

# COUNCIL



**MONDAY, 20 MAY 2024 - 4.00 PM**

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

**APOLOGIES:** Councillor G Christy, Councillor J Clark, Councillor M Humphrey, Councillor Mrs D Laws and Councillor B Rackley

**C1/24**      **TO ELECT A CHAIRMAN FOR THE PERIOD TO THE NEXT ANNUAL MEETING AND TO RESOLVE THAT AN ALLOWANCE OF £4,120 PLUS TRAVELLING EXPENSES TO BE PAID TO THE PERSON ELECTED.**

It was proposed by Councillor Boden, seconded by Councillor Mrs French and resolved that Councillor Nick Meekins be elected as Chairman of the Council for the period to the next Annual meeting and that he be paid an allowance of £4,120 plus travelling expenses.

Councillor Meekins received the Chain of Office, signed the Declaration of Acceptance of Office and addressed the Council as follows: Fellow Councillors, thank you for re-electing me as Chairman of Fenland District Council. I will endeavour to represent the Council at as many events as I possibly can during the following year.

**C2/24**      **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 TO BE PAID TO THE PERSON ELECTED.**

It was proposed by Councillor Meekins, seconded by Councillor Mrs Mayor that Councillor Brenda Barber be elected as Vice-Chairman of the Council.

It was further proposed by Councillor Booth, seconded by Councillor Cutler that Councillor Patrick be elected as Vice Chairman of the Council.

Following a vote, Councillor Brenda Barber was elected as Vice-Chairman of the Council for the period 2024/25 and it was resolved that she be paid an allowance of £1,000 plus travelling expenses.

Councillor Barber signed the Declaration of Acceptance of Office and addressed the Council saying that she has enjoyed her role as Vice Chairman to date and she will continue to do her best to support the Chairman in any way she can over the next year.

**C3/24**      **PREVIOUS MINUTES**

The minutes of the meeting of 26 February 2024 were confirmed and signed.

**C4/24**      **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

There were no announcements from the Chairman or Chief Executive.

**C5/24**      **MEETINGS OF THE COUNCIL 2024/25**

The suggested meeting dates for the Annual Meeting and for the ordinary meetings of the Council for 2024/25 were proposed as follows:

- Monday 15 July 2024
- Monday 30 September 2024
- Monday 16 December 2024
- Monday 24 February 2025
- Monday 19 May 2025

**Proposed by Councillor Meekins , seconded by Councillor Boden and AGREED the proposed dates for the Annual Meeting and ordinary meetings of the Council for 2024/25.**

**C6/24**      **TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.**

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

- Given the fact that the date for the Annual Council meeting had been set last year to take place on 13 May 2024, some members such as Councillor John Clark are not present at the meeting today due to being on holiday which was booked so it did not coincide with Annual Council. He asked why it was felt necessary to reschedule the Annual Council meeting, will this also be the case with other meetings in the future and can that be avoided if at all possible? Councillor Boden responded that he will do his utmost to avoid having to reschedule meetings in the future and explained that it is a difficult task to schedule a calendar of meetings for the forthcoming year. He made the point that when setting dates other factors have to be considered such as taking into account the various timescales which as an authority need to be adhered to, as well as considering the dates of meetings held by the County Council and the Combined Authority. Councillor Boden added that when he considered the draft calendar of dates, he had overlooked the fact that Cabinet and Council had not been scheduled to take place on the same day. He explained that the 13 May was not deemed to be a suitable date as there have been elections in a number of constituent authorities within the Combined Authority area and as a result there have been changes to the political proportionality in the Combined Authority for its committees which is one of the matters which needs to be considered by the Council. Councillor Boden explained that had Annual Council taken place on 13 May then the political proportionality information would not have been available, and it would have proved difficult to conduct that part of business.

**C7/24**      **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 Connor addressed Councillor Murphy and stated that he would like to congratulate Adam Pratt and his team of Refuse and Recycling operatives as well as Street Cleansing Operatives and Rapid Response crew for the excellent work that they carry out. He added that he has never heard any negativity from residents only words of praise for the work that they undertake in all types of weather. Councillor Connor expressed the view that they are all a credit to the Council, and he asked for his sentiments to be fed back to the staff.
- Councillor Connor addressed Councillor Wallwork and asked if she could pass on his thanks and appreciation to the Environmental Health Officers for the excellent work that they undertake in often challenging situations. He added that Dawn Sadler has gone over and beyond in her duties to get several difficult cases dealt with to reach a satisfactory conclusion in a timely and proactive manner and he asked for his thanks to be passed on.
- Councillor Hoy stated that she was surprised over the weekend to see an open letter from the Chief Executive of the County Council, in which he called into question the professionalism of the Senior Officers Team at Fenland. She expressed the view that she has always found the officers to be very professional and whilst sometimes there maybe differences of opinion, they always act in a professional manner, and she made the point that she has no complaints about them and holds them in extremely high regard. Councillor Hoy asked whether Councillor Boden agrees with her statement, and she asked whether he would refute the claims which were made? She added that she is genuinely concerned about how the letter came to light as she cannot ever recall this type of incident taking place in the 14 years that she has been a councillor. Councillor Hoy stated that it may be that a code of conduct complaint may be required but that will not become apparent until an investigation is conducted and asked Councillor Boden whether he will be prepared to investigate this matter further on behalf of the Council? Councillor Hoy added that, in her view, it is important to do so due to the fact as employers there is a duty to defend its employees when they have their reputation tarnished unfairly in such a way. Councillor Boden stated that he was also sent a copy of the open letter on Friday which Councillor Hoy has referred to and he explained that he does not want to exacerbate a situation which has already gone regrettably further than it should have done. He expressed the opinion that he fully endorses the comments made by Councillor Hoy and added that he has 100% confidence in the professionalism of the Senior Officer Team at Fenland. Councillor Boden added that he will be drafting an email to the Chief Executive of Cambridgeshire County Council, the content of such will be kept private and he has every intention of investigating further, the potential breaches of the Councillors Code of Conduct, the Code of Conduct between officers and members as well as the Code of Conduct which relates to the release of information to the press within Cambridgeshire County Council. He explained that if he needs to initiate any appropriate action at County level, then he will do so, but that will be undertaken personally and not on behalf of the Council as that would be inappropriate to do so.
- Councillor Booth referred to the report from Councillor Mrs French with regards to the Civil Parking Enforcement and the fact that there is a £500,000 shortfall and he has been made aware that the Council did receive an amount of money from what was known as Cambridgeshire Horizon, along with additional funding from DEFRA associated with drainage levies although he believes that money has gone into general reserves. He asked whether there are any other avenues which can be investigated in order to find the funding shortfall and that the detail concerning the deficient regulation orders is decades old and there are some issues which are 30 or 40 years old which need to be rectified before it can be progressed within the Fenland area. Councillor Mrs French stated that no money or any promise of any money has been received from Cambridgeshire Horizon and the money that the Council did receive, there has been no decision to date with regards to how that is going to be spent. She added that she agrees with the point raised by Councillor Booth concerning the out-of-date Traffic Order which dates back to 1984 and explained that it is hoped to introduce the 2004 regulations, but unfortunately it is not just the financial aspect which needs to be considered there is also the unreasonable contract which the County

Council wish to impose on the Council which involves the Council becoming responsible for the maintenance of the lines and signs for perpetuity along with various other unreasonable conditions. Councillor Mrs French explained that Fenland officers are in discussions with officers from the County Council.

- Councillor Patrick asked Councillor Mrs French if she can provide a timescale of when the Civil Parking Enforcement can be pursued further as he has spoken to a number of people who are disappointed that this is not being carried through due to the fact that as a Council it was stated that it was a priority. Councillor Mrs French stated that officers are in discussions with the ongoing issues and made the point that the applications can only be submitted twice a year, once in April and again in October, so the Council will not be in a position to do that until next year and she explained that she is also frustrated due to the fact that this was first discussed in 2019. She explained that South Cambridgeshire District Council have implemented it but that is due to the fact that the Cambridge Greater Partnership have financed the £1million for the lines and signs and they have also agreed to financially support them for the next five years which is not something that Fenland has the luxury of.

## **C8/24      MOTION SUBMITTED BY COUNCILLOR MATTHEW SUMMERS**

Councillor Summers presented his motion regarding Planning and Councillor Roy seconded the motion, and it was opened for debate.

Members made comments as follows:

- Councillor Connor stated that in his 11 years as a County Councillor he has the misfortune to endure many poor motions brought by the County Council and, in his opinion, this motion before members is of the same level, although he has a lot of respect for most Independent members of the Council at Fenland. He made the point that the three independent members have either been a member of the Planning Committee or a substitute member in the last year and one of the new Planning Committee members had passed comment to him and stated that before he had been elected as a councillor, he did not appreciate the amount of work which goes into a Planning meeting, including reading the agenda and associated reports, numerous site visits all over the Fenland area and then the committee meeting which can last for many hours. Councillor Connor stated that the councillor also made the point with regards to how open and transparent the Planning system was in Fenland in both the process and determination of the applications and made the point that there is a process in which a councillor can call in an application if the site falls within their ward or the adjoining ward and there does need to be a material planning reason in order for this to happen. He made the point that as he as Chairman of the Planning Committee reviews these applications and if they meet the relevant criteria, he will ensure the application is determined by the committee rather than delegate it to officers, stating that he has received three call in requests over the last five years from members and all of those applications have been determined by the Planning Committee. Councillor Connor made the point that all applications recommended for refusal by officers are reviewed by him and if he feels that members of the Planning Committee would find the application interesting then he consults with the Head of Planning to bring the application forward and also highlighted that if six letters of support or objection are received then the application will be determined before the Planning Committee which is another tool which demonstrates the openness and transparency of the planning process. He made the point that one of the many concerns highlighted by Councillor Summers appears to be the number of planning determinations which go against the officer's recommendation, and he expressed the view that it could be because that the current adopted Local Plan is old. Councillor Connor made the point that planning is subjective and what may be acceptable to one member may not be to another and also to the general public. He expressed the view that for those reasons he will not support the motion and there are enough factors in place to give members the reassurance that the right process has been adhered to and hopefully the right planning decisions have

been made. Councillor Connor added that he notes that Councillor Summers has not registered any interest with regards to sitting on the Planning Committee or shown any interest in Planning before this motion has been submitted.

- Councillor Hoy stated that she is speaking from experience as a local member who has engaged with the planning process and, in her opinion, previous planning committees may have appeared to be less democratic than the current committee are and the current Planning Committee are very professional, have a good understanding with regards to all aspects of planning applications and they determine each application on its own merits which is as it should be. She stated that she has been approached on a number of occasions by residents who have concerns with regards to various planning applications and she has resolved to either advise them to use one of the mechanisms which are already in place, which include contacting the Town or Parish Council or encouraging those residents who have concerns to submit letters of support or objections. Councillor Hoy added that members can discuss their views with the Chairman of Planning or officers in the Planning Team to seek their advice and also have the option of speaking at a Planning Committee and, from her experience, members of the committee do listen to the views and opinions when presented at the committee. She made the point that she is actually quite surprised as to how many members have actually taken the time to read the Local Plan in detail to gain an understanding with regards to the decision-making process. Councillor Hoy made the point that the mechanisms are there to be used but you need to take the time to use them.
- Councillor Hay stated that she sat on the committee for a number of years and, in her opinion, the system that is in place is robust and, as Councillor Connor has stated, if he is not content with the officer's recommendation he can request that the application is determined before the committee. She added that as a local member she has called applications into the committee previously when she has not been happy with the recommendation and there are enough checks and balances to make sure the right decisions are made. Councillor Hay expressed the view that there are going to be instances where people are not going to be happy with decisions that are made and she added that by going further and opening things up to the Planning Inspectorate, the Council could end up facing costs which has happened previously. She stated that the last things that the residents of Fenland will want is to take something to the Planning Inspectorate when there is no possibility of the Council winning and she will not support the motion.
- Councillor Taylor stated that it is well known fact that he became a Councillor in order to help people and also due to the fact that he has issues with planning and drainage, but if anybody has a planning issue then there is a channel for research and correct investigation in order to find answers and work with other people. He expressed the view that this is a channel which would not achieve anything and for that reason he will not support the motion.
- Councillor Tierney thanked Councillor Summers for bringing the motion forward as, in his opinion, it is a thoughtful motion and brings forward an interesting idea which is worth investigating and considering. He added that, in situations such as this, it is looking to find a balance which suits the public so that they feel that they have a fair opportunity without adding too much bureaucracy so that it is unwieldy, difficult, expensive or impossible. Councillor Tierney stated that whilst it is a good idea he does not believe that Councillor Summers has made a strong enough case, and if the Council had a Planning Committee who were constantly doing everything incorrectly, which he does not feel is the case at this current time. He expressed the opinion that the current Planning Committee is the best that he has ever seen and their decision-making process is very robust and whilst the committee do not always agree with the officer's recommendation, he does not think that is a bad thing. Councillor Tierney stated that the committee is in place so that members can include their local input, whilst officers have provided their professional and legal judgement and the two put together enables a decision to be taken even if that is different to what the officers have recommended. He added that the system is built in that way and he does not see why an additional layer of bureaucracy would want to be included which would result in the

replication of a Planning Committee at a higher level, however, possibly necessitating in a different appeal committee being formed to be the decision maker, which would not have enough benefit to make the cost, time and effort worth it. Councillor Tierney expressed the view that if the current Planning Committee were making mistakes then Councillor Summers may have a case to put forward, however, in his opinion, they are not and, therefore, he will not be supporting the motion.

- Councillor Miscandlon stated that he was the previous Chairman of the Planning Committee and, in his view, the committee are the fairest that he has ever seen when they are determining applications and to add another layer of determination is an unbelievably bad idea. He stated that he trusts the committee because they have received training and whilst the committee might not always agree with the officer's recommendations that is how it should be. Councillor Miscandlon made the point that to add an additional layer of scrutiny is wrong and he will not support the motion.
- Councillor Mrs French stated that she has been an elected member for 25 years and has received repeated training on the subject of planning, explaining that before a councillor can sit on the Planning Committee there is a requirement to undertake training as many applications can be controversial. She made the point that if the motion was approved then every single member of the Council would need to receive training which would mean a significant cost to the Council and it would slow down the planning process which in turn would mean that the Planning department would not reach their targets which in turn would mean that the Government would intervene. Councillor Mrs French explained that she has also held the position of Chairman of the Planning Committee and those members who form part of the committee have to spend many hours reading very lengthy reports and undertaking visits to site, making the point that if the motion were approved it would mean that every member would need to visit each site. She added that whilst she feels that the sentiment of the motion is right, she cannot support it in its current form.
- Councillor Gowler explained that he is the Vice Chairman of Chatteris Town Council's Planning Committee and, therefore, he takes a great interest in planning applications and often watches the Council's planning meetings. He made the point that he does not always agree with the decisions made by the Council's Planning Committee, however, the officers and members who sit on the committee are all extremely professional. Councillor Gowler stated that as part of the planning training that he has received he was advised that if there is a situation where the committee agree with every officer recommendation or alternatively every decision is overturned then there is obviously a cause for concern. He added that the committee is there to deal with many contentious applications and, in his view, they carry out their role exceptionally. Councillor Gowler expressed the view that the planning process needs finality to it and the suggestions within the motion will only mean additional delays to the planning process which is already a lengthy process. He made the point that there is the option for a judicial review to be undertaken once an application is determined, however, recognised that it is a costly and lengthy process.
- Councillor Booth expressed the opinion that some members do not appear to have fully understood what the motion is trying to achieve and members have made statements regarding the current checks and balances that are in place for when an application is determined at committee, however, the motion is focussing on what happens after the committee meeting. He made the point that there are other local authorities who have a similar process to that which has been highlighted in the motion and referred members to an application which caused much controversy, making the point that the process outlined in the motion could deal with such an application should the need ever arise again. Councillor Booth referred to the point made by Councillor Mrs French with regards to all members requiring training if the motion were adopted and he explained that there would only be the requirement to have a small sub-committee to deal with the applications. He added that the whole point about the motion is to introduce a mechanism which is agreeable rather than the assumptions that members are highlighting with regards to a process before it is actually being looked at, which he finds concerning. Councillor Booth stated that he feels that the motion does have some merit to be explored further and if officers put forward a proposal

and members do not agree then it will not be carried forward, however, officers need to be given the opportunity to investigate the possibilities further including benchmarking other authorities who already operate such a scheme and then report back to full Council.

- Councillor Roy stated that he agrees with the points made by Councillor Booth in order to give the Council the opportunity to undertake similar systems that other local authorities do already and would mean the implementation of a mechanism in the future to keep up with the changing times. He stated that he appreciates that the planning process is very lengthy.

Councillor Summers summed up by thanking Councillor Tierney for his open mindfulness and expressed the view that he was not intending to offend those members who currently hold a position on the Planning Committee as that was not his intention and he appreciates the hard work and good job that those members undertake. He added that members have referred to openness and transparency during the debate and he agrees with them, but the point of the motion was to explore the options and as Councillor Booth indicated there are other authorities who have adopted this type of system. Councillor Summers made the point that the professionalism of officers and members of the committee is not in question, and he is not making any suggestion that the Planning Inspectorate should be involved as well as any associated costs unless that would be necessary to achieve any constitutional changes. He expressed the view that he has been contacted by residents on a number of occasions with regards to planning decisions which have been made, especially if the Parish Council have made objection to the application and it has been approved. He made the point that it does not sit well when he has to advise residents that the decision is final especially when the residents are particularly passionate about a site. Councillor Summers added that he is aware that members can speak at committee meetings and part of the motion was to explore the associated constraints which may be present.

#### **Members did not approve the motion.**

*(Councillors Connor, Mrs French, Hicks, Imafidon and Marks declared that they sit on the Planning Committee, however, they would remain impartial with their decision making in considering this motion)*

#### **C9/24      MOTION SUBMITTED BY COUNCILLOR CHRIS BODEN**

Councillor Boden presented his motion regarding the use of Industrial Bottom Ash Aggregates (IBAA), Councillor Sennitt Clough seconded the motion, and it was opened for debate.

Members made comments as follows:

- Councillor Nawaz stated that he will support the motion, but questioned whether there is a recent report which has been conducted by the Environment Agency (EA) concerning the investigation and analysis as to the constituents that have been deposited. He added that if one has not been undertaken would it be possible for the Council to make a request of the EA to conduct a more recent investigation to determine the various organic and inorganic constituents of IBAA which has been deposited over the last few years as well as the current operations. Councillor Nawaz asked whether it would be possible for that report to be presented in such a way that it can be easily interpreted with clear indications of the normal expected levels in the environment and in the soil and what is actually present. He added that he would also like the report to incorporate the pollution caused by noise, smell and dust and to include the levels of those that can be accepted and if the levels exceed acceptable levels can the EA take some action.
- Councillor Miscandlon stated that it is his understanding from recent investigations that IBAA and IBA is banned in some European Union countries, and it is not permitted to be used in any construction or in domestic areas and he feels that it is a matter which needs to be addressed.
- Councillor Taylor made the point that IBAA is transported via lorry, and it has different size particles which are predominantly dust. He added that if the EA are stating that none of this

can go anywhere near a water course then, in his view, it may be toxic in some form and, therefore, be a danger to humans. Councillor Taylor expressed the view that he would, therefore, like to see a higher authority than the EA deal with the issue properly and he will fully support the motion but feels that the right answers and information need to be provided by an agency higher than the EA.

- Councillor Roy stated that it would appear that IBAA has been present on the site for a lengthy period of time and he questioned whether there is any information held which indicates whether there has been any contamination of nearby watercourses, how it is being stored as well as whether there is any risk to the local wildlife or residents who live in the vicinity. He added that he will happily support the motion and those local residents should be provided assurances that everything is being done by the Council to look into the issue.
- Councillor Gerstner stated that there were a number of conditions which were placed on the planning application in regard to the environmental impact of IBAA and it appears that a number of those conditions have not been adhered to. He questioned who the enforcer should be with regards to ensuring that the conditions are in place and added that it is his understanding that part of the application was retrospective and had already been started which meant that the Planning Committee found themselves in a difficult position.
- Councillor Booth stated that he will support the motion, however, in his view, it appears that the emerging Local Plan has not been included within the detail and he asked whether it is something that should have been considered as another mechanism to try and enforce or reduce the use of the IBAA and the policies of the emerging Local Plan should be developed to restrict the use of IBAA as much as possible.
- Councillor Carney referred to the EA and their relationship with farmers and landowners and added that he is surprised with regards to their position statement as the EA can be strict with farmers regarding the use of any fertilisers and growth promoters. He added that he recalls an instance, which was before the pandemic, where a farmer was using wash water used to take soil off of vegetables from a local vegetable processing plant to spray it on his fields as a way of re-using wastewater and getting soil, and nutrients back into the land, however, he was subjected to action from the EA for his use of that water. Councillor Carney stated that the EA is very relaxed with some sectors, however, in other cases their sanctions are very harsh.
- Councillor Sennitt Clough acknowledged the points raised by Councillor Nawaz and explained that IBAA is deemed by the EA to be a waste derived from incinerator bottom ash after most ferrous and nonferrous metals and other wastes have been screened out or otherwise removed. She explained that it is a heterogeneous material that can commonly consist of concrete, ceramics, glass, brick, clinker metals and fused materials, but can include materials from batteries, sanitary products and other hazardous or toxic products. Councillor Sennitt Clough stated that it is a material that is prone to be dusty, that creates an unpleasant odour, and that should not be allowed to leach into water courses or sources. She made the point that the EA states that the use of IBAA in construction is a deposit of waste for recovery and a groundwater activity which should be carried out under an environmental permit, however, for licensing purposes, Cambridgeshire County Council (CCC) appears on at least some occasions to be treating IBAA as a product rather than as waste, and thus subject to far weaker controls and protections. Councillor Sennitt Clough stated that she would like Council to:
  1. express concern about unregulated or weakly regulated use of unbound IBAA in all circumstances in Fenland, especially given that this is a flat, marshy, agricultural region of the UK, so particularly vulnerable to leachate and water table pollution issues
  2. seeks assurances from the EA that its Regulatory Position Statement RPS247 not be extended beyond 31st January 2025, or that, if it is extended, the conditions under which the extension is granted are tightened to give greater assurance that the use of unbound IBAA will not cause (nor will be likely to cause) pollution of the environment or harm to human health.



3. requests that the Council's Environmental Health raise with both CCC and the EA the concerning apparent categorisation (at least on occasion) of IBAA as a product rather than as waste by CCC, and that the Council presses CCC to formally recognise IBAA as a waste product.
4. resolves that the Council confirms it treats IBAA as a waste and that, in any potentially relevant planning applications at this Council, it is asked if unbound IBAA is proposed to be used and that the Council notifies the EA in all cases if unbound IBAA is proposed to be used.
5. recognises that the EA is the subject matter expert and lead agency for IBAA and calls on CCC formally to recognise that the EA is the subject matter expert and lead agency for IBAA.
6. resolves that the published EA FAQ sheet entitled "Incinerator Bottom Ash (IBA) and Incinerator Bottom Ash Aggregate (IBAA) FAQs" should be sent by the Council to all its councillors, to Parish & Town Clerks within Fenland and to relevant Council employees so that they are fully aware of this issue, and that CCC be requested to send the FAQ to their councillors and relevant council employees.
7. agrees additionally that this motion be sent to the EA, to CCC, to Stephen Barclay MP in his capacity as MP and to Stephen Barclay MP in his capacity as Secretary of State for the Environment, Food and Rural Affairs.

Councillor Boden summed up and stated that there have been many good points made by members and referred to the comments made by Councillor Nawaz expressing the view that he believes that he may have mixed two separate problems up with one being the depositing of non-conforming waste in the area of Saxon Pit and the second being the use of some of the products which are coming from a factory within Saxon Pit which are being used as IBAA in the environment. He added that in both cases there have been investigations by the EA and in the first case the investigations have been ongoing for a long time and in the second instance the results are still to come forward as a result of their investigation. Councillor Boden referred to the point made by Councillor Roy with regards to having confidence that no contamination has taken place and that whilst it is already a known fact that the material has not been stored correctly, there is concern with regards to the risk to wildlife and residents and he hopes that any risk has been minimal and that if the EA had seen anything that was dangerous then they would have taken immediate action to ensure actions were stopped but he added that it is still unacceptable that IBAA is located so close to a watercourse when clearly the regulations state that it should not be used in that way. He stated that the point that Councillor Miscandlon made is correct by virtue of the fact that there are a number of countries in the European Union who have banned IBAA totally, however, this country's regulations should be observed and be vigilant about ensuring that the regulations are used effectively and efficiently. Councillor Boden stated that the point Councillor Taylor made with regards to taking our concerns to a higher level than that of the EA is a point which he agrees with and was covered in point 7 indicated by Councillor Sennitt Clough by raising the issue with to Stephen Barclay MP in his capacity as this area's MP and to Stephen Barclay MP in his capacity as Secretary of State for the Environment, Food and Rural Affairs. He referred to the comment from Councillor Booth with regards to the emerging Local Plan and he agreed to discuss that with Councillor Mrs Laws and officers to ascertain whether this is something that can be achieved due to the ever-changing regulations. Councillor Boden referred to the comments from Councillor Gerstner and Carney concerning enforcement and he stated that is a separate issue which does cause a problem and there is inconsistent enforcement of regulations by the EA and not just in this area. He added that he agrees that enforcement is an issue but is an issue beyond what the motion seeks to achieve and encouraged members to vote in favour of it.

**Member approved the motion.**

*(Councillor Miss French and Councillor Mockett left the meeting at 5.12pm following this item)*

## **C10/24      COMMITTEE BALANCE, POLITICAL BALANCE AND ALLOCATION OF SEATS**

Members considered the Committee Balance, Political Balance and Allocation of Seats report and the Chairman drew members attention to the addendum which had been circulated to them which provides updates on the vacancies that still existed at the time of publication.

Councillor Boden, in presenting the report, advised members that Councillor Booth has confirmed that he does not have any further amendments to be included as part of the report. He explained that the apportionment of positions on outside bodies to individual councillors is not a matter which is being decided at the current time and that will be subject to further discussions between group leaders and will be taken forward at the next Cabinet meeting.

Councillor Booth requested that members move to the substantive motion.

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

- to approve the Committees and Panels set out at Appendix A for the 2024/25 municipal year;
- the terms of reference set out at Part 3 of the Council's Constitution in relation to the committees and panels referred to at paragraph 3.1;
- the politically proportionate allocation of seats to Committees and Panels as set out in Appendix B;
- the allocation of seats and position of Chairman and Vice Chairman also as set out in Appendix B;
- the appointments to seats allocated in accordance with paragraph 3.4 (Appendix B) including any co-opted or non-members;
- the list of Outside Bodies as set out at Appendix C for 2024/25;
- the politically proportionate allocation of seats to Outside Bodies all as set out in Appendix C; and
- to note that the distribution of seats amongst Outside Bodies, to achieve overall political proportionality based on the allocations approved at paragraph 3.7 and the subsequent appointments to those seats will be discussed between Group Leaders and presented for approval at the next meeting of Cabinet on 17 June 2024.

*(Councillor Benney arrived at the meeting at 5.17pm, following the end of this item)*

## **C11/24      CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY APPOINTMENTS**

Members considered the Combined Authority Membership and Other Appointments Report and the Chairman drew members attention to an addendum to the report which had been circulated and provides an update as to the overall political proportionality across the constituent area as well as revised nominations to the seats allocated to Fenland District Council.

Councillor Boden, in presenting the report, stated that the Combined Authority only provided the proportionality information to officers a few days ago.

**Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED to make the following appointments/nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2024/25:**

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;
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. nominate one member to the Audit and Governance Committee and one substitute member

from the same political party as set out in Appendix 3.

4. note the Leader's nominated appointments to the Thematic Committees as set out at Appendix 3 and highlighted in green; and
5. delegate authority to the Chief Executive 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 as required between now and the next Annual Meeting of Council.

5.18 pm

Chairman