

RECOMMENDATIONS FROM CABINET ON 5 NOVEMBER 2024 TO COUNCIL ON 28 NOVEMBER 2024

CAB70 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

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Councillor Moriarty presented the Gambling Act 2005- Statement of Principles.

Councillor Moriarty highlighted this was a statutory requirement and needed to be published every three years in accordance with the Gambling Act 2005. He explained the policy was drawn up in accordance with the guidelines issued by the Gambling commission and would come into effect from 31st January 2025. He added that without the Statement of Principles being adopted the Borough Council would not be able to conduct the statutory functions such as issuing licences, permits and enforcements.

Councillor Moriarty referred to Appendix A in the report, which was the list of prescribed consultees and explained the consultation ended on the 16th of September 2024. He added there was one response from the consultation which was South Wootton Parish Council who had given support to the Statement of Principles.

RECOMMENDED: That the Council be invited to adopt the Statement of Principles in accordance with the requirements of the Gambling Act 2005.

Reason for Report

It is a Statutory requirement that the Council adopts a Statement of Principles.

CAB71 COUNCIL TAX SUPPORT - FINAL SCHEME - 2025-2026

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Councillor Morley presented the report on the Council Tax Support Scheme for 2025-2026 and explained this was identical to the Council Tax Support Scheme for last year. He highlighted this was a 100% scheme and there were only 8 responses to the consultation. He commented the Scheme would help residents within the Borough who needed full support. He commended the continuation of the Council Tax Support Scheme.

The Chair, Councillor Beales sought clarification on appendix B to the report.

The Revenues and Benefits Manager explained the table was a comparison of the National Pension Age Council Tax Support Scheme and the Local Working Age Council Tax Support Scheme. She added the Local Working Age Council Tax Support Scheme was in line with the National Scheme which previously was not the case, and the table highlighted the amount the support would be reduce by if there was another adult living in the property. Additionally, the Revenues and Benefits Manager outlined the differences were from when the Scheme was introduced when

there was protected groups for the vulnerable however it was now paid more generously. Finally, she added the appendix showed the Local Working Age Council Tax Scheme allowed residents to keep an additional £10.00 of their earnings per week before it affected their Council Tax Support.

Councillor Rust expressed her support and endorsed the continued 100% Council Tax Support Scheme to incentivise the residents on the Working Age Scheme to keep an additional £10 of their earnings per week.

The Chair, Councillor Beales echoed Councillor Rust's comments.

RECOMMENDED: That the consultation responses be noted and Council be recommended that the draft CTS scheme for 2025/2026 be implemented as the final working age CTS Scheme for 2025/2026. (This must be agreed by full Council by 31 January 2025 ready for the start of the financial year on 1 April 2025)

Reason for Decision

To ensure a CTS scheme for working age people for 2025/2026 is agreed by full Council by the deadline of 31 January 2025.

CAB72 BIO DIVERSITY TASK GROUP REPORT

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The Assistant Director for Environment and Planning presented the Biodiversity Task Group report. He provided background to the Biodiversity Task Group which was created because of the notice of motion in 2020. He added the Task Group had met on 5 occasions and section 2 of the report outlined what was discussed during those meetings. He referred to the duty the Borough Council had in regard to Biodiversity net gain and added the biodiversity competition came through discussion in the Task Group. He brought to Cabinet's attention the draft Pollinator Action Plan and draft policies. The Assistant Director for Environment and Planning highlighted the recommendations.

Under Standing Order 34, Councillor Long commented he was pleased work had been carried out in response to the notice of motion and referred to recommendation 2 which highlighted the appointment of a Biodiversity Officer but questioned where this was to be funded from.

Councillor Squire expressed her support and commended the hard work of Officers, the Biodiversity Task Group and Councillor de Whalley.

Councillor Moriarty commented he was pleased with the draft policies and noted the resource and additional officer required. He echoed Councillor Squire and the hard work which had been put into preparing the report.

Councillor Morley commented on recommendation 2 and agreed it was appropriate to fund the Biodiversity Officer role from the Climate Change budget however he

believed this budget was for the Climate Change action plan and raised the question if this was to be under a separate heading in the budget.

The Assistant Director for Environment and Planning added there was debate on the funding of the Biodiversity Officer role at the Biodiversity Task Group and if this was appropriate to be funded from the Climate Change budget. He added further as part of the debate it was felt Biodiversity and Climate Change were interlinked and there was the budget available for this.

Councillor Squire agreed Climate Change and Biodiversity were interlinked and the Biodiversity Crisis was caused by Climate Change.

The Chair, Councillor Beales echoed the comments on the hard work carried out in preparing the report and noted the cross-party working on the notice of motion. He reflected on the importance of the resource issue the Borough Council has but added it was a tangible commitment to an area of policy which needed the commitment.

RECOMMENDED: 1) That the recommendations of the Urban Wildlife Informal Working Group as set out in paragraph 2.3 of the report, although recommendation 8 from the group, requiring a budget for delivery of the proposals would be covered separately through the creation of the two year fixed-term biodiversity project officer role be agreed.

2) That the appointment of a Biodiversity project officer, for a fixed period of two years, with funding coming from the climate change budget be approved.

3) That the council adopts the Biodiversity policies and specific objectives set out in appendix 1 to the report.

4) That the creation of a Pollinator Action Plan, on the basis of the draft attached (appendix 2), with the final wording to be agreed with the Assistant Directors for Environment and Planning and Operations and Commercial, in consultation with the portfolio holder for Climate Change and Biodiversity.

5) That the community biodiversity competition initiative, detailed in the report, be supported by the council.

Reason for Decision

To provide a suitable response to the original notice of motion, and to help the council contribute to improving biodiversity in the borough.

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The Monitoring Officer presented the report and explained that the report included proposed Council procedure rules and substantive amendments to the Constitution.

She highlighted the key issues which were identified by the Corporate Performance Panel and added this was the work carried out by the Constitution Working Group. She referred to Section 6 of the Council procedure rules which was a budget meeting of full Council, and explained to Members that this would allow one meeting of full Council to focus on the budget. She highlighted 6.7 which contained amendments to the budget decision making, and the process of members and group leaders submitting amendments to the proposed budget prior to the meeting and that they be validated to ensure it was a balanced budget. She added that proposed amendments to the budget would be published for members prior to the meeting to allow consideration.

Budget

The Monitoring Officer outlined the amendments which had been made since the Corporate Performance Panel meeting which included Group Leaders being able to move a budget amendment which could include a number of changes. Included in 6.7.1 was the timing of ten clear working days for the Section 151 Officer to validate the budget amendment. She highlighted 6.7.1.11 which meant the Chief Executive could extend the timescale as referred to in 6.7.1. Additionally, she highlighted 6.7.16 which outlined the validation process of a budget amendment.

Under Standing Order 34, Councillor Long commented that it was limited to Members to propose an alternative budget without being able to use reserves in a different way than Cabinet but acknowledged the reasons for this.

The Chair, Councillor Beales responded to Councillor Long's comment and highlighted the statutory duty of the Council to produce an annual budget which was compliant and balanced. He highlighted there were not reserves to accommodate being used elsewhere. He expressed his concern on 6.7.1.1 and a potential scenario of Council agreeing to a number of the proposals contained in the amendment but not the amendment as a whole.

The Monitoring Officer responded to the Chair's question on 6.7.1.1 and advised the proposer of the substantive motion could propose to alternate the substantive motion. She advised that if during the meeting it became apparent the amendment was supported except one proposal then Council would not be able to alter the amendment without the proposer doing so.

Councillor Morley commended the hard work of the Constitution Informal Working Group and the Monitoring Officer on producing a structural framework for a budget meeting. He added as the proposed budget would be submitted 10 clear working days before for the Section 151 Officer to validate, this would prevent the scenario in

question occurring. He encouraged proposed budget amendments and asked them to be submitted as soon as the proposed budget was raised.

The Chair, Councillor Beales echoed Councillor Morley's comments of the hard worked carried out by the Monitoring Officer and the Constitution Informal Working Group.

The Monitoring Officer referred to 6.7.1.11 and explained the Chief Executive's discretion could extend the time for validation of an amendment. She added if a decision and agreement from group leaders was to happen before the budget meeting, the agreed budget could be published.

The Chair, Councillor Beales commented that the view of group leaders may not reflect the view of the majority of members at the full Council budget meeting, and there was still a danger that an amendment which attracted the support of group leaders may not be wholly supported by the majority at Council. To clarify, he did not want the Council to be in a position where an amendment could not be agreed due to one amendment not being supported.

The Monitoring Officer suggested Standing Orders being suspended or include an additional recommendation to include a safety net for amendments at the meeting if Members voted to allow this. Councillor Beales thought this offered a solution to an unlikely but very difficult situation that could otherwise arise at full Council.

Councillor Ring referred to 6.7.1.6a and commented this would prevent debate on point adding to reserves or being non reliant on reserves.

The Monitoring Officer added if the budget reliance was zero then this would be further reliance of zero.

The Chair, Councillor Beales commented there if was no reliance on reserves if there had been or there were projected additions to the reserves.

The Monitoring Officer confirmed 6.7.1.6a was not required if there was to be an addition to reserves.

Councillor Ring asked for this to be reviewed when the Council was in a financial position to add to the reserves.

The Chair, Councillor Beales agreed to continue to review the constitution with a pragmatic approach.

Notice of Motion

The Monitoring Officer referred to page 11 of the Council Procedure Rules and explained that any Notice of Motions not considered within the timeframes would roll onto the next agenda item to ensure all parties and non-aligned had the opportunity for their Notice of Motion to be debated. She highlighted alternative options for time

limits on the Notice of Motion either 20 or 30 minutes per Motion or a total of 40 or 60 minutes.

Under Standing Order 34, Councillor Bubb suggested the process could be : the motion be read out by the proposer and seconded, and the Mayor then ask if anyone disagreed with the Motion, if no dissenters, then Council go straight to the Vote. He explained if anyone disagreed with Motion and an amendment was asked for then the amendment was to be debated. He added further if the notice of Motion was disagreed with for a different reason, then this was to be debated as usual with a limit on the number of speakers and not raised a new point.

The Monitoring Officer commented that the forward work programme was to be set for the Constitution Informal Working Group and recommended to Members to not make further amendments at the current stage as this would be a point for the Constitution Informal Working Group would be consulted on.

Under Standing Order 34, Councillor Kemp expressed the importance of notices of motion and stressed they needed to be debated by Council, She expressed her concern at limiting the time of motions and provided examples of successful notices of motion from herself and other Members. Councillor Kemp considered that no debate on notices of motion meant that Members would not be representing their community. Additionally, Councillor Kemp referred to her participation at the Constitution Informal Working Group and the Corporate Performance Panel.

The Chair, Councillor Beales reminded Members, the recommendations were to go to Council at which the time limits on notice of motions would be decided.

Under Standing Order 34, Councillor Long echoed Councillor Bubb's suggestion and explained that if a notice of motion was to be proposed and seconded and agreed by Council then there was no need for a debate. He added notices of motion were correct for urgent and definitive decisions from Council. He added he felt the suggestion of no debate was to save time on debate when Council agreed.

The Chair, Councillor Beales commented by a time limit being agreed it encouraged Members to choose their words with care to ensure the message was delivered.

Councillor Rust commented she did not agree with the idea of having no debate on motions and stressed the importance of residents being able to listen to Members debate the motion and articulate their support.

The Chair, Councillor Beales added further there was the ability for the Mayor to extend time on the notice of motions at his discretion.

Councillor Morley commented it was important to not discourage motions and added the importance of Members not using motions to promote themselves. He supported the idea of notices of motions having a time limit and added if it was felt this was not working then the Constitution Informal Working Group would look to find another solution.

Councillor Ring sought clarification that 7.9 meant the Mayor could extend the time

on individual motions as some motions required extended time due to the significance of the motion.

The Chair, Councillor Beales asked the Monitoring Officer to add additional wording to make it clear the Mayor had complete discretion with extended times for notices of motions.

The Monitoring Officer agreed to amend 7.9 to include the Mayor may decide to extend the time of notice of motions.

Councillor Squire commented her views on notices of motion and referred to previous ones she had proposed She added work was needed behind the scenes when a notice of motion was proposed, and it encouraged cross party working. She supported that the Mayor could decide to extend the time limit at his discretion and considered that. a motion being debated was democratic.

Under Standing Order 34, Councillor Ware made reference to the White Ribbon Campaign Motion which was approved at Council on the 31st October 2024 commented that a resident had contacted her directly following this motion to thank her for bringing it forward. Under Standing Order 34, Councillor Kemp echoed Councillor Ware's comments and added she had received direct correspondence thanking the Council and support on the Wisbech incinerator campaign motion.

Councillor Moriarty commented the importance of a notice of motion and agreed they encouraged cross party working and showed parties were united to send a message as a Council. He added he did not agree there should be no debate on the motions and added he supported the Mayor being able to extend the time limit.

Substantive Changes

The Monitoring Officer highlighted the Substantive Changes which included changing the number of members on the Planning Committee, Licensing Committee and the Licensing and Appeals Board. She highlighted the discussion around Standing Order 34 as it specifically related to Planning Committee. The Monitoring Officer explained why this amendment was part of the constitution and not the planning code of conduct or speakers protocol. She explained the amendment included the discretion of the Chair allowing another appropriate Member to speak other than the Ward Member.

Under Standing Order 34 Councillor Long supported the reduction in the number of members on the Planning Committees, Licensing Committee and Licensing and Appeals Board. He added he felt the reduction was appropriate after the reduction of Borough Councillors from 62 to 55.

The Chair, Councillor Beales referred to the minutes and recommendations from the Corporate Performance Panel.

Under Standing Order 34 Councillor Long referred to previous planning experience that any Member speaking was there under Standing Order 34, however this was not correct as it did not apply to Planning Committee. He supported the Monitoring

Officer work and agreed this was clear. Councillor Long added that he considered further Members speaking via Zoom was not constitutional. He added the changes made allowed Ward Members or an appropriate representative of a Ward Member under the Chair's discretion would encompass this.

Under Standing Order 34 Councillor Spikings referred to her planning experience and commented that it was rare for a Member other than the Ward Member wanted to speak on an item. She commented Planning Committee was not political and questioned if there was a Member wanting to attend they could confirm the reason and why it was appropriate. She questioned the amendment of 2 days' notice of attending rather than 2 hours.

The Monitoring Officer confirmed 2 days related to the discretion of the chair and explained this allowed time for the Chair to decide if the Member could speak at the meeting. She added wording could be added to ask Members the reason for them wanting to attend Planning Committee.

Under Standing Order 34 Councillor Bubb commented Ward Members of adjacent and neighbouring Wards would like to speak on applications where other Wards would be affected.

Councillor Ring referred to the reduction in Borough Councillors and commented he had attended Scrutiny Panel which were nearly inquorate and suggested the Constitution Informal Working Group looked at reducing the number of Members of the Panels or the number of Panels.

RECOMMENDED: 1) That the adoption of the draft Council Procedure Rules into Part 4 of the Constitution as set out in the report, to be effective from 1 January 2025, be approved.

2) The approval of the Schedule of Substantive Changes to the Constitution and Minor Amendments to Standing Orders set out in the report, to be effective from 1 January 2025 be approved subject to the following amendment:

- The budget meeting rules include a safety valve for amendments on the night if Members vote to allow this
- Notices of Motion - SO 7.9 - the total time limit shall be 60 minutes for the whole item and 30 mins each on the basis that the Mayor can decide to flex this as necessary.
- That standing order 34 relating to attendance at Planning Committee by members be updated to require that Members give a brief summary of what they intend to say under SO34 to the Chair and Dem Services which will be published in advance of the meeting.

3) That the revised Proportionality be approved.

COPY OF THE UPDATED PAPERWORK IS ATTACHED

Reason for Decision

To fulfil the Council's duty to review and keep its Constitution up to date.