

<b>Agenda Item No:</b>	<b>13</b>	
<b>Committee:</b>	<b>Full Council</b>	
<b>Date:</b>	<b>17<sup>th</sup> July 2023</b>	
<b>Report Title:</b>	<b>Establishment of Executive Advisory Committees</b>	

## COVER SHEET:

### **1 Purpose / Summary**

- 1.1** To seek approval of the establishment of 3 new Executive Advisory Committees together with their terms of reference, membership and appointments and the associated changes to Fenland District Council's Constitution.

### **2 Key Issues**

- 2.1** At its meeting on 22<sup>nd</sup> May 2023, Full Council noted the intended creation of three new Committees; Culture Arts and Heritage, Rural and Farming and Project Review.
- 2.2** The recommendations set out in this Report fulfil the commitment made to bring forward these proposed new committees for consideration and, as appropriate, approval at this July 2023 meeting of Full Council.
- 2.3** Local Government legislation permits the establishment of cross-party advisory committees in relation to the discharge of executive functions and, as the primary focus of the proposed new committees are executive in nature, this is the basis upon which the recommendations have been made.
- 2.4** If approved, the establishment of the 3 new committees will result in a change to the overall political proportionality of the Council and the allocation of seats to the new and existing committees. The recommendations also therefore seek approval of these changes and to note the proposed appointments to the allocated seats.

### **3 Recommendations**

It is recommended that Full Council:

- 3.1** Approve the establishment of 3 new Executive Advisory Committees as follows:

Culture Arts and Heritage Executive Advisory Committee with 7 substantive and 5 substitute seats;

Rural and Farming Executive Advisory Committee with 7 substantive and 5 substitute seats; and

Project Review Executive Advisory Committee with 11 substantive and 6 substitute seats.

- 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 A;
- 3.3** Subject to the recommendation at paragraph 3.2 being agreed, approves the proposed allocation of seats to the new and existing Committees and Panels in accordance with political proportionality requirements as set out at Appendix B in the column entitled 'Adjusted'; and
- 3.4** Agrees the proposed appointments to seats allocated in accordance with paragraph 3.3 above and as set out at Appendix C;
- 3.5** Requests that arrangements are made for the Culture, Arts and Heritage Executive Advisory Committee to meet three times per year and the Rural and Farming Executive Advisory Committee two times per year.
- 3.6** Requests that consideration is given to the application of the Members' Allowance Scheme to these committees as part of the IRP's Review and future recommendation to Full Council.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Chris Boden, Leader of the Council
Report Originator(s)	Carol Pilson, Corporate Director and Monitoring Officer Amy Brown, Assistant Director and Deputy Monitoring Officer
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Background Papers	Fenland District Council Constitution

## **REPORT:**

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

- 1.1** The purpose of this Report to enable Full Council the opportunity to consider and approve the proposed creation of 3 new cross-party Executive Advisory Committees and the associated politically proportionate allocation of seats and appointments to those committees together with the resultant changes to the existing committee structure and constitution required to bring those arrangements into effect.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1** At its meeting on 22<sup>nd</sup> May 2023, Full Council noted the intended creation of 3 new Committees and a commitment to provide an opportunity for more detailed discussion of these proposals at the July 2023 meeting of Full Council. The information and recommendations set out in this Report provide that opportunity and, as appropriate, the approval of the 3 new Executive Advisory Committees and the associated governance surrounding that.

## **3 EXECUTIVE ADVISORY COMMITTEES**

- 3.1** Section 9D of the Local Government Act 2000 prescribes that save in respect of a function which as a matter of local choice can be reserved to Full Council and/or which *cannot* be the responsibility of the executive, all functions will be the responsibility of the executive. This is echoed in Fenland District Council's Constitution at paragraph 1 of Article 7 which states:

"The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution".

- 3.2** The primary focus of each of the newly proposed executive advisory committees is in relation to what would fall within the remit of the executive and paragraph 9E of the Local Government Act 2000 prescribes how executive functions are to be delegated i.e. functions are either to be retained by (in Fenland District Council's case) Cabinet or delegated to individual Cabinet Members, sub-committees of cabinet or officers.

- 3.3** Section 102(4) of the Local Government Act 1972 permits a local authority to 'appoint a committee to advise the executive on any matter relating to the discharge of their functions and any such committee may consist of persons appointed for such term as may be determined by the authority. Such committees cannot however have decision making powers.

- 3.4** In order therefore to achieve the establishment of the 3 new committees on a cross-party basis (rather than simply creating a sub-committee of the executive), the recommendations provide for the establishment of executive advisory committees in compliance with the provisions of the Local Government Act 2000 and Local Government Act 1972.

- 3.5** The proposed amendments to Fenland District Council's Constitution required to bring effect to the executive advisory committees are as set out at Appendix A for approval.

## **4 CONSULTATION**

- 4.1** There are no specific consultation requirements associated with the proposals set out in this Report. The proposals relating to the establishment of the executive advisory committees have however been formulated via discussion between the 2 group leaders.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1** The alternative option is not to create the proposed executive advisory committees however this would not achieve the aim of their establishment which is to provide cross-party advice to the executive in relation to the areas identified.

## **6 IMPLICATIONS**

### **6.1 Legal Implications**

- 6.1.1** The legal implications are as set out in this Report.

### **6.2 Financial Implications**

- 6.2.1** There are no immediate financial implications other than those associated with the resourcing of these Committees once the calendar of meetings has been finalised. There may also be additional financial implications in relation to the potential application of the provisions set out in the Members' Scheme of Allowances and subject to the conclusion of its review by the IRP once established.

### **6.3 Equality Implications**

There are no specific equality implications engaged by this Report.

## **7 SCHEDULES**

Appendix A: Proposed Changes to Fenland District Council's Constitution; and

Appendix B: Proposed allocation of seats to existing and new committees and proposed appointments to those seats.

Appendix C: Appointments to Committee Seats

**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>.

<b>Decision Making Body</b>	<b>Membership</b>
Council	All 43 <sup>3</sup> members of the Council
Cabinet	The Leader and up to 9 further members appointed by the Leader
Investment Board <sup>4</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 made 4 May 2023

<sup>4</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>5</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>6</sup></p> <p>Each panel will have one Chairman and one Vice Chairman.</p>
Planning Committee	<p>Up to 7<sup>7</sup> members of the Council. No more than two<sup>8</sup> 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>9</sup></p> <p>Each Political Group may appoint a number of substitutes precisely commensurate with their substantive allocation of seats up to a maximum of 4<sup>10</sup> 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>11</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>5</sup> Amendment approved 19 May 2011, amendment approved 19 May 2021

<sup>6</sup> Amendment approved 18 July 2019

<sup>7</sup> Amendment approved 18 July 2019, amendment approved 8 December 2021, amendment approved 22 May 2023

<sup>8</sup> Amendment approved 8 December 2021, amendment approved 22 May 2023

<sup>9</sup> Amendment approved 8 December 2021

<sup>10</sup> Amendment approved 22 May 2023

<sup>11</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>12</sup> members of the Council. 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>13</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 7<sup>14</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>12</sup> Amendment approved 3 November 2011, amendment approved 19 May 2021

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

<sup>14</sup> Amendment approved 19 May 2021, amendment approved 22 May 2023



Decision Making Body	Membership
	<p>The committee may appoint up to two non voting members who are Town or Parish Councillors. <sup>15</sup></p> <p>Five<sup>16</sup> additional substitute members to be appointed.<sup>17</sup></p>
<p>Audit and Risk Management Committee<sup>18</sup></p>	<p>Up to 7<sup>19</sup> members of the Council to be formed from:</p> <p>Up to 2<sup>20</sup> members of Cabinet and not to include the Portfolio Holder responsible for Finance</p> <p>Five<sup>21</sup> additional substitute members to be appointed.</p> <p>The Chairman may not be a member of Cabinet.</p>
<p>Employment Committee<sup>22</sup></p>	<p>Up to 7 members of the Council.</p> <p>Five substitute members to be appointed.</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>Five<sup>23</sup> additional substitute members to be appointed.<sup>24</sup></p>
<p><u>Culture Arts and Heritage Executive Advisory Committee</u></p>	<p><u>7 members of the Council.</u></p> <p><u>5 substitute members to be appointed.</u></p> <p><u>To meet 3 times per year unless otherwise required.</u></p>
<p><u>Rural and Farming Executive Advisory Committee</u></p>	<p><u>7 members of the Council.</u></p> <p><u>5 substitute members to be appointed.</u></p> <p><u>To meet 2 times per year unless otherwise required.</u></p>

<sup>15</sup> Amendment approved 26 July 2012

<sup>16</sup> Amendment approved 22 May 2023

<sup>17</sup> Amendment approved 18 July 2019, 3

<sup>18</sup> Amendment approved 14 December 2020 (replaces Staff Committee and Corporate Governance Committee), amendment approved 22 May 2023

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

<sup>20</sup> Amendment approved 22 May 2023

<sup>21</sup> Amendment approved 22 May 2023

<sup>22</sup> Amendment approved 14 December 2020, amendment approved 22 May 2023 (replaces Audit and Risk Management Determination Sub-Committee)

<sup>23</sup> Amendment approved 22 May 2023

<sup>24</sup> Amendment approved 18 July 2019

<b>Decision Making Body</b>	<b>Membership</b>
<u>Project Review Executive Advisory Committee</u>	<u>11 members of the Council</u> <u>6 substitute members to be appointed.</u>  <u>No members of Cabinet to serve on this Committee.</u>  <u>To meet on an ad hoc basis as required.</u>  <u>The Chairman and Vice Chairman of this Committee to be appointed on a project by project basis as elected by the Committee at its first meeting following a specific project having been referred.</u>

**TABLE 1 - LOCAL CHOICE FUNCTIONS<sup>25</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>25</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
<p>The obtaining of particulars of a person's interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976:</p> <p>(i) in so far as the information is required in connection with a function of the Planning Committee</p>	Planning Committee	As defined in Tables 4 and 5 of this Part of the Constitution.
<p>(ii) in so far as the information is required in connection with a function of the Licensing Committee</p> <p>(iii) in so far as the information is required in connection with a function of the Cabinet</p>	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>26</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>27</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
Council	<b>Development Plan Documents (DPDs)<sup>28</sup></b>	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>26</sup> Amendment to Table 2 approved 21 December 2006, 11 May 2017 and 9 January 2020

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

<sup>28</sup> Amendment Approved 14 December 2017

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
Council	<b>Making of Neighbourhood Plans and Neighbourhood Development Orders<sup>29</sup></b>	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>30</sup>	Commercial Investment Strategy	As defined in Tables 4 and 5 of this Part of the Constitution
Planning Committee	<b>Planning and Conservation</b> 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)	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>29</sup> Amendment approved 14 December 2017

<sup>30</sup> Amendment approved 9 January 2020

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
	<b>Highways use and regulation</b>  The exercise of powers relating to the regulation and the use of highways as set out in Schedule 1 to the Functions Regulations	As defined in Tables 4 and 5 of this Part of the Constitution
	<b>Trees and Hedgerows</b>  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	As defined in Tables 4 and 5 of this Part of the Constitution
	<b>Brownfield Register (and other Registers)</b>  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>31</sup>	As defined in Tables 4 and 5 of this Part of the Constitution
	<b>Rights of Way<sup>32</sup></b>	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>31</sup> Amendment approved 14 December 2017

<sup>32</sup> Amendment approved 14 December 2017

<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
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>33</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>34</sup></p>	As defined in Tables 4 and 5 of this Part of the Constitution
	<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>35</sup></p>	As defined in Tables 4 and 5 of this Part of the Constitution

<sup>33</sup> Amendment approved 26 July 2012

<sup>34</sup> Amendment approved 18 September 2019

<sup>35</sup> Amendment approved 26 July 2012



<b>Decision-Making Body</b> (Memberships defined in table above)	<b>Functions</b>	<b>Delegations of Functions</b>
Employment Committee <sup>36</sup>	<p>To receive reports from the Head of Paid Service and/or the Chief Finance Officer<sup>37</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>	As defined in Tables 4 and 5 of this Part of the Constitution

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<sup>36</sup> Amendment approved 14 December 2020, amendment made 22 May 2023

<sup>37</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>38</sup> Chief Officers and Directors</b></p> <p>Note: The appointment of the Chief Executive<sup>39</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>40</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>41</sup>	As defined in Tables 4 and 5 of this Part of the Constitution
Audit and Risk Management Committee <sup>42</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>38</sup> Amendment approved 26 July 2012

<sup>39</sup> Amendment approved 25 February 2010

<sup>40</sup> Amendment approved 25 February 2010 and 26 July 2012

<sup>41</sup> Amendment approved 8 May 2008

<sup>42</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>43</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>44</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>43</sup> Amendment approved 9 January 2020

<sup>44</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>45</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>46</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

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<sup>45</sup> Amendment approved 9 January 2020

<sup>46</sup> Amendment approved 9 January 2020

voting members present, then any decision must be unanimous.<sup>47</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;

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<sup>47</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.

### **3.3 EXECUTIVE ADVISORY COMMITTEES**

#### **3.1.1 Purpose**

There shall be 3 Executive Advisory Committees the terms of reference of which are as set out at paragraphs 3.1.2 to 3.1.3 below.

The purpose of the Executive Advisory Committees shall be:

- (a) To involve Members who are not on the Executive in the work of the Executive and to promote collegiate working between the Executive and such Members;
- (b) As a forum for:
  - (i) Members to raise issues pertaining to the discharge of the Council's functions;
  - (ii) Officers and/or the Executive to inform Members and seek feedback via reports for noting and comment;
  - (iii) Budget and Performance Monitoring.

The Executive Advisory Committee will be tasked with making recommendations to Cabinet, individual Cabinet Members or Officers with delegated authority to take executive decisions. The recommendations of the Executive Advisory Committee shall be given reasonable and appropriate consideration by the appropriate decision maker before any relevant decision is taken. The Executive Advisory Committees will not take decisions and will not duplicate the work of the Overview & Scrutiny Committee.

Save in respect of the Project Review Executive Advisory Committee, each Executive Advisory Committee will elect a Chair and a Vice-Chair from its membership at the first meeting following the Annual Meeting of Council. The Project Review Executive Advisory Committee will elect a Chair and Vice Chair from its membership (which shall not include any Cabinet members) for each specific project referred to it.

The Culture, Arts and Heritage Executive Advisory Committee will ordinarily meet 3 times per year and the Rural and Farming Executive Advisory Committee, 2 times per year. Extraordinary meetings can be arranged upon the request of the Council by resolution, the Leader of the Council, the Monitoring Officer and any five members of the Council if they have signed a requisition presented to the Leader of the Council and they have refused to call a meeting or have failed to call a meeting within seven days of presenting the requisition.

The Project Review Executive Advisory Committee will meet as and when required and subject to a project/proposal being referred to it for discussion. Once a project/proposal has been referred, the Project Review Executive Advisory Committee will determine its own schedule of meetings for the purpose of assimilating the information necessary to determine the requirement for recommendations to be made.

The quorum for all of the Executive Advisory Committees shall be 3.

### **3.1.2 CULTURE, ARTS & HERITAGE EXECUTIVE ADVISORY COMMITTEE**

The specific terms of reference of this committee are:

- To promote culture, the arts and heritage generally within Fenland.
- To identify opportunities to bring additional funding for culture, the arts and heritage into Fenland;
- To identify how monies generated from any voluntary top-up to Council Tax payments may be targeted toward improvement in culture, arts and heritage within Fenland.
- To oversee the management of the annual Fenland Poet Laureate Awards and to make recommendations as to the recipients of the award.

### **3.1.3 RURAL & FARMING EXECUTIVE ADVISORY COMMITTEE**

The specific terms of reference of this committee are:

- To act as a mouthpiece for the needs of Fenland's most rural communities, including the farming and wider agricultural sectors;

- To reflect any concerns that Fenland's most rural communities (including the farming and wider agricultural sectors) may have in matters for which Fenland District Council is responsible.

### **3.1.4 PROJECT REVIEW EXECUTIVE ADVISORY COMMITTEE**

The specific terms of reference of this committee are to review and make recommendations to the relevant executive decision maker in relation to particular proposals or projects referred to it for consideration by Council, Cabinet or any committee of the Council (other than licensing, conduct or planning committees).

Where a referral is from a committee, no full member of that committee shall sit on the review of that particular proposal or project.

## **APPENDIX**

### **FENLAND DISTRICT COUNCIL CABINET AND PORTFOLIOS<sup>48</sup>**

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 and Cleansing, Parks and Open Spaces
Councillor Chris Seaton	Portfolio Holder for Transport, Heritage and Culture
Councillor Steve Tierney	Portfolio Holder for Transformation, Communication, Climate Change and Strategic Refuse
Councillor Sue Wallwork	Portfolio Holder for Community, Health, Environmental Health, CCTV, Community Safety and Military Covenant

<sup>48</sup> Amendment made 23 May 2019, amendment made 21 January 2021, amendment made 22 May 2023



## Council Procedure Rules

Paragraph 24 of the Council Procedure Rules will now read as follows:

### 24. APPLICATION TO COMMITTEES AND PANELS

- 24.1 All of the Council Rules of Procedure apply to meetings of full Council
- 24.2 Meetings of the Cabinet are governed by the Cabinet Procedure Rules (Rule 4) only rules 18, 20, 21, 22, 23, 25, 26 and 27 of this Rule 1 apply and shall be read in such a way as to apply to Cabinet where relevant.
- 24.3 Paragraphs 18, 20, 21, 22 and 23 of this Rule 1 apply and shall be read in such a way as to apply to the Investment Board where relevant.
- 23.4 Paragraphs 4, 5, 6, 7, 14, 15, 16, 17, 18, 19, (but not rule 19.1) 20, 21, 22, 25, 26 and 28 shall apply and be read in such a way as to apply to the Executive Advisory Committees where relevant.
- 24.4 Rules 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 19 (but not rule 19.1), 20, 21, 22, 23, 25, 26 and 27 apply to the proceedings of the Overview and Scrutiny Panels, committees, panels, sub-committees and sub-groups and shall be read in such a way as to apply to those meetings where relevant.

**Appendix B**  
**Proposed allocation of seats to Existing and New Committees and Proposed Appointments to Those Seats.**

The overall political proportionality at Fenland District Council including ungrouped members is as follows:

FENLAND DISTRICT COUNCIL OVERALL PROPORTIONATLIY		
Conservative	35	81.395%
FIA	7	16.279%
Ungrouped	1	2.325%

In the event of the 3 executive advisory committees being approved, the total number of committee seats would increase from 61 (+25) to 86 with overall entitlement therefore being as follows:

Conservative	FIA	Ungrouped	Total
Entitlement: 69.66 Allocation: 70	Entitlement: 13.99 Allocation: 14	Entitlement: 1.99 Allocation: 2	86

Applying those percentages to the committees would then result in the following outcomes:

Committee	Group	Proportionality		Difference	Adjusted to the 7 <sup>th</sup> additional allocation
		Current	Unadjusted		
O&S – 13 + 6	Conservative	10	9.1 – 9	-1 Cons	10
	FIA	2	1.82 – 2	N/A	2
	Ungrouped	1	0.26 – 0	-1 Ung	1
Planning – 7 + 5	Conservative	6	4.9 – 5	-1 Cons	5
	FIA	1	0.98 – 1	N/A	1
	Ungrouped	0	0.14 – 0	N/A	1
Licensing – 13 + 6	Conservative	11	9	-2 Cons	11
	FIA	2	2	N/A	2
	Ungrouped	0	0	N/A	0
A&R – 7 + 5	Conservative	5	5	N/A	6
	FIA	2	1	-1 FIA	1
	Ungrouped	0	0	N/A	0
Employment – 7 + 5	Conservative	6	5	-1 Cons	6
	FIA	1	1	N/A	1
	Ungrouped	0	0	N/A	0
Conduct – 7 + 5	Conservative	6	5	-1 Cons	6
	FIA	1	1	N/A	1
	Ungrouped	0	0	N/A	0
Appointments – 7 + 5	Conservative	6	5	-1 Cons	6
	FIA	1	1	N/A	1
	Ungrouped	0	0	N/A	0

<b>Culture, Arts &amp; Heritage EAC – 7 + 5</b>	Conservative		<b>5</b>		<b>6</b>
	FIA		<b>1</b>		<b>1</b>
	Ungrouped		<b>0</b>		<b>0</b>
<b>Rural &amp; Farming EAC – 7 + 5</b>	Conservative		<b>5</b>		<b>5</b>
	FIA		<b>1</b>		<b>2</b>
	Ungrouped		<b>0</b>		<b>0</b>
<b>Project Review EAC – 11 + 6</b>	Conservative		7.7 – <b>8</b>		<b>9</b>
	FIA		1.54 – <b>2</b>		<b>2</b>
	Ungrouped		0.22 – <b>0</b>		<b>0</b>

Based on the calculations shown in the purple column entitled 'Unadjusted' the total allocations to each political party are as follows:

Conservative:       **61**     (9 down)  
FIA:                   **13**     (1 down)  
Ungrouped:         **0**       (2 down)

In total, 12 additional allocations are therefore required.

Proportionately, Ungrouped has the greatest variance between entitlement and unadjusted allocation ( $2/2=100\%$ ). Ungrouped therefore gets the first additional allocation.

Even after that first additional allocation, Ungrouped retains the greatest variance between entitlement and unadjusted allocation ( $1/2=50\%$ ). Ungrouped therefore gets the second additional allocation.

The Third additional allocation goes to Conservative:  $9/70 = 12.9\%$

The Fourth goes to Conservative  $8/70 = 11.4\%$

The Fifth goes to Conservative  $7/70=10\%$

The Sixth goes to Conservative  $6/70=8.6\%$

The Seventh goes to Conservative  $5/70=7.1\%$  (priority given the largest group)

The Eighth goes to FIA  $1/14=7.1\%$

The Ninth goes to Conservative  $4/70=5.7\%$

And the Tenth, Eleventh and Twelfth go to Conservative by default

The 1<sup>st</sup> and 2<sup>nd</sup> additional allocation (Ungrouped choice) goes to O&S and Planning (chosen by Cllr Gerstner)

The 3<sup>rd</sup> to 7<sup>th</sup> additional allocations (Conservative choice) go to O&S, A&R, Conduct, Licensing and Employment.

The 8<sup>th</sup> additional allocation (FIA choice) goes to the Rural and Farming Executive Advisory Committee.

The 9<sup>th</sup> to 12<sup>th</sup> allocations (Conservative choice) by default go to the Licensing, Appointments, Culture, Arts and Heritage and Project Review Executive Advisory Committees.

## Appendix C: Appointments to Committee Seats

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

Committee/ Panel	Group	PP	Substantive Nominee	Substitute
<b>Employment Committee</b> 7 substantive 5 substitute	Conservative	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	
	FIA	1	John Clark	Gavin Booth
	Unaligned	0	N/A	N/A
<b>Conduct Committee</b> 7 substantive 5 substitute	Conservative	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	David Patrick	Diane Cutler
	Unaligned	0	N/A	N/A
	Independent and Deputy Independent Person		Stuart Webster	Claire Hawden-Beale
	Town and Parish Members		Appointment process underway	
<b>Appointments Panel</b> 7 substantive 5 substitute	Conservative	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	Gavin Booth	John Clark	
	Unaligned	0	N/A	N/A
<b>Culture Arts &amp; Heritage Executive Advisory Committee</b> 7 substantive 5 substitute	Conservative	6	<b>TBC (C)</b>	TBC
			<b>TBC (VC)</b>	TBC
			TBC	TBC
			TBC	TBC
			TBC	
	TBC			
	FIA	1	TBC	TBC
	Ungrouped	0	N/A	N/A
<b>Rural and Farming Executive Advisory Committee</b> 7 substantive 5 substitute	Conservative	5	<b>TBC (C)</b>	TBC
			<b>TBC (VC)</b>	TBC
			TBC	TBC
			TBC	TBC
			TBC	
	FIA	2	TBC	TBC
			TBC	TBC
	Ungrouped	0	N/A	N/A

Committee/ Panel	Group	PP	Substantive Nominee	Substitute
<b>Project Review Executive Advisory Committee</b> 11 substantive 6 substitute	Conservative	9	TBC (C)	TBC
			TBC (VC)	TBC
			TBC	TBC
			TBC	TBC
			TBC	
			TBC	
			TBC	
			TBC	
			TBC	
	FIA	2	TBC	TBC
			TBC	TBC
	Unaligned	0	N/A	N/A