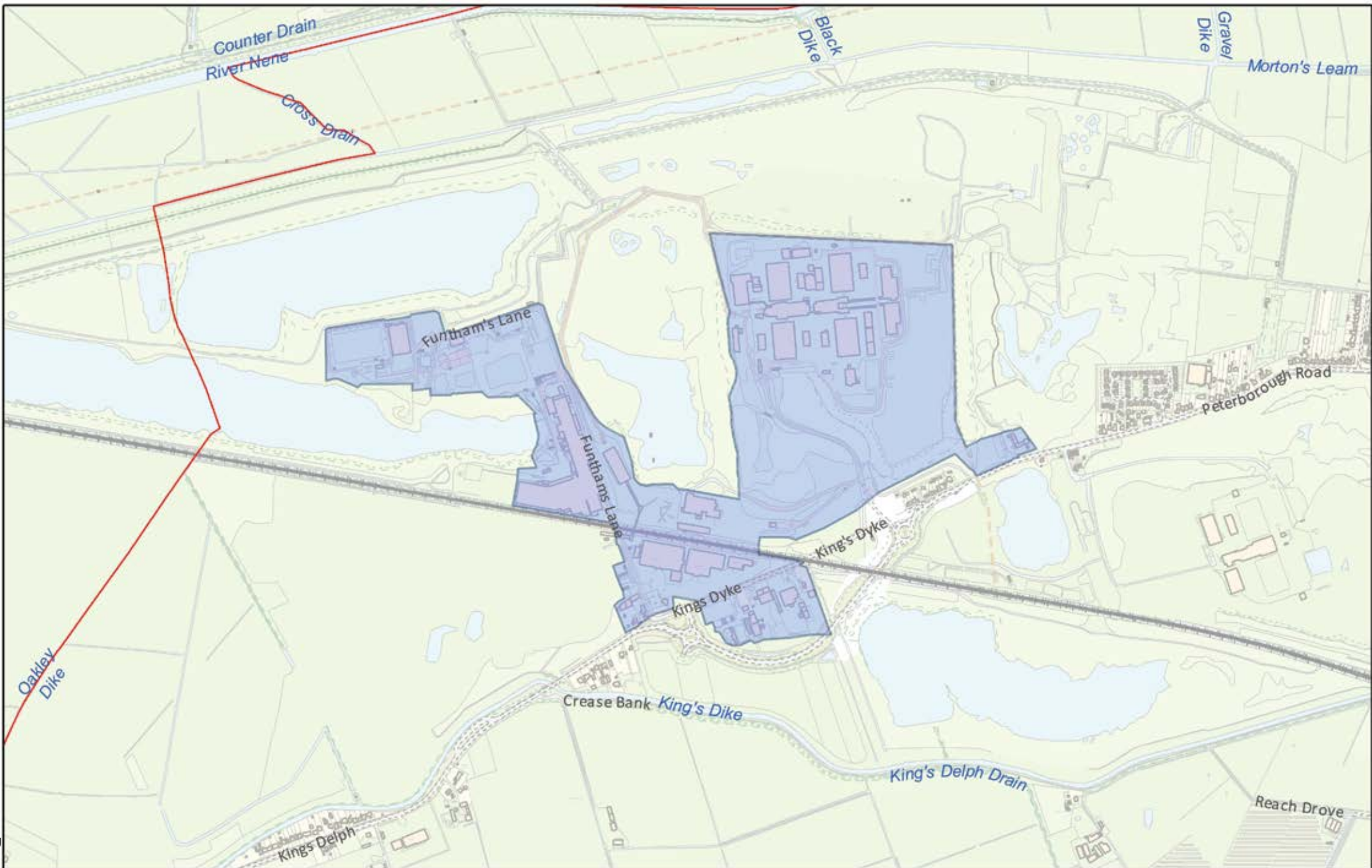
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Employment Area

**Map 2B : Employment Area (East)**

Scale = 1:7,000






Created on: 12/01/2023

© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Employment Area

**Map 2C : Employment Area (West)**

Scale = 1:12,000 





Created on: 13/01/2023

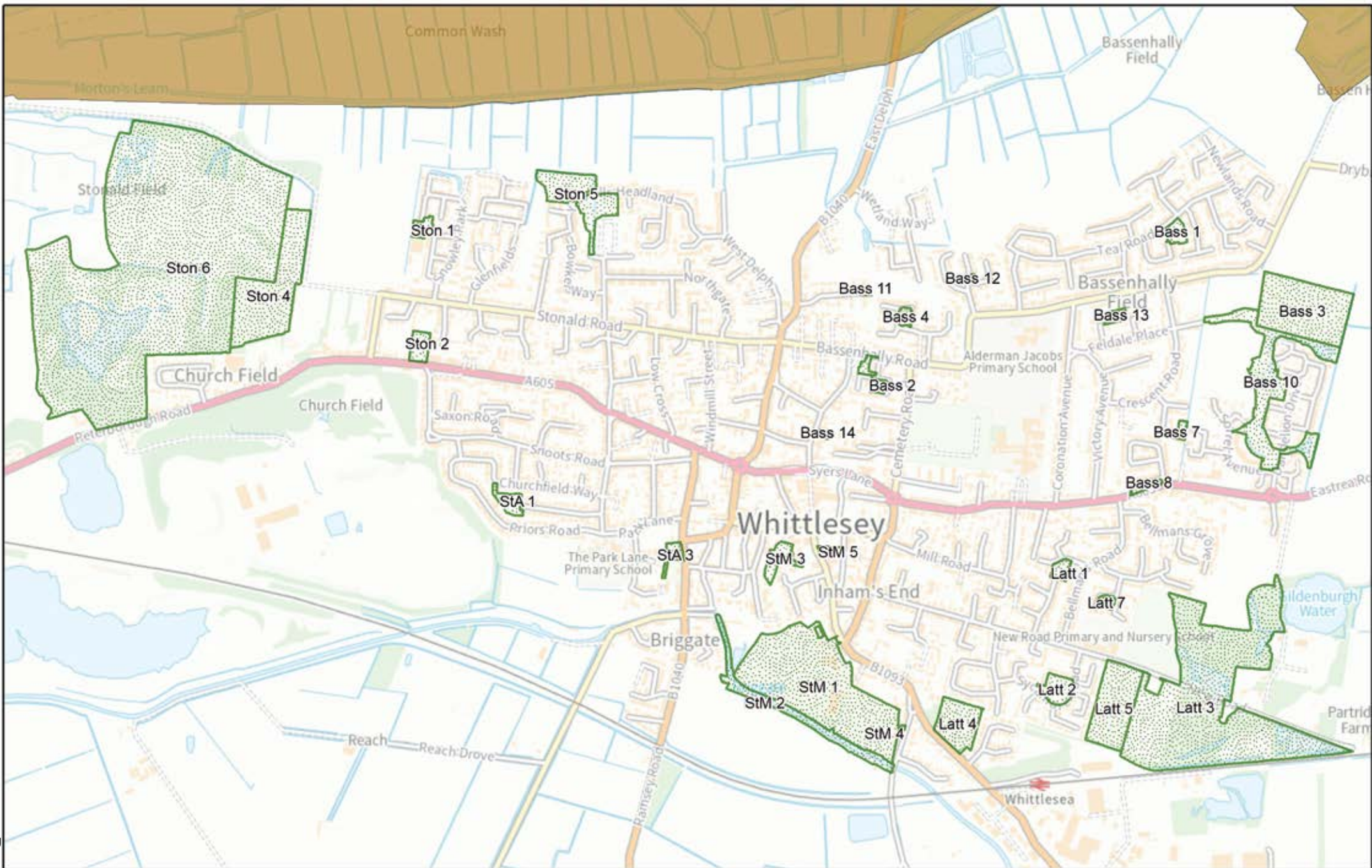
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Primary Retail Frontages

### Map 3 : Primary Retail Frontages



Scale = 1:1,400





Created on: 12/01/2023

© Crown Copyright and database rights 2023 Ordnance Survey 100023778

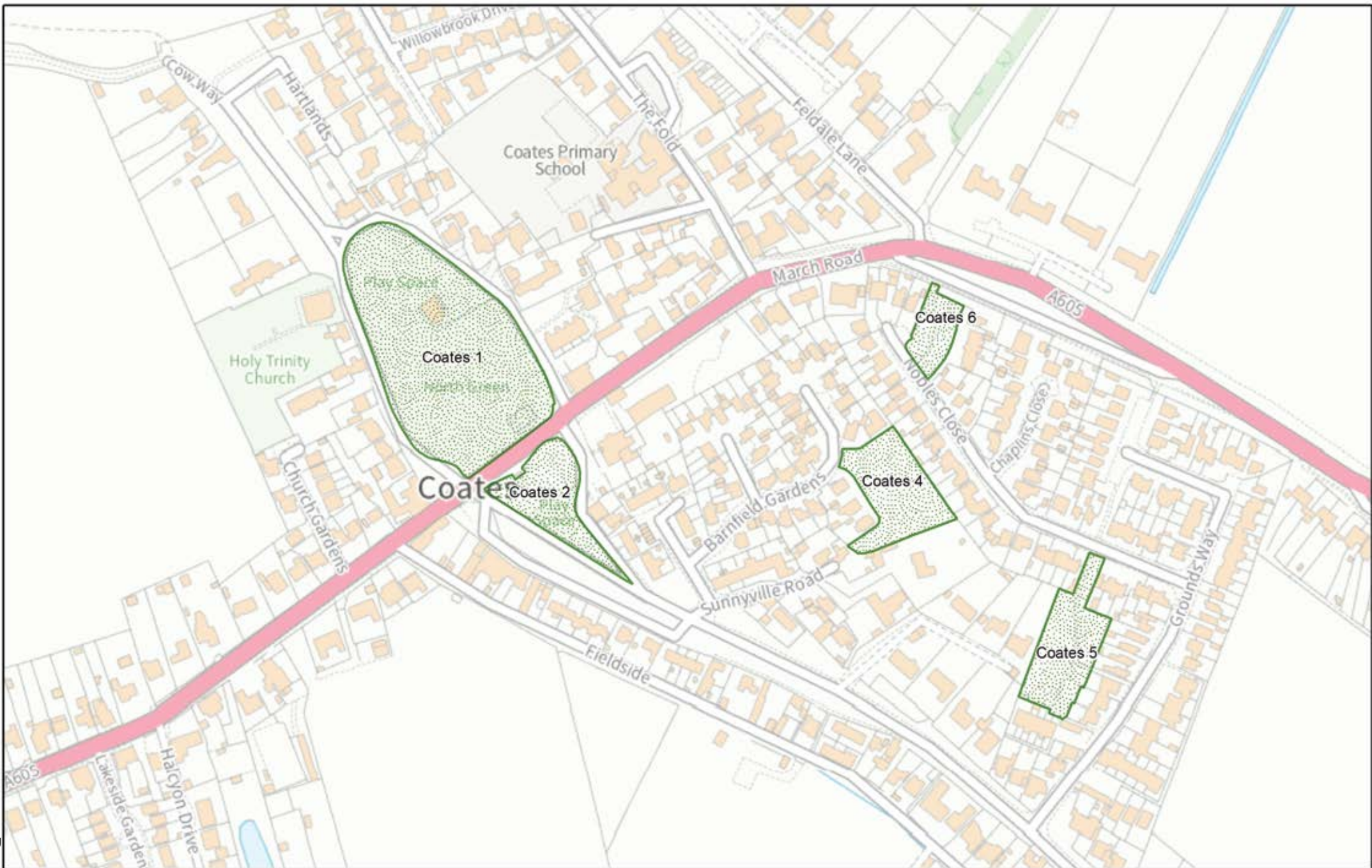
-  Designated Local Green Spaces
-  SSSI, Ramsar, SAC

**Map 4A : Local Green Spaces - Whittlesey**

Scale = 1:14,000







Created on: 12/01/2023

© Crown Copyright and database rights 2023 Ordnance Survey 100023778

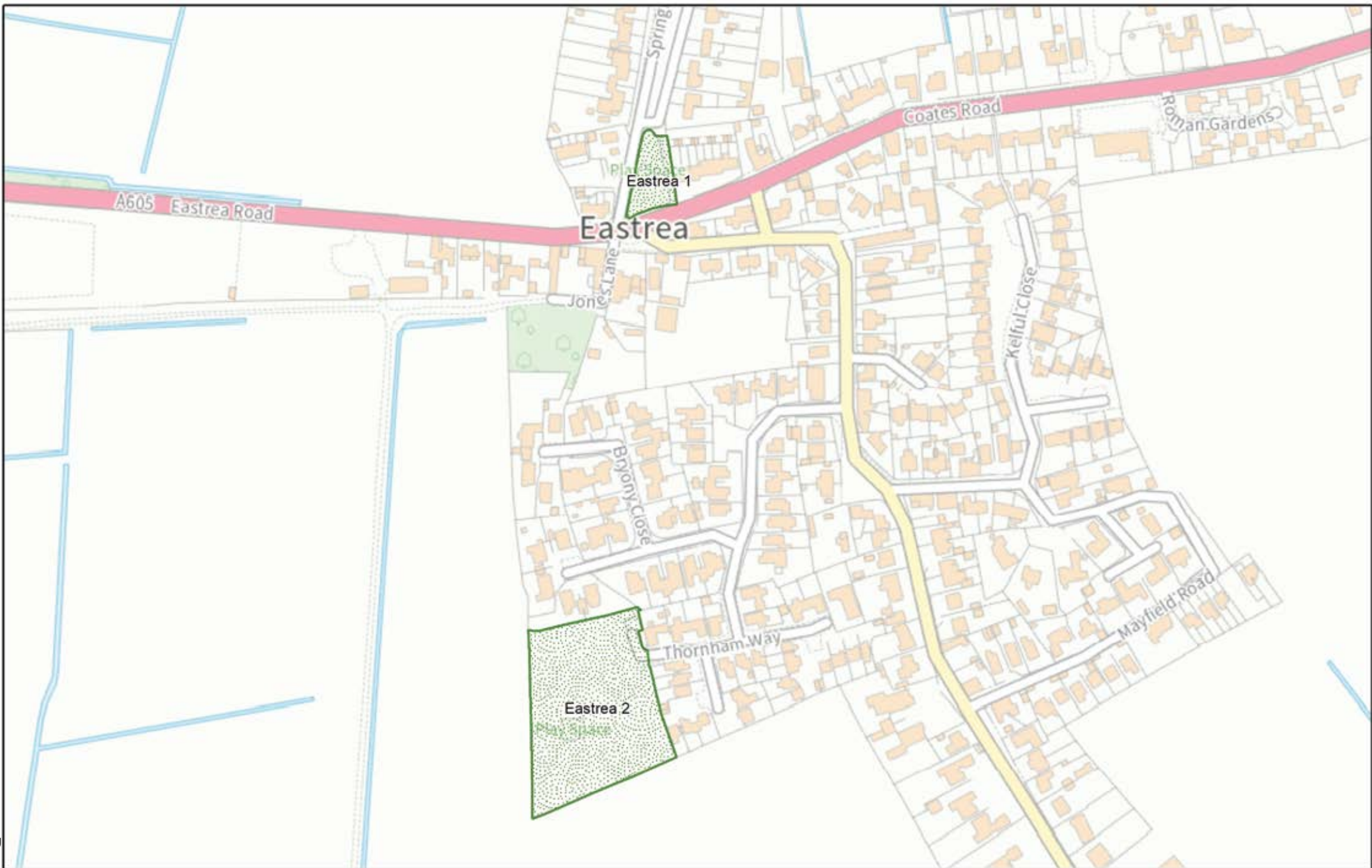
 Designated Local Green Spaces

**Map 4B : Local Green Spaces - Coates**

Scale = 1:3,000



Fenland  
CAMBRIDGESHIRE  
Fenland District Council



Created on: 12/01/2023

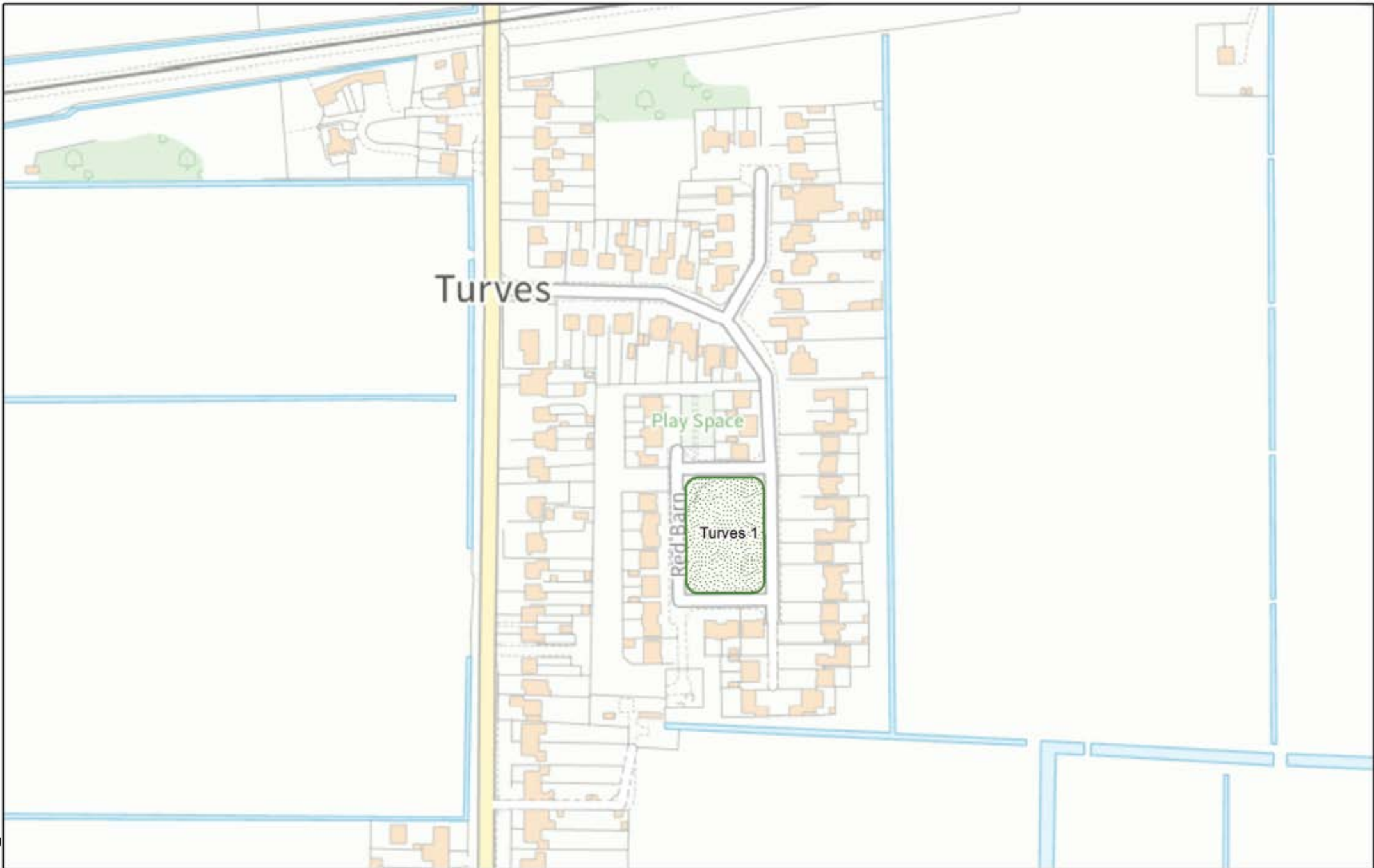
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Designated Local Green Spaces

**Map 4C : Local Green Spaces - Eastrea**

Scale = 1:3,000





Created on: 12/01/2023

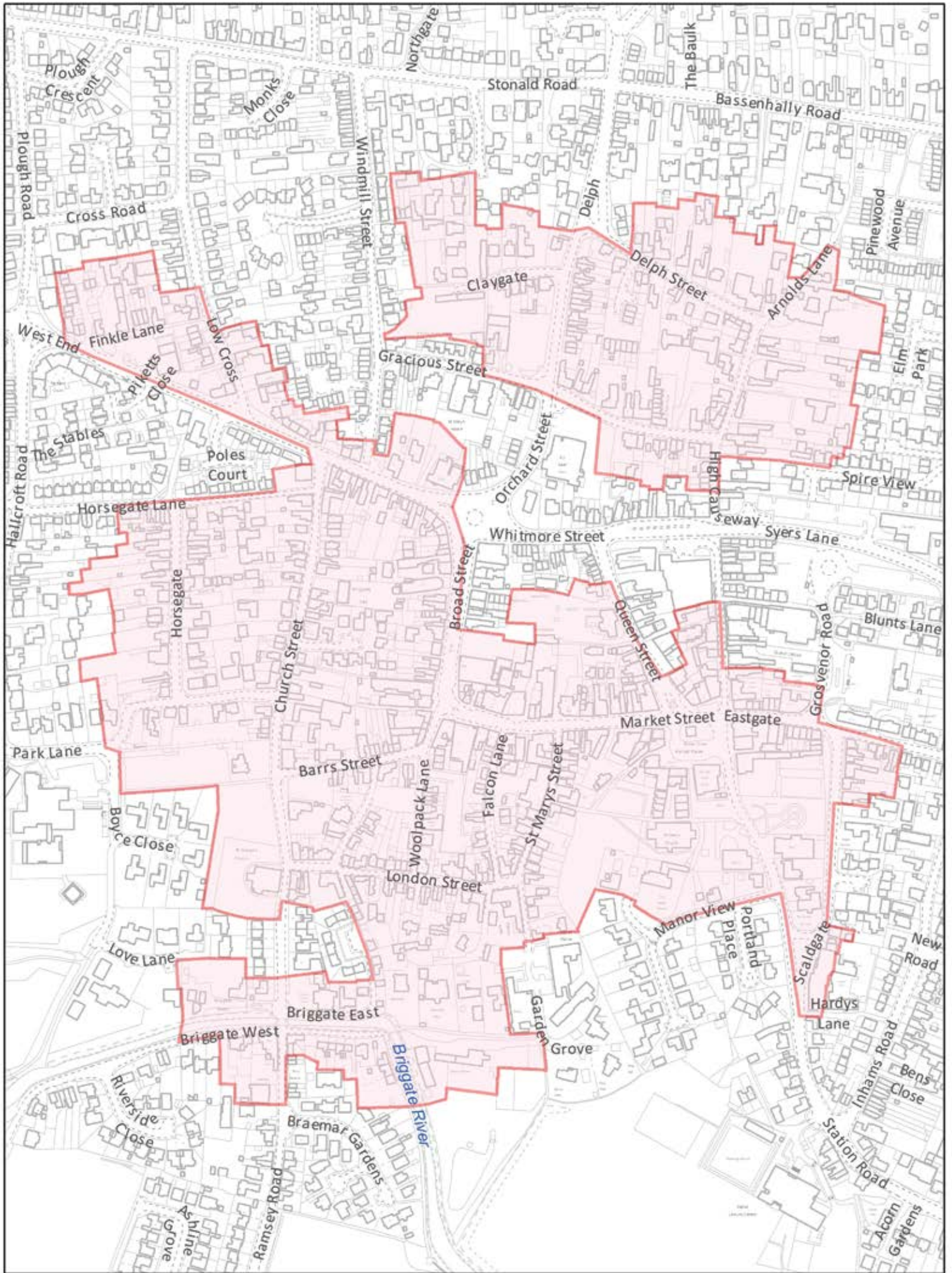
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Designated Local Green Spaces

### Map 4D : Local Green Spaces - Turves

Scale = 1:2,500

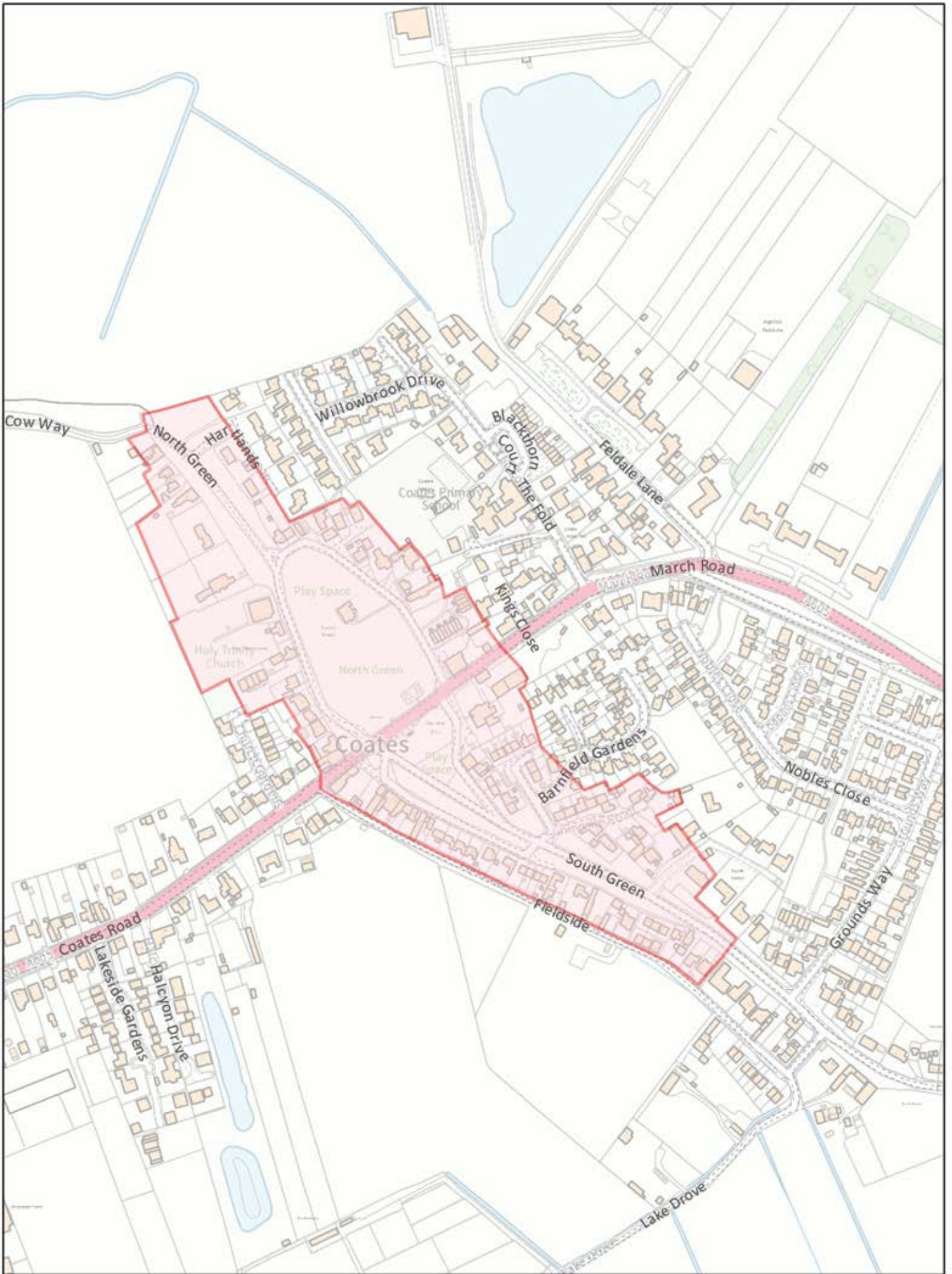




Created on: 12/01/2023  
 © Crown Copyright and database rights 2023 Ordnance Survey 100023778

**Map 5 : Whittlesey Conservation Area**  
 Conservation Area  
 Scale = 1:4,000





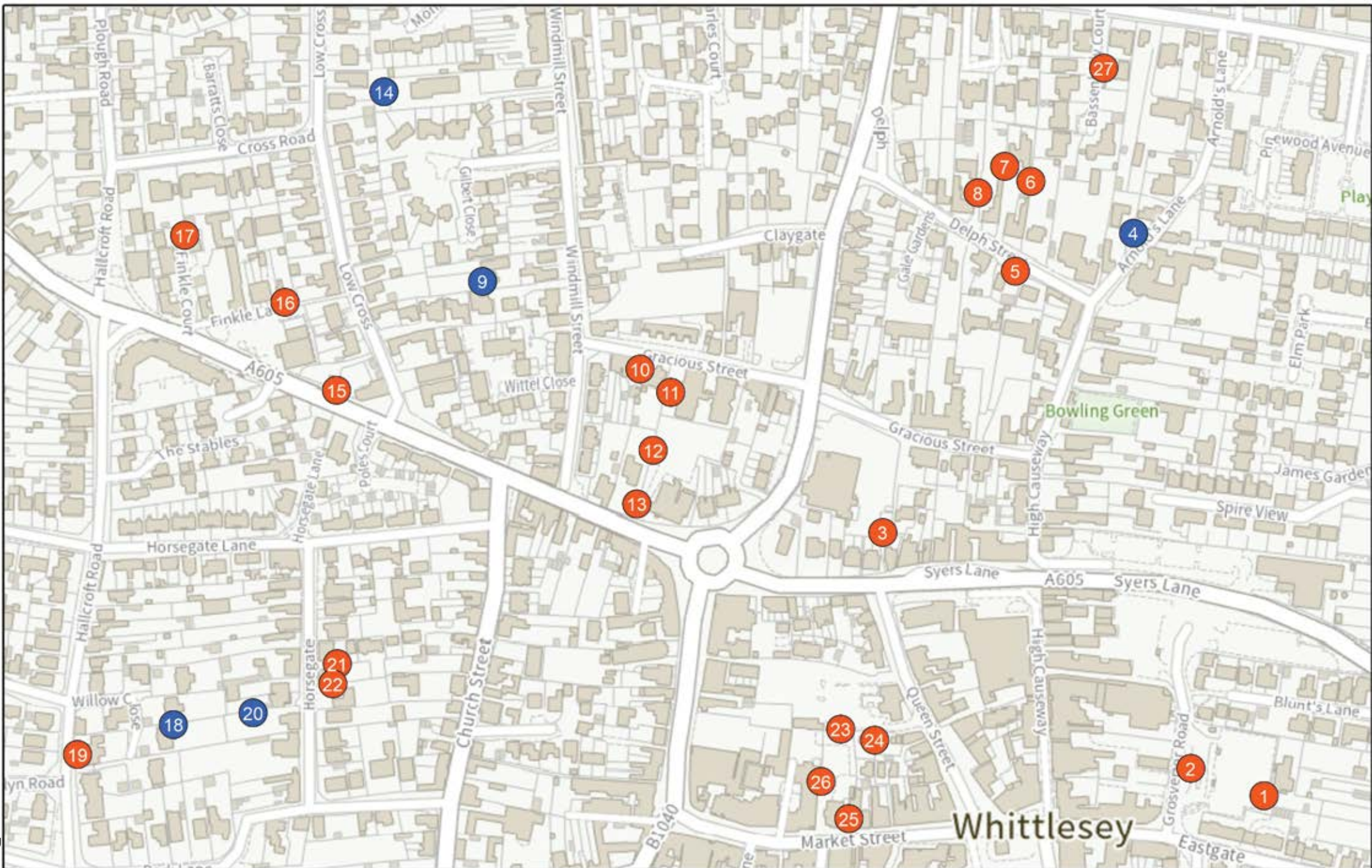
Created on: 12/01/2023  
 © Crown Copyright and database rights 2023 Ordnance Survey 100023778

**Map 6 : Coates Conservation Area**

 Conservation Area

Scale = 1:4,000 





Created on: 13/01/2023

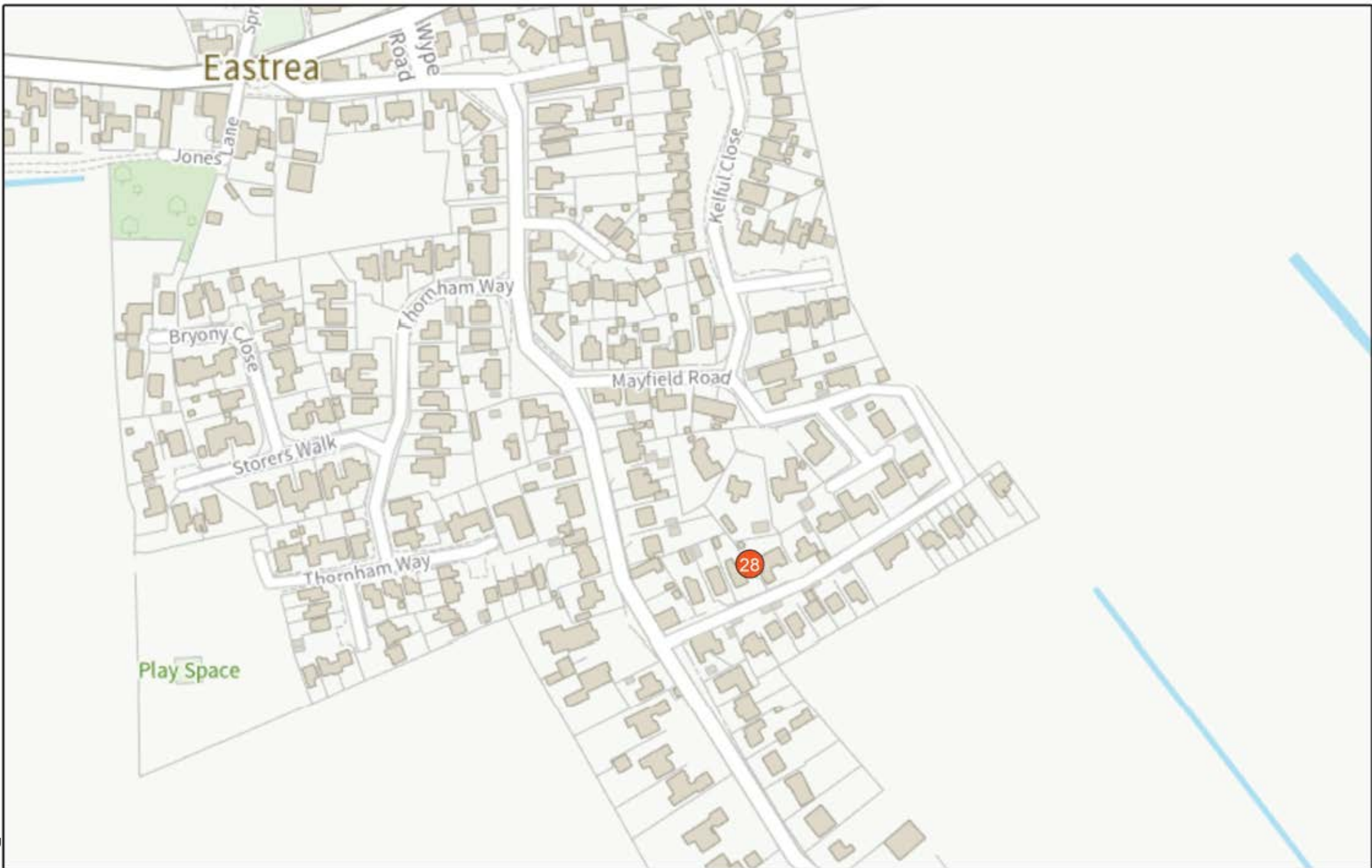
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

Map 7A : Whittlesey Mud Walls - details sourced from Whittlesey Mud Walls Group Survey 2016/17

● Visible from highway ● Not visible from highway

Scale = 1:3,000






Created on: 13/01/2023

© Crown Copyright and database rights 2023 Ordnance Survey 100023778

Map 7B : Eastrea Mud Walls - details sourced from Whittlesey Mud Walls Group Survey 2016/17

 Visible from highway

Scale = 1:2,500



### Whittlesey Mud Walls Numbering

- 1 – Grosvenor Road Eastgate car park
- 2 – Blunts Lane / Grosvenor Road bus stop
- 3 - Old Crown Lane / 24 Syers Lane
- 4 – 7 Arnolds Lane / 25 Arnolds Lane\*
- 5 – 5 Delph Street
- 6 – 6c Delph Street / 4 Delph Street
- 7 – 6b Delph Street / 8 Delph Street
- 8 - Delph Court / 8 Delph Street
- 9 – 27c Windmill Street / 20 Low Cross\*
- 10 – 87 Gracious Street / 89 Gracious Street
- 11 – 87 Gracious Street / St Mary's House
- 12 - Conservative Club / 36 Whitmore Street
- 13 - Conservative Club / 36 Whitmore Street
- 14 – 50 Low Cross / 46 Low Cross\*
- 15 – 4 West End
- 16 - 4 Finkle Lane
- 17 – Finkle Court car park / 12 Finkle Lane / 10 Finkle Court
- 18 – 2 Willow Close / 3 Willow Close\*
- 19 – 45 Hallcroft Road
- 20 – 9 Horsegate / 13 Horsegate\*
- 21 - 14 Horsegate / Wades Yard
- 22 – 8 Horsegate / 14 Horsegate / Wades Yard parking area
- 23 – Black Bull PH / Queen Street car park
- 24 – Black Bull PH / 7c Queen Street
- 25 – Black Bull PH / 7c Queen Street
- 26 – Black Bull PH / Former Cinema
- 27 – 30 Bassenhally Road / 28a Bassenhally Road / 1 Bassenhally Court
- 28 – 72 Mayfield Road / 78 Mayfield Road, Eastrea

\*Not visible from the public highway





Created on: 12/01/2023

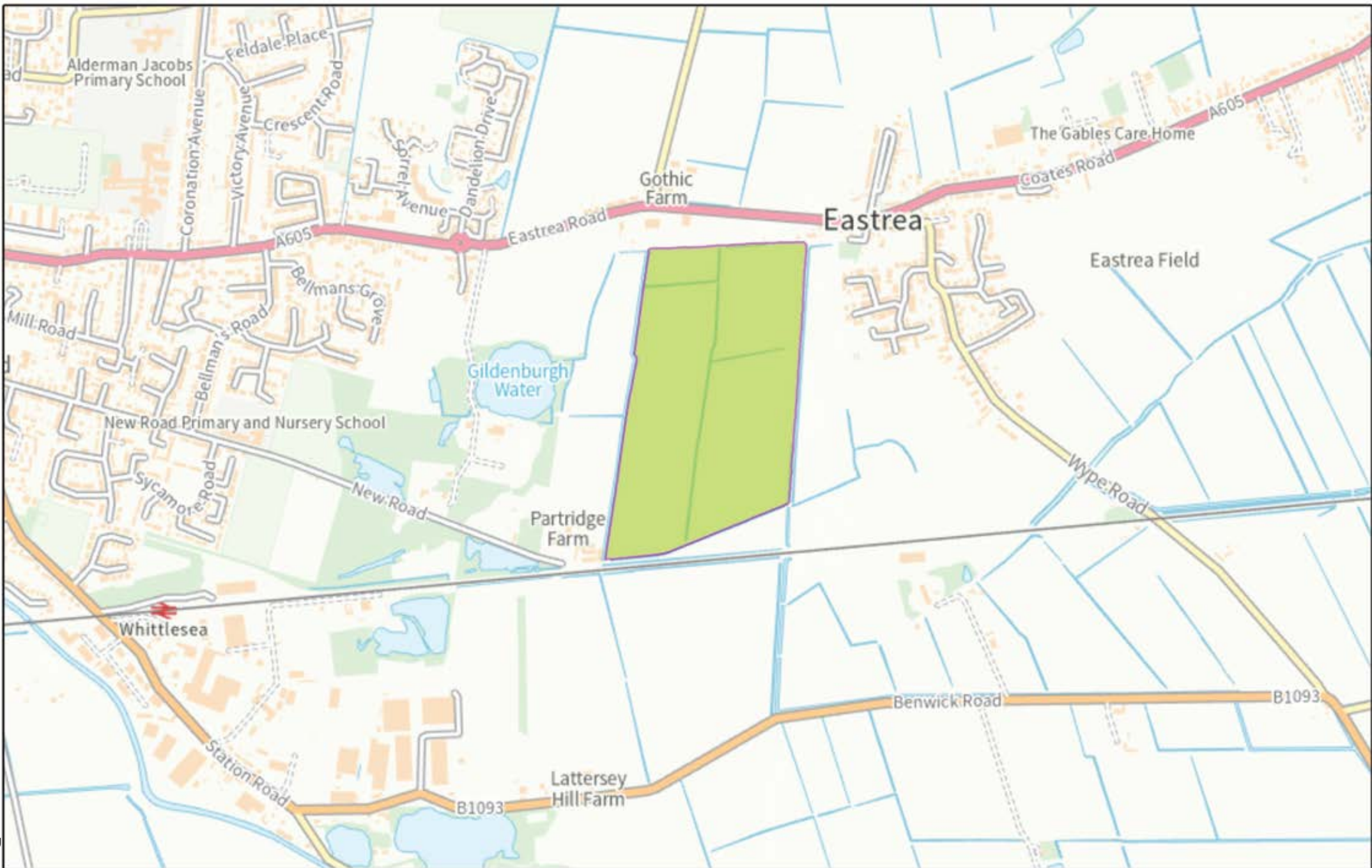
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Green buffer

### Map 8 : Green Buffers


Scale = 1:9,000






Created on: 12/01/2023

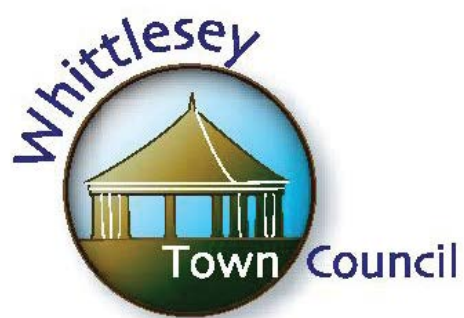
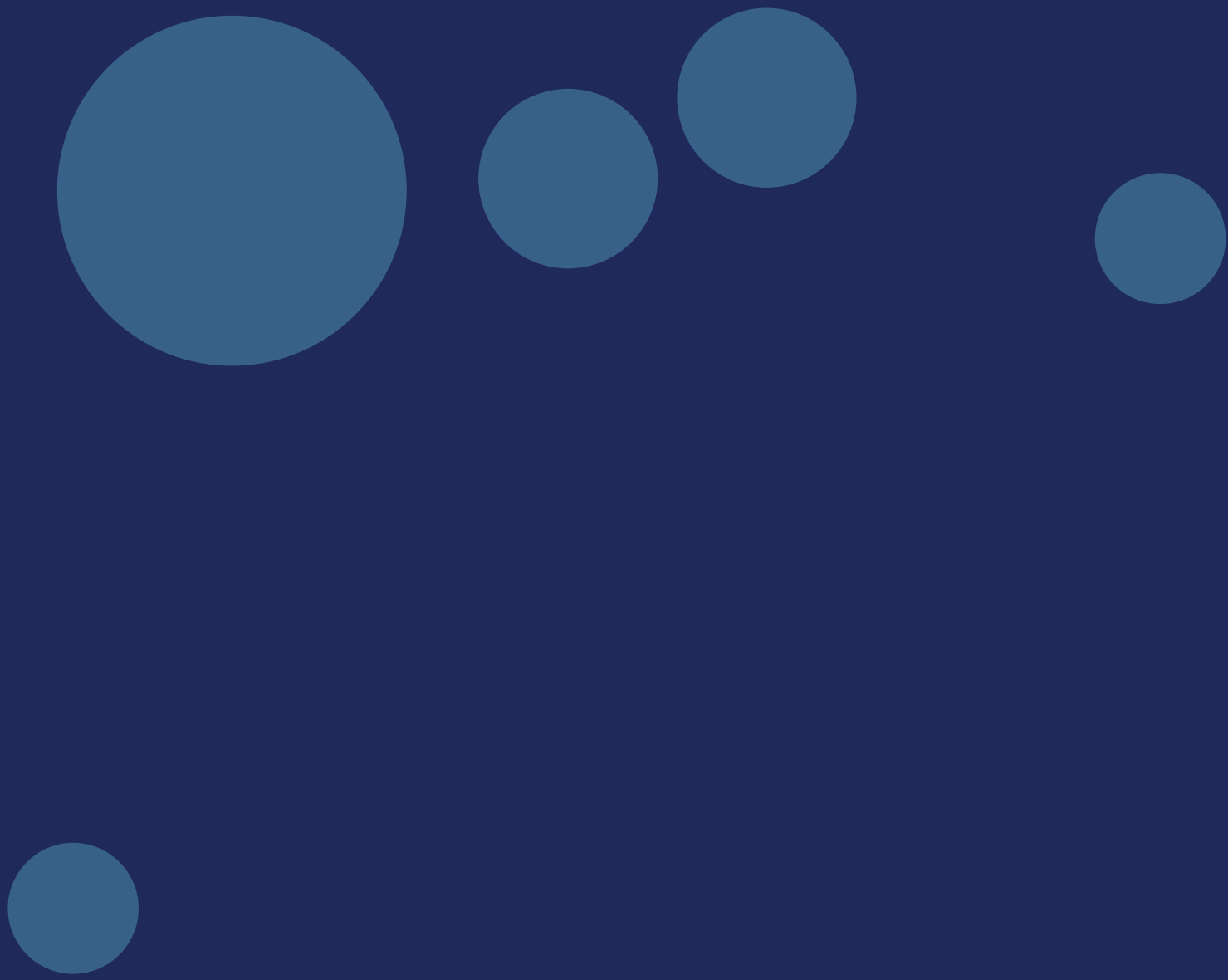
© Crown Copyright and database rights 2023 Ordnance Survey 100023778

 Whittlesey Country Park 2023

**Map 9 : Country Park**

Scale = 1:11,000 





# Whittlesey Neighbourhood Plan (Draft) Decision Statement (Regulation 19)

22 May 2023

Fenland District Council

## 1. Purpose

- 1.1. This Decision Statement has been prepared and published in accordance with Regulation 19 of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out the Council's decision to formally make the Whittlesey Neighbourhood Plan, and the reasons for this decision.
- 1.2. This decision has been taken by Council, in accordance with the Council's constitution. The Whittlesey Neighbourhood Plan, the Decision Statement and Examiner's Report are published on the Council's website.

## 2. Background

- 2.1. The Whittlesey Neighbourhood Area was designated by Fenland District Council (FDC / the Council) in April 2015.
- 2.2. The Whittlesey Neighbourhood Plan (the Plan) and supporting evidence documents were submitted to FDC by Whittlesey Town Council in June 2023.
- 2.3. The Council published the Plan for a period of eight weeks from 8<sup>th</sup> July to 1<sup>st</sup> September 2022. Following this publication period, the Council submitted the Plan for independent examination.
- 2.4. An independent examination was held in September to November 2022. The Plan was examined by Mr David Kaiserman BA DipTP MRTPI of Penny O'Shea Consulting. The examination was carried out through written representations. No public hearing session was required.
- 2.5. The examiner considered that, subject to applying his recommended modifications, the Whittlesey Neighbourhood Plan makes appropriate provision for sustainable development, has appropriate regard to national policy, and is in general conformity with the strategic policies in the development plan. In addition, the examiner concluded that there is no evidence to suggest the Plan is not compatible with EU obligations, including human rights requirements.
- 2.6. Where modified in accordance with his recommendations, the examiner concluded that the Plan meets the basic conditions<sup>1</sup> and recommended it proceed to referendum.

## 3. Decisions and reasons

- 3.1. In January 2023, the Council published its Regulation 18 decision statement explaining the actions which would be taken in response to the recommendations of the examiner, including the modifications which would be applied to the draft plan.

---

<sup>1</sup> As set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

3.2. Based on the examiner’s findings and recommendations, the Council is satisfied that the Whittlesey Neighbourhood Plan (Referendum Version), meets the basic conditions and is otherwise legally compliant.

3.3. The Council held a referendum on Thursday, 23rd February 2023. As recommended by the Independent Examiner, the boundary of the Whittlesey Neighbourhood Area formed the referendum area. The referendum ballot asked the following question:

*“Do you want Fenland District Council to use the Neighbourhood Plan for Whittlesey to help it decide planning applications in the neighbourhood area?”*

3.4. The referendum results were:

	Votes recorded	Percentage
Number cast in favour of a <b>Yes</b>	1,577	77.5%
Number cast in favour of a <b>No</b>	458	22.5%
Total	2,035	100.00%

There were 7 rejected ballots.

3.5. As the Whittlesey Neighbourhood Plan was supported by the majority of voters, the Town and Country Planning Act (1990) (as amended) requires the plan must be formally ‘made’ by Fenland District Council as soon as reasonably practicable after the referendum is held. Consequently, the plan is made by Fenland District Council’s Full Council at its meeting on 22<sup>nd</sup> May 2023.

3.6. As a made plan, the Whittlesey Neighbourhood Plan forms a part of the Development Plan for Fenland.

#### 4. Summary

4.1. Fenland District Council considers that the Whittlesey Neighbourhood Plan (Referendum Version) meets the basic conditions and other legal requirements and was supported by the majority of voters at referendum. The plan is now formally made by Fenland District Council and will be used in making planning decisions.

This page is intentionally left blank