

# Public Document Pack

## FENLAND DISTRICT COUNCIL

A meeting of Fenland District Council will be held at Council Chamber, Fenland Hall, County Road, March on THURSDAY, 17 MAY 2018 at 4.00 PM and I request you to attend accordingly for transaction of the following business:

- 1 To receive apologies for absence.
- 2 To elect a Chairman of the Council for the period to the next Annual Meeting and to resolve that an allowance of £3,900 plus travelling expenses to be paid to the person elected.
- 3 To elect a Vice-Chairman of the Council for the period to the next Annual Meeting and to resolve that an allowance of £1,000 plus travelling expenses be paid to the person elected.
- 4 Previous Minutes  
  
To confirm and sign the minutes of the Extraordinary Council Meeting on 22 February 2018 and Council Meeting on 22 February 2018.
  - a. Extraordinary Council Meeting of 22 February 2018 (Pages 1 - 2)
  - b. Council Meeting of 22 February 2018 (Pages 3 - 12)
- 5 Meetings of the Council  
  
To determine that
  1. the Annual Meeting of the Council in 2019 be held on Thursday 23 May;
  2. the ordinary meetings of the Council in 2018/19 be held as follows:  
  
Thursday 19 July 2018;  
  
Thursday 13 September 2018;  
  
Thursday 15 November 2018;  
  
Thursday 13 December 2018;  
  
Thursday 21 February 2019.
- 6 To receive any announcements from the Chairman of the Council and/or the Head of Paid Service.
- 7 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 8 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.

9 To receive reports from and ask questions of Cabinet members with portfolio holder responsibilities, in accordance with Procedure Rules 8.1 and 8.2.

10 To consider recommendations (if any) from Cabinet, the Overview and Scrutiny Panel and Committees.

a. Regulation of Investigatory Powers Act (Pages 13 - 88)

b. Flood Risk Sequential Test Informal Guidance (Pages 89 - 100)

11 Membership of Committees, Panels and Outside Bodies (Pages 101 - 112)

To define the committees and panels to be constituted for the municipal year and to allocate the seats and positions of the Chairman and Vice-Chairman to Political groups in accordance with political proportionality rules.

12 Combined Authority Appointments (Pages 113 - 120)

Combined Authority Appointments report.

13 Treasury Management Annual Report 2017/18 (Pages 121 - 128)

The purpose of this report is to consider the overall financial and operational performance of the Council's treasury management activity for 2017/18.

14 Community Governance Review (Pages 129 - 142)

For Council to approve the final recommendations in relation to the Community Governance Review for the future parish warding arrangements of Whittlesey.

15 Whittlesey Conservation Area Appraisal (Pages 143 - 240)

To inform members that public consultation on the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan has been completed and seek approval from Council that these documents be adopted.

16 Economic Development Update (Pages 241 - 248)

This report provides an update to Council on Economic Development activity in Fenland and requests endorsement to enter into a shared Economic Development service arrangement with the Borough Council

of King's Lynn and West Norfolk (BCKLWN).

17 Constitutional Update (Pages 249 - 250)

Constitutional Update

Fenland Hall  
March



Chief Executive

Date Not Specified

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

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

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## COUNCIL

22 FEBRUARY 2018 - 1.00PM



**PRESENT:** Councillor G G R Booth, Councillor M Buckton, Councillor J F Clark, Councillor S Clark, Councillor D W Connor, Councillor M Cornwell, Councillor S R Court, Councillor Mrs C R Cox, Councillor Mrs M Davis, Councillor Mrs J French, Councillor D Hodgson, Councillor Miss S Hoy, Councillor M J Humphrey, Councillor Mrs D Laws, Councillor D Mason, Councillor Mrs K F Mayor, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D C Oliver, Councillor C C Owen, Councillor C J Seaton, Councillor R Skoulding, Councillor W Sutton and Councillor S Tierney.

**APOLOGIES:** Councillor Mrs S Bligh, Councillor C Boden, Councillor T R Butcher, Councillor D W Connor, Councillor S Count, Councillor S Garratt, Councillor D Green, Councillor Mrs A Hay, Councillor S J E King, Councillor A Pugh, Councillor M Tanfield, Councillor G Tibbs and Councillor F H Yeulett.

**C45/17      TO ELECT THE LEADER OF THE COUNCIL UNTIL THE END OF THE CURRENT TERM OF THE COUNCIL**

**It was proposed by Councillor Murphy, seconded by Councillor Owen and resolved that Councillor Seaton be elected as Leader of the Council for the remainder of the term of office.**

Councillor Seaton thanked all Councillors for their support; he stated that it is a great honour to accept the position as Leader of Fenland District Council for the remainder of the term of office. He added that he looks forward to working with all Members to the benefit of the residents of Fenland over the coming months.

He informed members that Cabinet Members would be as follows:

- Portfolio Holder for Finance - Councillor Mrs Hay
- Portfolio Holder for Communities - Councillor Cornwell
- Portfolio Holder for Environment - Councillor Murphy
- Portfolio Holder for Neighbourhood Planning - Councillor Mrs Laws
- Portfolio Holder for Growth - Councillor Mason
- Portfolio Holder for Leisure and Young People - Councillor Buckton
- Portfolio Holder for Community Safety and Heritage - Councillor Oliver

He stated that he is looking forward to working with them in the future and knows that they are looking forward to their new Cabinet roles.

1:04pm

Chairman

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## COUNCIL

22 FEBRUARY 2018 - 4.00PM



**PRESENT:** Councillor Mrs S Bligh, Councillor G G R Booth, Councillor M G Bucknor, Councillor Mrs V M Bucknor, Councillor M Buckton, Councillor T R Butcher, Councillor J F Clark, Councillor S Clark, Councillor D W Connor, Councillor M Cornwell, Councillor S R Court, Councillor Mrs C R Cox, Councillor Mrs M Davis, Councillor Mrs J French, Councillor S Garratt, Councillor D Hodgson, Councillor Miss S Hoy, Councillor M J Humphrey, Councillor S J E King, Councillor Mrs D Laws, Councillor D Mason, Councillor Mrs K F Mayor, Councillor A Miscandlon, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D C Oliver, Councillor C C Owen, Councillor C J Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor G Tibbs, Councillor S Tierney and Councillor F H Yeulett.

**APOLOGIES:** Councillor C Boden, Councillor S Count, Councillor D Green, Councillor Mrs A Hay, Councillor A Pugh and Councillor M Tanfield

### **C46/17      PREVIOUS MINUTES**

The minutes of the meeting of 14 December 2017 were confirmed and signed.

### **C47/17      CIVIC ENGAGEMENTS**

Councillor Mrs Mayor drew member's attention to the civic activities undertaken by herself and the Vice-Chairman since the last meeting.

### **C48/17      TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.**

Councillor Mrs Mayor thanked all those who attended the Twinning Association Annual General Meeting and Tea Party which took place on 24 January. The event was well received with several new members attending. The Tea Party is vital to securing sponsors to host visitors from Stat Nettetal which is happening later this year in early July.

Councillor Mrs Mayor reminded members that she would be holding a Commonwealth Flag Raising Ceremony on 12 March at Fenland Hall and that all members would be invited. Light refreshments will be available in the Council Chamber following the ceremony.

Councillor Mrs Mayor invited Councillor Seaton, Leader of the Council to speak, he made the following statement:

'I would like to take the opportunity to recognise the excellent leadership and commitment shown to this Council by Councillor John Clark. Not only the way he has led this Council but also the excellent work that he has done on the Combined Authority, where he has kept Fenland District Council at the top of the agenda and made sure that they are aware of our ambitious plans for the future of this district. I would also like to thank Councillors Will Sutton, Ralph Butcher and Michelle Tanfield for their excellent work in running their portfolios over the past few years; I am pleased to say that they have offered their assistance wherever they can in the future. I would also like to thank Councillor Fred Yeulett for his extensive work and time spent as the Chairman of the Overview and Scrutiny Panel.'

Councillor Mrs Mayor invited Councillor Clark to speak, he made the following statement:  
'As I formally hand over the reins of Leadership to Councillor Seaton, I would just like to take a few moments to reflect on my time as Leader of the Council. First of all I would like to say how honoured I am to have been elected as Leader and to have led Fenland District Council for almost 4 years. I am incredibly proud of the strategic leadership provided by members which has enabled our hardworking staff to deliver top quality services throughout the district.

When I first became Leader in May 2014, the Government's austerity measures were well underway and I was only too aware of the financial challenges facing our Council. As one of the worst hit Councils in this Country our residents had the potential to suffer more than most. However, as members joined me in assessing our finances and services as part of the Comprehensive Spending Review, we worked together to make the difficult decisions necessary to reach our savings targets. Savings have been successfully delivered through a combination of 'high profile' and more low key schemes. These include shared services, leasing or selling our assets and charging customers for certain services. There is no doubt that the efficiency savings journey will continue for many years to come, but I like to think that we find ourselves in a financial position that other authorities might find preferable to their own.

One of the biggest learning curves for colleagues and I has been the formation of the Cambridgeshire and Peterborough Combined Authority. This journey began back in 2015 with the devolution proposal being agreed by members at Council in November 2016. Since then I have been delighted how Fenland and the whole Combined Authority area has benefited from this new arrangement. Just a few examples of funding provided by the Combined Authority since its formation in 2017 are:

- £6.4m of funding to progress the Wisbech Garden Town to the next stage of development.
- £500,000 contribution towards the business case for dualling the A47.
- £6.5m towards the establishment of the Peterborough University.

With a forthcoming economic review of the Combined Authority area and a pledge to further improve infrastructure throughout the County, I have no doubt that the member decision to agree to the devolution deal will continue to pay dividends. I still believe that we secured one of the best devolution deals in the Country and I would like to thank members for taking the leap of faith which enabled us to be part of this exciting new world.

Fenland has had its share of the limelight in recent years, while hosting visits from not one, but two Secretaries of State. With parts of the District being featured on the local news with increasing regularity, increasing our profile.

I would like to convey my thanks to Cabinet colleagues for their work as Portfolio Holders in their relevant areas, it has really been a pleasure work with you all and I am grateful for your commitment and support.

Finally I would just like to convey my very best wishes to Councillor Seaton as he becomes the Leader of the Council and his chosen support team. Thank you.'

**C49/17**      **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 Mrs Mayor stated that we have not received any questions submitted under procedure rule 8.6 and asked therefore if we have any questions under procedure rule 8.4 from Councillor Booth and Councillor Mrs Bucknor.

Councillor Mrs Bucknor offered congratulations to the new Leader. She asked for clarification about possible proposals for a waste incinerator in Wisbech as she understands that several



meetings have taken place which included senior officers from this Council. She stated that there are serious health consequences of pollution; a recent report on the health effects of waste incinerators states that it is particularly important that incinerators should not be sited in deprived areas or areas with high rates of mortality where their health impact is likely to be greatest. She stated that without assurances that no such consideration is being made for Wisbech she and Councillor Bucknor will put together a campaign against such proposals. Councillor Seaton agreed to provide a written response and stated that he is aware that there have been meetings but these proposals are in their infancy. He assured Councillor Mrs Bucknor that he, members and Wisbech Town Council would be fully informed and involved if there is any progress moving forward on this matter;

Councillor Mrs Bucknor asked about fencing and notices which have been put up to exclude the public from the Harecroft Playing Field in Wisbech. These fields were initially intended for public recreation and were never intended for exclusive use by small groups or clubs. The National Trust is the managing authority for these fields and there have been issues with rough sleepers and littering and that may be the reasoning behind the action that has been taken but the public have not been consulted about the closure. She asked that the appropriate Cabinet member investigates further. Councillor Seaton agreed to ask the appropriate Portfolio Holder to investigate and feedback as requested.

Councillor Mrs Bucknor raised the issue of Members' mileage claims and was advised by the Chairman that it was inappropriate for Councillors to comment on this topic whilst there is a live conduct matter in the system.

Councillor Booth congratulated Councillor Seaton on his appointment as Leader and is glad to hear that he is willing to work with all members. He thanked Councillor Seaton for announcing who the Cabinet members would be and asked who the Chairman of Committees will be. Councillor Seaton agreed to circulate the details with regards to Chairman responsibilities to all Members, stating that in the main they do not change too much. He informed members of the following and confirmed that details with regards to Vice-Chairmen would be circulated when details have been finalised:

Councillor Clark - Chairman of Corporate Governance Committee

Councillor Humphrey - Chairman of Licensing Committee

Councillor Miscandlon - Planning Committee

Councillor Mrs Davis - Staff Committee

Councillor Miss Hoy - Conduct Committee

Councillor Boden - Overview and Scrutiny Panel.

Councillor Booth stated that with regards to the budget, we have always taken the assumption that there would be a 2% rise, although at the recent Overview and Scrutiny meeting it was noted that potentially it could be up to 3%, however when we received the report within the agenda pack it was set at 3%. He asked why this was changed between the Overview and Scrutiny Meeting and the issuing of the agenda pack. Councillor Seaton stated that the papers for the budget had to be issued 2 days before the election for the Group Leader and was difficult to give a direction without knowing who the Leader might be. At Cabinet today we did not take a decision at 2.96% or 1.98% but decided to offer 2 options to Full Council at an open vote.

Councillor Booth stated that he felt it was always going to be 2% increase, and that it was only recently that that the Government allowed the cap to be lifted. The long term assumption has always been that there would be a 2% year on year increase and was surprised that the papers referred to 3%. Councillor Seaton stated that it was only right that if an opportunity is presented to allow the possibility of adding another 1% it should be debated by Full Council and a decision taken.

Councillor Mrs Mayor stated that to allow full discussion of this item she is proposing to suspend Standing Orders to enable members to make comments as well as ask questions. This was agreed.

Councillor Mrs French congratulated Councillor Seaton on his appointment as Leader. She congratulated Councillor Mrs Laws on her appointment to Cabinet and asked with regards to the issue of the abuse of the 5 year land supply viability studies by developers with regards to social housing, when do we propose to make a start on a revised plan. Councillor Mrs Laws stated that it is a Government requirement for local planning authorities to demonstrate that there is a 5 year supply of land for housing development. At a planning appeal in late 2017 it was found that our level of supply was 0.07 years short of what was required. It is important to note that this shortfall is very much out of the Council's hands and is related to the build out rate of homes rather than a lack of planning permissions on the Council's behalf. We are in the process of updating our land supply information in the light of housing completions and permissions granted since the assessment that was used at the appeal and we should be in a position within the next month to 6 weeks to understand whether we have regained our 5 year land supply position. With regards to viability, it is frustrating when developments cannot deliver the level of S106 contributions that the Council requests. In accordance with Government Policy and Government Guidance, where a development cannot provide policy compliant levels of affordable housing an open book viability exercise is gone through. The Planning Committee recently had training in relation to the viability process and will be provided with additional information on schemes that have viability issues. Government Guidance specifically states that affordable housing 'should not be sought without regard to individual scheme viability'. If applications are to be refused on viability grounds then it needs to be ensured that there is sufficient evidence to defend the decision at appeal in order not to have an award of costs against the Council. In relation to the Local Plan, a member led document was adopted in 2014. This Local Plan is still current and we await Government guidance in relation to future requirements regarding the frequency of future Local Plan reviews. She agreed to keep this under close review.

Councillor Mrs French congratulated Councillor Buckton on his appointment to Cabinet and asked how the lack of activity will be addressed with regards to Tourism, and when we can expect the next promotional video to be released. Councillor Buckton stated that he will be working on a plan with regards to Tourism and will share that plan with members, he confirmed that the second video is currently being worked on.

Councillor Mrs French congratulated Councillor Murphy on the number of fines for littering that have been issued in the past few months and offered congratulations to the officers involved for their hard work. She stated that the Council has a responsibility to keep the streets clean and to empty the rubbish bins, and asked why FDC are not responsible for all bins, why housing associations have the responsibility for some and why FDC do not take out enforcements against them. Councillor Murphy stated that FDC is the littering authority for this area and is required to keep all public open spaces within its control free of litter. The duty also extends to other areas where the public have free right of access to their land, including housing associations such as Clarion, and they are required to keep their public areas clear of litter, Clarion have a team employed to carry out this work in the area. With regards to enforcement we will always follow our enforcement policy based around facilitating prevention, intervention and enforcement and suggested that we request housing associations display on their bins how to report any issues. This will allow customers to report directly to the appropriate people and improve the response times.

Councillor Tibbs congratulated Councillor Seaton on his appointment as Leader of the Council and to the new Cabinet members. He asked for an update on the Wisbech Vehicle Exchange. Councillor Oliver stated that building has been passed over to Crown Estates, they are responsible for the building and we are talking to them about the best way to move forward. FDC have put a fence around the area for safety and continue to carry out safety checks.

Councillor Booth asked with regards to street lighting, contractors are in place to carry out the work to replace the existing stock but has a comparison been done between the surveys from Balfour Beatty and the surveys from the new contractor, and what were the level of discrepancies as when the Parish Councils have had independent surveys done the level of discrepancy was major. Councillor Mason agreed to investigate and feedback.

Councillor Booth referred to the Portfolio Holder Report which makes reference to North Level installing some drains in Wisbech St Mary, he stated that this was a coordinated approach from various partners but he understands that when the Council was approached for funding this was declined, and suggested that in the future we work more proactively with these partners. Councillor Mason agreed to investigate further and feedback.

Councillor Mrs Bucknor stated that Universal Credit has been rolled out in Whittlesey but is not due to be rolled out to the rest of Fenland until September. The report does not say how this is progressing in Whittlesey and what issues they have encountered so these can be addressed in time for the September roll out as claimants have had income delayed for as long as 5 weeks in some cases, and it might help us to be prepared. Councillor Seaton confirmed that officers are looking at Whittlesey to gain information that will help with the roll out for the rest of the district. Councillor Garratt stated that he has experience of dealing with Universal Credit claims through his work in Peterborough, and assured members that once the claim is made a payment can be made on the same day if the claimant is struggling, but confirmed that a claim can take up to 5 weeks to process and in some circumstances claimants will need to be reassessed.

#### **C51/17      QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH PROCEDURE RULE 9A.**

The question submitted was withdrawn.

#### **C52/17      FINAL BUSINESS PLAN 2018-2019**

Members considered the Final Business Plan 2018-2019 presented by Councillor Seaton.

Councillor Booth stated that the Overview and Scrutiny Panel have considered this document and although not all the recommendations made have been included we have had a commitment from the Leader that other comments would be taken forward. He added that he feels that the only outstanding issue is rural transport but there is an action around infrastructure which he hopes will include this but would like to focus more on rural transport moving forward. Councillor Seaton agreed to note Councillor Booth's comments.

**Proposed by Councillor Buckton, seconded by Councillor Booth and AGREED to approve the Final Business Plan 2018 - 2019.**

#### **C53/17      GENERAL FUND BUDGET 2018/19 AND CAPITAL PROGRAMME 2018-21**

Members considered the General Fund Budget 2018/19 and Capital Programme 2018-21 presented by Councillor Seaton stating the following:

- This report contains the Draft Budget for Fenland District Council for the financial year 2018/19. It is Draft until approved by Council this afternoon. As well as containing proposals

for balancing the Council's budget in 2018/19 the report sets out at paragraph 9.2 the estimated financial position for the Council up to financial year 2022/23 and also contains proposals for additional Capital Programming reflecting the on going costs of ownership of the Council's land and buildings.

- As expected the Final Financial Settlement for 2018/19 has now been received and as expected this has resulted in further reductions to the funding that the Council receives from Government. This means that the Council's budget continues to be under pressure from reductions in funding from Government as has been the case for some years.
- The report also provides for the funding of the Council's liability to the National Pilot's Pension Fund either by contribution from the designated Reserve set aside for this purpose or by borrowing should permission be received from the Secretary of State in due course.
- In the interests of transparency and as the Section 151 Officer explains both in the report and in his letter to all members dated 31 January 2018, the report recommends a 2.96% increase in Council Tax, rather than the 1.97% built into the Medium Term Financial Plan in February 2017. The Section 151 Officer and Corporate Management Team have given this advice because (i) inflation is running at 3%, not 2% and (ii) because the extra 1% increase is worth £75,000 in each year to the Council in extra revenue.
- Members may be aware that I have suggested that the Conservative Group approach the matter of the level of Council Tax increase on the basis of a free vote at Council today. This is because, although I see the merits of a 1.97% increase, given the tradition of this Council of thinking carefully about the extra costs payable by Council Tax payers, I am also aware that there are important arguments that need to be heard regarding the case for a 2.96% increase. In the event that Council agrees to an increase of 1.97% this afternoon, it will be possible to balance the budget by making a modest contribution from Reserves in 2018/19. However it will not be sustainable to make such a contribution in subsequent years to offset the on-going impact of the lower revenues brought about by the 1.97% increase, and so commensurate cost reductions are likely to be needed in the years ahead.
- However, in order to acknowledge that Conservative Group Members will have the opportunity of a free vote on the Council Tax increase this afternoon my colleague Councillor Miss Hoy, at my request, has offered to move an amendment to the Budget Report so that this choice can be exercised.
- To be clear the Budget Amendment proposes a Council Tax increase of 1.97% and the Council Budget Report on the Agenda proposes an increase of 2.96%. In this way members can clearly express a preference for the increase they prefer to support.
- As a further point Council is obliged to set a lawful Budget this afternoon. This is because the last day for giving instruction to the printers for production of Council Tax bills is Friday 23 February. Aside from this the Council must under statute set a lawful Budget by Friday 9 March.
- The recommendations are set out at Section 3 of the covering report and I commend these to Council. The report provides for a 2.96% increase to Council Tax but members will have as opportunity under the Budget Amendment kindly proposed by Councillor Miss Hoy to change this to 1.97%. So once the Amendment has been dealt with members will be able to vote on the Budget in the normal way with the Council Tax increase amended if that is the will of the Council.

Councillor Miss Hoy proposed the following Budget Amendment:

This Council agrees to increase the Band D Council Tax level for Fenland District Council Services by 1.97% on the current year rather than the 2.96% recommended in the original Budget Report.

She stated that the reason she is proposing this amendment is because she feels we should not tax people more than we have to. We need to tell the public what we are doing with their money and in this regard there is no reason to explain the raise to 2.96%. We should take the £75,000 from Reserves in order to balance the budget and this will keep the pressure on for members to start a second Comprehensive Spending Review.

Councillor Mrs French seconded the amendment.

Councillor Mrs Bucknor stated that if we agree to the lower amount there will be a shortfall of £298,000 next year, and this money has to come from somewhere.

Councillor Booth reiterated that in his opinion, looking at the Medium Term forecast, we always said it would be 1.97% increase and if we have balanced budgets why would we need to increase further without adequate explanation to the electorate.

Councillor Tierney thanked the Leader for making this a free vote. He stated that he has always fought for freezes and cuts many more times than he has agreed to rises and approaches it with a view that you need to be able to go to your constituents and explain why you are asking for more money.

**The amendment was proposed by Councillor Miss Hoy, seconded by Councillor Mrs French and AGREED that:**

- **the Band D Council Tax level for Fenland District Council Services for 2018/19 be set at £260.46, an increase of £5.04 (1.97%) on the current year.**

**and**

- **if Council approve the above amendment, that is, an increase of 1.97%, a contribution of £72,891 is made from Reserves in 2018/19 to secure a balanced Budget.**

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

In favour of the proposed amendment- Councillors Mrs Bligh, Booth, Buckton, J Clark, S Clark, Connor, Cornwell, Court, Mrs Cox, Mrs Davis, Mrs French, Garratt, Hodgson, Miss Hoy, King, Mrs Laws, Mason, Murphy, Mrs Newell, Oliver, Owen, Seaton, Skoulding, Tibbs, Tierney and Yeulett.

Against the proposed amendment - Councillor Miscandlon.

Abstentions - Councillors Bucknor, Mrs Bucknor, Butcher, Humphrey and Sutton.

**The substantive item, General Fund Budget 2018/19 and Capital Programme 2018-21, was proposed by Councillor Murphy, seconded by Councillor Mrs Laws and AGREED that:**

- (i) the General Fund revenue budget for 2018/19 as set out in paragraphs 9 and Appendix A of the Council Report be approved;**
  - (ii) the Capital Programme and funding statement as set out in Appendix D of the Council Report be approved;**
  - (iii) the Medium Term Financial Plan as outlined in the Council Report and at Appendix B of the Council Report be adopted;**
  - (iv) the Treasury Management, Minimum Revenue Provision, Investment Strategy, Prudential and Treasury Indicators for 2018/19 as set out in paragraph 14 and at Appendix E of the Council Report be approved;**
  - (v) the expenses detailed in paragraph 11 of the Council Report be treated as general expenses for 2018/19;**
  - (vi) the Port Health levy for 2018/19 be set as shown in paragraph 12 of the Council Report;**
  - (vii) the Band D Council Tax level for Fenland District Council Services for 2018/19 be set at £260.46, an increase of £5.04 (1.97%) on the current year;**
- and**
- (viii) a contribution of £72,891 is made from Reserves in 2018/19 to secure a balanced Budget.**

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

In favour of the substantive item- Councillors Mrs Bligh, Booth, Buckton, Butcher, J Clark, S Clark, Connor, Cornwell, Court, Mrs Cox, Mrs Davis, Mrs French, Garratt, Hodgson, Miss Hoy, Humphrey, King, Mrs Laws, Mason, Miscandlon, Murphy, Mrs Newell, Oliver, Owen, Seaton, Skoulding, Tibbs, Tierney and Yeulett.

Against the substantive item - None.

Abstentions - Councillors Bucknor, Mrs Bucknor and Sutton.

### **C54/17      COUNCIL TAX RESOLUTION**

Members considered the Council Tax Resolution Report presented by Councillor Seaton. He stated that following Council's approval of a 1.97% Council Tax increase rather than the 2.96% recommended in the original Budget Report, the original Council Tax Resolution report has been amended to reflect that decision.

**The Council Tax Resolution was proposed by Councillor Cornwell, seconded by Councillor Clark and AGREED to pass the Resolution as set out in the amended report.**

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

In favour of the proposal- Councillors Mrs Bligh, Booth, Buckton, Butcher, J Clark, S Clark, Connor, Cornwell, Court, Mrs Cox, Mrs Davis, Mrs French, Garratt, Hodgson, Miss Hoy, Humphrey, King, Mrs Laws, Mason, Miscandlon, Murphy, Mrs Newell, Oliver, Owen, Seaton, Skoulding, Tibbs, Tierney and Yeulett.

Against the proposal - Councillors Bucknor and Mrs Bucknor.

Abstentions - Councillor Sutton.

### **C55/17      COMMUNITY GOVERNANCE REVIEW**

Members considered the Community Governance Review (CGR) Report presented by Councillor Sutton who is a member of the working group.

**Proposed by Councillor Mrs Laws, seconded by Councillor Mrs Bucknor and AGREED to approve the initial CGR proposals for public consultation which are:**

- **Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward entitled Bassenhally parish ward represented by 4 Town Councillors;**
- **Amalgamate St Andrews parish ward with St Mary's North parish ward and rename the resulting parish ward St Mary's North and St Andrews parish ward represented by 2 Town Councillors;**
- **Change the level of local representation in Stonald parish ward to 2 to facilitate greater levels of electoral equality across the wider area.**

**C56/17      NOTIFICATION OF APPOINTMENT OF DEPUTY MONITORING OFFICER**

Councillor Mrs Mayor introduced the item and asked Fiona McMillan to leave the room for the duration of the discussion and vote.

Members considered the Notification of Appointment of Deputy Monitoring Officer Report presented by Councillor Seaton who notified Members that the law referred to should be in reference to 1970 not 1980 and the second recommendation is to note, not to approve.

Councillor Booth stated that the costs are not included in the report. Councillor Seaton agreed to investigate and feedback. Councillor Booth stated that it is disappointing that members have to make their decision today without that information. He added that it is also disappointing that we are not able to find someone else with this Council to undertake the role and therefore has reservations but understands that it is a role that needs to be filled.

Councillor Sutton confirmed that this role is a continuation and the costs remain the same.

**Proposed by Councillor Clark, seconded by Councillor Sutton and AGREED to:**

- **Note the appointment of Fiona McMillan, Interim Director of Law and Governance at Peterborough City Council, as the Council's Deputy Monitoring Officer.**
- **Note that Fenland District Council enters into an agreement under the Local Authorities Goods and Services Act 1970 for the new Deputy Monitoring Officer to be able to carry out their duties.**

*Councillor King asked that his abstention on this vote be noted.*

*(Councillor King declared a non-pecuniary interest in this item by virtue of the fact that Fiona McMillan is involved in the conduct investigation that is on-going into his expenses)*

**C57/17      SENIOR MANAGER PAY POLICY STATEMENT**

Members considered the Senior Manager Pay Policy Statement presented by Councillor Seaton.


**Proposed by Councillor Sutton, seconded by Councillor Mrs Laws and AGREED to adopt the Senior Managers Pay Policy Statement for 2018/19 at Appendix 1 of the Council Report as required by the Localism Act 2011.**

5:17pm

Chairman

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Agenda Item No:	<b>10A</b>	
Committee:	<b>Council</b>	
Date:	<b>17 May 2018</b>	
Report Title:	<b>Regulation of Investigatory Powers Act (RIPA) – Policy Update</b>	

## 1 Purpose / Summary

- To request that Council approve a recommendation by Corporate Governance Committee to make minor amendments to the Council's RIPA Policy.

## 2 Key issues

- This year the Council had its RIPA policy and procedures inspected by the Investigatory Powers Commissioner's Office (IPCO). This takes place every three years. The IPCO were satisfied with procedures undertaken by the Council in respect of RIPA and recommended some minor adjustments to the RIPA policy. An amended version of this is attached for Council's consideration as **Appendix A**. The changes proposed are highlighted in yellow.

## 3 Recommendations

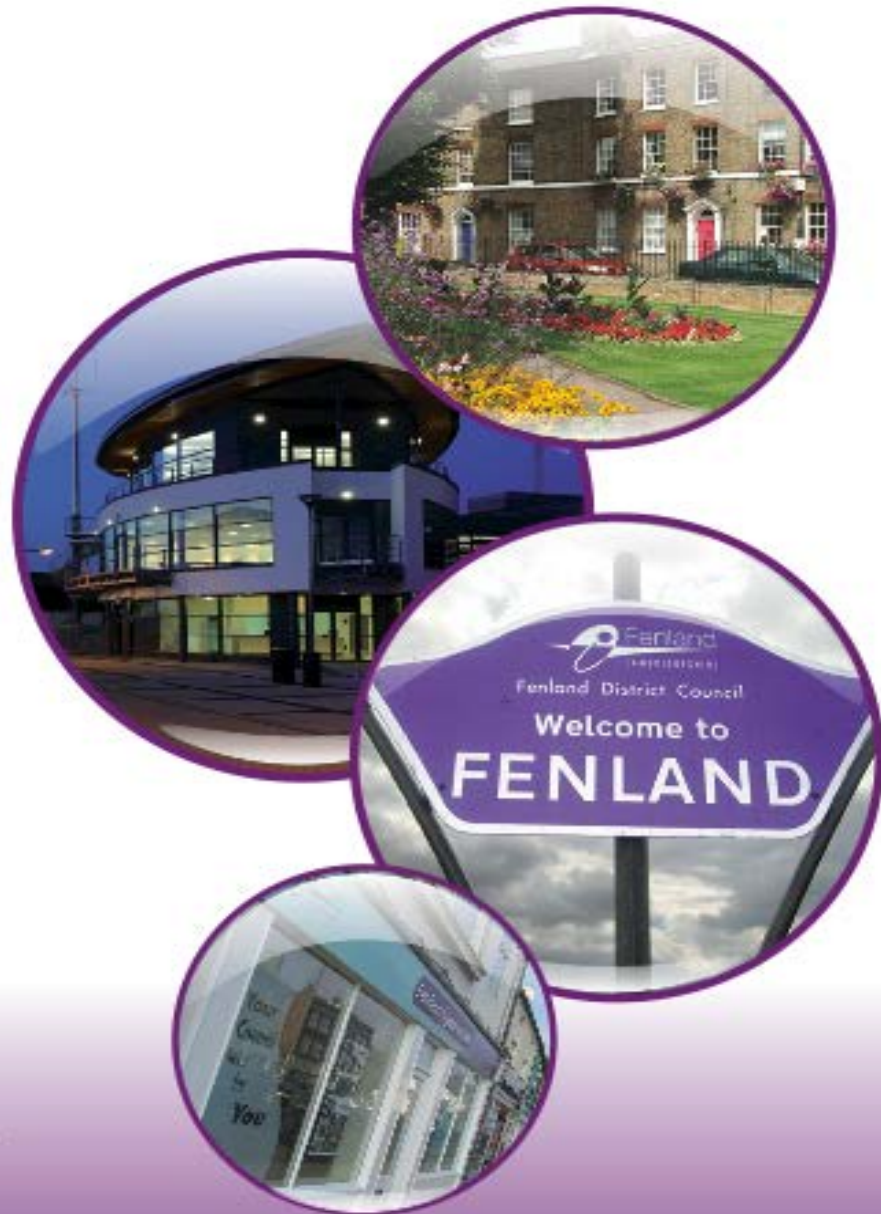
- That Council approve the recommendation of Corporate Governance Committee that the Council's amended RIPA policy attached to this report is approved.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Councillor Anne Hay, Portfolio Holder for Finance
<b>Report Originator(s)</b>	Geoff Kent – Head of Customer Services
<b>Contact Officer(s)</b>	Carol Pilson – Corporate Director & Monitoring Officer Geoff Kent – Head of Customer Services
<b>Background Paper(s)</b>	Corporate Governance Committee papers – 19 March 2018

# Regulation Of Investigatory Powers Act (RIPA) Policy

Updated policy, amendments  
are highlighted in yellow

Effective from 17 May 2018



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This policy was approved by Council on 18/12/14

**Changes proposed as highlighted, subject to Council approval on 17/5/18**

# What is this policy about?

## RIPA

The Regulation of Investigatory Powers Act 2000, known as “RIPA” both generally and throughout this policy is the law governing the use of covert techniques by public bodies. It requires that when public bodies need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate, and compatible with human rights.

## Why do Councils need to use it?

Councils are responsible for enforcing over 100 Acts of Parliament, many of which include offences for which enforcement action can be taken. Some, such as benefit fraud can lead to those found guilty of committing a related offence being sent to prison.

## How must Councils use RIPA?

We use 3 investigatory techniques that can be authorised under RIPA:-

- [Directed surveillance](#),
- Using a [Covert Human Intelligence Source](#) (known commonly as a “CHIS”),
- [Obtaining and disclosing communications data](#).

Since November 2012 local authorities are required to obtain judicial approval prior to using covert techniques. Local authority authorisations and notices under RIPA will only be valid once granted by a Justice of the Peace.

Local authorities can only use RIPA:-

- To prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or
- Be an offence under-
  - a) S.146 of the Licensing Act 2003 (sale of alcohol to children);
  - b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
  - c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
  - d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

## **What we do when RIPA does not apply**

The RIPA procedure does not apply to:-

- Covert observations where private information will not be obtained.
- Observations that are not carried out covertly.
- Ad-hoc covert observations that do not involve the systematic surveillance of a specific person(s).
- Unplanned observations made as an immediate response to events.

There are situations where surveillance may be required that is not covert and directed. This can apply to cases of:-

- Anti-social behaviour involving disorder.
- Serious internal disciplinary investigations.

The guiding principle is that if surveillance is overt, it does not need RIPA authorisation, i.e.

- Street Scene Officer on patrol.
- Signposted CCTV cameras in normal use.
- Recording noise from outside a property where the occupier has been warned this will happen if the noise continues.
- Conducting test purchases in a matter no different to a member of the public making the same purchase.
- Food Safety or Health and Safety inspections.
- CCTV cameras providing general traffic, crime or public safety information.

Best practice in cases where RIPA does not apply is recommended:-

- A RIPA Authorisation form should be completed and discussed with an Authorising Officer.
- This will ensure that no inappropriate or illegal surveillance takes place.
- It also ensures that a robust and transparent process has been followed before deciding that surveillance is required.

# Introduction

Everyone has a fundamental right to privacy. This means a right not to be watched, have your mail opened or have your personal space invaded. This right is contained in Article 8 of the European Convention on Human Rights:

“Everyone has the right to respect for his private and family life, his home and his correspondence”.

There are times however where the state (including Fenland District Council) can interfere with this right, provided it has a good reason and follows the proper procedures.

Accordingly, Fenland District Council may interfere with a person’s right to privacy, if such interference is:-

- In accordance with the law;
- Necessary (as defined in this document); and
- Proportionate (as defined in this document).

The Regulation of Investigatory Powers Act 2000 (‘RIPA’) provides a statutory mechanism (i.e. ‘in accordance with the law’) for authorising ‘[covert surveillance](#)’ and the use of a ‘[covert human intelligence source](#)’ (‘CHIS’) – e.g. undercover agents.

It now also permits public authorities to compel telecommunications and postal companies to obtain and release communications data to themselves, in certain circumstances, known as the “[acquisition of communications data](#)”. It seeks to ensure that any interference with an individual’s right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

Directly employed Council staff and external agencies working for Fenland District Council are covered by the Act for the time they are working for Fenland District Council. All external agencies must, therefore, comply with RIPA and the work carried out by agencies on Fenland District Council’s behalf must be properly authorised by one of Fenland District Council’s designated Authorising Officers. Authorising Officers are those whose posts appear in [Appendix 1](#) to this document.

If the correct procedures are not followed, evidence obtained may be disallowed by the courts under the common law, section 78 of the Criminal Evidence Act 1984 and the Human Rights Act 1998.

This means that failure to follow the RIPA rules may mean a criminal prosecution fails and a guilty person is unable to be prosecuted. Furthermore, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation.

Such action would not, of course, promote the good reputation of Fenland District Council and will, undoubtedly, be the subject of adverse media interest. It is essential, therefore, that

all involved with RIPA comply with this document and any further guidance that may be issued, from time to time, by the Monitoring Officer.

Obtaining an authorisation under RIPA and following the procedures in this document, will ensure, therefore, that the action is carried out in accordance with the law and subject to stringent safeguards against abuse of anyone's human rights.

**Note that authorisation to use RIPA must now be in the form of an authorised form signed by a designated Authorising Officer AND formal approval of action by a Justice of the Peace. RIPA cannot be used if only one of these steps have been taken.**

This policy document provides a basic understanding of RIPA and also provides local procedures to ensure compliance. For all officers, either applying to use or tasked with authorising an application for directed surveillance full, authoritative guidance is available in:

The Government website has Codes of Practice relating to RIPA:-

<https://www.gov.uk/government/collections/ripa-codes>

Local Authority use of RIPA is overseen by an independent regulatory body known as the Investigatory Powers Commissioner's Office, where further information about RIPA is also available:-

<https://www.ipco.org.uk/>

The Government website has comprehensive guidance on how local authorities can use RIPA since changes to legislation governing its use were made in 2012:-

<https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>

Careful consideration should be given when using Social Media to obtain information as it may be subject to formal RIPA authorisation and approval, see page 62 of this policy for guidance.

# **Part 1**

# **Directed Surveillance**



# Directed Surveillance

## Definition

Surveillance, for the purpose of the 2000 Act, includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained.

### **Overt surveillance**

Most of the surveillance carried out by Fenland District Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, Officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a market inspector walking through markets).

Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an licence is issued subject to conditions, and the licensee is told that officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met).

### **Covert surveillance**

Covert Surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place; i.e. undercover surveillance.

RIPA regulates two types of covert surveillance: Intrusive Surveillance and Directed Surveillance.

### **Intrusive surveillance**

Intrusive Surveillance is covert surveillance relating to residential premises and private vehicles and involves the presence of a person or device in the actual premises or vehicle of the person/s under surveillance. This might include for example, bugging somebody's telephone or installing a hidden camera in the person's house or car.

Surveillance equipment mounted outside the premises will not be classed as intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises or vehicle.

Officers should therefore beware of CCTV recording images through the windows of a person's house and of DAT recorders where they are placed next to a wall and the walls are so thin that the quality of the information recorded were the same as if the DAT recorder had been placed on the other side of the wall.

This form of surveillance can only be carried out by police and other law enforcement agencies. **Council Officers MUST NOT carry out intrusive surveillance.** If you are in any doubt as to whether something amounts to intrusive surveillance, you should talk to a member of the Legal Team.

## Directed surveillance

Surveillance is directed surveillance if the following are all true:

- it is covert, but not intrusive surveillance;
- it is conducted for the purposes of a specific investigation or operation;
- it is likely to result in the obtaining of *private information* about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- It is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought.

Thus, the planned covert surveillance of a specific person, where not intrusive, would constitute directed surveillance if such surveillance is likely to result in the obtaining of *private information* about that, or any other person.

## Private information

The officer must decide whether any information about any person's private or family life is likely to be obtained (whether or not that person is specifically targeted for purposes of an investigation).

If the surveillance activities are unlikely to result in the obtaining of private information about a person an authorisation will not be required.

The Codes of Practice state:

*Private information* includes any information relating to a person's private or family life. *Private information* should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships.

Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of *private information*. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a *public authority* of that person's activities for future consideration or analysis.

Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases

overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute *private information* even if individual records do not. Where such conduct includes surveillance, a directed surveillance *authorisation* may be considered appropriate.

*Example: Officers of a local authority wish to drive past a person's home for the purposes of establishing a registration of vehicle on the driveway. Reconnaissance of this nature is not likely to require a directed surveillance authorisation as no private information about any person is likely to be obtained or recorded. However, if the authority wished to conduct a similar exercise, for example to establish a pattern of occupancy of the premises by any person, the accumulation of information is likely to result in the obtaining of private information about that person and a directed surveillance authorisation should be considered.*

*Private information* may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance *authorisation* is appropriate.

*Example: A surveillance officer intends to record a specific person providing their name and telephone number to a shop assistant, in order to confirm their identity, as part of a criminal investigation. Although the person has disclosed these details in a public place, there is nevertheless a reasonable expectation that the details are not being recorded separately for another purpose. A directed surveillance authorisation should therefore be sought.*

## **Is the surveillance a foreseen or planned response?**

A foreseen or planned response is something other than an immediate response in circumstances where it is not reasonable practicable to get authorisation. An immediate response to events would be for example spotting something suspicious and continuing to observe it.

The regulations no longer allow for the above activities to take place. Authorisation from a Justice of the Peace must always be obtained BEFORE any surveillance can take place.

## **For what purpose can we conduct Directed Surveillance?**

An *authorisation* for directed surveillance by Fenland District Council is only appropriate for the purposes of a specific investigation or operation, insofar as that investigation or operation relates to the grounds specified at section 28(3) of the 2000 Act.

In addition Article 2 of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 inserted a new Article 7A into the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010. We can only use RIPA:-

- To prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or
- Be an offence under-
  - a) S.146 of the Licensing Act 2003 (sale of alcohol to children);
  - b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
  - c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
  - d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

## **Specific situations not requiring directed surveillance authorisation**

The following specific activities also constitute neither directed nor intrusive surveillance:

- The recording, whether overt or covert, of an interview with a *member* of the public where it is made clear that the interview is entirely voluntary and that the interviewer is a *member* of a *public authority*. In such circumstances, whether the recording equipment is overt or covert, the *member* of the public knows that they are being interviewed by a *member* of a *public authority* and that information gleaned through the interview has passed into the possession of the *public authority* in question;
- The covert recording of suspected noise nuisance where the intention is only to record excessive noise levels from adjoining premises and the recording device is calibrated to record only excessive noise levels. In such circumstances the perpetrator would normally be regarded as having forfeited any claim to privacy and an *authorisation* may not be necessary;

## **General observation activities**

The general observation duties of many law enforcement *officers* and other *public authorities* do not require *authorisation* under the 2000 Act, whether covert or overt. Such general observation duties frequently form part of the legislative functions of *public authorities*, as opposed to the pre-planned surveillance of a specific person or group of people.

## Examples of different types of surveillance

Type of Surveillance	Examples
<p><u>Overt</u></p> <p>Not requiring prior authorisation</p>	<ul style="list-style-type: none"> <li>- Police Officer or Parks Warden on patrol</li> <li>- Signposted Town Centre CCTV cameras (in normal use)</li> <li>- Recording noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists.</li> <li>- Most test purchases (where the officer behaves no differently from a normal member of the public).</li> </ul>
<p><u>Covert</u></p> <p>Not requiring prior authorisation</p>	<ul style="list-style-type: none"> <li>- CCTV cameras providing general traffic, crime or public safety information.</li> </ul>
<p><u>Directed</u></p> <p>Must be RIPA authorised</p>	<ul style="list-style-type: none"> <li>- Officers follow an individual or individuals over a period, to establish whether they are working when claiming benefit or off long term sick from employment.</li> <li>- Test purchases where the officer has a hidden camera or other recording device to record information which might include information about the private life of a shop-owner, e.g. where they are suspected of selling alcohol or tobacco to under-age customers.</li> <li>- Officers using CCTV for a specific operation or purpose with the intention of obtaining private information, this can include the direction of the Public CCTV system.</li> </ul>
<p><u>Intrusive</u></p> <p><b>Fenland District Council cannot do this</b></p>	<ul style="list-style-type: none"> <li>- Planting a listening or other device (bug) in a person's home or in their private vehicle.</li> <li>- Using the public CCTV system to look inside a person's home, or private vehicle in a planned way.</li> </ul>

# Directed Surveillance Authorisation Preparation

## General

An authorisation under Part II of the 2000 Act will, providing the statutory tests are met, provide a lawful basis for Fenland District Council to carry out covert surveillance activity that is likely to result in the obtaining of private information about a person.

Accordingly, officers who will be submitting the application and Authorising Officers who will be authorising the application must be familiar with the following information.

**All authorised applications must also be approved by a Justice of the Peace in addition to by the Authorising Officer. Further action in accordance with RIPA can only take place with the approval of a Justice of the Peace.**

## Necessity and proportionality

### Is the surveillance activity *necessary*?

An authority may **only** be granted by an Authorising Officer if they believe that the use of directed Surveillance is necessary on the grounds of:-

- To prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or
- Be an offence under-
  - a) S.146 of the Licensing Act 2003 (sale of alcohol to children);
  - b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
  - c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
  - d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

### Is the surveillance activity *proportionate*?

If the activities are deemed necessary, the person granting the *authorisation* must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the target of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

The *authorisation* will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.

The following elements of proportionality should therefore be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

*Example 1: An individual is suspected of claiming a false address in order to abuse a school admission system operated by his local education authority. The local authority considers it necessary to investigate the individual for the purpose of preventing or detecting crime. Although these could be legitimate grounds for seeking a directed surveillance authorisation, if the individual's actions were capable of constituting a crime, such surveillance is unlikely to be necessary or proportionate to investigate the activity. Instead, it is likely that other less intrusive, and overt, means (such as unscheduled visits to the address in question) could be explored to obtain the required information.*

*Example 2: An individual is suspected of a relatively minor offence, such as littering, leaving waste out for collection a day early, or permitting dog-fouling in a public place without clearing up afterwards. It is suggested that covert surveillance should be conducted against her to record her movements and activities for the purposes of preventing or detecting crime, or preventing disorder. Although these could be legitimate grounds for seeking a directed surveillance authorisation, if the individual's actions were capable of constituting an offence or disorder, strong consideration should be given to the question of proportionality in the circumstances of this particular case and the nature of the surveillance to be conducted. In particular, the obtaining of private information on the individual's daily routine is unlikely to be necessary or proportionate in order to investigate the activity of concern. Instead, other less intrusive means are likely to be available, such as general observation of the location in question until such time as a crime may be committed. In addition, it is likely that such offences can be tackled using overt techniques.*

## **Collateral intrusion**

Before authorising applications for directed surveillance, the Authorising Officer should also take into account the risk of obtaining private information about persons who are not subjects of the surveillance or property interference activity.

Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance activity. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to the likelihood of collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

All applications should therefore include an assessment of the risk of collateral intrusion and details of any measures taken to limit this, to enable the Authorising Officer to fully consider the proportionality of the proposed actions.

## **Confidential material**

Special consideration must also be given to authorisations that involve confidential personal information, confidential constituent information and confidential journalistic material.

Confidential information consists of matters subject to legal privilege, confidential constituent information, confidential personal information or confidential journalistic material.

If the directed surveillance is likely to result in the acquisition of confidential material the Authorising Officer must have full consideration of this in assessing whether the surveillance activities are proportionate. Applications in which surveillance activities are likely to result in the acquisition of confidential material will only be considered in the most exceptional and compelling circumstances.

Where there is any doubt as to the handling and dissemination of confidential information, advice should be sought from Legal Services before any further dissemination of the material takes place.

Only the Chief Executive (or the Monitoring Officer, but only if the Chief Executive is absent) has the authority to authorise surveillance where it is likely to result in the acquisition of confidential information.

Where such material has been acquired and retained, the matter should be reported to the relevant Commissioner or Inspector during his next inspection and the material be made available to him if requested.



# Directed Surveillance Authorisation Process

The authorisation forms are standard forms available from the RIPA Coordinator. There are a number of stages to then go through, as set out in the following pages, before the directed surveillance can commence; it can never do so without being formally approved by a Justice of the Peace. The form to then be used when applying to a Justice of the Peace is attached to this policy as [Annex B](#).

These forms should be completed and submitted for authorisation as early as possible prior to the start of the proposed surveillance activity. This is to allow for the need to gain authorisation from a Justice of the Peace.

Furthermore, once the authorisation is given by a Justice of the Peace, there should be no delay in beginning the surveillance activity. Any delay may result in the circumstances changing and the authorisation being out of date.

If there is any deviation from the above, officers must check and ensure that the circumstances of the investigation have not changed before obtaining authorisation and/or beginning the surveillance activity. Where there has been a change in circumstances the authorisation will need to be revised before it is submitted or the authorisation reviewed if authorisation has already been given.

## Applications for authorisation for Directed Surveillance - How the form must be completed by the Investigating Officer

This section sets out what the Investigating Officer needs to consider and cover when completing the authorisation form.

### Unique Reference Number (URN)

Each application form will have a Unique Reference Number (URN) as follows: -

*Year/Service\*/Type of authorisation\*\*/Number\*\*\**

2010/EP/DS/0001

\*The services are as follows: -

Environmental Protection (EP), Environmental Health (EH), Environmental Services (ES), Planning (P), Housing (H), Fraud (F), Anti-Social Behaviour (ASB,) Building Control (BC), Internal Audit (IA)

\*\*Directed surveillance (DS)

(Please note that this is here for identification purposes only and will have no bearing on the numbering.)

\*\*\*Each service shall start at 0001 and run consecutively irrespective of the type of authorisation.

The RIPA Co-ordinator shall issue the relevant URN to Investigating Officers. This URN shall identify the particular operation and should be cross referenced on associated review, renewal and cancellation forms. Please note that where more than one application is required within any particular investigation, each application shall have its own URN.

Rejected forms will also have their own URN's.

The cross-referencing of each URN takes place within the various forms for audit purposes.

### Section 1 - Rank and Position of the Authorising Officer

- Please note that the exact position of the Authorising Officer should be given.

### Section 2 – Describe the purpose of the investigation or operation

- Specify what you want to do and why;
- Provide details of the investigation and enquiries to date;
- State your objectives of the investigation and the surveillance, which should fit in with what you are asking to be authorised;

### Section 3 – Provide details of the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment that may be used

- The type of surveillance, e.g. static or foot mobile surveillance;
- What is being surveyed, e.g. address and details of any premises or vehicles if known;
- When will the surveillance take place, certain times, 24 hours a day etc.?
- Equipment to be used, e.g. camera, video, CCTV, recording equipment, binoculars etc.;

**Remember that you can only do what you are authorised to do so you need to be as thorough and as detailed as possible in this section.**

Section 4 – Provide the identities, where known, of those to be subject of the directed surveillance

- Name;
- Address;
- DOB;
- Other information as appropriate;
- Description, associates etc. where names are not known.

Section 5 – Provide the information that is desired to obtain as a result of the directed surveillance

For example: -

- To identify location of subjects place of work;
- To assist in establishing whether the employer is also involved;
- To gather intelligence and evidence to establish extent of criminality;
- To identify other persons involved;
- To identify other premises involved;
- To identify the method of operation;
- To obtain the best evidence to assist with prosecution of offenders;
- To obtain the best evidence with regards to the identification of persons responsible etc.

Section 6 – Provide the grounds under which the directed surveillance is necessary

This will **always** be for only these circumstances:-

- To prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or
- Be an offence under-
  - a) S.146 of the Licensing Act 2003 (sale of alcohol to children);
  - b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
  - c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
  - d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

Section 7 – Explain the reasons why the directed surveillance is necessary on the grounds specified

- State that you suspect a criminal offence is being committed, what it is, and if known, what legislation you suspect it is being committed under.
- Also include reasons why it is necessary to use directed surveillance, for example: -
  - Other methods of evidence/intelligence gathering have been tried and failed;
  - Overt enquiries will lead to the subject knowing of the investigation and hamper the evidence gathering process;
  - Only way to identify the perpetrator etc.

Section 8 – Provide details of any potential collateral intrusion, why the intrusion is unavoidable and precautions that will be taken to minimise collateral intrusion

- Describe the scene, and where necessary attach a plan or a map etc.
- There will be collateral intrusion on neighbours, family members, members of the public, other employees, other customers etc.
- State why the collateral intrusion is unavoidable, e.g. it is the only location available to carry out the observations, the methods used are the only available options etc.
- Details of how the collateral intrusion will be kept to a minimum, e.g. by using sufficiently trained staff to achieve the objectives, by focusing the surveillance on the designated subject/locations with set objectives thereby reducing/minimizing collateral intrusion, the surveillance activity will cease once the surveillance objectives are achieved etc., photographic equipment will only be used for the evidence and intelligence gathering purposes and will focus on the subject/activity taking place etc.
- All information will be recorded and retained in accordance with DPA and CPIA principles.

Section 9 – Explain the reasons why the surveillance is considered proportionate to what it seeks to achieve

Are you asking to do a lot to achieve a little? Do not use a sledgehammer to crack a nut. In considering the proportionality, you should consider the following (this list is not exhaustive):

-

- Serious nature of offence;
- Prevalence of type of offence;
- Impact on victims;
- If not authorised offences may continue without the required evidence to prosecute the offender;
- Surveillance will ultimately lead to prosecution of offender;
- Insufficient evidence to prosecute
- Deterrent effect of prosecution on perpetrator and wider public;
- Our responsibility to the public and environment etc.;
- Our responsibility to the public purse?
- What is the cost of the criminal activity to the Council and ultimately the public? Specify figures where available.
- Community safety;
- Crime rate;
- Economy of local area;
- Other methods of evidence/intelligence gathering have been tried and failed;
- Overt enquiries will lead to the subject knowing of the investigation and hamper the evidence gathering process;
- May reduce additional collateral intrusion by shortening the length of the investigation;
- Consequences of not taking any action are.....;

## Section 10 – Confidential Information

- Identify how likely, and if so, what type of confidential information may be acquired as a result of the directed surveillance.

Please note that where there is a likelihood of acquiring confidential information, the form will need to be submitted to the Chief Executive for authority.

## Section 11 – Applicants details

This is self-explanatory.

**Section 12 onwards must be completed by the Authorising Officer.**

**Before taking the form to the Authorising Officer, the Investigating Officer must take the form completed up to and including Section 11 back to the RIPA Coordinator, for them to satisfy themselves that it is completed correctly and can now be taken to the Authorising Officer.**

**Once the RIPA Coordinator is satisfied, they will give the partially completed form back to the Investigating Officer who will then take it to the Authorising Officer, who will then follow the next part of the process as set out below.**

## **Application for authorisation for Directed Surveillance - Authorisation procedures for Authorising Officers**

Responsibility for authorising the carrying out of directed surveillance rests with the Authorising Officer and requires the personal authority of the Authorising Officer. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 designates the required level of office for each Authorising Officer.

**Only** those named officers authorised under this policy to be ‘Authorising Officers’ for the purpose of RIPA can authorise directed surveillance. See Appendix 1 – List of Authorising Officers. No other Officers can give approval.

An Authorising Officer **must only** give authorisations in writing.

Authorising Officers must have received appropriate training. If an Authorising Officer has not received appropriate training, they **cannot** approve/reject any action set out in this policy.

Authorising Officers **must exercise their minds every time they are asked to sign a form.** They must never sign or rubber stamp Form(s) without thinking about their personal and Fenland District Council's responsibilities. **It is not acceptable to use “copy and paste” from previous forms; each application must be individually and carefully considered.**

An Authorising Officer should not authorise directed surveillance where they are actively involved in the investigation for which it is required. Accordingly, authority should be provided by an alternative Authorising Officer (it does not matter if they are from a different service).

#### Section 12 – Authorising Officers Statement

You need to spell out the “5 W’s – Who, What, Where, When, Why and How”: -

- Why the surveillance is necessary;
- Whom is the surveillance directed against;
- Where it will take place;
- When it will take place;
- What surveillance activity/equipment is sanctioned;
- How it is to be achieved?

It is essential that you are clear about what you are authorising and why you are authorising it. It is not sufficient to refer to previous sections of the form, to leave the section blank or insert responses such as ‘ok, no’.

#### Section 13 – Authorising Officer – Necessity and Proportionality

You need to state in your own words why you believe the directed surveillance is necessary (i.e. justify that it is for the prevention/detection of crime and disorder) and why you believe it to be proportionate to what is being sought by carrying it out.

#### Section 14 – Confidential Information Authorisation

If there is a likelihood of acquiring confidential information you should supply detail that demonstrates compliance with the Codes of Practice

#### Date of first Review/Programme for Subsequent Reviews

The Authorising Officer must set a date for review of the authorisation and review on that date; please see notes on reviews below.

## Approval by a justice of the peace (JP)

Once Surveillance has been authorised as detailed above, the Authorising Officer will pass the completed authorisation to the RIPA Coordinator for consideration, acting as an independent check at that time.

The RIPA Coordinator **must** contact the Court to apply for approval from a JP using the prescribed form shown at [Annex B](#) of this report. In addition [Annex A](#) shows a flowchart of the application process.

They will need to arrange a hearing for the application to be heard, **which the Authorising Officer will attend with:-**

- RIPA authorisation form signed by an Authorising Officer,
- The accompanying Judicial application form,
- All other relevant documents (sufficient supporting information that will allow the JP to make a fully informed decision).

At the hearing the JP will:-

- Refuse to grant the surveillance, in which case the process must stop and the Council seek fresh approval internally and at Court with more detailed information,
- Grant approval to undertake the surveillance.

## After approval by a JP

The directed surveillance can take place as authorised subject to the time restrictions placed on it. When it expires, it must be renewed by completing the full application process above including gaining approval from a JP.

## Urgent oral authorisations

These are not permitted under any circumstances.

## Duration

The 'authorisation' to carry out/conduct the surveillance is only valid for three months from the date on which a Justice of the Peace has approved the authorised RIPA application to 23:59 on the day that is the last day of the three months starting from the first day of this period for Directed Surveillance.



## Reviews

Regular reviews of the authorisations should be undertaken to assess the need for surveillance to continue. Furthermore, any change in circumstances will prompt the need for a review to be carried out. There is a standard form available for this purpose which is available from the Legal team.

In each case the frequency of reviews should be considered at the outset by the Authorising Officer. This should be as frequently as is considered necessary and practicable. Particular attention is drawn to the need to review authorisations frequently where the surveillance or property interference involves a high level of intrusion into private life or significant collateral intrusion, or confidential information is likely to be obtained.

The Investigating Officer should complete the form and submit to the Authorising Officer in time for it to be signed on the date specified on the original application or previous review. The sections are similar to that on the original authorisation form and accordingly the same principles should be applied.

The results of the review must be recorded on the central record of authorisations and on the service's own record of authorisations. They should be retained for at least 3 years.

Any proposed or unforeseen changes to the nature or extent of the surveillance operation that may result in the further or greater intrusion into the private life of any person should also be brought to the attention of the Authorising Officer by means of a review. The Authorising Officer should consider whether the proposed changes are proportionate (bearing in mind any extra intended intrusion into privacy or collateral intrusion), before approving or rejecting them. Any such changes must be highlighted at the next renewal if the authorisation is to be renewed.

Where a directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at a review to include the identity of these individuals. It would be appropriate to convene such a review specifically for this purpose. This process will not require a fresh authorisation, providing the scope of the original authorisation envisaged surveillance of such individuals. Such changes must be highlighted at the next renewal if the authorisation is to be renewed.

## Renewals

An authorisation can be renewed before it ceases to have effect if an Authorising Officer considers it necessary for the authorisation to continue. The renewal takes effect at the time at which the authorisation would have ceased to have effect. If necessary a renewal can be made more than once. A written renewal may authorise the directed surveillance for a further 3 months.

The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

Renewals should be made in writing on the appropriate form; there is a standard form available for this purpose from the Legal team.

Renewal forms should be completed and submitted for authorisation up to 3 days prior to the expiry of the proposed surveillance activity and **no longer**. Any longer than this and it is likely that the circumstances set out in the form will have changed and any authorisation will be out of date.

If there is any deviation from the above, Investigating Officers must check and ensure that the circumstances of the investigation have not changed before obtaining authorisation for a renewal. Where there has been a change in circumstances the application for renewal will need to be revised before being submitted to the Authorising Officer.

The sections are similar to that on the original authorisation form and accordingly the same principles should be applied.

A renewal must be recorded on the central record of authorisations and on the service's own record of authorisations.

A renewal **must** be submitted for approval by, and approved by a Justice of the Peace before it can be put into operation.

## **Cancellations**

The Authorising Officer who granted or last renewed an authorisation must cancel the authorisation if the grounds for granting the authorisation no longer apply, i.e. the aims have been met or the risks/circumstances have changed and the current authorisation is no longer appropriate.

As soon as the decision is taken that directed surveillance should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject(s). The date the *authorisation* was cancelled should be centrally recorded and documentation of any instruction to cease surveillance should be retained. There is no requirement for any further details to be recorded when cancelling a directed surveillance *authorisation*.

There is a standard form available for this purpose from the Legal team. Once completed these forms must be kept on the central record of authorisations and on the service's own record of authorisations.

The Authorising Officer must inform those involved in the surveillance to stop all surveillance of the subject(s).

It is good practice for individual service's within the Council to maintain an index detailing the product obtained from the surveillance and whether or not objectives were achieved.

The cancellation does not need to be advised or approved by a Justice of the Peace.

## Keeping of records

### Centrally retrievable records of Directed surveillance authorisations

A record of the following information pertaining to all authorisations shall be centrally retrievable within the Council for a period of at least three years from the ending of each authorisation. This information should be regularly updated whenever an authorisation is granted, renewed or cancelled and should be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners upon request.

- the type of authorisation;
- the date the authorisation was given;
- name and rank/grade of the Authorising Officer;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- if the authorisation has been renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the Authorising Officer;
- whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
- whether the authorisation was granted by an individual directly involved in the investigation;
- the date the authorisation was cancelled.

The following documentation should also be centrally retrievable for at least three years from the ending of each authorisation:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorising Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an *authorisation*, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction to cease surveillance was given;
- the date and time when any other instruction was given by the *Authorising Officer*.

# Directed Surveillance Procedure Checklist

The basic procedure for obtaining authorisation for directed surveillance is as follows:-

- The Investigating Officer having considered the aim of the surveillance, the type of surveillance and equipment required (including establishing that the equipment is available for the duration of the anticipated surveillance), the requirements of necessity, proportionality and collateral intrusion (including carrying out a risk assessment) shall contact the RIPA Coordinator to obtain an authorisation form.
- They shall then seek agreement from the RIPA Coordinator to proceed, and then submit the form to the Authorising Officer (no more than 3 days prior to the anticipated commencement of the surveillance activity).
- The Authorising Officer shall consider the requirements of necessity, proportionality and collateral intrusion and if satisfied shall authorise the form for 3 months, noting that the authorisation will apply from the date on which a Justice of the Peace approves the authorisation.
- The Authorising Officer shall provide a copy of the application whether rejected or authorised to the Investigating Officer and to the RIPA Coordinator for a final check and sign-off, the letter will also place a copy on the central file.
- If satisfied the RIPA Coordinator will liaise with the Court to arrange for the Authorising Officer to attend Court to seek approval for surveillance to commence.
- The Authorising Officer will make an application to a Justice of the Peace using the form at Annex B of this policy. Only once the Justice of the Peace gives approval, can the matter proceed.
- In order to make the required application to a Justice of the Peace, the Authorising Officer must be properly authorised to do so under section 223 of the Local Government Act 1972.
- At the time of authorisation the Authorising Officer shall set a date for a review (not more than 1 month from the date of the authorisation, more frequent where required).
- The Investigating Officer shall commence the surveillance once authorised.
- Not more than 3 days prior to the date for review (or where there has been a change of circumstances) the Investigating Officer shall complete and submit the review form to the Authorising Officer.
- If satisfied that the surveillance activity is still necessary and proportionate, the Authorising Officer shall sign off the review form and set a further date for review.

- The Authorising Officer shall provide a copy of the review form whether rejected or authorised to the Investigating Officer and the Head of Service and send the original to the RIPA Coordinator and Monitoring Officer (central file).
- If, when the Authorisation is near to expiry, a renewal is deemed necessary, the Investigating Officer shall complete the renewal form, and in doing so shall carry out the same considerations as for the initial application, and additionally include the value of the surveillance activity to date.
- They shall submit the renewal form to the Authorising Officer not more than 3 days prior to the expiry of the previous authorisation.
- The Authorising Officer shall consider the requirements of necessity, proportionality and collateral intrusion and if satisfied shall authorise the form for a duration appropriate to the individual circumstances of the case (but not more than 3 months).
- At this point the Investigating Officer must again make an application to a Justice of the Peace using the form at Annex B of this policy. Only once the Justice of the Peace gives approval, can the matter proceed.
- The Authorising Officer shall provide a copy of the renewal whether rejected or authorised to the Investigating Officer and the Head of Service and send the original to the Monitoring Officer (central file).
- At the time of the renewal the Authorising Officer shall set a date for a review (not more than 1 month from the date of the authorisation, less if necessary) and the process as above shall continue.
- Once the surveillance activity is complete or the time authorised time period has expired the Investigating Officer shall complete a cancellation form which they shall submit to the Authorising Officer.

# **Part 2**

# **Covert Human Intelligence Sources or “CHIS”**

# CHIS

## Definition

### Who is a CHIS?

A Covert Human Intelligence Source (CHIS) is someone who establishes or maintains a personal or other relationship for the covert purpose of obtaining or providing access to information and covertly disclosing information obtained by the use or as a consequence of that relationship. This includes someone who volunteers information to us on a repeated basis. We must keep such sources under constant review to ensure that they are managed with an appropriate level of sensitivity and confidentiality, and to establish whether, at any given stage, they should be authorised as a CHIS.

A CHIS may include an informant, agent or officers working undercover.

The purpose is covert in relation to the establishment or maintenance of a personal or other relationship if the relationship is conducted in a way that is calculated to ensure that one of the parties to that relationship is unaware of the purpose.

Furthermore, a relationship is used covertly and information used or disclosed covertly if the information used or disclosed is done so in such a manner that is calculated to ensure that one of the parties does not know of the use or disclosure of information.

Accordingly, where a member of the public obtains information in the normal course of their life, trade or business or of suspected criminal activity and they are receiving no extra reward or direct they will not need to be recorded as a CHIS. Therefore, RIPA does not apply in circumstances where members of the public volunteer information to Fenland District Council as part of their normal civic duties, or to contact numbers set up to receive information. **Please see next paragraph regarding repeat information giving.**

**A member of the public may in reality be a CHIS when giving the Council information where information passed to the Council is done so during the course of or consequence of a personal or other relationship. When an informant gives repeat information, Officers should seek guidance from the RIPA Coordinator as to whether RIPA applies before acting upon information used from the informant.**

Further guidance about the definition and use of a CHIS is on the Government website:-  
<https://www.gov.uk/government/publications/draft-ripa-codes-of-practice-covert-human-intelligence-sources-covert-surveillance-and-property-interference>

## What must be authorised?

The Conduct or Use of a CHIS requires prior authorisation.

- **Use** of a CHIS is the actions of inducing, asking or assisting a person to act as a CHIS.
- **Conduct** of a CHIS is the establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information.

## Juvenile CHIS

Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 year olds). On no occasion can a child under 16 years of age be authorised to give information against his or her parents. Advice should be sought from the Monitoring Officer.

The duration of such an authorisation is **one month** instead of twelve months for a normal CHIS authorisation.

## Vulnerable individuals

A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.

A Vulnerable Individual will only be authorised to act as a source in the most exceptional of circumstances. Advice should be sought from the Monitoring Officer.



# CHIS

## Authorisation Preparation

The use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation.

For an authorisation for the use or conduct of a CHIS to be granted the Authorising Officer must be satisfied that the use or conduct is:-

- In accordance with the law;
- Necessary; and
- Proportionate.

**All authorised applications must also be approved by a Justice of the Peace in addition to by the Authorising Officer. Further action in accordance with RIPA can only take place with the approval of a Justice of the Peace.**

### In accordance with the law

RIPA provides a statutory mechanism that makes certain interference with a person's private life in accordance with the law, including, the use and conduct of a CHIS.

### Necessary

An authority may only be granted by an Authorising Officer if they believe that the conduct and use of the CHIS is necessary after satisfying themselves that this is appropriate with reference to CHIS guidance as referred to on page 29 of this Policy.

### Proportionality

If the conduct or use of a CHIS is necessary for the prevention or detection of crime or disorder the Authorising Officer must then go on to consider whether or not the proposed use or conduct of a CHIS is proportionate. In considering proportionality, the Authorising Officer should consider the following:

- The means should not be excessive by relation to the gravity of the mischief being investigated. More simply put, what is sought to be achieved from the conduct or use of a CHIS? It will only be proportionate to carry out surveillance activities if they are not excessive in relation to what is trying to be achieved.
- The least intrusive means should be chosen; and

- Take into account the risk of intrusion into the privacy of persons other than the specified subjects in the use and conduct of the CHIS: 'collateral intrusion' (see below). Measures must be taken wherever practicable to avoid or minimise, so far as is possible, collateral intrusion.
- Special consideration should be given where any activity is likely to result in the acquisition of confidential material.

## Collateral Intrusion

Collateral intrusion is where there is a risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation.

Before authorising the use of conduct of a CHIS, the Authorising Officer must consider the risk of collateral intrusion and whether a separate authorisation is required for any collateral intrusion or interference with the privacy of persons other than the subject(s) of the operation or investigation. Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.

An application for an authorisation should include an assessment of the risk of any collateral intrusion. A suggested risk assessment for this purpose can be found at appendix 2. The Authorising Officer should take this into account, when considering the proportionality of the use and conduct of a source.

Those managing the operation should inform the by way of a review Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals not covered by the authorisation. The Authorising Officer must then consider whether the current authorisation is sufficient or a new authorisation is required.

## Confidential Material

Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material. If the conduct or use of any CHIS is likely to result in the acquisition of confidential material the Authorising Officer must have full consideration of this in assessing whether use or conduct of the CHIS is proportionate.

Applications in which the use or conduct of a CHIS is likely to result in the acquisition of confidential material will only be considered in exceptional and compelling circumstances and the Authorising Officer must give the fullest consideration to any such cases. Applications in which the conduct or use of a CHIS are likely to result in the acquisition of confidential material will only be considered in the most exceptional and compelling circumstances.

Only the Chief Executive has authority to authorise the use or conduct of a CHIS where it is likely to result in the acquisition of confidential material, except in **exceptional circumstances** where the Chief Executive is absent; when the Monitoring Officer can authorise this.

## **Additional Safeguards when Authorising a CHIS**

When authorising the conduct or use of a CHIS, an Authorising Officer must also be satisfied that appropriate arrangements are in place for the management and oversight of the CHIS and that any health and safety issues have been addressed. Accordingly, as part of the application process the Investigating Officer shall carry out a risk assessment.

Any person granting or applying for an authorisation will also need to be aware of any particular sensitivities in the local community where the source is being used and of similar activities being undertaken by other public authorities which could impact on the deployment of the source. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a source or of information obtained from that source.

Officers must ensure that records of the CHIS contain particulars and are not available except on a need to know basis.

# CHIS

## Authorisation Process

The authorisation forms are standard forms available from the RIPA Coordinator. There are a number of stages to then go through, as set out in the following pages, before the directed surveillance can commence; it can never do so without being formally approved by a Justice of the Peace. The form to then be used when applying to a Justice of the Peace is attached to this policy as [Annex B](#).

These forms should be completed and submitted for authorisation as early as possible prior to the start of the proposed surveillance activity. This is to allow for the need to gain authorisation from a Justice of the Peace.

Furthermore, once an authorisation is given, there should be no delay in beginning the conduct or use of the CHIS as this may result in the circumstances changing.

If there is any deviation from the above, the Investigating Officer must check and ensure that the circumstances of the operation have not changed before obtaining authorisation and/or beginning the use or conduct the CHIS. Where there has been a change in circumstances the authorisation will need to be revised before it is submitted and the authorisation reviewed if authorisation has been given.

### **Applications for authorisation for use of a CHIS - How the form must be completed by the Investigating Officer**

This section sets out what the Investigating Officer needs to consider and cover when completing the authorisation form.

#### Unique Reference Number (URN)

Each application form will have a Unique Reference Number (URN) as follows: -

Year/Service\*/Type of authorisation\*\*/Number\*\*\*

\*The Services are as follows: -

Environmental Protection (EP), Environmental Health (EH), Environmental Services (ES), Planning (P), Housing (H), Fraud (F), Anti-Social Behaviour (ASB,) Building Control (BC), Internal Audit (IA)

\*\*Covert Human Intelligence Source (CHIS)

Please note that this is here for identification purposes only and will have no bearing on the numbering.

\*\*\*Each service shall start at 0001 and run consecutively, irrespective of the type of authorisation sought.

Examples: -

2006/EP/CHIS/0001

The Head of Service shall issue the relevant URN to Investigating Officers. This URN shall identify the particular operation and should be cross referenced on associated review, renewal and cancellation forms. Please note that where more than one application is required within any particular investigation, each application shall have its own URN.

Rejected forms will also have their own URN's.

The cross-referencing of each URN takes place within the various forms for audit purposes.

### Section 1 – Rank and Position of the Authorising Officer

- Please note that the exact position of the Authorising Officer should be given.

### Section 2 – The Purpose of the operation or investigation

- Include what you want to do and why;
- Include details of the investigation and enquiries to date;
- State your objectives of the operation, i.e. what you seek to achieve by using a CHIS, which should fit in with what you are asking to be authorised.

### Section 3 – The purpose for which the CHIS (source) will be tasked or deployed

- Explain how their use relates to the investigation in progress.
- Is their purpose to provide information that they already have, i.e. act as an informant) or will it be to build a relationship or get actively involve with certain people, organisations, activities etc. i.e. go undercover etc.?

### Section 4 – What will the CHIS (source) be tasked to do or how will they be deployed

- Include details of the CHIS, including whether they are vulnerable or juvenile.
- Include details of exactly what they will be required to do.

**Remember that you can only do what you are authorised to do so you need to be as thorough and as detailed as possible in this section.**

## Section 5 – The grounds on which the conduct or use of a CHIS (source) is necessary

This will always be for the purpose of preventing or detecting crime or detecting disorder, in respect of specific offences. Other grounds are not available to local authorities.

## Section 6 – Why the conduct or use of a CHIS (Source) is necessary this particular case

- State that you suspect a criminal offence is being committed, what it is, and if known, what legislation you suspect it is being committed under.
- Also include reasons why it is necessary to use a CHIS, for example: -
  - Other methods of evidence/intelligence gathering have been tried and failed;
  - Overt enquiries will lead to the subject knowing of the investigation and hamper the evidence gathering process;
  - Only way to identify the perpetrator etc.

## Section 7 – Where a specific investigation or operation is involved, details of that investigation or operation

- Describe in as much detail as possible the investigation or operation being undertaken.

## Section 8 – Provide details of any potential collateral intrusion, why the intrusion is unavoidable and precautions that will be taken to minimise collateral intrusion

- Describe how contact is made with the CHIS and where.
- There will be collateral intrusion on neighbours, family members, members of the public, other employees, other customers etc.
- State why the collateral intrusion is unavoidable, e.g. it is the only location available to meet the CHIS, etc.
- Details of how the collateral intrusion will be kept to a minimum, e.g. by using sufficiently trained staff to achieve the objectives, managing the interaction carefully with the CHIS thereby reducing/minimizing collateral intrusion, the need for the CHIS will cease once the objectives are achieved etc.
- All information will be recorded and retained in accordance with DPA and CPIA principles.

Section 9 – Explain why the conduct or use of a CHIS (source) is proportionate to what it seeks to achieve

Are you asking to do a lot to achieve a little? DO NOT use a sledgehammer to crack a nut!! In considering the proportionality, you should consider the following (this list is not exhaustive):

-

- Serious nature of offence;
- Prevalence of type of offence;
- Impact on victims;
- If not authorised offences may continue without the required evidence to prosecute the offender;
- The use of the CHIS will ultimately lead to prosecution of offender;
- Insufficient evidence to prosecute;
- Deterrent effect of prosecution on perpetrator and wider public;
- Our responsibility to the public and environment etc.;
- Our responsibility to the public purse?
- What is the cost of the criminal activity to the Council and ultimately the public? Specify figures where available.
- Community safety;
- Crime rate;
- Economy of local area;
- Other methods of evidence/intelligence gathering have been tried and failed;
- Overt enquiries will lead to the subject knowing of the investigation and hamper the evidence gathering process;
- May reduce additional collateral intrusion by shortening the length of the investigation;
- Consequences of not taking any action are.....;

Please note that where you want to use a vulnerable or juvenile CHIS you will need to make sure that you explain why it is proportionate to use them.

Please note that it will never be acceptable or justifiable for a juvenile CHIS to provide information about their parents or legal guardians.

## Section 10 – Confidential Information

- Identify how likely, and if so, what type of confidential information may be acquired as a result of using the CHIS.

## Section 11 – Applicants details

This is self-explanatory

Section 12 onwards must be completed by the Authorising Officer.

Before taking the form to the Authorising Officer, the Investigating Officer must take the form completed up to and including Section 11 back to the RIPA Coordinator, for them to satisfy themselves that it is completed correctly and can now be taken to the Authorising Officer.

Once the RIPA Coordinator is satisfied, they will give the partially completed form back to the Investigating Officer who will then take it to the Authorising Officer, who will then follow the next part of the process as set out below.

## **Applications for authorisation for use of a CHIS – Authorisation procedures for Authorising Officers**

For the avoidance of doubt, only those officers authorised under Fenland District Council's Constitution to be 'Authorising Officers' for the purpose of RIPA can authorise the use and/or conduct of a CHIS.

Responsibility for authorising the use and/or conduct of a CHIS rests with the Authorising Officer. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 designates the required level of office for each Authorising Officer.

An Authorising Officer must give authorisations in writing, except that in urgent cases they may be given orally by the Authorising Officer or in writing by the officer entitled to act in urgent cases. In such cases, a record that the Authorising Officer has expressly authorised the action should be recorded in writing by both the Authorising Officer and the applicant as soon as is reasonably practicable, together with the information detailed below.

In addition, they must have received appropriate training. If an Authorising Officer has not received appropriate training, they CANNOT carry out or approve/reject any action set out in this Corporate Policy & Procedures Document.

Authorising Officers **must exercise their minds every time they are asked to sign a form**. They must never sign or rubber stamp Form(s) without thinking about their personal and Fenland District Council's responsibilities.

Finally, an Authorising Officer should not authorise the conduct/use of a CHIS where they are directly involved in the investigation for which it is required. Accordingly, authority should be provided by an alternative Authorising Officer (it does not matter if they are from a



different service). It is not acceptable to use “copy and paste” from previous forms; each application must be individually and carefully considered.

### Section 12 – Authorising Officer – Necessity and Proportionality

You need to state in your own words why you believe the use or conduct of a CHIS is necessary (i.e. justify that it is for the prevention/detection of crime and disorder) and why you believe it to be proportionate to what is being sought by carrying it out.

### Section 13 – Confidential Information Authorisation

If there is a likelihood of acquiring confidential information you should supply detail that demonstrates compliance with the Codes of Practice.

### Date of first Review/Programme for Subsequent Reviews

The Authorising Officer must set a date for review of the authorisation and review on that date; please see notes on reviews below.

## **Approval by a justice of the peace (JP)**

Once the use of a CHIS has been authorised as detailed above, the Authorising Officer will pass the completed authorisation to the RIPA Coordinator for consideration, acting as an independent check at that time.

The Coordinating Officer **must** contact the Court to apply for approval from a JP using the prescribed form shown at [Annex B](#) of this report. In addition [Annex A](#) shows a flowchart of the application process.

They will need to arrange a hearing for the application to be heard, **which the Authorising Officer will attend with:-**

- RIPA authorisation form signed by an Authorising Officer,
- The accompanying Judicial application form,
- All other relevant documents (sufficient supporting information that will allow the JP to make a fully informed decision).

At the hearing the JP will:-

- Refuse to grant the surveillance, in which case the process must stop and the Council seek fresh approval internally and at Court with more detailed information,
- Grant approval to undertake the surveillance.

## After approval by a JP

The directed surveillance can take place as authorised subject to the time restrictions placed on it. When it expires, it must be renewed by completing the full application process above including gaining approval from a JP.

### Section 17 – Urgent Authorisation

**Urgent applications must still be made to a Justice of the Peace after authorisation. See Annex B for this process.**

## Urgent oral authorisations

These **are not** permitted under any circumstances.

## Duration

The 'authorisation' to use a CHIS is only valid for twelve months from the date on which a Justice of the Peace has approved the authorised RIPA application (from 00:01 on the date on which a Justice of the Peace has approved the authorised RIPA application to 23:59 on the day that is the last day of the twelve months starting from the first day of this period) for the use of CHIS.

A written authorisation will, unless renewed, cease to have effect at the end of a period of twelve months beginning with the day on which it took effect, except for authorisations concerning juveniles, whereby the authorisation will last only one month.

## Reviews

Regular reviews of authorisations should be undertaken to assess the need for the use of a CHIS to continue. Furthermore, any change in circumstances will prompt the need for a review.

There is a standard form available for this purpose on the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) and on the intranet.

The Investigating Officer should complete the form and submit to the Authorising Officer in time for it to be signed on the date specified on the original application or previous review. The sections are similar to that on the original authorisation form and accordingly the same principles should be applied. In addition, the review should include the use made of the CHIS during the period authorised, the tasks given to the CHIS and the information obtained from the CHIS.

The Authorising Officer shall determine how often a review should take place, however, there shall be no more than one month between the grant of the application and the first review and one month between subsequent reviews, and not more than one week where

the CHIS is a juvenile. More frequent reviews should take place where the use of a CHIS provides access to confidential information or involves collateral intrusion, or uses a vulnerable CHIS.

The results of the review must be recorded on the central record of authorisations and on the Service's own record of authorisations.

## Renewals

As with the initial application, renewals must be approved by a Justice of the Peace before they can be acted upon.

An authorisation can be renewed before it ceases to have effect if an Authorising Officer considers it necessary and proportionate for the use or conduct of a CHIS to continue. The renewal takes effect at the time at which the authorisation would have ceased to have effect. If necessary a renewal can be made more than once. A written renewal may authorise the use or conduct of a CHIS for a further 12 months, or one month in the case of a juvenile CHIS.

Before an Authorising Officer renews an authorisation, he must be satisfied that frequent reviews have been carried out of the use of a CHIS as outlined above.

The Authorisation Officer must consider the matter afresh but also take into account the use made of the CHIS during the period authorised, the tasks given to the CHIS and the information obtained from the CHIS and any collateral intrusion that has occurred.

Renewals should be made in writing on the appropriate form; there is a standard form available for this purpose on the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) and on the intranet.

Renewal forms should be completed and submitted for authorisation up to 3 days prior to the expiry of the proposed surveillance activity and **no longer**. Any longer than this and it is likely that the circumstances set out in the form will have changed and any authorisation will be out of date.

If there is any deviation from the above, Investigating Officers must check and ensure that the circumstances of the investigation have not changed before obtaining authorisation for a renewal. Where there has been a change in circumstances the application for renewal will need to be revised before being submitted to the Authorising Officer.

A renewal must be recorded on the central record of authorisations and on the service's own record of authorisations.

**A renewal MUST be submitted for approval by a Justice of the Peace before it can be put into operation.**

## **Cancellations**

The Authorising Officer who granted or renewed the authorisation must cancel it if the grounds for granting the authorisation no longer apply, i.e. the aims have been met or the risks/circumstances have changed and the current authorisation is no longer appropriate.

There is a standard form available for this purpose from the Legal team. Once completed these forms must be kept on the central record of authorisations and on the service's own record of authorisations. The Authorising Officer must inform those involved that the use or conduct of the CHIS is no longer required and any activities must cease.

Where necessary, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled. The cancellation does not need to be advised or approved by a Justice of the Peace.

## **Records of all CHIS**

Proper records must be kept of the authorisation and use of a source, including details of the CHIS. Certain particulars must be included in the records relating to each CHIS. These are contained in the Regulation of Investigatory Powers (Source Records) Regulations 2000, which are appended to this document.

These records should be maintained in such a way as to preserve the confidentiality of the CHIS and the information provided by that CHIS. The relevant head of service will have responsibility for maintaining these records.

## **Retention and destruction of the product**

Any material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained. This includes not only material that supports the prosecution's case, but that which may cast doubt on it or supports the defence's case.

- All material that may be relevant to the investigation must be kept until a decision has been taken whether to institute proceedings.
- If proceedings are instituted, all material that may be relevant must be kept until either the accused is acquitted or convicted or the prosecution decides not to proceed with the case.
- Where the accused is prosecuted, all material that may be relevant must be retained until, in the case of a custodial sentence being imposed, the convicted person is released from custody or the expiry of six months, whichever is the longer period, or six months from the date of conviction in all other cases.
- Where an appeal is in progress that material must be kept until the conclusion of the appeal.

Authorising Officers must also ensure compliance with the appropriate Data Protection requirements and any relevant codes of practice produced by the authority in the handling and storage of material. Please refer to the Councils Data Protection Policy.

The head of service shall be responsible for handling, storage and destruction of material obtained through directed surveillance. Please note that material that is obtained, particularly evidence, shall be stored securely both for data protection purposes and to avoid any accusation of tampering with evidence. Material obtained from properly authorised directed surveillance can be used in other investigations.

## Management of CHIS

The Council must ensure proper oversight and management of the CHIS by appointing Officers with these roles in respect of the CHIS:-

1. Handler,
2. Controller,
3. Record Keeper

The following paragraphs explain the purpose and responsibilities of these roles in more detail.

The "Handler" will have day to day responsibility for: -

- Dealing with the CHIS on behalf of the authority concerned;
- Directing the day to day activities of the CHIS;
- Recording the information supplied by the CHIS; and
- Monitoring the CHIS's security and welfare.

The "Handler" should be below the rank and position of an Authorising Officer and cannot be the Investigating Officer.

The "Controller" will have the responsibility of overseeing the activities of the Handler and should be an Officer of the Council with a higher rank than the Handler and this should be the Service Manager for the Service in which the authorisation is being sought in respect of.

The "Record Keeper" is the Officer with responsibility for maintaining a record of the use made of CHIS. This will normally be the Head of Service responsible for the service using the CHIS.

Officers should consult the RIPA Coordinator for further advice.

# CHIS

## Procedure Checklist

The basic procedure for obtaining authorisation for the Use or Conduct of a CHIS is as follows: -

- The Investigating Officer should undertake a full risk assessment of use of the CHIS before starting this process including considering how any data obtained from them will be held and recorded securely.
- The Investigating Officer having considered the aim of the operation, the health and safety of the CHIS (Including carrying out a risk assessment), the requirements of necessity, proportionality and collateral intrusion (including carrying out a risk assessment) shall complete the application form.
- They shall then seek agreement from the RIPA Coordinator to proceed, and then submit the form to the Authorising Officer (no more than 3 days prior to the anticipated commencement of the operation).
- The Authorising Officer shall consider the requirements of necessity, proportionality and collateral intrusion and if satisfied shall authorise the form for a duration appropriate to the individual circumstances of the case (but not more than 12 months) noting that the authorisation will apply from the date and time on which a Justice of the Peace approves the authorisation.
- The Authorising Officer shall provide a copy of the application whether rejected or authorised to the Investigating Officer and to the RIPA Coordinator for a final check, who will also place a copy on the central file.
- If satisfied the RIPA Coordinator will liaise with the Court to arrange for the Authorising Officer to attend Court to seek approval for surveillance to commence.
- The Authorising Officer will make an application to a Justice of the Peace using the form at Annex B of this policy. Only once the Justice of the Peace gives approval, can the matter proceed.
- In order to make the required application to a Justice of the Peace, the Investigations Officer must be properly authorised to do so under section 223 of the Local Government Act 1972.
- At the time of authorisation the Authorising Officer shall set a date for a review (not more than 1 month from the date of the authorisation, more frequent where required).
- The Investigating Officer shall commence the operation once authorised.
- Not more than 3 days prior to the date for review (and where there has been a change of circumstances) the Investigating Officer shall complete and submit the review form to the Authorising Officer.

- If satisfied that the operation is still necessary and proportionate, the Authorising Officer shall sign off the review form and set a further date for review.
- The Authorising Officer shall provide a copy of the review whether rejected or authorised to the Investigating Officer and the Head of Service and send the original to the Monitoring Officer (central file).
- If, when the Authorisation is near expiry of the, a renewal is deemed necessary, the Investigating Officer shall complete the renewal form, and in doing so shall carry out the same considerations as for the initial application, and additionally include the value of the operation to date.
- They shall submit the renewal form to the Authorising Officer not more than 3 days prior to the expiry of the previous authorisation.
- The Authorising Officer shall consider the requirements of necessity, proportionality and collateral intrusion and if satisfied shall authorise the form for a duration appropriate to the individual circumstances of the case (but not more than 12 months).
- At this point the Investigating Officer must again make an application to a Justice of the Peace using the form at Annex B of this policy. Only once the Justice of the Peace gives approval, can the matter proceed.
- The Authorising Officer shall provide a copy of the renewal form whether rejected or authorised to the Investigating Officer and the Head of Service and send the original to the Monitoring Officer (central file).
- At the time of the authorisation the Authorising Officer shall set a date for a review (not more than 1 month from the date of the authorisation, less if necessary) and carry on as previously.
- Once the operation is complete or the authorised time period has expired the Investigating Officer shall complete a cancellation form which they shall submit to the Authorising Officer.
- The Authorising Officer shall provide a copy of the cancellation form to the Investigating Officer and the Head of Service and send the original to the Monitoring Officer (central file).
- Where necessary the Investigating Officer shall continue to monitor the health and safety of the CHIS after the operation has finished.

# **Part 3**

# **Acquisition of Communications Data**



# Acquisition of Communications Data

## Definition

### What is communications data?

The term 'communications data' embraces the 'who', 'when' and 'where' of a communication but not the content, either said or written. It includes the manner in which, and by what method, a person or machine communicates with another person or machine. It excludes what they say or what data they pass on within that communication.

The Regulation of Investigatory Powers (Communications Data) Order 2004 only permits local authorities to gain access to two types of communications data: service use information and subscriber information.

- **Service use information,**

This is data relating to the use made by any person of a postal or telecommunications service, or any part of it.

Examples of data within this definition include: -

- Itemised telephone records (numbers called);
- Itemised records of connections to internet services;
- Itemised timing and duration of service usage (calls and/or connections);
- Information about amounts of data downloaded and/or uploaded;
- Information about provision of conference calling, call messaging, call waiting and call barring telecommunication services;
- Information about selection of preferential numbers or discount calls;
- Records of posted items, such as records of registered, recorded or special delivery postal items, records of parcel consignments, delivery and collection.

- **Subscriber information**

This is information held or obtained by a Communications Service Provider (CSP) about persons to whom the CSP provides or has provided a communications service.

Examples of data within this definition include: -

- Subscriber checks, reverse look ups etc. such as "who is the subscriber of phone number 01234 567890?", "who is the account holder of e-mail account [xyz@xyz.com](mailto:xyz@xyz.com)?" and "who is entitled to post to web space [www.xyz.abcd.co.uk](http://www.xyz.abcd.co.uk)?";

- Subscribers or account holders account information, including payment method(s) and any services to which the account holder is allocated or has subscribed;
- Addresses for installation and billing;

**Investigating officers can request both historical and future information.**

Local authorities are NOT authorised to obtain access to traffic data.

# Acquisition of Communications Data Authorisation Process

## General

The acquisition of communications data can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation/notice.

For an authorisation to acquire communications data to be granted the Authorising Officer must be satisfied that the request for that information is:-

- In accordance with the law;
- Necessary; and
- Proportionate.

Accordingly, Investigating Officers who will be submitting the application form and Authorising Officers must be familiar with the following information.

**All authorised applications must also be approved by a Justice of the Peace in addition to by the Authorising Officer. Further action in accordance with RIPA can only take place with the approval of a Justice of the Peace.**

## In accordance with the law

RIPA provides a statutory mechanism that makes certain interference with a person's private life in accordance with the law, including, the acquisition of communications data.

The only data that a Local Authority can properly acquire is subscriber information or service use information. Any request outside this remit will not be in accordance with the law.

## Necessary

An authority may be granted that by an Authorising Officer if they believe that the acquisition of communications data is necessary on the grounds of **preventing or detecting crime or of preventing disorder**. None of the other grounds specified in RIPA are available to local authorities.

Accordingly, it will only ever be necessary to acquire communications data where it is suspected that a crime is being committed.

## Proportionate

If the acquisition of communications information is necessary for the prevention or detection of crime or disorder the Authorising Officer must then go on to consider whether or not it is proportionate. This involves balancing the extent of the intrusiveness of the interference

with an individual's right to respect for their private life against a specific benefit to the investigation or operation being undertaken.

In considering proportionality, the Authorising Officer should consider the following:

- The means should not be excessive by relation to the gravity of the mischief being investigated.
- The least intrusive means of acquiring that information should be chosen. Please note that it cannot be proportionate if there is reasonably available an overt means of finding out the information desired.
- Take into account the risk of intrusion into the privacy of persons other than the specified subjects of investigation: 'collateral intrusion' (see below). Measures must be taken wherever practicable to avoid or minimise so far as is possible collateral intrusion.
- Special consideration should be given where any activity is likely to result in the acquisition of confidential material.

## **Collateral intrusion**

Collateral intrusion is where there is a risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation.

The Authorising Officer must consider the risk of collateral intrusion and whether a separate authorisation is required for any collateral intrusion or interference with the privacy of persons other than the subject(s) of the investigation.

The person carrying out the investigation must inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals not covered by the authorisation. The Authorising Officer must then review the existing authorisation.

## **General rules**

Acquisition of communications data involves three separate roles:-

- The Applicant /Investigating Officer.
- The Authorising Officer.
- The Single Point of Contact (SPoC).

The SPoC is an accredited individual trained to facilitate the lawful acquisition of communications data and effective co-operation between a public authority and communication service provider (CSP). The legislation requires that for any authority to acquire communications data in accordance with RIPA it must have an accredited SPoC. For a list of accredited SPoC's at Fenland District Council please see [Annex 1](#).

There are two ways in which communications data may be obtained, firstly by way of an authorisation to allow Fenland District Council to collect the communications data itself, and secondly by way of a service of a notice upon the holder of communications data to provide the information specified in the notice. The service of a notice will be the more common of the two powers utilised to obtain communication data. On the basis that a CSP will have far greater means to obtain the information on Fenland District Council's behalf, only the procedure relating to this process is included in this policy document. If you think you may require an authorisation to acquire that information yourself from the CSP, you should contact the Monitoring Officer who will assist you in that process.

## Forms

The application form, notice, application for cancellation, notice of cancellation and SPoC rejection forms are available from the Legal team.

Only these approved RIPA forms should be used. Any other forms used will be rejected by the Authorising Officer/SPoC.

## Information to be provided in applications for communications data - Investigating Officers

### SPoC Reference Number

This is the reference number provided by the SPoC.

### Application Reference Number

The Investigating Officer should insert his own file reference number in here.

### Unique Reference Number (URN)

Each application form will have a Unique Reference Number (URN) as follows: -

*Year/Service\*/Type of authorisation\*\*/Number\*\*\**

2006/F/CD/0001

\*The services are as follows: -

Environmental Protection (EP), Environmental Health (EH), Environmental Services (ES), Planning (P), Housing (H), Fraud (F), Anti-Social Behaviour (ASB,) Building Control (BC), Internal Audit (IA)

\*\*Communications Data (CD)

(Please note that this is here for identification purposes only and will have no bearing on the numbering.)

\*\*\*Each service shall start at 0001 and run consecutively irrespective of the type of authorisation.

The Head of Service shall issue the relevant URN to Investigating Officers. This URN shall identify the particular operation and should be cross referenced on associated review, renewal and cancellation forms. Please note that where more than one application is required within any particular investigation, each application shall have its own URN.

Rejected forms will also have their own URN's.

The cross-referencing of each URN takes place within the various forms for audit purposes. Name, Service, Rank/Grade (position) and telephone number of the Applicant (Investigating Officer)

- This is self-explanatory.

#### Section 2 – Provide the grounds under which the data is necessary

This will **always** be for the purpose of preventing or detecting crime or detecting disorder; the others are not available to local authorities.

#### Section 3 – Provide details of the Nature of the Enquiry/intelligence Case

- Details of the investigation and enquiries to date;
- Specify what you want to do and why;
- State how accessing the data will further the enquiry;
- Where relevant give the exact time/date/place of the incident under investigation;
- Include relevant subject details – name, DoB, address, their role in the enquiry/investigation

#### Section 4 – Provide details of service/data required

Subscriber information: -

- State telephone number(s) you require subscriber/account information on.
- If not requesting information on most current subscriber, please provide date/time period to search.

OR

Outgoing call data/itemised billing: -

- State telephone number, subscriber details and date/time period from and to

(Please note that subscriber information must have been obtained prior to this request.)

**You cannot request both subscriber information and outgoing/itemised billing in the same application.**

Section 5 – Outline the Source of the numbers/other data in the application

- State how the numbers/information were identified, discovered etc....

Section 6 – Explain the reasons why accessing the communications data is necessary on the ground specified

- State that you suspect a criminal offence is being committed, what it is, and if known, what legislation you suspect it is being committed under.
- Also include reasons why it is necessary to access the communications data, for example: -
  - Other methods of evidence/intelligence gathering have been tried and failed;
  - Overt enquiries will lead to the subject knowing of the investigation and hamper the evidence gathering process;
  - Only way to identify the perpetrator etc.

Section 7 – Explain the reasons why the acquisition of the communications data is considered proportionate to what it seeks to achieve

Ensure the objectives have been identified and how obtaining the data will achieve the objectives. Explain why the objectives cannot reasonably be achieved by less intrusive means.

Are you asking to do a lot to achieve a little? DO NOT use a sledgehammer to crack a nut!! In considering the proportionality, you should consider the following (this list is not exhaustive):

-

- Serious nature of offence;
- Prevalence of type of offence;
- Impact on victims;
- If not authorised offences may continue without the required evidence to prosecute the offender;
- Acquisition of data will ultimately lead to prosecution of offender;
- Insufficient evidence to prosecute
- Deterrent effect of prosecution on perpetrator and wider public;
- Our responsibility to the public and environment etc.;
- Our responsibility to the public purse.

- What is the cost of the criminal activity to the Council and ultimately the public? Specify figures where available.
- Community safety;
- Crime rate;
- Economy of local area;
- Other methods of evidence/intelligence gathering have been tried and failed;
- Overt enquiries will lead to the subject knowing of the investigation and hamper the evidence gathering process;
- May reduce additional collateral intrusion by shortening the length of the investigation;
- Consequences of not taking any action are.....;

Section 8 – Provide details of any potential collateral intrusion, why the intrusion is unavoidable and precautions that will be taken to minimise collateral intrusion

- Describe the scene, and where necessary attach a plan or a map etc...
- There will be collateral intrusion on other phone users/joint account holders including family members, members of the public, other employees, other customers etc.
- State why the collateral intrusion is unavoidable, e.g. it is the only means of identifying the identity of the suspected perpetrator etc., the methods used are the only available options etc.
- Details of how the collateral intrusion will be kept to a minimum, e.g. by using sufficiently trained staff to achieve the objectives, by focusing the data requested on the designated subject with set objectives thereby reducing/minimizing collateral intrusion, the acquisition of data will cease once the objectives are achieved etc., the acquisition of data only be used for the evidence and intelligence gathering purposes and will focus on the subject/activity taking place etc.
- All information will be recorded and retained in accordance with DPA and CPIA principles.

Applicant

The investigation officer shall sign and date the form before forwarding it to an accredited SPoC for consideration.



For the avoidance of doubt, only those officers authorised under this policy to be an 'Authorising Officer' for the purpose of RIPA can authorise the acquisition and disclosure of communications data. The Regulation of Investigatory Powers (Communications Data) Order 2010 designates the required level of office for each Authorising Officer.

The prescribed office is described as Director; Head of Service; Service Manager; or equivalent.

Additionally, they must have received appropriate training. If an Authorising Officer has not received appropriate training, they CANNOT approve/reject any action set out in this Corporate Policy & Procedures Document and sign forms.

Authorising Officer should not authorise directed surveillance where they are actively involved in the investigation for which it is required. Accordingly, authority should be provided by an alternative Authorising Officer (it does not matter if they are from a different service).

Authorising Officers **must exercise their minds every time they are asked to sign a form.** They must never sign or rubber stamp Form(s) without thinking about their personal and Fenland District Council's responsibilities.

You must be satisfied that the acquisition of data is necessary and proportionate, and that any potential collateral instruction has been appropriately considered. There are no sections on the application form or the Notice for the Authorising Officer to complete as there are with the forms in respect of directed surveillance or use or conduct of a CHIS, however the Authorising Officer should provide written reasons as to why they believe the acquisition of communications data is necessary (i.e. justify that it is for the prevention/detection of crime and disorder) and why you believe it to be proportionate to what is being sought by carrying it out. These written considerations should be attached to the application form.

## **Approval by a justice of the peace (JP)**

Once Surveillance has been authorised as detailed above, the Investigating Officer must contact the Court to apply for approval from a JP using the prescribed form shown at Annex B of this report. In addition Annex A shows a flowchart of the application process.

They will need to arrange a hearing for the application to be heard, and attend it with:-

- RIPA authorisation form signed by an Authorising Officer,
- The accompanying Judicial application form,
- All other relevant documents (sufficient supporting information that will allow the JP to make a fully informed decision).

At the hearing the JP will:-

- Refuse to grant the surveillance, in which case the process must stop and the Council seek fresh approval internally and at Court with more detailed information,
- Grant approval to undertake the surveillance.

## **After approval by a JP**

The directed surveillance can take place as authorised subject to the time restrictions placed on it. When it expires, it must be renewed by completing the full application process above including gaining approval from a JP.

## **Duration of notices**

The notice is only valid for one month from the date on the notice. This means that the notice must be served within that month.

All notice must relate to the acquisition or disclosure of data for a specific date or period and any period should be clearly indicated on the notice. The start and end date should be given, and where a precise start and end time are relevant these must be specified. Where not date is specified it should be take to be the date on the on which the notice was given.

Where a notice relates to the acquisition or obtaining specific data that will or may be generated in the future, the future period is restricted to no more than one month.

In short, where you are seeking historical data there is no limit on the period which you specify in the notice; however the notice must be served on the CSP within one month. Where you are seeking future data, the period for which you can request that data is restricted to one month.

## **Renewal of notices**

Any valid notice may be renewed for a period of up to one month by the service of a further notice. A renewed notice takes effect upon the expiry of the notice it is renewing.

Renewal may be appropriate where there is a continuing requirement to acquire or obtain data that will or may be generated in the future.

The procedure for renewal is as if a fresh application is being made, and accordingly the procedure as set out above should be followed, save for the fact that the SPoC reference, their file reference and the URN shall be the same as the initial application and both the Investigating Officer and Authorising Officer must consider the value of acquiring the communications data to date and why it is necessary and proportionate to continue to obtain that data.

Investigating officers shall mark the top of the application form 'renewal' when completing and submitting the application form, and the SPoC shall mark the top of the notice 'renewal'.

Copies of these documents must be kept on the investigators own file, the service's own file and the originals sent to the Monitoring Officer to be kept on the Central File.

**A renewal MUST be submitted for approval by a Justice of the Peace before it can be put into operation.**

## **Cancellations**

The Authorising Officer who granted or last renewed a notice must cancel the notice if after granting the notice the grounds for granting the notice no longer apply, i.e. the aims have been met or the risks/circumstances have changed and the current notice is no longer appropriate.

There is a standard application for cancellation form available from the Legal team. Once completed these forms must be kept on the central record of authorisations and on the service's own record of authorisations.

The cancellation does not need to be advised or approved by a Justice of the Peace.

## **Retention and destruction of the product**

Any material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained. This includes not only material that supports the prosecution's case, but that which may cast doubt on it or supports the defence's case.

- All material that may be relevant to the investigation must be kept until a decision has been taken whether to institute proceedings.
  - If proceedings are instituted all material that may be relevant must be kept until either the accused is acquitted or convicted or the prosecution decides not to proceed with the case.
  - Where the accused is prosecuted all material that may be relevant must be retained until, in the case of a custodial sentence being imposed, the convicted person is released from custody or the expiry of six months, whichever is the longer period, or six months from the date of conviction in all other cases.
  - Where an appeal is in progress that material must be kept until the conclusion of the appeal.

Be aware that any information obtained as a result of these powers is likely to be 'personal data' within the meaning of the Data Protection Act 1998. Therefore the requirements of the Data Protection Act 1998 and its principles must be adhered to in respect of this data. Please refer to the Councils Data Protection Policy.

The head of service shall be responsible for handling, storage and destruction of material obtained through the acquisition of communications data and shall ensure that any data that is obtained, particularly evidence, shall be stored securely both for data protection purposes and to avoid any accusation of tampering with evidence.

Properly authorised and acquired Communications Data can be used in other investigations.

**Please note that urgent oral authorisations are not permitted for the purposes of this policy.**

# Acquisition of Communications Data Procedure Checklist

The basic procedure for requiring a CSP to disclose to us information they already have in their possession or to obtain information which is not already in their possession is as follows.

- The Investigating Officer, having considered the requirements of necessity, proportionality and collateral intrusion, shall complete the application form.
- They shall then submit the application form to the SPoC.
- If the SPoC is satisfied that the application has been made out properly and it is reasonably practicable to obtain the communications data as requested, the SPoC shall complete the relevant sections of the Notice and forward it and the application form to an Authorising Officer for consideration.
- If the SPoC is not satisfied that the application has been made out he shall complete a SPoC rejection form and return copies of both that and the application form to the Investigating Officer. He shall send the originals to the Monitoring Officer for retention on the Central File.
- The Authorising Officer shall consider the application in light of the requirements of necessity; proportionality and collateral intrusion and either authorise or reject the application.
- If authorised, the Authorising Officer shall complete the necessary sections of the Notice including providing the duration of the Notice (not more than one month).
- The Investigating Officer will make an application to a Justice of the Peace using the form at Annex B of this policy. Only once the Justice of the Peace gives approval, can the matter proceed.
- In order to make the required application to a Justice of the Peace, the Investigations Officer must be properly authorised to do so under section 223 of the Local Government Act 1972.
- Once completed the Authorising Officer shall return a copy of the Notice to the SPoC who shall serve it on the CSP.
- If rejected, he shall provide written reasons why and return a copy of the notice to the SPoC.
- Whether approved or rejected the Authorising Officer shall provide copies of the forms to the Investigating Officer and Head of Service and the originals to the Monitoring Officer (central file).

- When the data is provided by the CSP the SPoC shall feed it back to the Investigating Officer.
- If a renewal is required, it can be renewed for a period of up to one month by following the same procedure as outlined above.
- At this point the Investigating Officer must again make an application to a Justice of the Peace using the form at Annex B of this policy. Only once the Justice of the Peace gives approval, can the matter proceed.
- Once the operation is complete or the time authorised time period has expired the Investigating Officer shall complete a cancellation form which they shall submit to the Authorising Officer for completion.
- The Authorising Officer can either forward the application to cancel to the SPoC who shall draft and serve the Cancellation of Notice on the CSP or draft and serve the Cancellation Notice him/herself.
- The SPoC /Authorising Officer shall send copies of the forms to the Investigating Officer, Head of Service and the Monitoring Officer (central file).

# **Part 4**

# **General Information**

# Collaborative working

In cases where one agency or force is acting on behalf of another, the tasking agency should normally obtain or provide the *authorisation* under Part II of the 2000 Act. For example, where surveillance is carried out by Fenland District Council on behalf of the Police, *authorisations* would usually be sought by the Police and granted by their appropriate *Authorising Officer*. Where the operational support of other agencies (in this example, Fenland District Council) is foreseen, this should be specified in the *authorisation*.

Where possible, *public authorities* should seek to avoid duplication of *authorisations* as part of a single investigation or operation. For example, where two agencies such as Fenland District Council and the Department for Work & Pensions are conducting directed surveillance as part of a joint operation, only one *authorisation* is required. Duplication of *authorisations* does not affect the lawfulness of the activities to be conducted, but may create an unnecessary administrative burden on authorities.

**If in doubt, please consult the Monitoring Officer at the earliest opportunity.**

# Investigation of Social Media

Reviewing open source sites does not require authorisation unless the review is carried out with some regularity, usually when creating a profile, in which case *directed surveillance* authorisation will be required.

If it becomes necessary to breach the privacy controls and become, for example, a “friend” on the Facebook site, with the investigating officer utilising a false account concealing his or her identity as a Council officer for the purposes of gleaning intelligence, this is a covert operation intended to obtain private information and should be authorised, at the minimum, as *directed surveillance*.

If the investigator engages in any form of relationship with the account operator then that investigator becomes a *CHIS* requiring authorisation as such and management by a Controller and Handler with a record being kept and a risk assessment created.



# Record management

Fenland District Council shall keep detailed records of all authorisations, reviews, renewals, cancellations and rejections within individual services **and** in a central register which shall be maintained and monitored by the Monitoring Officer.

## Records maintained within individual services

Each officer shall keep all of the relevant documents and information relating to the surveillance, use or conduct of CHIS or acquisition of communications data on the case file, including any of the information listed below. In addition, he shall keep details and results of surveillance carried out, information and evidence obtained, etc.

Furthermore, the head of each service shall be responsible for maintaining a register, which shall include all of the following documents/information:-

- Application forms and any supporting documents, including any applications which are rejected;
- Review forms and any supporting information, including details and results of surveillance, conduct or use of CHIS to date;
- Renewal forms and any supporting information, including details and results of surveillance, conduct or use of CHIS to date; including applications which are rejected;
- Cancellation forms and any supporting documents, including an overview of the period over which the surveillance or conduct of use of a CHIS actually took place and value of that.

The register shall be kept in numerical URN order and the head of service shall make regular checks of matters to ensure that the processes are being appropriately followed. Within each URN record, there shall at the very least be an application form (where rejected). Where an application is authorised there will *always* then be a cancellation form and depending on the length of authorisation, a number of review forms. In addition there may be renewal forms.

## Central register maintained by the monitoring officer

Authorising Officers shall forward the original of each of the forms (application whether authorised or rejected, review, renewal, cancellation, notices and rejections) to the Legal Services Manager for the Central Register within 1 week of the authorisation, review, renewal, cancellation or rejection. Please ensure that when sending copies of these forms to the Legal Services Manager they are sent in **sealed** envelopes and marked '**Strictly Private & Confidential**'.

These records shall be retained for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit/review Fenland

District Council s policies and procedures, and individual authorisations and should be made available upon request.

The Monitoring Officer and **RIPA Coordinating Officer** will monitor the forms and give appropriate guidance, from time to time

## **Retention and destruction of the product**

In accordance with the Criminal Procedures and Investigations Act 1996 any material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained. This includes not only material that supports the prosecution's case, but that which may cast doubt on it or supports the defence's case.

- All material that may be relevant to the investigation must be kept until a decision has been taken whether to institute proceedings.
  - If proceedings are instituted, all material that may be relevant must be kept until either the accused is acquitted or convicted or the prosecution decides not to proceed with the case.
  - Where the accused is prosecuted, all material that may be relevant must be retained until, in the case of a custodial sentence being imposed, the convicted person is released from custody or the expiry of six months, whichever is the longer period, or six months from the date of conviction in all other cases.
  - Where an appeal is in progress that material must be kept until the conclusion of the appeal.

Authorising Officers must also ensure compliance with the appropriate Data Protection requirements and any relevant codes of practice produced by the authority in the handling and storage of material. Please refer to the Councils Data Protection Policy.

The head of service shall be responsible for handling, storage and destruction of material obtained through directed surveillance, conduct of CHIS or acquisition of communications data. Please note that material that is obtained, particularly evidence, shall be stored securely both for data protection purposes and to avoid any accusation of tampering with evidence.

Material obtained from properly authorised directed surveillance can be used in other investigations.

# Member oversight

It is important that Elected Members have oversight of the activity undertaken by Fenland District Council under the RIPA scheme.

On an annual basis the Corporate Governance Committee will review the policy and if necessary make recommendations to full Council for its amendment. In addition Officers will give regular updates during each year on the use of RIPA.

Elected Members are not involved in making decisions on individual authorisations, but are involved taking an overview of types of cases where the powers are used. This oversight is to ensure that the overall balance between the rights of members of the public to privacy and the legitimate needs of the authority to infringe this are kept on the right lines.

# Complaints

Any person who reasonably believes that they have been adversely affected by any activities carried out pursuant to this policy or on behalf of the Council may complain through the Council's complaint procedure. Such a person may also complain to the Investigatory Powers Tribunal. Detail of the relevant complaints procedure can be obtained from the following address: -

The Investigatory Powers Tribunal  
PO Box 33220  
London  
SW1H 9ZQ

Or they can telephone **020 7035 3711**.

Further information about the Investigatory Powers Commission is also available at their website:-

<http://www.ipt-uk.com/default.asp>

# Glossary

*Application* A request made to an *Authorising Officer* to consider granting (or renewing) an *authorisation* for directed or intrusive surveillance (under the 2000 Act), or interference with property or wireless telegraphy (under the 1994 or 1997 Act). An *application* will be made by a *member* of a relevant *public authority*.

*Authorisation* An *application* which has received the approval of an *Authorising Officer*. An *authorisation* must comprise a written *application* that has been signed by the *Authorising Officer*.

*Authorising Officer* A person within a *public authority* who is entitled to grant *authorisations* under the 2000 Act or to apply to the *Secretary of State* for such *warrants*. Should be taken to include *senior Authorising Officers*.

*Confidential information* Confidential personal information (such as medical records or spiritual counselling), confidential journalistic material, confidential discussions between *Members* of Parliament and their constituents, or matters subject to *legal privilege*. See Chapter 4 for a full explanation.

*Legal privilege* Matters subject to *legal privilege* are defined in section 98 of the 1997 Act. This includes certain communications between professional legal advisers and their clients or persons representing the client.

*Public authority* Any public organisation, agency or police force (including the military police forces).

*Private information* Any information relating to a person in relation to which that person has or may have a reasonable expectation of privacy. This includes information relating to a person's private, family or professional affairs. *Private information* includes information about any person, not just the subject(s) of an investigation.

*Member* An employee of an organisation, or a person seconded to that organisation (for example, under the terms of section 24 of the Police Act 1996).

*Officer* An *officer* of a police force, HMRC or the OFT, or *Officer* of a Local Authority or a person seconded to one of these agencies as an *officer*.

*Secretary of State* Any *Secretary of State* (in practice this will generally be the Home Secretary).

# Appendix 1 – List of Authorising Officers and RIPA roles

Senior Responsible Officer	
Carol Pilson	Corporate Director and Monitoring Officer

RIPA Coordinator	
Anna Goodall	Head of Governance and Legal

For all authorisations involving the acquisition of Confidential Material	
Paul Medd	Chief Executive
Carol Pilson	Corporate Director and Monitoring Officer (only in cases where Paul Medd is absent)
Authorising Officers	
Paul Medd	Chief Executive
Brendan Arnold	Corporate Director and Chief Finance Officer
Richard Cassidy	Corporate Director
Carol Pilson	Corporate Director and Monitoring Officer
Sam Anthony	Head of HR & OD

Single Point of Contact (SPOC)	
Kathy Woodward	Shared Internal Audit Manager

The table below explains the different RIPA roles in the Council:-

<b>The different RIPA roles in the Council</b>	
Senior Responsible Officer	<p>This is someone, of at least the rank of authorising officer, responsible for:</p> <ul style="list-style-type: none"> <li>• the integrity of the process in place within the public authority for the management of CHIS and Directed Surveillance;</li> <li>• compliance with Part 2 of the Act and Codes;</li> <li>• engagement with the OSC inspectors when they conduct their inspections, where applicable; and</li> <li>• where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.</li> </ul> <p>They are a member of the Council’s corporate leadership team and responsible for ensuring that all authorising officers are of an appropriate standard in the light of any recommendations in ICPO inspection reports.</p>
RIPA Coordinator	<p>A senior officer of the Council who ensures that RIPA is being used correctly, maintains the central record of authorisations and is also independent of the application and authorisation process. A RIPA Co-ordinating Officer (RCO) will be at the heart of day to day management of RIPA, with the SRO as the officer with overall responsibility. They are responsible for:-</p> <ul style="list-style-type: none"> <li>• Maintenance of a Central Record of Authorisations and collation of all original RIPA documentation;</li> <li>• Day to day oversight of the RIPA process, particularly of the submitted documentation;</li> <li>• Organising corporate training for RIPA;</li> <li>• Raising RIPA awareness within the Council.</li> </ul>
Authorising Officer	<p>A named Officer authorised by the Council’s RIPA policy to scrutinise and authorise (or not) applications to use RIPA that are received from Investigating Officers.</p>
Investigating Officer	<p>The Officer requesting the use of RIPA and the one undertaking the work associated with this.</p>
Single Point of Contact or “SPoC”	<p>The single point of contact (SPoC) is an individual trained to facilitate lawful acquisition of communications data and effective co-operation between a public authority and communications providers.</p>
CHIS Handler	<p>An Officer below the grade of an Authorising Officer who is responsible for day to day contact with the CHIS.</p>
CHIS Controller	<p>A Officer who supervises the CHIS Handler.</p>

## Appendix 2 — Risk Assessment – collateral intrusion

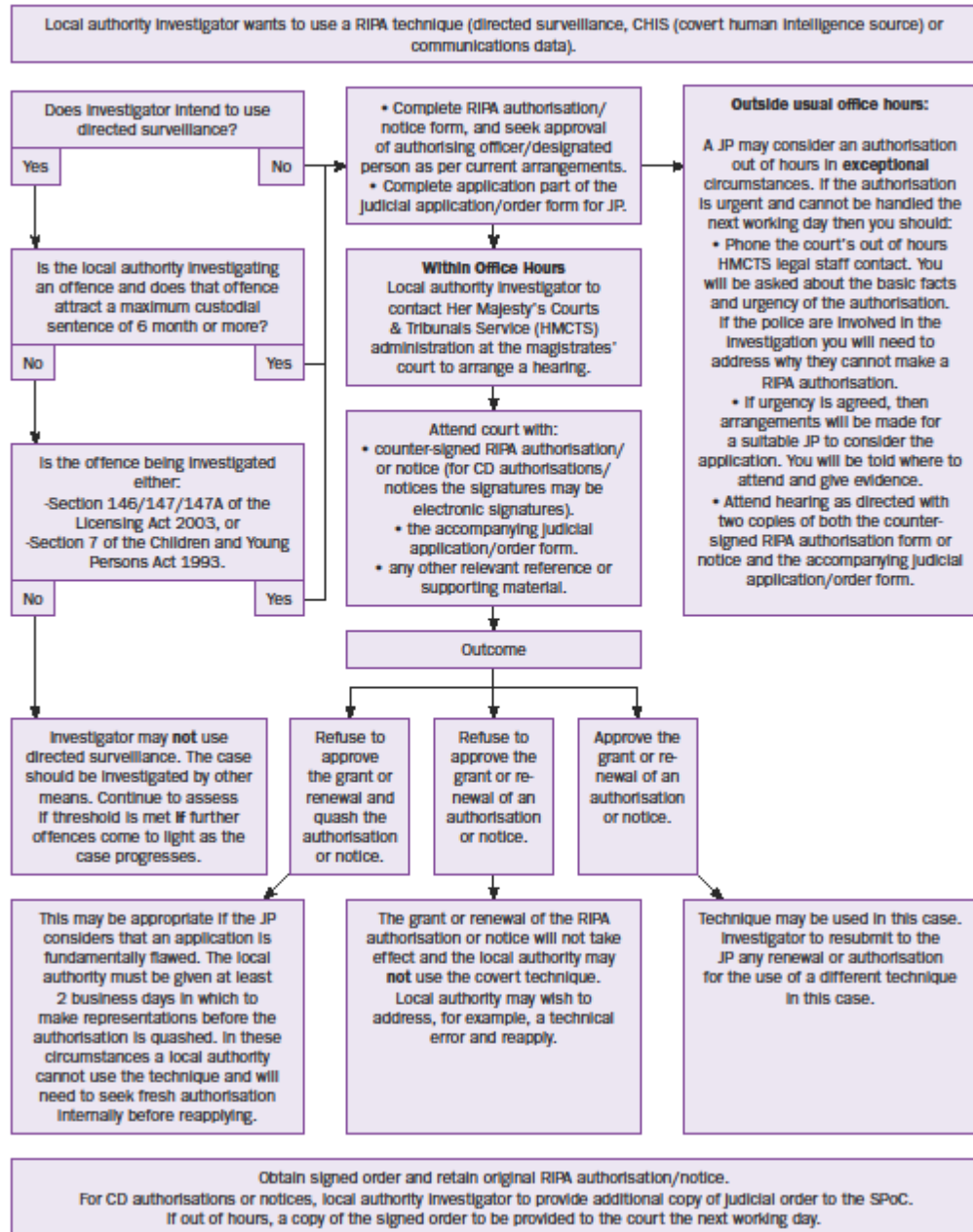
	DETAILS / COMMENTS
<b><u>Subject Location</u></b>	
Type of property	
Entrance/ exits	
Vehicle access	
Public transport	
<b><u>Locality</u></b>	
Description of area	
Type of road, cul-de-sac etc.	
Neighbours	
Other buildings	
Shops	
Schools	
Lighting	
Sensitivities	
Other	
<b><u>People</u></b>	
Family	
Other occupants	



Neighbours	
Visitors	
Members of the Public	
Other	
<b><u>Risk</u></b>	
Sensitivities	
Confidential information	
Informant	
Exposure of operation	
Exposure of observation point	
Health and Safety (staff and public)	
Equipment	
Disclosure	
Communications	
Other	
<b><u>Reduction of Risk/Intrusion</u></b>	
Use Intelligence	
Correct use of camera/technical equipment	
Other	

# ANNEX A

## LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



# ANNEX B

**Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.**

Local authority:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of subject:.....

.....

.....

Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

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.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant department:.....

.....

Contact telephone number:.....

Contact email address (optional):.....

Local authority reference:.....

Number of pages:.....

**Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.**

Magistrates' court:.....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

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Reasons

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.....  
.....  
.....


Signed:

Date:

Time:

Full name:

Address of magistrates' court

Agenda Item No:	<b>10B</b>	
Committee:	<b>Council</b>	
Date:	<b>17th May 2018</b>	
Report Title:	<b>Flood Risk Sequential Test Informal Guidance</b>	

## 1 Purpose / Summary

In 2017 Council resolved to adopt the Cambridgeshire Flood & Water Supplementary Planning Document (SPD) which provided practical advice and guidance on managing flood risk and surface water to aid the submission and determination of development proposals. Feedback from developers and agents has identified the need for clarification on how elements of the SPD will be practically implemented therefore some informal guidance has been produced. The Planning Committee considered the guidance on 28 February 2018 and recommend to the Council the informal guidance is approved.

## 2 Key issues

- National and local planning policy states that development should be located in areas of least flood risk
- The adopted Cambridgeshire Flood and Water SPD sets out broadly how this should be facilitated but more detailed guidance covering the following areas of its practical implementation would be beneficial:
  - flood risk data sets should be used to determine flood risk
  - extent of the area of search when looking for sites of least flood risk
  - the approach in relation to redevelopment sites in Wisbech that are at flood risk
- This informal guidance has been developed in partnership with members of the Fenland Development Forum, Environment Agency and Internal Drainage Boards.
- Appendix 1 is the Planning Committee report of 28th February 2018 which contains the informal guidance
- Appendix 2 is a further consultation response received on the informal guidance since Planning Committee on 28th February 2018
- Appendix 3 is Minutes of the Planning Committee 28th February 2018
- Appendix 4 is the **Flood Risk Sequential Test Informal Guidance requested to be approved at Full Council**

## 3 Recommendations

- For Council to receive the recommendation from Planning Committee to approve the Flood Risk Sequential Test Informal Guidance for use in the determination of planning applications as set out at Appendix 4.

<b>Wards Affected</b>	All
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<b>Forward Plan Reference</b>	Not applicable
<b>Portfolio Holder(s)</b>	Councillor Mrs Dee Laws, Portfolio Holder for Neighbourhood Planning
<b>Report Originator(s)</b>	Carol Pilson - Corporate Director Nick Harding - Head of Planning
<b>Contact Officer(s)</b>	Carol Pilson - Corporate Director Nick Harding - Head of Planning
<b>Background Paper(s)</b>	Report to Planning Committee - 28th February 2018 Cambridgeshire Flood and Water SPD - 2017

## **1 Background / introduction**

- 1.1 Both Government and Local Plan policy seeks to locate new development in areas of lowest risk. This reflects the desire to safeguard people and property from the consequences of flooding and facilitate long term sustainable development. The policy is implemented through what is known as the sequential test i.e a search is made for sites and development is located in the areas of least flood risk.
- 1.2 Council, in 2017, adopted the Cambridgeshire Flood and Water Supplementary Planning Document (SPD) and this, amongst other things, provided guidance on how the sequential test should be applied. Since that time and through the use of the SPD, officers, developers and agents have provided feedback that has suggested that more detailed guidance, local to the Fenland area would help enable the sequential test to be undertaken and applied more clearly and consistently. In addition it was felt that Wisbech needed a special approach given that a significant part of its urban area falls within a high risk flood area.
- 1.3 Working with the Fenland Developer/Agent Forum as well as the Internal Drainage Boards and the Environment Agency some informal guidance has been produced. It has not been possible to meet all of the requests made by the Forum in terms of the approach proposed in the guidance however it is considered that the informal guidance will facilitate a major improvement.
- 1.4 The draft guidance was presented to the Planning Committee on 28th February 2018. The Committee had no revisions to the document but recommended the informal guidance be presented to Council for adoption just as the Cambridgeshire Flood and Water SPD had been.

## **2 Proposals**

- 2.1 See the report to Planning Committee in Appendix 1 (including update report and minutes).

## **3 Financial Effects**

The guidance has no direct cost implications for the Council.

## **4 Effect on Corporate Objectives**


- 4.1 The proposal is considered to have a positive effect on the 'Economy' Corporate Objectives. This is because the guidance will help enable the delivery of housing and economic growth.

## **5 Community Impact**

- 5.1 The proposal is considered to have an overall positive community impact as it will enable housing and economic growth and encourage the redevelopment of previously used land and buildings. Development should be directed away from areas of high risk if possible but communities should not be blighted by flood risk.

## **6 Conclusions**

It is recommended that the informal guidance is agreed by Council because it simplifies the sequential test process, makes provision for the special circumstances faced by Wisbech in terms of flood risk in the urban area and therefore will help deliver housing and economic growth.

Agenda Item No:	<b>17</b>	
Committee:	<b>Planning</b>	
Date:	<b>28 February 2018</b>	
Report Title:	<b>Flood Risk Sequential Test Methodology</b>	

## **1 Purpose / Summary**

To seek Committee approval of informal guidance on the application of the flood risk sequential test. This will simplify the process in a number of locations and give clear advice to developers to help them submit their planning applications.

## **2 Key issues**

- Government and local policy is to generally direct new development to locations where the risk of flooding is lowest
- There is general advice contained within the National Planning Policy Framework and also in the national Planning Policy Guidance.
- More detailed advice is contained within the Cambridgeshire Flood and Water Supplementary Planning Guidance (SPD)
- It is considered beneficial to provide further guidance so that the sequential test has to be undertaken less frequently in certain circumstances and clarify what the extent of the search should be for alternative sites at lower risk.
- The provision of localised guidance will make it simpler for many land owners and developers to submit their proposals where there are flood risk issues.

## **3 Recommendations**

- That Committee:
- Agree that the guidance in Appendix 1 be used to inform the use of the sequential test
- Agree that the use of the guidance be reviewed within 12 months



<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	Not applicable
<b>Portfolio Holder(s)</b>	Cllr Sutton - Portfolio Holder for Neighbourhood Planning
<b>Report Originator(s)</b>	Nick Harding - Head of Planning
<b>Contact Officer(s)</b>	As above
<b>Background Paper(s)</b>	NPPF, PPG, Fenland Local Plan 2014, Cambs Flood & Water SPD 2016

#### **4 Background / introduction**

- 4.1 The national and local objective in relation to new development and flooding is to direct new development to those locations that are least at risk. This is facilitated through what is known nationally as the 'sequential test'. In simple terms, when considering planning applications, regard has to be had to whether there are any alternative sites that are reasonably available at lower flood risk where the development could be accommodated. This brings questions about how wide the area of search should be and whether settlements locations that are shown as being wholly or predominately at high risk of flooding should, have a degree of exemption for the sequential test in order to facilitate sustainable development.
- 4.2 Officers have been working with the Environment Agency and also local developers and agents to produce informal guidance so that some of the issues can be addressed. Whilst the local agents etc. welcome the guidance as a more positive way forward, they consider that it does not go far enough. The representation made by the group is reproduced in full in Appendix 2 and discussed in Section 5 of this report.
- 4.3 It is important to note that notwithstanding the development may take place in flood risk areas, the flood risk maps for planning that the Environment Agency publishes are based on the scenario of there being no flood defences in place. It should also be noted that developments still have to be designed such that in a flood event, the occupants would be safe.

#### **5 Considerations**

- 5.1 The proposed guidance is set out in Appendix. Its key features are as follows:

Which flood maps shall be used to establish the flood risk of a site?

- 5.2 This will be the Environment Agency Flood Maps for Planning with the Hazard Maps only being used for sequential test purposes once it has been demonstrated that there are no reasonable alternatives elsewhere.

What should the area of search be for alternative sites?

This varies according to where the proposed development is located. If located in the countryside the area of search will be the whole rural area. If the proposal is within an existing town or village then the area of search will be that settlement.

#### Site size of alternative sites

- 5.3 The alternative site could be bigger than the development proposed OR the proposed development could be distributed over a number of sites that are smaller than the one proposed.

Do the urban extension sites have to be sequentially tested?

- 5.4 No as the principle of development has already been established.

#### Special approach for Wisbech

- 5.5 Within the town redevelopment sites last used for Use Classes A, B, C or D don't have to go through the sequential test process.

- 5.6 The agents group that worked on the draft guidance had a number of unresolved concerns with it. These are given in full in Appendix 2 and are summarised below together with an officer response.

- 5.7 Comment - The Environment Agency maps for planning are not always the best tool for establishing flood risk and a level 2 strategic flood risk assessment (Hazard Mapping) should be undertaken for the whole district. Hazard Mapping should be used as a preference.

Response - Whilst it may be desirable to have level mapping for the whole of the district there are no plans to commission this work. There are only Level 2 maps for Wisbech Town. For the current moment in time it is appropriate for the Flood Maps for Planning to be used (but note there is an exception for certain development scenarios in Wisbech). The guidance recognises that as and when a suitable alternative data set is available, this could be used.

- 5.8 Comment - the draft guidance is inconsistent in its terminology when compared to the Flood and Water SPD e.g. the latter refers to 'lowest probability of flooding' and the former 'lowest hazard rating'.

Response - The hazard maps do not show the probability of flooding rather they show what the consequences would be of a flood event e.g. breach or over topping for a given scenario. The group have requested consistency with the Flood & Water SPD terminology i.e. 'probability of flooding' but at the same time asked that hazard maps be used to define the extent of the flood risk area. It is therefore not clearly understood the revision that is being sought.

- 5.9 Comment - the area of search for villages where the growth threshold has been exceeded should be that village only and not any wider.

Response - Having reflected on the suggested revision, it is agreed that this change should be made.

- 5.10 Comment - It is not practical for alternative sites to come from a combination of many sites no matter how small. It is suggested that possible alternatives should be at least 25% the capacity of the proposed site unless the site is for 4 units or under in which case the search should be restricted to sites of 5 or more. At the same time the groups suggest that for sites of 4 or less, the search should be restricted to sites with planning permission of the same scale.

Response - It is not proposed to revise the guidance as the approach it takes follows the conclusion of an appeal decision regarding the size of sites to be included in the search for sites.

- 5.11 Comment - The area of the urban extensions needs to be mapped so that it is know the area that has been deemed to have been sequentially tested.  
 Response - To do this risks undermining the approach taken by the local plan in the identification of areas for development. The way forward would be for the site promoter to submit a site extent to the Council and a response will be made regarding its status.
- 5.12 Comment - Is the Council going to sequentially test again the existing urban extensions identified in the local plan?  
 Response - This would be done only as part of a local plan review
- 5.13 Comment - Wisbech - is reference to the hazard rating in relation to the sequential or the exception test?  
 Response - Reference to the hazard rating has been removed for this section of the guidance.
- 5.14 Comment - Wish to see the guidance formally adopted as SPD and have is reviewed after 12 months  
 Response - there would be benefits in having the guidance as part of the development plan but at this time as it will be going through a period testing it is not considered appropriate to give it such formal standing as SPD.

## **6 Effect on corporate objectives**

- 6.1 The proposed guidance is consistent with the objective of promoting and enabling housing growth, economic growth and regeneration across Fenland.

## **7 Community impact**

- 7.1 The proposed guidance will ensure that development is directed to appropriate location in flood risk terms but at the same time recognises that communities must not be blighted by flood risk.

## **8 Conclusions**

- 8.1 The guidance has been produced with the assistance of the Environment Agency and a group of representatives from the development industry. Whilst it has not been possible to reach agreement on the content of all of the document, it is considered that it represents a significant step forward compared to the current approach to the sequential test.
- 8.2 The guidance is therefore recommended to be adopted by the Committee and that a review of its use be undertaken in 12 months.

## APPENDIX 1

### DRAFT APPROACH TO THE SEQUENTIAL TEST FOR HOUSING

#### FENLAND DISTRICT COUNCIL

#### V4

### 1. What will be used to determine if a site is in Flood Zone 1, 2, or 3?

The EA 'flood risk maps for planning' will be used for the sequential test. If (and only if), there are no alternative sites available in lower risk flood zones, a 'sequential approach' can be taken to differentiate relative flood risks within flood zones 2 and 3. The aim is to steer development that is necessary in flood zones 2 and 3 to the lowest hazard rating locations. This can be informed by using published 'hazard maps' that have the endorsement of the Environment Agency and the District Council as being fit for purpose...

Applicants should refer to the adopted Cambridgeshire Flood and Water SPD for advice on carrying out the Sequential and Exception Tests which is at this link:  
<http://www.fenland.gov.uk/article/12288/Cambridgeshire-Flood-and-Water-SPD>.

### 2. Area of Search

This is determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

- A) Developments in the countryside – The whole of the rural area
- B) Developments in towns & villages – The town/villages that the proposal would sustain.

### 3. Site Size

When looking for alternative sites under the sequential test, these could be made up from either parts of sites larger than the proposal or from a number of smaller sites.

E.g. if the development proposal is for 100 dwellings and there is an available site of 150 at lesser flood risk then the development proposed can be met on the 150 unit site

e.g. if the development is for 100 dwellings and there are 30 sites available at lesser flood risk ranging from say 10 to 25 units, then the proposed development can be accommodated on the combination of all the smaller sites

### 3. Urban Extension Sites (including those in Wisbech) identified under Local Plan Policies LP8 to LP11

These sites do not have to go through sequential testing in terms of the principal of development as this was done at the time the sites were identified for inclusion in the adopted Local Plan.

However, site specific flood risk assessments should be undertaken so that the higher risk areas within the sites are avoided as far as possible and these can be made safe from flooding and do not cause flooding elsewhere.

#### **4. Wisbech**

About one half of Wisbech currently falls within flood zones 2 and 3. For the re-development of sites for residential purposes (Use Class C3) within these areas it may not always be possible to pass the Sequential Test. The council recognises the need to prevent widespread areas suffering blight from flood risk restrictions, and seeks to ensure that Wisbech retains its constituency and vibrancy.

As a result it will normally be the case that for sites within the existing built up urban area of the town which fall within flood zones 2 and 3 and where the proposal is for the redevelopment of a site last used for Use Classes A, B C or D the council accepts that the Sequential Test will normally be passed.

The council also accepts that normally the first part of the Exception Test will be considered to have been passed if the re-development of an existing site within the urban area will be in accordance with the council's sustainability objectives and be sufficient to outweigh flood risk where pre-development flood hazards in the Level 2 SFRA do not represent danger to most or all.

Development outside of the urban area or involving the redevelopment of sites that were not used for land use Classes A, B, C or D, will be subject to the normal 'full' sequential test process.

END

## APPENDIX 2

### REPRESENTATION FROM THE AGENT WORKING GROUP

This is a coordinated response on behalf of John Maxey, Peter Humphrey, Ben Hornigold and Geoff Beel, as Agents representatives on the working party considering the Sequential Test issues for Fenland.

Comments are in relation to the V2 draft circulated by Nick Harding to us on 6th October.

Numbering relates to the points on the draft

We need to verify the EA flood risk maps we are referring to as these:

<https://flood-map-for-planning.service.gov.uk/>

These maps also now specify the individual risk areas from tidal and fluvial flooding. These risk factors do not always mirror the hazard zones as shown on hazard mapping – egg Nene Waterfront has some hazard mapping showing danger for all and yet EA Flood maps do not exceed medium risk. There are other examples.

We question if the EA Flood Risk maps as above are the best and most detailed information. We remain of the view that only a level 2 SFRA for the whole District would give the information actually required to utilise the SFRA alongside the EA Flood maps as the best and most up to date information, as South Holland do.

Going on this would imply that the Sequential Test should be applied twice – once using the EA flood maps, then again using the ‘hazard’ maps. Paragraph 100 of the NPPF states that Local Plans should ‘develop policies to manage flood risk from all sources, taking account advice from the EA and other relevant flood risk management bodies’. With this in mind, the advice available from the EA would include the hazard maps. Therefore I see no reason why the EA flood risk maps are solely required in the first instance. The pragmatic approach would be to use the hazard maps to ascertain the true flood zone and then apply the Sequential (and Exception) test if necessary.

The Cambridgeshire Flood and Water SPD refers at para 4.4.1 to steering development to areas “with lowest probability of flooding”. The draft talks about lowest hazard rating. These are not necessarily the same and it is suggested that whatever wording is used it should be consistent between policy documents.

2/3 The proposals for sections A & B we agree. The proposal for section C we do not agree.

The area of search for the Sequential Test should be contained to the settlement to which the site relates. It seems unreasonable to expect, for example, a Wisbech resident to have to build a dwelling and live in Chatteris when all of their ties are in Wisbech just because there is a windfall plot available in Chatteris in a lower flood zone. Stage A of the Cambridgeshire Flood and Water SPD allows for a reduction in the geographical search area if there is a functional requirement or need for the development. This is as proposed.

With regards to point C, if the community consultation on a village which has breached threshold demonstrates that there is a desire for new residential development in that village then the Sequential Test should be applied to that particular village and not the whole of Fenland. If the Sequential Test was applied to the whole of Fenland and a preferable site is found elsewhere this would go against the community wishes. This would be contrary to paragraph 17 of the NPPF which requires local people to be empowered to shape their surroundings. If consultation supports further growth within a settlement then policy permits numbers to increase, and so sequential testing area of search should continue to focus on that settlement.

4 We agree that when looking for alternative sites at an estate scale, larger sites at lower flood risk can meet the demand. We would stress that these sites need to be available – we would suggest the same criteria as being included in 5 year land supply would be suitable.

However in considering if a combination of smaller sites could be an alternative one must have regard to the selection being practical and economic. For example if a developer is seeking a site for 100 it will be neither practical or economic for them to achieve this by a combination of very small frontage sites where values will be influenced by the self-build market and management of a workforce over that number of sites will be impractical. We would suggest there needs to be some parameters on alternative site search. A suggestion would be sites should be at least 25% in numbers of dwellings of the size being considered, and other for sites of 4 or fewer dwellings, sites should be 5 or more in size such that their availability is recorded in the 5 year land supply report.

For sites of 4 or less the comparison should be with other sites of 4 or less with consent, as a demonstration of their availability. If a developer is seeking consent for a site for 1 or 2 dwellings unless there is evidence that the owner of a site for 100 is prepared to sell 2 plots then we would question if that site is available to that developer. We run the risk of excluding the small / medium developer from market supply if the position is that there are 1550 houses in East Wisbech in flood zone 1 so this provides supply for any size development. These are clearly not reasonably available.

Also if a development were to be spread across a number of smaller sites which were dotted around the settlement, the Council would lose out on financial contributions as it is likely the development would be reduced down to smaller portions which could fall below the S106 thresholds.

5 We agree that allocated sites in the Local Plan are deemed to have passed the sequential test. However a significant part of the proposed development in the major settlements is identified as Broad Areas of Growth, which are not allocations with a defined boundary, but vague areas (e.g. Nene Waterfront, West Wisbech). There is a need to clarify if these areas are considered to be deemed to pass the sequential test, and if so the precise boundaries that are deemed to pass the sequential test. It is appreciated that the intention is that these sites the higher risk areas are avoided but how can the relative risk areas be determined within a defined area, without first determining the extent of the Broad Areas of Growth.

Para 4.3.5 and 4.3.6 of the Flood and Water SPD indicate that where Flood Zone classification has changed even allocations may need Sequential Testing. Certainly remodelling of the Tidal River Hazard zones has revised flood hazard. We are unsure from the guidance and this document if all land within Allocations and Broad Areas of Growth is within the same Flood Zone as at the time of the SFRA that informed the Local Plan, but we suspect not – does that mean such sites need Sequential Testing revisiting.

6 It is welcomed that there is a specific approach for Wisbech. We agree the contents of the first paragraph of this point.

In the second paragraph we would ask for clarification of the use of the word “normally” – under what circumstances would this paragraph not be considered to apply. Specifically please confirm that the reference in the third paragraph to hazards of danger to “most” and “all” are in relation to the Exception test and not the Sequential Test. Given that there appears to be an acceptance of a wish not to blight regeneration sites (such as Nene Waterfront or Sandyland, both of which are within hazard areas “most” or “all”) we assume we are correct in reading that such areas will be deemed to pass Sequential Test, because they are previously developed. Please also confirm that the curtilage of existing dwellings being subdivided or redeveloped will automatically under this guidance be considered to meet the Sequential Test.

In the third paragraph you appear to be dealing with Exception Test rather than Sequential Test. Please confirm we are correctly interpreting that it is only the first part of the


Exception Test that hazard areas “most” and “all” are not deemed to be passed, if previously developed, and will have to demonstrate evidence to pass this part on their merits in other ways, as well as the site specific FRA demonstrating safety. If this is the case it could still blight potential regeneration sites, when we would say this could be overcome by specific engineering solutions. As such please confirm that you are not ruling out the possibility of satisfying the Exception Test part 1 in other ways e.g. living accommodation at raised levels on robust structures

#### Other matters

We do consider it vital that this guidance has “status”. Please advise whether it will be a formally adopted SPG by the Council. A “working protocol or guidance note” in our view is not sufficient, as no doubt the policy will be subject to scrutiny at appeal / judicial review, and if not given status its weight will be uncertain, or will be so small as to jeopardise the who intent of the process. Can we seek please a commitment to seek formal approval as an SPG.

Finally we believe that it is essential that this policy is tested and utilised to ensure it is workable and fit for purpose, so we also request that adopting it the Council agree to review its effectiveness after 12 months in the light of experience, and refine it if necessary.



Agenda Item No:	11	
Committee:	Council	
Date:	17 May 2018	
Report Title:	Membership of Committees, Panels and Outside Bodies	

## 1 Purpose / Summary

To define the committees and panels to be constituted for the municipal year and to allocate the seats and positions of the Chairman and Vice Chairman to Political groups in accordance with political proportionality rules.

To allocate seats on Outside Bodies to Political groups in accordance with political proportionality rules.

To receive notification and to appoint Councillors to serve on each committee and panel and to serve as Chairman and Vice-Chairman.

## 2 Key issues

- Every year at Annual Council, Committees and panels are established for the municipal year.
- In relation to Conduct Committee, Members will observe that the report specifies that substitute members should be introduced this municipal year to ensure the future resilience of the committee given the small number of Members on the Committee.
- There are a limited number of Outside body organisations which no longer require representation namely
  - Cambridgeshire Council for Voluntary Services
  - Fenland Health and Wellbeing Partnership
- In addition one Outside Body requiring representation has amended its terms of reference, the former East (North) Regional panel which is part of the Clarion group has now become The Clarion Regional Scrutiny Committee, requiring one representative.

## 3 Recommendations

- To adopt the schedule of appointments and political allocations set out in the appendices.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	NA
<b>Portfolio Holder(s)</b>	Councillor Chris Seaton, Leader of the Council

<b>Report Originator(s)</b>	<p>Carol Pilson - Corporate Director and Monitoring Officer  <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a>  01354 622360</p> <p>Anna Goodall - Head of Governance and Legal Services  <a href="mailto:agoodall@fenland.gov.uk">agoodall@fenland.gov.uk</a>  01354 622357</p>
<b>Contact Officer(s)</b>	<p>Paul Medd- Chief Executive  <a href="mailto:paulmedd@fenland.gov.uk">paulmedd@fenland.gov.uk</a>  01354 622202</p> <p>Carol Pilson - Corporate Director and Monitoring Officer  <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a>  01354 622360</p> <p>Anna Goodall - Head of Governance and Legal Services  <a href="mailto:agoodall@fenland.gov.uk">agoodall@fenland.gov.uk</a>  01354 622357</p>
<b>Background Paper(s)</b>	<p>Constitution</p>

## **4 Background / introduction**

- 4.1 For each municipal year, Council has to set out the Committees and Panels which are to be established. On establishing the Committees and Panels, in accordance with the rules relating to Political Proportionality the seats on each committee and panel together with the position of Chairman and Vice Chairman are then allocated to Political Parties. Council also receives notification of the appointments to these Committees. The same proportionality rules apply to Outside Bodies, when more than 2 representatives are required.

## **5 Considerations**

- 5.1 The rules relating to political proportionality in relation to membership of committees are set out in the Local Government and Housing Act 1989 and the supporting regulations.
- 5.2 For the purposes of the regulations a political group must consist of two or more members who have signed a declaration to that effect.
- 5.3 Where one or more groups exists the relative proportions of the groups should be used in allocating seats on committees/outside bodies.
- 5.4 The distribution of the 39 current members of the Council within the group structures is:
- |                   |    |     |
|-------------------|----|-----|
| Conservative      | 34 | 90% |
| Liberal Democrat  | 2  | 5%  |
| Truly Independent | 2  | 5%  |
| Unaligned         | 1  |     |
- 5.5 It should be noted that political groups can appoint members who are not aligned to a political group, or indeed aligned to another group to seats allocated to them under the political proportionality rules for both committees and panels and outside bodies.
- 5.6 As the two opposition groups are equal in size, both groups will need to discuss how they will take up the seats on committees and available spaces on outside bodies.

## **6 Committees and Panels**

- 6.1 Cabinet is exempt from the requirements of political proportionality, and its membership is determined by the Leader of the Council in accordance with Article 7.
- 6.2 The Tables laid out in the appendices to this report set out the standing committees of the Council and outside bodies and the allocation of the seats to political groups.

## **7 Outside Bodies**

- 7.1 Following the review of outside bodies by Overview and Scrutiny, it was agreed that Cabinet would oversee the Outside Bodies to which the Council appoints to. This was to ensure that the bodies on which representation was requested aligned to the Council's corporate priorities. This process of confirming the number and type of outside bodies, as well as confirming the membership for the next twelve months will be undertaken by Cabinet in June, which will allow sufficient time for Group Leaders to appoint to their allocation of seats.

## Appendix A - Allocation of seats on Committees & Panels

Committee	Membership	Political Apportionment
Overview and Scrutiny	<p>Up to 11 members of the Council (none of which may be part of the Cabinet)</p> <p>Appointment:            Chairman                                  Vice Chairman</p>	<p>10 to Conservative Group 1 to either The Liberal Democrat Group or The Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>
Planning Committee	<p>Up to 15 members of the Council. No more than three of which can be members of the Cabinet.</p> <p>Each political group can appoint up to 4 substitute members</p> <p>Appointment:            Chairman                                  Vice Chairman</p>	<p>13 to Conservative Group 1 to The Liberal Democrat Group 1 to The Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>
Licensing Committee (Licensing Act 2003)	<p>Up to 12 members of the Council.</p> <p>The same Members are to be appointed for the Licensing Act 2003 Committee and the Non Licensing Act 2003 Committee.</p> <p>Appointment:            Chairman                                  Vice Chairman</p>	<p>11 to the Conservative Group 1 to either The Liberal Democrat Group or The Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>

Committee	Membership	Political Apportionment
<p>Staff Committee</p>	<p>8 members of the Council to be formed from:  3 members of Cabinet, one of which is to be the portfolio holder with responsibility for Finance.  3 members of any Overview and Scrutiny panel  2 Backbench members</p> <p>Appointment:           Chairman    Vice Chairman</p> <p>The Chairman may be a member of Cabinet</p>	<p>7 to the Conservative Group  1 to either The Liberal Democrat Group  or The Truly Independent Group</p> <p>To the Conservative Group  To the Conservative Group</p>
<p>Corporate Governance Committee</p>	<p>Up to 9 members of the Council to be formed from:  Up to 3 members of Cabinet not including the portfolio holder responsible for finance  Up to 3 members drawn from the Overview and Scrutiny panel  3 Backbench members</p> <p>Appointment:           Chairman    Vice Chairman</p> <p>The Chairman may be a Member of Cabinet or Overview and Scrutiny</p>	<p>8 to Conservative Group  1 to either The Liberal Democrat Group  or The Truly Independent Group</p> <p>To the Conservative Group  To the Conservative Group</p>

Committee	Membership	Political Apportionment
<p>Conduct Committee</p>	<p>Up to 5 Members of the Council</p> <p>Appointment:           Chairman                                   Vice Chairman</p> <p>The Committee may also appoint itself up to two members of Town or Parish Councils to assist its work.</p> <p>Three additional substitute members to be appointed</p> <p>Independent Person: Deputy Independent Person:</p>	<p>4 to Conservative Group 1 to unaligned member</p> <p>To the Conservative Group To the Conservative Group</p> <p>Currently: Councillor Andrew Donnelly and Councillor Nigel Russell</p> <p>2 to Conservative Group 1 to Truly Independent or Liberal Democrats</p> <p>Tina Gambell Claire Hawden-Beal</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>Appointment:           Chairman                                   Vice Chairman</p>	<p>6 to the Conservative Group 1 to either The Liberal Democrat Group or The Truly Independent Group</p> <p>To the Conservative Group To the Conservative Group</p>

## Appendix B - Appointments to Committees and Panels

<b>Cabinet (9)</b>	
Councillor Mark Buckton	Councillor Peter Murphy
Councillor Mike Cornwell	Councillor Chris Seaton - Leader of the Council
Councillor Mrs Anne Hay	Councillor David Oliver
Councillor Mrs Dee Laws	
Councillor David Mason	
<b>Overview and Scrutiny Panel (11)</b>	
Councillor Chris Boden (C)	Councillor Michael Humphrey (VC)
Councillor Gavin Booth	Councillor Mrs Kay Mayor
Councillor Sam Clark	Councillor Kit Owen
Councillor Steve Count	Vacancy
Councillor David Hodgson	Vacancy
Vacancy	
<b>Planning Committee (15)</b>	
Councillor Mrs Sam Clark (VC)	Councillor Alex Miscandlon (C)
Councillor David Connor	Councillor Peter Murphy
Councillor Stephen Court	Councillor Mrs Florence Newell
Councillor Mrs Maureen Davis	Councillor Will Sutton
Councillor Mrs Anne Hay	Vacancy
Councillor Mrs Dee Laws	Vacancy
Vacancy	Vacancy
	Vacancy
Substitutes: Councillor TBC	
<b>Licensing Committee (12) - same Members for Licensing Act 2003 Committee and Non - Licensing Act 2003 Committee</b>	
Councillor Mrs Virginia Bucknor	Councillor Mrs Kay Mayor
Councillor Mark Buckton	Councillor Alex Miscandlon
Councillor Mrs Sam Clark	Councillor David Oliver
Councillor David Connor	Councillor Kit Owen (VC)
Councillor Michael Humphrey (C)	Councillor Michelle Tanfield

Vacancy	Councillor Steve Tierney
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<b>Corporate Governance Committee (9)</b>	
Councillor Gavin Booth	Councillor Mrs Florence Newell (VC)
Councillor Ralph Butcher	Councillor Will Sutton
Councillor John Clark (C)	Councillor Michelle Tanfield
Councillor David Hodgson	Vacancy
Councillor Peter Murphy	
<b>Staff Committee (8)</b>	
Councillor Mrs Virginia Bucknor	Councillor Mrs Anne Hay
Councillor Ralph Butcher (VC)	Councillor Peter Murphy
Councillor Mrs Sam Clark	Councillor David Oliver
Councillor Mrs Maureen Davis (C)	Councillor Steve Tierney
<b>Conduct Committee (5)</b>	
Councillor Chris Boden (VC)	Councillor David Mason
Councillor Miss Sam Hoy (C)	Councillor Robert Skoulding
Councillor Michael Humphrey	
<b>Independent People</b> Tina Gambell Claire Hawden-Beal(Sub)	<b>Town/Parish Reps</b> Cllr Andrew Donnelly Cllr Nigel Russell
Substitutes: Councillor TBC	




## Appendix C - Allocation of seats on Outside Bodies

Outside Body	Number of representatives required	Proportionality
Anglia Revenue Partnership	1 + 2 substitutes	Conservative Party representation
Benwick Internal Drainage Board (IDB)	4	3 Conservatives and 1 of either the Liberal Democrat or Truly Independent Group
Cambridgeshire Military Community Covenant Board	1	Conservative Party representation
Cambridgeshire Police and Crime Panel	1 + 1 substitute	Conservative Party representation
Cambridgeshire Health and Wellbeing Board + District Lead Members Group	1	Conservative Party representation
Chatteris Community Centre Association	2	Conservative Party representation
Clarion Regional Scrutiny Committee	1	Conservative Party representation
CNC Board	1 + 1 substitute	Conservative Party representation
College of West Anglia Governing Body	1	Conservative Party representation
Community Learning and Skills Partnership	1	Conservative Party representation
Curf and Wimblington IDB	1	Conservative Party representation
East Cambs and Fenland Childrens and Young Peoples Partnership	1	Conservative Party representation
Feldale IDB	7	6 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
Fenland Association of Community Transport	1	Conservative Party representation
Fenland Diverse Communities Forum	1	Conservative Party representation
Fenland Strategic Partnership	1	Conservative Party representation
Fenland Tension Monitoring Group	1	Conservative Party representation
Fenland Transport and Access	1	Conservative Party

Outside Body	Number of representatives required	Proportionality
Partnership		representation
Fenland Twinning Association	4	3 Conservative Party representation and 1 of either the Liberal Democrat or Truly Independent Group
Hanson, Fletton Brickworks Industry	1	Conservative Party representation
Health Committee	1 + 1 substitute	Conservative Party representation
Hundred of Wisbech IDB	15	13 Conservative representatives, 1 Liberal Democrat, 1 Truly Independent
Kings Lynn IDB	1	Conservative Party representation
LGA/ LGA Rural Commission/ LGA Urban Commission	1 + 1 Substitute	Conservative Party representation
Manea and Welney Drainage Commissioners	2	Conservative Party representation
March West and White Fen Internal Drainage Board (Previously known as March and Whittlesey IDB)	5	4 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
March East IDB	11	10 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
March Education Foundation	1	Conservative Party representation
March Fifth IDB	8	7 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
March Sixth IDB	4	3 Conservative Party representation and 1 of either the Liberal Democrat or Truly Independent Group
March Third IDB	8	7 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
Middle Level Commissioners	3	2 Conservative Party representation and 1 of either the Liberal Democrat or Truly

Outside Body	Number of representatives required	Proportionality
		Independent Group
Needham and Laddus IDB	1	Conservative Party representation
Nightlayer IDB	10	9 Conservative Representatives and 1 of either the Liberal Democrat or Truly Independent Group
North Level IDB	7	6 Conservative representatives and 1 of either the Liberal Democrat or Truly Independent Group
Wisbech Community Development Trust (Oasis Village Centre)	1	Conservative Party representation
Ransonmoor IDB	2	2 Conservative Party representation
RECAP	1	Conservative Party representation
Rural Cambs CAB	3	2 Conservative Party representation and 1 of either the Liberal Democrat or Truly Independent Group
Safer Fenland Partnership	1	Conservative Party representation
The Wash and North Norfolk Coastal European Marine Site Management Scheme	1	Conservative Party representation
The Combined Authority	1	Conservative Party representation
The Combined Authority Overview and Scrutiny Committee	2 + 1 Substitute	2 Conservative Party Representation
The Combined Authority Audit Committee	1 + 1 Substitute	Conservative Party representation
Upwell IDB	2	Conservative Party representation
Waldersey IDB	2	Conservative Party representation
Warboys, Somersham and Pidley IDB	1	Conservative Party representation
Whittlesey and District IDB	5	4 Conservative Party representatives 1 of either the Liberal Democrat or Truly

Outside Body	Number of representatives required	Proportionality
		Independent Group
WisARD	1	Conservative Party representation
Wisbech and Fenland Museum Management Committee	1	Conservative Party representation
Wisbech Access Study Member Steering Group	2	2 Conservative Party Representation
Young People March	1	Conservative Party representation

Agenda Item No:	12	
Committee:	Council	
Date:	17 May 2018	
Report Title:	Cambridgeshire and Peterborough Combined Authority – Membership and Other Appointments	

## 1 Purpose / Summary

To request the Council to make appointments to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2018/2019.

## 2 Key issues

- In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority.
- The Council is asked to appoint a member and substitute member for the municipal year 2018/19.
- The Council is also asked to make appointments to the Combined Authority Overview and Scrutiny Committee and Audit Committee.

## 3 Recommendations

Members are requested to make the following appointments/nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2018/2019:

- (a) appoint Chris Seaton, Leader of the Council to act as the Council's appointee to the Combined Authority and one substitute member; Councillor David Oliver
- (b) nominate two members from the Conservative party to the Overview and Scrutiny Committee, Councillors Boden and Hodgson and two substitute members from the same political parties as those appointed – Councillors Mrs Davis and Mrs Clark.
- (c) nominate one member from the Conservative party to the Audit and Governance Committee Councillor Mrs Hay and one substitute member from the same political party – Councillor Will Sutton.

- 3.1 That the Chief Executive be authorised to make any amendments to the appointments to the Combined Authority Board, Overview and Scrutiny Committee and the Audit and Governance Committee in consultation with the Political Group Leaders, if the political balance is amended by the Combined

Authority between now and the next Council meeting and at any time throughout the municipal year.

- To adopt the schedule of appointments and political allocations set out in the appendices.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	NA
<b>Portfolio Holder(s)</b>	Councillor Chris Seaton, Leader of the Council
<b>Report Originator(s)</b>	Paul Medd – Chief Executive <a href="mailto:paulmedd@fenland.gov.uk">paulmedd@fenland.gov.uk</a> 01354 622202 Carol Pilson - Corporate Director and Monitoring Officer <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a> 01354 622360 Anna Goodall - Head of Governance and Legal Services <a href="mailto:agoodall@fenland.gov.uk">agoodall@fenland.gov.uk</a> 01354 622357
<b>Contact Officer(s)</b>	Paul Medd- Chief Executive <a href="mailto:paulmedd@fenland.gov.uk">paulmedd@fenland.gov.uk</a> 01354 622202 Carol Pilson - Corporate Director and Monitoring Officer <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a> 01354 622360 Anna Goodall - Head of Governance and Legal Services <a href="mailto:agoodall@fenland.gov.uk">agoodall@fenland.gov.uk</a> 01354 622357
<b>Background Paper(s)</b>	<a href="#">Cambridgeshire &amp; Peterborough Devolution Report</a> submitted to Council on 17 November 2016 <a href="#">Cambridgeshire &amp; Peterborough Combined Authority - Scrutiny Arrangements Report</a> submitted to Council on 23 February 2017 Cambridgeshire and Peterborough Combined Authority – Membership and other appointments report 2017/18

## **1 Background / introduction**

- 1.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority. This is normally the Leader. Each Council made these appointments at its respective Council meeting in May 2017 for the 2017/18 municipal year. The Council is now asked to appoint a member and substitute member for the municipal year 2018/19.

## **2 Non-Executive Committees**

- 2.1 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires the Combined Authority to establish an Overview and Scrutiny Committee and an Audit Committee. The Order sets out the rules for membership. The membership of the Overview and Scrutiny and the Audit Committees as a whole should reflect so far as reasonably practicable the balance of political parties of the constituent councils when taken together. The balance is based on membership of political parties, not political groups, on constituent councils across Cambridgeshire and Peterborough.
- 3.3 On 3 May 2018, there were local elections for a number of constituent councils. The Combined Authority has reviewed the political balance on constituent councils and has requested constituent councils to make the following appointments to these committees.

### **Overview and Scrutiny Committee**

- 3.4 The Combined Authority agreed that to ensure an equitable representation across each constituent authority, two members from each council should be appointed to the Overview and Scrutiny Committee representing a total membership of fourteen members. In May 2017, the Council nominated two members to the Committee for the municipal year 2017/18.
- 3.5 The implications of applying political proportionality to a fourteen member Overview and Scrutiny Committee are detailed in Appendix 1.
- 3.6 The Council is required to nominate two members from the Conservative party to the Overview and Scrutiny Committee for the municipal year 2018/19 based on the political balance set out in Appendix 1.

### **Audit and Governance Committee**

- 3.7 The Combined Authority agreed to establish an Audit and Governance Committee consisting of seven constituent members: one member from each constituent council.
- 3.8 The implications of applying political proportionality to a seven member Audit and Governance Committee are detailed in Appendix 2. The Council is required to nominate one member from the Conservative party to sit on the Audit and Governance Committee for the municipal year 2018/19 based on the political balance set out in Appendix 2.

### **Substitute members**

- 3.9 The Combined Authority has agreed that substitute members should be appointed for each position on the Audit and Governance Committee and the Overview and Scrutiny Committee. Any substitute members should come from the same party as the Member they are substituting for to maintain political balance.
- 3.10 For the Overview and Scrutiny Committee, if constituent councils have appointed members from the same political parties, ie East Cambs and Fenland, those Councils might only wish to appoint one substitute rather than two. The quorum set down in legislation is two thirds of the total membership. Therefore, it is preferable to appoint two members in case both members are absent from a meeting and need to substitute.

### **Conclusion**

- 3.11 All appointments and nominations made by constituent councils will be reported to the Combined Authority's annual meeting on 30 May.
- 3.11 The political balance calculations in the Appendices are based on up to date statistics given by constituent councils and take account of the outcome of constituent council elections. However, there may be last minute changes in the lead up to constituent councils' annual meetings and Combined Authority's annual meeting on 30 May.
- 3.12 If there are consequential changes to the overall political balance, the Combined Authority may need to review the membership and the allocation of seats to political parties on the above committees. The Monitoring Officer will advise constituent councils if any subsequent changes have been necessary, and whether any changes need to be made to their nominations.
- 3.13 If there is no provision in constituent council's standing orders, the Council may wish to consider giving delegated powers for the Chief Executive to approve any consequential changes to these appointments in consultation with the relevant Party Group leaders.



#### 4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

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

#### 5.0 LEGAL IMPLICATIONS

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

#### 6.0 APPENDICES

6.1 Appendix 1 – Overview and Scrutiny Committee political balance calculations.

Appendix 2 – Audit and Governance Committee political balance calculations


## Appendix 1 Political Balance Overview and Scrutiny Committee

Overview and Scrutiny Committee of 14														
POLITICAL BALANCE ACROSS THE COUNTY as at 4 May 2018														
	Total	Vacancy	Conserv.	Labour	Putting St Neots First	Independ ent	Werrington First	Liberal Party	Liberal Democr ats	Green	UKIP	Total	Entitle ment	
CAMBRIDGESHIRE	2	0	36	7	2	2	0	0	14	0	0	61	1 Conserv. 1 Lib Dem	
PETERBOROUGH	2	0	31	14	0	2	3	1	7	1	1	60	1 Conserv ative 1 Labour	
HUNTINGDONSHIRE	2	0	30	4	6	5	0	0	7	0	0	52	1 Conserv ative 1 Independ ent	
EAST CAMBS	2	0	35	0	0	1	0	0	3	0	0	39	2 Conserv atives	
SOUTH CAMBS	2	0	11	2	0	2	0	0	30	0	0	45	1 Conserv ative, 1 Lib Dem	
CAMBRIDGE CITY	2	0	0	26	0	2	0	0	13	1	0	42	1 Labour 1 Lib Dem	
FENLAND	2	0	34	0	0	3	0	0	2	0	0	39	2 Conserv atives	
<b>TOTAL</b>			<b>0</b>	<b>177</b>	<b>53</b>	<b>8</b>	<b>17</b>	<b>3</b>	<b>1</b>	<b>76</b>	<b>2</b>	<b>1</b>	<b>338</b>	
POLITICAL BALANCE %			52.37	15.68	2.37	5.03	0.89	0.30	22.49	0.59	0.30	100.00		
<b>Seat allocation May 2018</b>			<b>8</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>14</b>		
Committee seat allocation	14		7.33	2.20	0.33	0.70	0.12	0.04	3.15	0.08	0.04	14.00		

## Appendix 2 – Political Balance Audit Committee

Audit and Governance Committee of 7													
POLITICAL BALANCE ACROSS THE COUNTY asat 4 May 2018													
	Total	Vacancy	Conservative	Labour	Putting St Neots First	Independent	Werrington First	Liberal Party	Liberal Democrats	Green	UKIP	Total	Entitlement
CAMBRIDGESHIRE	1	0	36	7	2	2	0	0	14	0	0	61	1 Lib Dem
PETERBOROUGH	1	0	31	14	0	2	3	1	7	1	1	60	1 Conservative
HUNTINGDONSHIRE	1	0	30	4	6	5	0		7	0	0	52	1 Conservative
EAST CAMBS	1	0	35	0	0	1	0	0	3	0	0	39	1 Conservatives
SOUTH CAMBS tbc	1	0	11	2	0	2	0	0	30	0	0	45	1 Lib Dem
CAMBRIDGE CITY	1	0	0	26	0	2	0	0	13	1	0	42	1 Labour
FENLAND	1	0	34	0	0	3	0	0	2	0	0	39	1 Conservatives
<b>TOTAL</b>		0	177	53	8	17	3	1	76	2	1	338	
POLITICAL BALANCE %			52.37	15.68	2.37	5.03	0.89	0.30	22.49	0.59	0.30	100.00	
<b>Seat allocation May 2018</b>			4	1	0	0	0	0	2	0	0	7	
Committee seat allocation	7		3.67	1.10	0.17	0.35	0.06	0.02	1.57	0.04	0.02	7.00	

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Agenda Item No:	13	
Committee:	Council	
Date:	17 May 2018	
Report Title:	Treasury Management Annual Review 2017/18	

## Cover sheet:

### 1 Purpose / Summary

The purpose of this report is to consider the overall financial and operational performance of the Council's treasury management activity for 2017/18.


### 2 Key issues

- In accordance with the Treasury Management Strategy approved in February 2018, Council receives an annual review of its' treasury management activities after the financial year-end.
- The Treasury Management Annual Review 2017/18 as presented to Cabinet on 17 May 2018 is attached.
- The report highlights all the key activities carried out within the Treasury Management function during 2017/18. All activities have been conducted in accordance with the approved strategy and policies.
- 2017/18 has been a challenging year and the report highlights the success in maximising investment income whilst ensuring the security and liquidity of the Council's investments.

### 3 Recommendations

- It is recommended that members note the report.

<b>Wards Affected</b>	All
<b>Portfolio Holder(s)</b>	Cllr Chris Seaton, Leader Cllr Anne Hay, Portfolio Holder, Finance
<b>Report Originator(s)</b>	Brendan Arnold, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Contact Officer(s)</b>	Brendan Arnold, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Background Paper(s)</b>	Treasury Management and Annual Investment Strategy 2017/18

Agenda Item No:	5	
Committee:	Cabinet	
Date:	17 May 2018	
Report Title:	Treasury Management Annual Review 2017/18	

## Cover sheet:

### 1 Purpose / Summary

The purpose of this report is to consider the overall financial and operational performance of the Council's treasury management activity for 2017/18.

### 2 Key issues

- Outstanding loans and finance lease liabilities of £8,514,496 and temporary investments of £19,500,000 as at 31 March 2018.
- The average rate on the long term external debt portfolio was 5.89% at 31 March 2018.
- Due to the Council's long term PWLB debt portfolio (£4.5m at 31/03/18) currently attracting excessive premiums it was not financially advantageous for the Council to comply with the Gross borrowing and Capital Financing Prudential Indicator in 2017/18. This is consistent with the strategy approved by Council in February 2017.
- No new borrowing was undertaken and the authorised limit was not breached during 2017/18.
- The investment activity during the year conformed to the approved strategy and the Council had no liquidity difficulties.
- Amount received from external investments £116,693 (compared with an estimate of £110,000).
- Overall interest rate achieved from investments 0.41% (7 day LIBID un compounded rate for 2017/18 0.21%).

### 3 Recommendations

- It is recommended that members note the report.
- It is recommended that Council receive the Treasury Management Annual Report.

<b>Wards Affected</b>	All
<b>Portfolio Holder(s)</b>	Cllr Chris Seaton, Leader Cllr Anne Hay, Portfolio Holder, Finance
<b>Report Originator(s)</b>	Brendan Arnold, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Contact Officer(s)</b>	Brendan Arnold, Corporate Director and Chief Finance Officer Mark Saunders, Chief Accountant
<b>Background Paper(s)</b>	Treasury Management and Annual Investment Strategy 2017/18

## Report:

### **1 Introduction**

- 1.1 The Council is required through regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2017/18. This report meets the requirements of both the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 During 2017/18 the minimum reporting requirements were that Council should receive the following reports:
- an annual Treasury Strategy in advance of the year (Council 23/02/2017);
  - a mid-year treasury update report (Council 14/12/2017);
  - an Annual Review following the end of the year, describing the activity compared to the strategy (this report).
- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report provides details of the provisional outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 1.4 The Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Corporate Governance Committee before they were reported to Council.

### **2 The Economy and Interest Rates**

- 2.1 During the calendar year of 2017, there was a major shift in expectations in financial markets in terms of how soon Bank Rate would start on a rising trend. After the UK economy surprised commentators with strong growth in the second half of 2016, growth in 2017 was disappointingly weak in the first half of the year which meant that growth was the slowest for the first half of any year since 2012. The main reason for this was the sharp increase in inflation caused by the devaluation of sterling after the EU referendum, feeding increases into the cost of imports into the economy. This caused a reduction in consumer disposable income and spending power as inflation exceeded average wage increases. Consequently, the services sector of the economy, accounting for around 75% of GDP, saw weak growth as consumers responded by cutting back on their expenditure. However, growth did pick up modestly in the second half of 2017. Consequently, market expectations during the autumn, rose significantly that the MPC would be heading in the direction of imminently raising Bank Rate.
- 2.2 The minutes of the MPC meeting of 14 September indicated that the MPC was likely to raise Bank Rate very soon. The 2 November MPC quarterly Inflation Report meeting duly delivered by raising Bank Rate from 0.25% to 0.50%.
- 2.3 The major UK landmark event of the year was the inconclusive result of the general election on 8 June. However, this had relatively little impact on financial markets.

### 3 Overall Treasury Position as at 31 March 2018

3.1 At the beginning and end of 2017/18 the Council's treasury position was as follows.

	<b>31 March 2018 Principal £000</b>	Rate / Return	Average Life years	<b>31 March 2017 Principal £000</b>	Rate / Return	Average Life years
Fixed rate funding						
• PWLB	<b>4,500</b>	7.29%	12.40 yrs	<b>4,500</b>	7.29%	13.40 yrs
• LOBO	<b>3,300</b>	4.70%	35.96 yrs	<b>3,300</b>	4.70%	36.96 yrs
• Finance Leases	<b>714</b>	3.25%	4.56 yrs	<b>930</b>	2.23%	4.24 yrs
Total debt	<b>8,514</b>			<b>8,730</b>		
Investments	<b>(19,500)</b>	0.41%		<b>(21,300)</b>	0.56%	
Net debt /(Investments)	<b>(10,986)</b>			<b>(12,570)</b>		

### 4 The Strategy for 2017/18

- 4.1 The expectation for interest rates within the treasury management strategy for 2017/18 anticipated that Bank Rate would not start rising from 0.25% until quarter 2 2019 and then only increase once more before 31.3.20. There would also be gradual rises in medium and longer term fixed borrowing rates during 2017/18 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.
- 4.2 The Treasury Strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.
- 4.3 During 2017/18, longer term PWLB rates were volatile but with little overall direction, whereas shorter term PWLB rates were on a rising trend during the second half of the year.

### 5 The Borrowing Requirement

5.1 The Council's Capital Financing Requirement (CFR) for the year is shown below and represents a key prudential indicator.

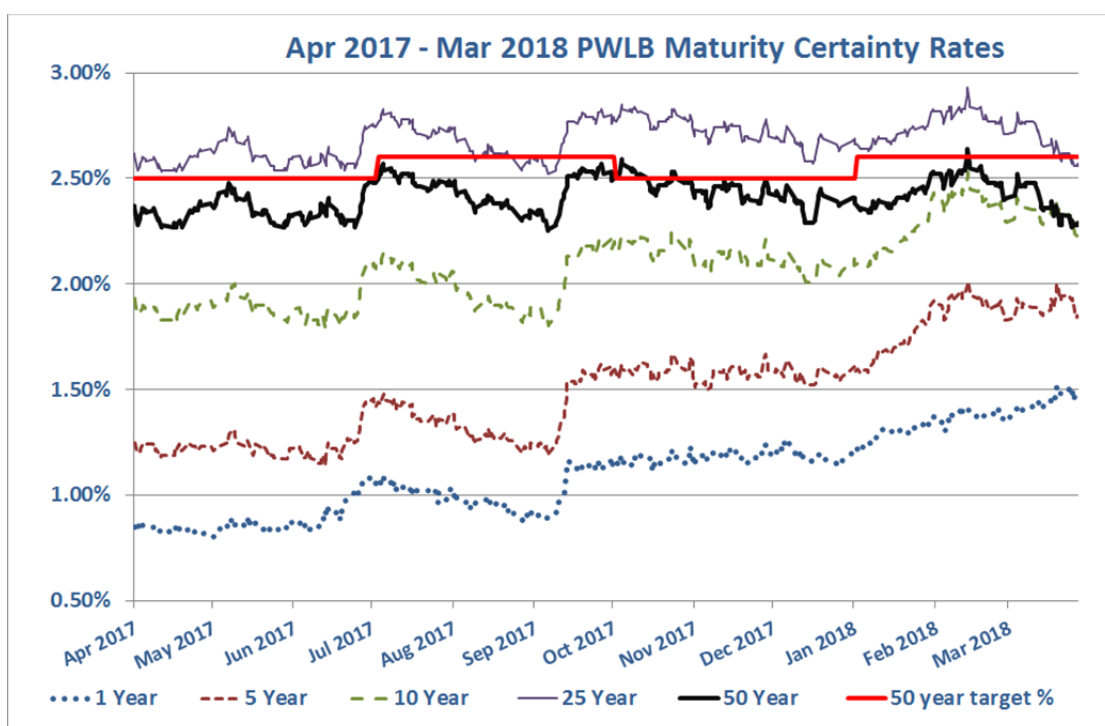
	31 March 2017 Actual £000	31 March 2018 Estimate £000	31 March 2018 Actual £000
CFR opening balance	1,063	981	981
Capital expenditure	160	55	0
Less finance lease repayments	(242)	(215)	(215)
CFR Closing balance	981	821	766



- 5.2 The CFR includes finance leases. A finance lease is a commercial arrangement between the Council and a lessor (finance company), where in consideration for a series of payments the Council has the right to use an asset (e.g. refuse vehicle, leisure equipment) for the lease duration (typically 3 to 7 years). The annual lease payment is made up of a capital and interest repayment.
- 5.3 Although legally the Council doesn't own the asset during the lease duration, International Accounting Standards require that the Council capitalise the asset and liability on its balance sheet, much like a loan.
- 5.4 One of the key prudential indicators is gross borrowing and the CFR. This indicator is to ensure that borrowing levels are prudent over the medium term and only for a capital purpose. The Council should ensure that its gross debt, does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2017/18 and the following two financial years. This allows some flexibility for limited early borrowing for future years and ensures that long term borrowing is not undertaken for revenue purposes. Appendix A highlights the Council's borrowing position against the CFR.
- 5.5 As a result of the Council's long term PWLB debt portfolio (£4.5m at 31/03/18) currently attracting excessive premiums (£2.405m, 31/3/2018), if it were prematurely repaid, it is not financially advantageous for the Council to comply with this prudential indicator. This is consistent with the strategy approved by Council in February 2017.
- 5.6 The authorised limit is the "affordable borrowing limit" required by S3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached. The authorised limit was not breached during 2017/18.

## 6 Borrowing Outturn

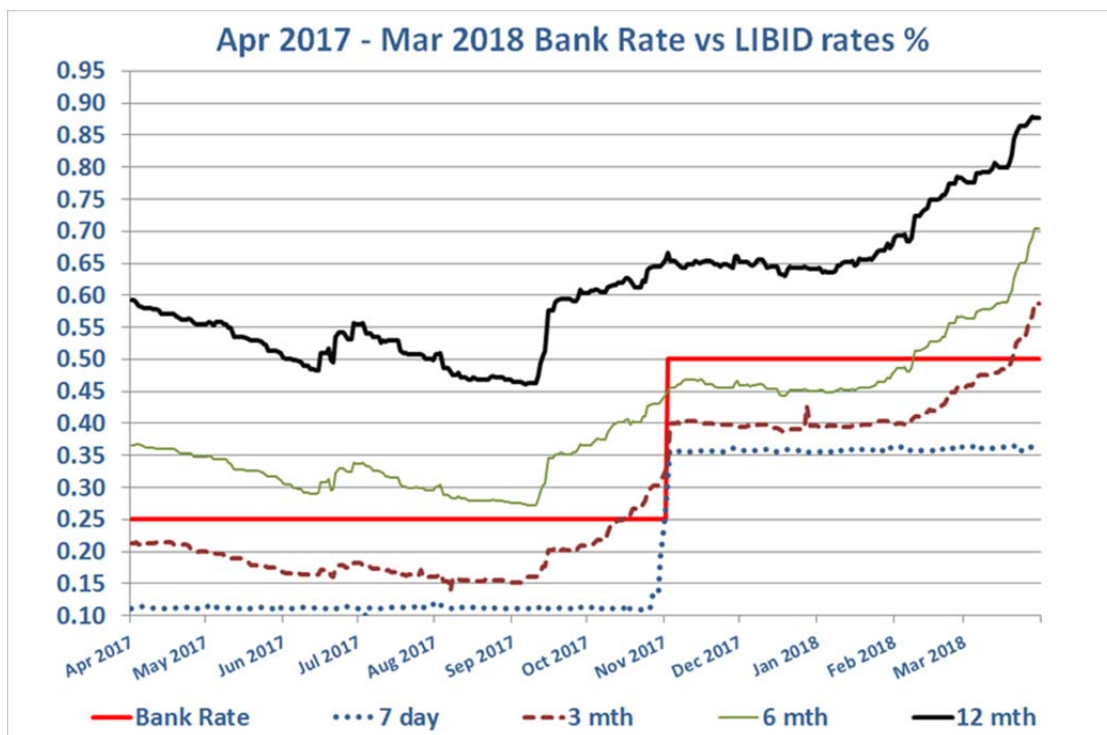
- 6.1 As depicted in the graph below, PWLB 25 and 50 year rates have been volatile during the year with little consistent trend. However, shorter rates were on a rising trend during the second half of the year and reached peaks in February / March.



- 6.2 No long term or temporary borrowing was required. The approach during the year was to use cash balances to finance new capital expenditure, so as to run down cash balances that were earning low investment returns and to minimise counterparty risk incurred on investments.
- 6.3 No rescheduling was completed during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates and the penalty position which can arise from early repayment of debt, made rescheduling unviable.

**7 Investment Outturn**

7.1 Investments rates for 3 months and longer have been on a rising trend during the second half of the year in the expectation of Bank Rate increasing from its floor of 0.25%, and reached a peak at the end of March. Bank Rate was duly raised from 0.25% to 0.50% on 2.11.17 and remained at that level for the rest of the year. However, further increases are expected over the next few years. Deposit rates continued into the start of 2017/18 at previous depressed levels due, in part, to a large tranche of cheap financing being made available under the Term Funding Scheme to the banking sector by the Bank of England; this facility ended on 28.2.18.




- 7.2 The Council's investment policy is governed by the Ministry of Housing, Communities and Local Government guidance, which has been implemented in the annual investment strategy approved by Council on 23 February 2017. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps and bank share price).
- 7.3 The investment activity during the year conformed to the approved strategy and the Council had no liquidity difficulties.
- 7.4 The Council maintained an average balance of £25.571m of internally managed funds. The internally managed funds earned an average rate of return of 0.41% (£116,693). The comparable performance indicator is the average 7-day LIBID rate, which was 0.21%.

## **8 Prudential and Treasury Indicators**

- 8.1 During 2017/18 the Council complied with its legislative and regulatory requirements with the exception of gross borrowing (see paragraph 5.5 above).

## Appendix A - Prudential Indicators

<b>Prudential Indicators</b>	<b>2016/17 Actual £000</b>	<b>2017/18 Estimate £000</b>	<b>2017/18 Actual £000</b>
<b>1 Capital Expenditure</b>	<u>2,550</u>	<u>2,251</u>	<u>1,880</u>
<b>2 Ratio of Financing Costs to Net Revenue Stream (external interest – investment income)</b>	2.93%	3.19%	<b>3.38%</b>
<b>3 Gross Borrowing and the Capital Financing Requirement</b>			
Gross Debt	8,730	8,512	<b>8,514</b>
CFR	981	821	<b>766</b>
<hr/>			
<b>Treasury Management Indicators</b>	<b>2016/17 Actual £000</b>	<b>2017/18 Estimate £000</b>	<b>2017/18 Actual £000</b>
<b>4 Authorised Limit for External Debt</b>			
Borrowing	15,000	15,000	<b>15,000</b>
Other Long Term Liabilities	2,000	2,000	<b>2,000</b>
Total	<u>17,000</u>	<u>17,000</u>	<u>17,000</u>
<b>5 Operational Boundary for External debt</b>			
Borrowing	10,000	10,000	<b>10,000</b>
Other Long Term Liabilities	2,000	2,000	<b>2,000</b>
Total	<u>12,000</u>	<u>12,000</u>	<u>12,000</u>
<b>6 Actual External debt (as at 31 March)</b>			
Borrowing	7,800	7,800	<b>7,800</b>
Other Long Term Liabilities	930	712	<b>714</b>
Total	<u>8,730</u>	<u>8,512</u>	<u>8,514</u>
<b>7 Interest Rate Exposures</b>			
Upper Limit - Fixed Rates	(8,070)	(7,000)	<b>(6,700)</b>
Upper Limit - Variable Rates	(4,500)	(10,200)	<b>(4,285)</b>
<b>8 Upper Limit for Total Principal Sums Invested for Periods Longer than 364 Days</b>	0	10,000	<b>0</b>

Agenda Item No:	14	
Committee:	Council	
Date:	17 May 2018	
Report Title:	Community Governance Review - Final Recommendations	

## Cover sheet:

### **1 Purpose / Summary**

For Council to approve the final recommendations in relation to the Community Governance review for the future parish warding arrangements of Whittlesey

### **2 Key issues**

- Fenland District Council (FDC) was subject to an electoral review of District ward boundaries conducted by the Local Government Boundary Commission for England (LGBCE) in 2013. The review resulted in the creation of a number of new parish wards predominantly in Whittlesey.
- A subsequent Community Governance Review (CGR) was undertaken to address some of the additional parish warding anomalies. The recommendations from the CGR were not endorsed by the LGBCE, as they concluded that the parish warding arrangements could help to inform the County Electoral division review of Cambridgeshire. The review concluded in December 2016 however in contrast to the original thoughts of the LGBCE, the existing parish warding arrangements in Whittlesey did not help to inform the revised electoral divisional boundaries in the area.
- As a result a further CGR was initiated. The CGR Terms of Reference were published on 11 December 2017, which initiated the first phase of public consultation, which ended on 26 January 2018. The terms of reference confirmed the focus of the review as being restricted to the internal parish warding arrangements within Whittlesey, the names of the parish wards within the town to ensure they are reflective of the communities they serve and finally to consider the number of town councillors required to serve Whittlesey to ensure they reflect the current and forecast electorate in the area.
- FDC consulted extensively with Whittlesey Town Council in addition to publicising the CGR to residents in the area through public notices, press releases and community groups.
- The draft proposals report was informed by consultation submissions in response to publication of the terms of reference
- The draft proposals were agreed by Council in February 2018 which launched the second phase of public consultation on 26 February 2018 to 06 April 2018. The Council has been mindful of the consultation comments in formulating the final recommendations.
- The key recommendations are:

- Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward. This will result in the parish ward boundaries being re-aligned to reflect the district ward boundaries in the area therefore successfully achieving co-terminosity. The resulting new parish ward is to be called Bassenhally represented by 4 Town Councillors.
- St Andrews parish ward is amalgamated with St Mary's North parish ward. The resulting revised parish ward is renamed St Andrews and St Marys North parish ward. It is recommended the new parish ward be represented by two parish Councillors.
- The parish ward boundaries of Stonald parish ward remain unchanged however in order to facilitate electoral equality across the wider area it is recommended that Stonald parish ward is represented by two parish Councillors rather than the current one elected representative.
- It is important to note that whilst Fenland District Council will be the principal authority responsible for undertaking the CGR on this occasion, we will be required to seek the agreement and consent of the LGBCE before implementing any changes resulting from the review. The reason consent is required is because of the timeframe in which the previous District warding and Electoral Division Reviews were undertaken, as a CGR cannot be utilised as a mechanism for undermining the outcomes of either of those processes.

### 3 Recommendations

For Council to approve the final CGR recommendations

- Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward entitled Bassenhally parish ward represented by 4 Town Councillors.
- Amalgamate St Andrews parish ward with St Mary's North parish ward and rename the resulting parish ward St Andrews and St Marys North parish ward represented by 2 Town Councillors.
- Change the level of local representation in Stonald parish ward to 2 Town Councillors to facilitate greater levels of electoral equality across the wider area.

<b>Wards Affected</b>	Whittlesey parish wards
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Member Working Group: Cllr Will Sutton Cllr Sam Hoy Cllr Gavin Booth Cllr Virginia Bucknor Cllr Chris Boden Cllr Kay Mayor Cllr Fred Yeulett

<b>Report Originator(s)</b>	<p>Paul Medd - Chief Executive - Electoral Registration Officer 01354 622202 <a href="mailto:paulmedd@fenland.gov.uk">paulmedd@fenland.gov.uk</a></p> <p>Carol Pilson - Corporate Director 01354 622360 <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a></p> <p>Anna Goodall - Head of Governance and Legal Services 01354 622357 <a href="mailto:agoodall@fenland.gov.uk">agoodall@fenland.gov.uk</a></p>
<b>Contact Officer(s)</b>	<p>Carol Pilson - Corporate Director 01354 622360 <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a></p> <p>Anna Goodall - Head of Governance and Legal Services 01354 622357 <a href="mailto:agoodall@fenland.gov.uk">agoodall@fenland.gov.uk</a></p>
<b>Background Paper(s)</b>	<p>CGR Terms of Reference CGR Draft proposals Report</p>

# Report: Community Governance Review Final Recommendations

## **1 Background / introduction**

- 1.1 In 2012/13 Fenland District Council was subject to an Electoral Review which was conducted by the Local Government Boundary Commission for England (LGBCE). The primary objective of the review was to achieve electoral equality across all of the district wards ensuring every electors vote carried equal weight. The review also sought to maintain communities of interest; whilst also enabling effective and convenient local government.
- 1.2 The final electoral review recommendation report, published by the LGBCE in March 2013, resulted in the creation of several new parish wards, which reflected the new district ward boundaries and existing county division boundaries. The creation of additional parish wards was particularly prevalent in Chatteris and Whittlesey.
- 1.3 A Community Governance Review was undertaken in 2014 in relation to Chatteris, Manea and Whittlesey in an effort to address some of the additional parish warding anomalies resulting from the LGBCE electoral review.
- 1.4 Whilst Fenland District Council was the principal Council responsible for undertaking the Community Governance Review in 2014 we were required to seek permission from the LGBCE to agree and sanction any proposed changes prior to their implementation. We were required to seek consent as the LGBCE had undertaken an electoral review within the past five years and as such a Community Governance Review could not be utilised as a vehicle to undermine the changes resulting from the Electoral Review.
- 1.5 The LGBCE agreed to two of the three recommendations arising from the previous Community Governance Review and therefore we were successfully able to make changes to parish wards in Chatteris and Manea. The LGBCE refused to accept the recommended changes in respect of Whittlesey. The rationale for refusal was that they were scheduled to undertake an electoral division review of the whole of Cambridgeshire in 2014 and therefore they were of the opinion that they would utilise the existing parish warding arrangements in the area to help inform the electoral division review.
- 1.6 The LGBCE published their final recommendations in respect of the Cambridgeshire County Council review in December 2016 and in contrast to their original thoughts, the existing parish warding arrangements in Whittlesey did not help to inform the revised electoral divisional boundaries in the area.
- 1.7 As a result Whittlesey has a number of parish wards which do not appear to achieve electoral equality nor do they reflect the identity of the local community they serve and finally they appear not to achieve effective or convenient local government, which is why the District Council has embarked on a further Community Governance Review of the area in order to address these issues.
- 1.8 Whilst Fenland District Council will be the principal authority responsible for undertaking the Community Governance Review on this occasion, we will be required to seek the agreement and consent of the LGBCE before implementing any changes resulting from the review. The reason consent is required is because of the timeframe in which the previous District warding and Electoral Division Reviews were undertaken, as a Community Governance Review cannot be utilised as a mechanism for undermining the outcomes of either of those processes.

## **2 The Community Governance Review**

- 2.1 FDC received a letter from Whittlesey Town Council requesting that a Community Governance Review (CGR) be under taken, under the Local Government and Public Involvement in Health Act 2007, in order to address some of the boundary anomalies



which had resulted from the LGBCE electoral review. Whilst the letter did not constitute a Community Governance Petition the requests for a Community Governance Review were endorsed by the Member Working Group, tasked with leading the electoral review project. The review scope focussed specifically on the following:

- The internal parish warding arrangements in Whittlesey parish
- The number of parish councillors to represent Whittlesey parish in the future.

2.2 The CGR commenced on 11 December 2017, when FDC published a Terms of Reference document and invited initial submissions from individuals and/ or organisations who had an interest in the review. Widespread communication took place in the relation to the review in order to engage local residents. In addition the Council published a timetable for the review in order to further maximise transparency and local engagement.

2.3 The period for initial submissions closed on 26 January 2018. The Council published its draft proposals in response to the consultation comments received following publication of the terms of reference. A second period of consultation commenced on 26 February 2018 following publication of the draft proposals report, the closing date for submissions in relation to the second round of consultation was 06 April 2018.

2.4 In preparing its draft proposals the Council was mindful of the letter received from Whittlesey Town Council in addition to the initial submissions received. The Council had the role of balancing the submissions against the wider requirements and duties which are placed upon it by the 2007 Act. In particular the Council has a duty to ensure that community governance within its area:

- Reflects the identities and interests of the community in that area;
- Is effective and convenient and
- takes into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.

A timetable for the review was established which allowed for appropriate consultation periods. The draft proposals document was circulated to local community groups, statutory consultees and was available to the general public on the Fenland District Council (FDC) website and in the District Council One Stop Shops and Community Hub. During the consultation period two press releases were issued to advertise the publication of the draft proposals and the closing date for submissions.

2.5 The District Council's draft proposals made three recommendations in relation to Community Governance arrangements in Whittlesey, those recommendations were as follows:

- Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward represented by 4 Town Councillors as opposed to the current 5 Town Councillors representing the area. This proposal will result in the parish ward boundaries being re-aligned to reflect the district ward boundaries in the area therefore successfully achieving co-terminosity.
- Amalgamate the current St Andrews parish ward with St Mary's North parish ward and rename the resulting parish ward St Andrews and St Marys North parish ward. It is recommended the new parish ward be represented by two parish Councillors. The rationale for the reduction in local representation is to facilitate greater electoral equality across the wider area. **Page 133**

- The parish ward boundaries of Stonald parish ward we are also proposing to remain unchanged however in order to facilitate electoral equality across the wider area we are proposing that Stonald parish ward is represented by two parish Councillors rather than the current one elected representative.

These proposals will result in the following parish wards within Whittlesey Town Council and their associated levels of representation remaining unchanged, namely St Mary's South, Lattersey in addition to Coates and Eastrea.

- 2.6 Reasons were given to support the draft proposals, in summary these reasons were as follows; parish wards should reflect distinctive and recognisable communities of interest with their own sense of identity. Furthermore, consideration must be given to the relationship between the parish ward boundaries and the boundaries of the district wards. The parish wards have been used as the building blocks for the district wards across much of the district, and the district wards therefore share the same boundaries with the parish wards. The maintenance and where possible the re-establishment of this co-terminosity is in the best interests of effective and convenient local government for the residents in Whittlesey.
- 2.7 Further support was provided in relation to the draft proposals as they would result in greater levels of electoral equality across the whole parish and whilst ideal levels of electoral equality cannot be achieved due to the constraints associated with the district and county electoral division boundaries, the level of electoral equality achieved is far greater than the current parish warding arrangements allow.
- 2.8 In drawing up these final proposals, the council has been primarily concerned to identify any submissions which significantly alter and influence the reasoning behind the draft proposals
- 2.9 In this review the Council has been required to balance the greater good for all residents in Whittlesey particularly as the area has already been the subject of a district and county electoral review in addition to a previous CGR in 2014. The resulting changes must therefore represent change for the good whilst also meeting the communities of interest and effective and convenient local government tests, those tests have been at the heart of this review, the balance between successfully achieving both.

### **3 Consultation Submissions**

- 3.1 Publication of the Terms of Reference in relation to the CGR was intended to inform and open the local debate by providing information on the parish governance in the areas concerned, the legislative framework for a review and the other issues the Council felt were of importance. Further more publication of the draft proposals on 26 February 2018 and the opening of a further period of consultation permitted local residents and other interested stakeholders to submit comments in relation to the proposals both in support and against whilst also providing the opportunity to propose alternative governance arrangements.
- 3.2 Four consultation submissions were received as a part of the initial period of consultation following publication of the terms of reference which have indicated that there are strongly held views from interested parties both in favour of the re-alignment of parish and District ward boundaries where possible and a counter submission that residents in Peterborough Road Kings Dyke and Kings Delph be incorporated into Stonald or St Marys parish ward rather than the parish ward of Coates and Eastrea. The rationale for this proposal is because local residents have a greater affinity with the town rather than the surrounding local villages.
- 3.3 When considering this counter proposal we are constrained by the LGBCE guidance outlined in paragraph 4.7 which states clearly that a principal council undertaking a CGR

should be mindful of the provisions of schedule 2 (Electoral change in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district council electoral arrangements. These provide that when the LGBCE is making changes to principal council electoral arrangements, no warded parish should be split by a district or county division boundary. While these provisions do not apply to reviews of parish electoral arrangements, the LGBCE believe that in the interests of effective and convenient local government they are relevant considerations for principal councils to take into account when undertaking community governance reviews. . The consultation proposal would result in the St Marys North and St Andrews parish ward straddling the Whittlesey North and Whittlesey South electoral division boundary. The electoral division boundary is provided in part by the railway line in this area which is a clear geographical representation of the boundary and it is highly unlikely that the LGBCE would respond favourably to this request. It is also important to note that this review is to consider parish ward boundaries we are unable to utilise the CGR as a vehicle to impact district warding arrangements as that is the sole jurisdiction of the LGBCE.

- 3.4 Following publication of the draft proposals report a further 6 consultation submissions have been received, Appendix 1 contains the details of the consultation submissions received to date since the publication of the Terms of Reference and publication of the draft proposals. In summary submissions have been received from Whittlesey Town Council, March, Chatteris & Whittlesey branch of NE Cambs Labour Party, Individual Whittlesey Town Councillors and a local resident.
- 3.5 Whittlesey Town Council wrote to request a Community Governance Review be initiated to address the electoral inequalities within the parish wards across the town which resulted from the Boundary Review undertaken by the LGBCE. The main emphasis of the original request was to 'redress the gross under representation of Stonald parish ward and bring Whittlesey Town Council as nearly as is legally possible back to the position it used to enjoy where Town and District Council wards were coterminous' as it is this approach which supports convenient local government.
- 3.6 Chatteris & Whittlesey branch of NE Cambs Labour Party suggested that Bassenhally parish ward remains unchanged geographically however they have suggested that Elm and Delph parish wards are combined, which would result in two parish wards being contained within the wider district ward. It was also suggested to amalgamate the current St Andrews, St Marys North and St Marys South parish wards as whilst we agree in principle this appears to be far more representative of the established community in this area we are bound by the constraints of the Guidance on Community Governance Reviews published by the LGBCE. This consultation suggestion would result in the amalgamated ward straddling the Whittlesey North and Whittlesey South electoral division boundary. This would result in approximately 25% of the electorate voting for a different County Councillor, which would appear to contradict the objective of parish wards reflecting recognised communities of interest with their own sense of identity. It is also highly unlikely that the LGBCE would agree to this change particularly in light of their published guidance.

The responses from the other individuals include Whittlesey Town Councillors Mrs Julie Windle, Mrs Kay Mayor, David Mason, Mrs Dee Laws, Chris Boden and Ray Whitwell, all of whom were supportive of the CGR and endorsed the changes proposed by Whittlesey Town Council. Their comments included the following 'I am fully supportive of the decision of Fenland District Council to undertake a Community Governance Review of Whittlesey. I support the changes proposed by Whittlesey Town Council which should produce warding arrangements that will provide more effective and convenient local governance and which will better reflect the identities and interests of the community. Without making this change, Whittlesey Town Council would experience significant future electoral disparities between its wards. Under the arrangements currently put in place by the LGBCE, most of the Town Councillors will represent wards which have a variance greater than 14%. without change there will be three wards with a variance

from quota greater than 26%: St Marys South (-53%); St Marys North (-66%) and Stonald (+143%). If Fenland's draft proposals are approved there will be only one ward with a variance from quota greater than 26%: St Marys South (-53%), and that variance is unavoidable because of the local lack of coterminosity between District Council and County Council boundaries. It is unreasonable to expect no electoral variance between wards. But it is also unreasonable to accept variances which are so significant that they threaten the democratic legitimacy of the entire electoral process.

#### **4 Summary of Final Proposals**

- 4.1 This review began with the receipt of a letter from Whittlesey Town Council requesting that a Community Governance Review be facilitated by the District Council in order to resolve some of the boundary anomalies resulting from the electoral review conducted by the LGBCE. In particular the Town Council was concerned about the number of parish wards within the towns which they felt were neither reflective of local communities, effective or convenient nor did they achieve electoral equality in terms of town council representation.
- 4.2 The District Council in its terms of reference and latterly in the draft proposals expressed its view that the resulting changes must be reflective of communities of interest whilst also providing benefits in terms of effective and convenient local government for the electors in the Whittlesey.
- 4.3 The Council has consulted widely in relation to the proposed changes and whilst we have been minded to identify any submissions which significantly alter and influence the reasoning behind the draft proposals, it is our view that the submissions received are largely supportive with two exceptions, both of which were in relation to proposed changes which would result in parish wards straddling County electoral division boundaries. These proposals contradict the LGBCE guidance and are therefore highly unlikely to be granted by the LGBCE. All the other consultation comments were in favour of the proposed changes affecting the parish wards of Whittlesey and also in relation to the number of parish/ town councillors to represent the afore mentioned areas. In reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area, and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries.
- 4.4 It is for these reasons that the Council considers the final proposals in this review should be as follows
- 4.5 Amalgamate the parish wards of Bassenhally, Elm and Delph into one parish ward and rename the resulting parish ward Bassenhally. The new parish ward is to be represented by 4 Town Councillors as opposed to the current 5 Town Councillors representing the area. This proposal will result in the parish ward boundaries being re-aligned to reflect the district ward boundaries in the area therefore successfully achieving co-terminosity
- 4.6 Amalgamate the current St Andrews parish ward with St Mary's North parish ward and rename the resulting parish ward St Andrews and St Marys North parish ward. The new parish ward is represented by two parish Councillors.
- 4.7 This would result in St Mary's South parish ward boundaries remaining unchanged geographically reflecting the existing parish warding arrangement, represented by one elected representative. This will ensure that none of the newly proposed parish wards will cross the newly implemented County Council electoral division boundaries.
- 4.8 The parish ward boundaries of Lattersey remain unchanged with the parish continuing to be represented by two elected parish Councillors
- 4.9 The parish ward boundaries of Stonald parish ward remain unchanged however in order to facilitate electoral equality across the wider area we are proposing that Stonald parish

ward is represented by two parish Councillors rather than the current one elected representative.

- 4.10 Finally Coates and Eastrea parish ward boundaries will remain unchanged as will the number of elected representatives

Whilst Fenland District Council will be the principal authority responsible for undertaking the Community Governance Review on this occasion, we will be required to seek the agreement and consent of the LGBCE before implementing any changes resulting from the review. The reason consent is required is because of the timeframe in which the previous District warding and Electoral Division Reviews were undertaken, as a Community Governance Review cannot be utilised as a mechanism for undermining the outcomes of either of those processes. Assuming the LGBCE are agreeable we will then publish a reorganisation Order and this will take effect from the 2019 all out local elections.

## 5 Next Steps

Action	Timetable	Outline of action
Final Proposals are adopted by Council	17 May 2018	District Council considers Final Proposals and decide on the extent to which the Council will give effect to them
Final Proposals are submitted to the LGBCE for consideration	June 2018	As the District Council has been subject to an electoral review conducted by the LGBCE in the past 5 years we are required to gain consent from the LGBCE to make any changes to parish warding arrangements
Council publishes the reorganisation order * subject to LGBCE approval	thereafter	District Council publishes a reorganisation order and requests the Electoral Commission to approve any consequential changes.

## Appendix 1: Consultation Submissions

- 1.1 Whittlesey Town Council is supportive of the decision of Fenland District Council to undertake a Community Governance Review of Whittlesey so as to produce warding arrangements which provide more effective and convenient local governance and which better reflect the identities and interests of the community.
- 1.2 Ideally the Town Council would recommend that warding arrangements for the Town Council should be the same as the warding arrangements for the District Council as this approach provides greater certainty for the local electorate. The Town council recognises however that the outcome from the LGBCE review of the County Council prevents co-terminosity of all boundaries as parish wards cannot cross electoral division boundaries. The Town Council; have endorsed Lattersey, Bassenhally and Stonald District Council wards being co-terminous with the parish Council wards in these areas. That Coates and Eastrea district and parish Council wards boundaries should be aligned. That St Andrews District Council ward should be split into two parish Council wards where the boundary for the Whittlesey North and Whittlesey South electoral division boundary falls.
- 1.3 Whittlesey Town Council endorses the following levels of local representation across the town Bassenhally 4 Town Councillors, Lattersey 2 Town Councillors, St Andrews and St Marys North 2 Town Councillors, St Marys South 1 Town Councillor, Stonald 2 Town Councillors, Coates and Eastrea 3 Town Councillors.
- 1.4 Mr Stevens a Whittlesey resident hoped that the CGR provided the opportunity for residents of Peterborough Road Kings Dyke and Kings Delph to be considered for

inclusion within Stonald or St Mary's parish ward rather than the parish ward of Coates and Eastrea. He feels strongly that local residents in these areas have a stronger affiliation with the town rather than the surrounding villages. The aim of the Community Governance Review is to address the issues raised by Whittlesey Town Council at a parish ward level, the CGR cannot seek to address the district warding issues which were determined by the LGBCE and which took effect in 2015.

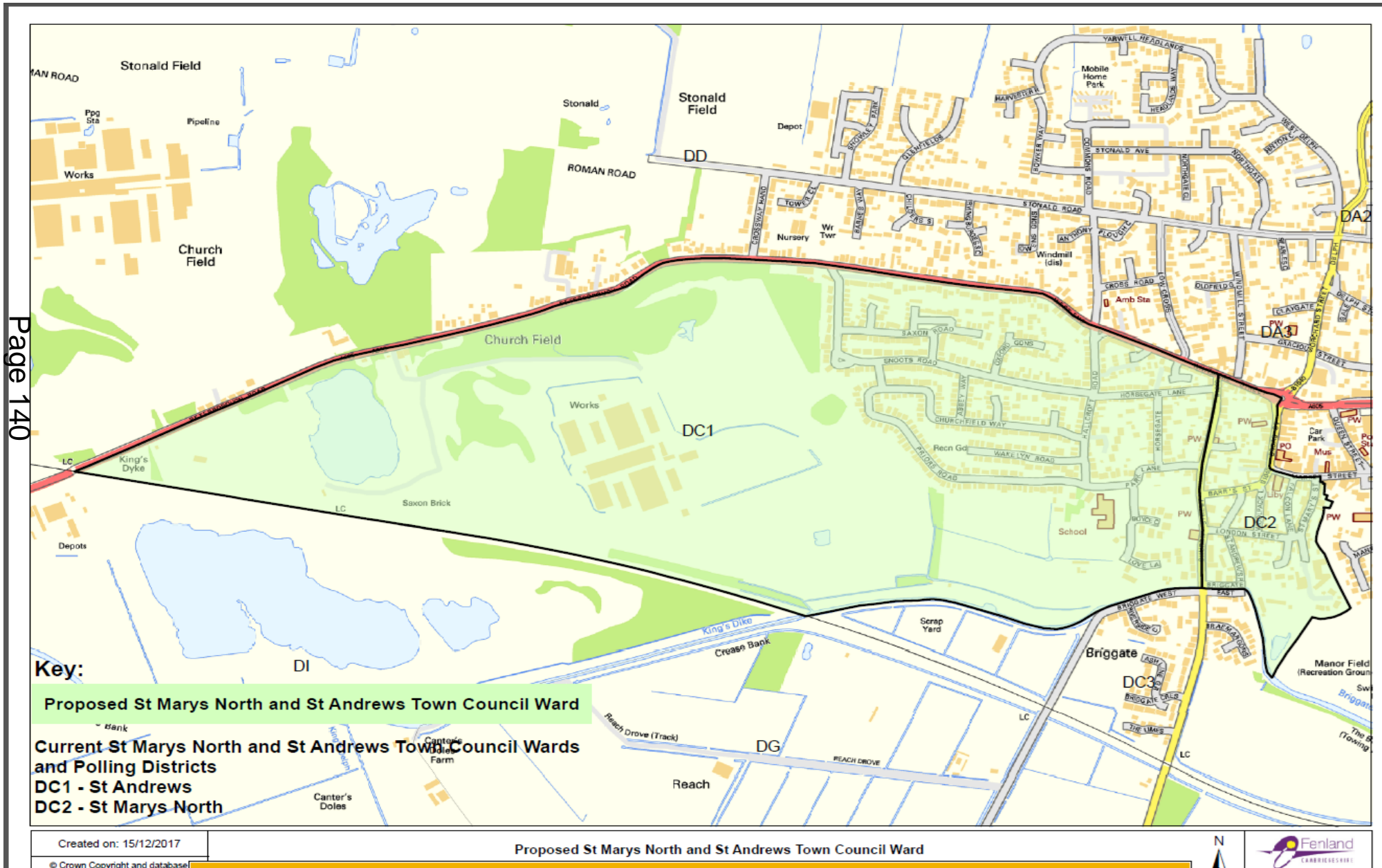
- 1.5 Whittlesey Town Councillor Julie Windle emailed in the following comments 'I fully support the proposed Town Council warding arrangements for Whittlesey put forward by Fenland District Council in their draft Community Governance Review proposals published in February 2018.'
- 1.6 March, Chatteris & Whittlesey branch of NE Cambs Labour Party suggested that Bassenhally parish ward should be represented by two parish Councillors which is a reduction of one parish Councillor which would help to achieve greater electoral equality as representation would be 1 Councillor per 1471 electorate.
- 1.7 The Labour Party also suggest that Elm and Delph parish wards should be amalgamated and represented by two parish Councillors achieving representation of 1 Councillor per 1092 electorate. They endorse Stonald parish ward maintaining its current level of parish Council representation which would achieve 1 Councillor per 1392 electorate. Again The Labour party endorse Lattersey parish ward maintaining its current level of parish Council representation which would achieve 1 parish Councillor per 1113 electorate.
- 1.8 The Labour Party's consultation submission supported the view that St Andrews parish ward and both St Mary's parish wards be amalgamated and represented by 2 parish Councillors achieving an electoral representation ration of one Councillor per 1115. Finally The labour Party endorsed the current parish warding and local representation levels of Coates and Eastrea parish ward which would achieve 1 elected councillor per 1216 electorate.
- 1.9 Whittlesey Town and Fenland District Councillor David Mason, emailed the following comments 'Dear Sirs I support the proposed future Town Council warding arrangements for Whittlesey put forward by Fenland District Council in their draft Community Governance Review proposals published in February this year.'
- 1.10 Whittlesey Town and Fenland District Councillor Mrs Kay Mayor emailed the following comments 'I am fully supportive of the decision of Fenland District Council to undertake a Community Governance Review of Whittlesey.I support the changes proposed by Whittlesey Town Council which should produce warding arrangements that will provide more effective and convenient local governance and which will better reflect the identities and interests of the community'.
- 1.11 Whittlesey Town and Fenland District Councillor Mrs Dee Laws emailed the following comments 'I fully support the proposed future Town Council warding arrangements for Whittlesey put forward by Fenland District Council in their draft Community Governance Review proposals published in February this year.'
- 1.12 Whittlesey Town Councillor Ray Whitwell emailed the following comments 'I am fully in support of the proposed changes, especially regarding Stonald Ward. This ward is much too large for just one Town Councillor, and needs to be represented by two'
- 1.13 Whittlesey Town and Fenland District Councillor Chris Boden emailed the following comments I support the proposed future Town Council warding arrangements for Whittlesey put forward by Fenland District Council in their draft Community Governance Review proposals published in February this year.Without making this change, Whittlesey Town Council would experience significant future electoral disparities between its wards. Whittlesey's electorate in 2022 is forecast to be 16,015. The are 14 Town Councillors, so the average number of electors per Town Councillor will be 1,144 (the "quota").

Under the arrangements currently put in place by the LGBCE, most of the Town Councillors will represent wards which have a variance from quota greater than 14%. Under the draft Community Governance Review proposals, most of the Town Councillors will represent wards which have a variance from quota which is less than 13%.

But it at the extreme ends of variance from quota that we see the greatest need to approve Fenland's draft proposals: without change, there will be three wards with a variance from quota greater than 26%: St Marys South (-53%); St Marys North (-66%) and Stonald (+143%). If Fenland's draft proposals are approved there will be only one ward with a variance from quota greater than 26%: St Marys South (-53%), and that variance is unavoidable because of the local lack of coterminosity between District Council and County Council boundaries.

It is unreasonable to expect no electoral variance between wards. But it is also unreasonable to accept variances which are so significant that they threaten the democratic legitimacy of the entire electoral process. "One person - One vote" is fundamental to our system of government. But if one person's vote (in St Marys North Ward) is worth seven times more than another person's vote (in the nearby Stonald Ward) - because both wards have a single Councillor but their electorates in 2022 will be 387 and 2,785 respectively - then the credibility of the system of local elected representation will be lost.

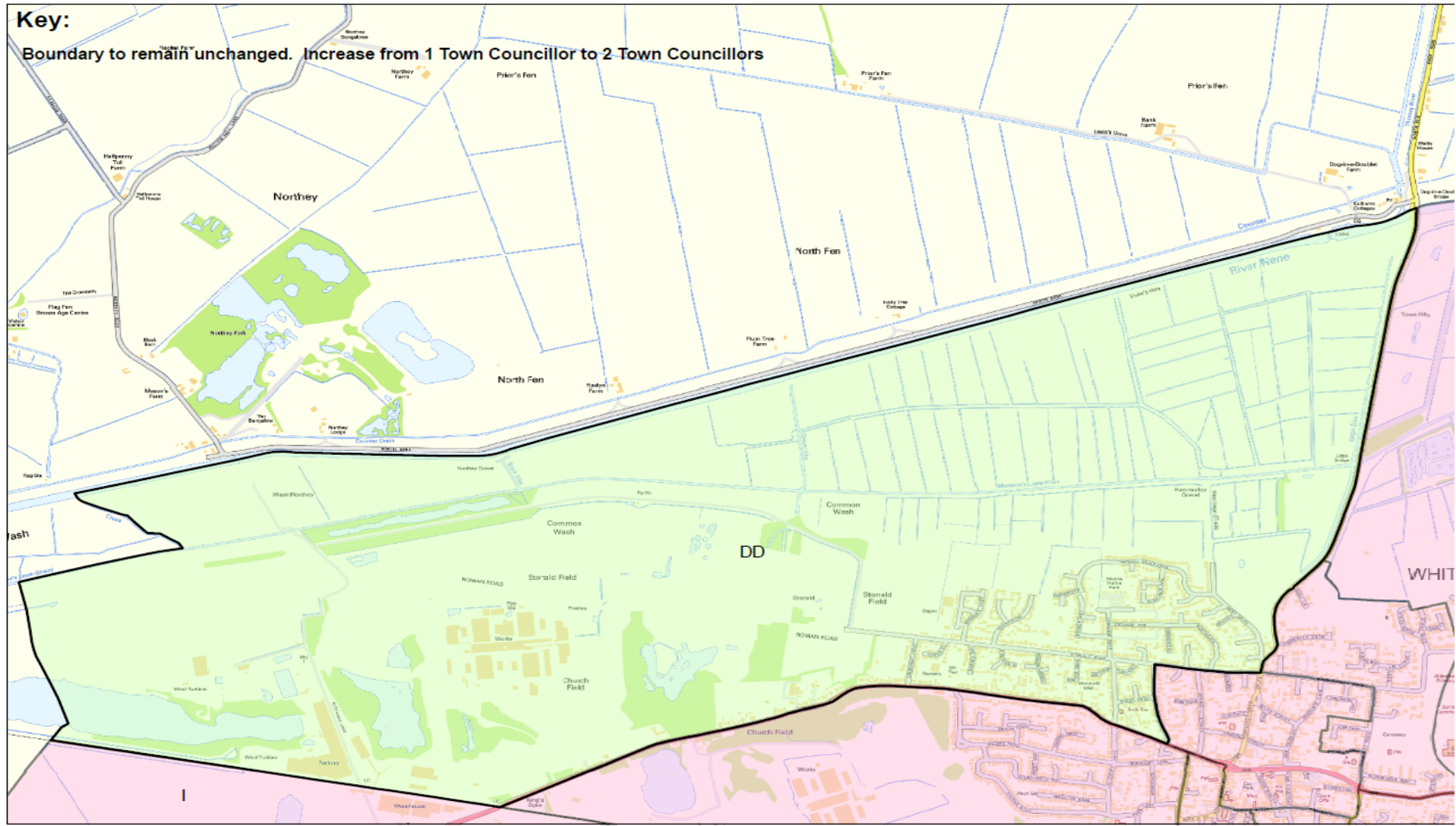
Appendix 2: Maps -





**Key:**

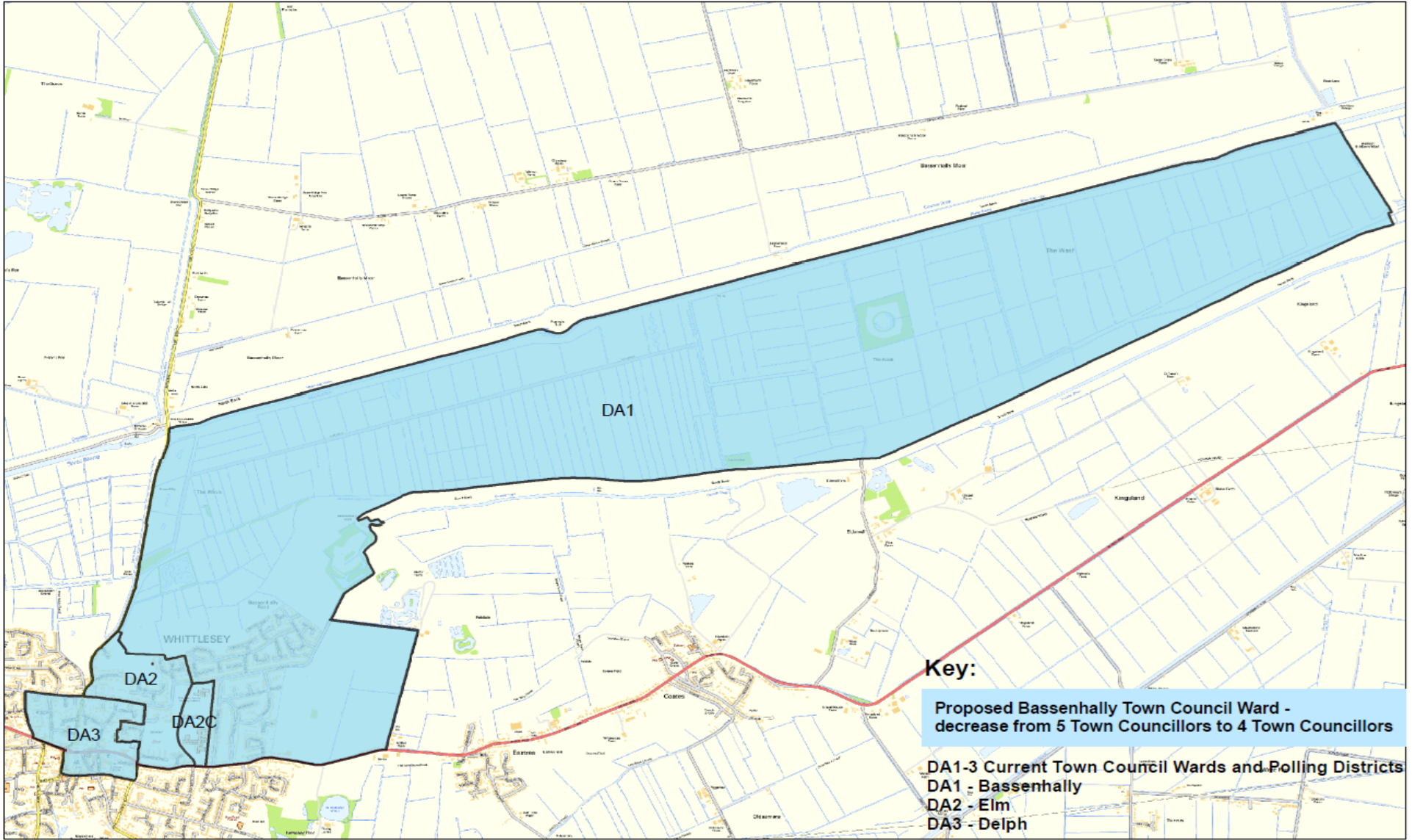
**Boundary to remain unchanged. Increase from 1 Town Councillor to 2 Town Councillors**



Created on: 11/12/2017

Stonald - DD






Created on: 11/12/2017

Proposed Bassenhally Town Council Ward



Agenda Item No:	15	
Committee:	Council	
Date:	17th May 2018	
Report Title:	Whittlesey Conservation Area Appraisal & Whittlesey Conservation Area Management Plan	

## 1 Purpose / Summary

To inform members that public consultation on the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan has been completed and seek approval from Council that these documents be adopted.

## 2 Key issues

The Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan have been prepared for the following purposes:

to satisfy Policy LP18 of the adopted Fenland Local Plan which states that *"the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland and will look to achieve this by keeping up-to-date and implementing conservation area appraisals and management plans"*.

to satisfy S71(1) Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty on Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of conservation areas.

to support the Whittlesey Neighbourhood Planning Team by providing an evidence base from which they can develop their neighbourhood plan.

in the case of the Whittlesey Conservation Area Appraisal, to provide guidance that will be a material consideration in the determination of planning applications.

in the case of the Whittlesey Conservation Area Management Plan, to provide a framework of objectives for the Council to follow as proactive actions for preserving and enhancing the character and appearance of the Whittlesey Conservation Area.

Whittlesey Conservation Area was added to Historic England's Heritage at Risk Register in 2014. The production of these documents will identify risk issues and provide proactive strategies to address the risk issues with a view to getting the Whittlesey Conservation Area removed from the risk register.

## 3 Recommendations

Council to approve the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan for adoption.

<b>Wards Affected</b>	St Andrew's Ward St Mary's Ward Delph Ward
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Cllr Dee Laws - Portfolio Holder for Neighbourhood Planning Cllr David Oliver - Portfolio Holder for Community Safety and Heritage Champion
<b>Report Originator(s)</b>	Katie McAndrew– Conservation Officer
<b>Contact Officer(s)</b>	Katie McAndrew, Conservation Officer- 01354 622321 Nick Harding, Head of Planning - 01354 622315 Carol Pilson, Corporate Director - 01354 622360
<b>Background Paper(s)</b>	Planning (Listed Buildings and Conservation Areas) Act 1990 Adopted Fenland Local Plan (May 2014) SPD Delivering and Protecting High Quality Environments in Fenland (July 2014) Historic England, Understanding Place: Conservation Area Designation, Appraisal and Management". (2011) Cabinet papers - 22 March 2018

## 1 Background / Introduction

These documents provide an up to date Appraisal and Management Plan for the Whittlesey Conservation Area. The current Whittlesey Conservation Area Appraisal and Management Strategy was published in July 2008 and is now out of date, containing a number of inaccuracies and a Management Plan that does not address the conservation area's current issues. It is essential to have accurate and up to date documents for the Whittlesey Conservation Area to support initiatives for the area, including providing an evidence base for the Whittlesey Neighbourhood Planning Team.

## 2 Considerations

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

S71(1) Planning (Listed Buildings and Conservation Areas) Act 1990 states that *"It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas"*. The production of the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area accords with this duty.

S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of determining applications affecting conservation areas the Local Planning Authority shall have *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*. The Whittlesey Conservation Area Appraisal is intended to identify the architectural and historic interests of the Whittlesey Conservation Area and would be a material consideration in the determination of applications affecting the Conservation Area in line with S72 (1). The objectives set out in the Whittlesey Conservation Area Management Plan will support decision making that aligns with S72 (1).

### **Local Policy: Fenland Local Plan (May 2014)**

Under Local Plan Policy LP18 the Council commits to *"keeping up-to-date and implementing conservation area appraisals and management plans, and using such up to date information in determining planning applications"*. The production of the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan seeks to meet this Local Plan policy commitment.

Local Plan Policy LP11 (Whittlesey) identifies Whittlesey as a local service centre and area for housing growth and states that *"All development should contribute to it retaining its character as a safe and community focussed historic market town, preserving enhancing and making appropriate use of its heritage assets to benefit its regeneration and sense of place, whilst recognising the need to prevent excessive out-commuting particularly to Peterborough"*. The production of the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan seeks to meet this Local Plan policy commitment.

## **Historic England Guidance - Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1 (February 2016)**

Historic England (formally English Heritage), the statutory advisors to the government on heritage matters, provide advice on the production of the appraisals and management plans in their guidance document - Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1. Within this guidance it states that it is good practice to review and update these documents every 5 years. The existing documents are now 7 years old and require updating in accordance with good practice to ensure they are current and remain relevant.

### **Structure and Layout of Document**

#### **Whittlesey Conservation Area Appraisal**

The Whittlesey Conservation Area Appraisal is laid out following the methodology and best practice guidance set out in Historic England's guidance document Conservation Area Designation, Appraisal and Management (February 2016)

The document appraisal is effectively structured into two sections. As is standard in the production of these types of documents the first section covers the introduction and the legislative and policy framework under which the document is produced. Section two covers the detailed assessment of the character and appearance of the conservation area with the aim of clarifying what its special architectural and historic interest is. For the purpose of assessing the large area covered by the conservation area, the conservation area has been divided into four distinct character areas with the interests of each character area having been clearly identified and assessed.

#### **Whittlesey Conservation Area Management Plan**

The Whittlesey Conservation Area Management Plan is laid out with due regard to Historic England's guidance. It provides a framework for managing change, addressing issues and identifying enhancements within the conservation area over the next five years, with the overarching objective being to ensure the Whittlesey Conservation Area retains and enhances its qualities as an area of special architectural and historic interest.

There are four sections within the document. The first section explains the background to the document and why it is required. The second section identifies issues which harm or threaten to harm the qualities of the conservation area and states clearly objectives for addressing such issues. It is intended that objectives will be mostly met within five years and resources should be focused on achieving these objectives as meeting these objectives will make a tangible impact on the appearance of the town. Some objectives are, however, long-term objectives and will take longer to deliver. In producing this document it was considered vitally important to ensure objectives were clear and in quantity could be reasonably achieved hence they are limited to a total of 7 objectives.

Section three of the document summarises how the Local Planning Authority manages change through development control and highlights the key points which are considered under the scope of planning. Finally section four details how progress of the plan can be monitored over the five year period. It would be anticipated that a new Management Plan would be drawn up in 2023 covering a fresh set of objectives and taking into account what has previously been achieved.

## **Consultation and Adoption**

The public consultation period for these documents took place between Monday 26th March 2018 and Monday 23rd April 2018. Consultation was undertaken by means of (i) a public display at the Whittlesey Town Council Offices, Grosvenor Road throughout the consultation period. The display consisting of information boards with copies of the appraisal and management plan available for review, (ii) a one day public event on Monday 9th April 2018 at Whittlesey Library, Market Street with display boards, whereby the Conservation Officer was present to answer any questions regarding this document and the accompanying management plan, (iii) documents available to view at Whittlesey Library for the duration of the consultation period and (iv) website consultation whereby copies of the Conservation Area Appraisal (2018) and the Conservation Area Management Plan (2018) were available to access on Fenland District Council's website. The consultation period was advertised in Discovering Whittlesea (April 2018 Edition) and by means of a press release detailing the dates of the consultation period cited alongside the details of where the documents can be viewed and how responses can be made.

Comments were received from 6 persons/organisations including Historic England and The Whittlesey Society following the public consultation of these documents. These comments are detailed in the table in Appendix B. In accordance with S72 (3) Planning (Listed Buildings and Conservation Areas) Act 1990 the Council shall have regard to the public views expressed during the consultation period. The consultation comments received have been appraised and where appropriate the document has been amended and the action taken has been recorded in the table in Appendix B.

## **Effect on Corporate Objectives**

The Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan will assist in the delivery of the Council's corporate objectives (as set out in the Business Plan 2018/19) specifically Environment and Economy.

## **4 Community Impact**

Once adopted, the Whittlesey Conservation Area Appraisal and Whittlesey Conservation Area Management Plan will have an impact on the community within the Whittlesey Conservation Area and will be seeking to achieve improvements in the quality of this environment.

## Appendix A

**Whittlesey Conservation Area Appraisal - May 2018 - (Pre Adoption Draft)**

**Whittlesey Conservation Area Management Plan - May 2018 - (Pre Adoption Draft)**

## **Appendix B**

**Table presenting the consultation responses to the Whittlesey Conservation Area Appraisal and Whittlesey Management Plan**





# Whittlesey Conservation Area Appraisal

March 2018

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## 1.0 INTRODUCTION

### Context

**1.01** Whittlesey's historic town centre along with the historic area around Gracious Street, Delph Street and Claygate is designated a conservation area. This conservation area status is a legal recognition that the area has **special** architectural and historic interests and there is a presumption that the character and appearance of the area should be preserved and enhanced. The purpose of this conservation area character appraisal is to clearly identify what the **special** interests of the Whittlesey Conservation Area are and what elements of the built and natural environment contribute to its special interest. The boundary of the Whittlesey Conservation Area is shown on Map 1.

**1.02** A conservation area was first designated in Whittlesey on 4th February 1972. It focused on an area around the Market Place and the north end of Station Road, including St Mary's Church across to St Andrew's Church via London Street. The boundary was later reviewed and substantially enlarged in November 1982. It was extended to include the residential areas of Horsegate, the north end of Church Street and an area to the south of the town centre taking in Grove House and the corner of the Kings Dyke waterway. At this time a separate area around Claygate, Delph Street and Gracious Street was also identified as part of the Whittlesey Conservation Area. The conservation area boundary was officially amended again in 2009 to include Broad Street in the town centre, the Finkle Lane area and incorporate other minor changes to tidy up the boundary edge.

**1.03** In 2014, Whittlesey Conservation Area was added to Historic England's Heritage at Risk Register. It was added to the Heritage at Risk register due to issues concerning the poor condition of some key buildings, the unsympathetic replacement of windows, poor quality shop fronts and signage, and concerns regarding the quality of the public realm. Collectively these issues have had a negative impact on the character and appearance of the conservation area. The character appraisal will identify the strengths, weaknesses, opportunities and threats within the Whittlesey Conservation Area and those factors which place its **special** interest at risk.

### The Appraisal Process

**1.04** This appraisal has been prepared following the methodology set out in Historic England's guidance document 'Conservation Area Designation, Appraisal and Management' (2016). It will set out the legislative and policy background associated with the need for the appraisal, before appraising the **special** historic and architectural interest of the Whittlesey Conservation Area. The character of the whole will be summarised first, before analysing the character of individual character areas.

**1.05** This Conservation Area Appraisal was approved by Fenland District Council's Full Council on May 17, 2018. Prior to adoption, it was subject to local consultation as required by S71 (2) Planning (Listed Buildings and Conservation Areas) Act 1990. Full details of the public consultation process are set out under Appendix 3.

## 2.0 LEGISLATION AND POLICY: THE REQUIREMENT TO PRODUCE A CONSERVATION AREA APPRAISAL

### Legislative Background

**2.0.1** The legislation governing the designation of conservation areas and the legal duties towards their care now falls under the provision of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is under Section 69 of the Act that gives local planning authorities the power to recognize areas considered to be of “***special architectural and historic interest the character and appearance of which it is desirable to preserve and enhance***”, defining them within a boundary and designating them as a conservation area. This conservation area character appraisal is prepared in accordance with Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on the Local Planning Authority to “*from time to time to formulate and publish proposals for the preservation and enhancement of conservation areas*”.

### Local Planning Policy

**2.0.2** The Fenland Local Plan was adopted on 8th May 2014 and forms the policy basis for growth and regeneration in Fenland over the next 20 years. In the context of planning, applications for planning permission must be determined in accordance with the local development plan unless material considerations indicate otherwise. Within the Fenland Local Plan (2014) Policy LP18 specifically relates to the historic environment and states that “*The Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland.*” One of the ways it will achieve this is by “*keeping up-to-date and implementing conservation area appraisals and management plans, and using such up to date information in determining planning applications*”. This conservation area appraisal has been produced with due regard to satisfying policy LP18.

**2.0.3** Local Plan Policy LP11 (Whittlesey) identifies Whittlesey as a local service centre and area for housing growth. This policy states that “*All development should contribute to it retaining its character as a safe and community focussed historic market town, preserving, enhancing and making appropriate use of its heritage assets to benefit its regeneration and sense of place, whilst recognising the need to prevent excessive out-commuting particularly to Peterborough*”. This conservation area appraisal has been produced in accordance with policy LP11 and has sought to identify what factors of the conservation area shape Whittlesey’s sense of place and clearly identify what aspects of the conservation area should be preserved and what aspects could be enhanced.

### National Planning Policy Framework

**2.0.4** The National Planning Policy Framework (2012) sets out Government planning policies for England and how these are expected to be applied. It identifies how planning policy is to contribute to the achievement of sustainable development through economic, social and environmental factors. A core principle of the NPPF is to “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”. The NPPF seeks to promote positive planning which can shape and direct development. This character appraisal has been produced to accord with the NPPF as a positive planning tool which serves to identify the significance of the Whittlesey Conservation Area so that significance can be given appropriate regard in the consideration of planning proposals.

**2.0.5** Under the NPPF (2014) Annex 2 it defines Designated Heritage Assets as “A *World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation*”. **Whittlesey Conservation Area is a designated heritage asset.** Within the conservation area there are 62 listed buildings and 1 Scheduled Ancient Monument which is also a designated heritage asset. A full list of these designated heritage assets is provided in Appendix 1.

## **Planning Controls**

**2.0.6** Conservation area designation brings with it certain planning controls which mean that planning permission is required for certain aspects of development which may not have required planning permission if they were not located in a conservation area. A full account of additional planning controls associated with conservation area designation is provided in Appendix 2. In addition to this, in determining planning applications associated with buildings or land within a conservation area the duty in law under S72 (1) of the Act states that “***special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area***”. The character and appearance of the Whittlesey Conservation Area, as identified in this appraisal, shall inform planning decision making so that it aligns with the duty in law.

### 3.0 SUMMARY OF SPECIAL INTEREST

<b>Date of Original Designation</b>	4 <sup>th</sup> February 1972
<b>Dates of Boundary Amendments</b>	November 1982 July 2009 (date appeared in the London Gazette)
<b>Location</b>	Whittlesey, Cambridgeshire
<b>Changes to Boundary through this review</b>	None proposed
<b>General Character</b>	<ul style="list-style-type: none"> <li>▪ Urban townscape comprising of a commercial core and historic Market Place with surrounding residential areas.</li> <li>▪ Two parish churches</li> <li>▪ Predominantly 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> century development on Anglo-Saxon grid street pattern whereby property traditional fronts the street</li> <li>▪ Hierarchy of scale of buildings which sees the tallest (three storey and two ½ storey) property focused around the Market Place and/or characteristic of the higher status historic buildings. The scale of buildings throughout the town is predominantly two storey.</li> <li>▪ Specific use of stone as a building material in the 17<sup>th</sup> century although this is not a vernacular building material.</li> <li>▪ Buff brick, pantile and slate are the more prevalent building materials seen within the town.</li> <li>▪ Thatched buildings found in clusters in Horsegate, Whitmore Street and Low Cross and in the northern character area.</li> <li>▪ The use of mud boundary walls which are unique to Whittlesey within Fenland and the County of Cambridgeshire.</li> </ul>
<b>General Condition</b>	Poor (as identified in Historic England Heritage at Risk 2017: East of England)
<b>Scheduled Monuments</b>	1
<b>Listed Buildings</b>	62
<b>Negative Factors</b>	<ul style="list-style-type: none"> <li>▪ Some key historic buildings in poor or deteriorating condition requiring maintenance, repair or refurbishment.</li> <li>▪ Loss of traditional timber windows and their replacement with incongruous and poorly detailed modern replacement windows.</li> <li>▪ Poor public realm treatment of lighting and surfacing at key historic locations along with some poor shop fronts and signage.</li> <li>▪ Erosion of historic settlement pattern resulting from backland development</li> <li>▪ Deteriorating condition of many mud walls and threat of loss of these features.</li> </ul>
<b>Heritage at Risk</b>	Added to Historic England Heritage at Risk register in 2014.

## 4.0 ASSESSING SPECIAL INTEREST

### Location and Topography

**4.0.1** Whittlesey is a Fen town located in East Anglia, in the north of the county of Cambridgeshire, in the district of Fenland. It is situated 6 miles east of the cathedral city of Peterborough and 10 miles west of the town of March. Whittlesey is a gravel capped “island” within the low-lying Fenland and is one of a number of these geological “islands” (areas of higher land) within this Fenland area; the others being nearby Eastrea, Eye, Crowland and Thorney. Whittlesey was once a settlement on an island surrounded by marshland but it is now a town surrounded by prime agricultural land. The prime land has been created by man through the draining of the Fens (land reclamation) since the mid-17<sup>th</sup> century. To the north of the town lies the river Nene and Nene washes, which is an area of wildlife rich washland on the bank of the river. Crossing the washes from Thorney makes for a very atmospheric approach into Whittlesey from the north.

### Geology

**4.0.2** Whittlesey is situated upon bedrock from the Jurassic period; specifically a formation of Oxford Clay-mudstone which formed 156-165 million years ago in shallow seas. The overlying superficial deposits, those being the younger geological deposits over the bedrock, are of sand and gravel. These superficial deposits were formed up to 2 million years ago in the Quaternary period and were formed in a shoreline environment. *“The Oxford Clay is particularly important in this area for brick-making since its high carbonaceous content is sufficient to bring the bricks to their full firing temperature with the addition of little extra coal or other flue – that is the Fletton process (Shingler, 1957) hence the clay is currently exploited in large pits west of Whittlesey”* (Booth 1982). Surface clays have also been utilised in the 18<sup>th</sup> and 19<sup>th</sup> century - not only for brick-making, but also to make earthen walls (sundried mud walls) which are a unique feature to Whittlesey within the district of Fenland.

### Whittlesey in Context

#### Archaeology

**4.0.3** There has been human activity within the parish of Whittlesey since at least the Late Neolithic Period/Early Bronze age (2500 – 2000BC). The existence of this early Bronze Age activity in the area has been evidenced in recent years by the substantial finds associated with a Bronze Age settlement at the Must Farm site in the west of the parish. Sites recognised as Scheduled Monuments within the parish include Suet Hill Round Barrow Cemetery, a Bronze Age Burial Site (2000-700BC), and the Bowl Barrow south of Buntings Farm, comprising of funerary monuments of earthwork mounds (2400 – 1500BC) also located in the west of the parish.

**4.0.4** It is known the Romans (43AD to 410AD) were active in the area. The Fen Causeway (Fen Road), a Roman Road, ran through the area north of the current settlement and provided a Roman route through the marshland of the Fens from Norfolk through Whittlesey to Water Newton (just outside Peterborough). A Roman field system and trackway with later field ditches has also been identified at Whittlesey Washes (to the north of the town); this is protected as a Scheduled Monument.

**4.0.5** Less evidence of Anglo-Saxon (410-1066AD) living has been found within the parish. It is taken that this is because the settlement of this period was situated where the town is now located and therefore archaeology of this era may survive under Whittlesey itself.



***The Must Farm dig (2015-2016 excavations) uncovered highly preserved remains of a bronze age settlement and associated artefacts.***

## **A Brief History of Whittlesey**

**4.0.6** Whittlesey is a settlement which has developed on an island of higher land situated in the Fen region, 6 ½ miles east of Peterborough. It is known that the settlement existed in the Anglo-Saxon period “tempus regis Edwardi” (in the time of Edward) and it is referenced in the great survey of England completed in 1086, subsequently known as the Domesday Book, as Witesie. In this period the island of Witesie would have stood above the surrounding Fen marshes, marshes comprising of peat fen with water logged ground, with reeds growing over it and served by a communication network of canals and rivers. The inhabitants of Witesie would have used the surrounding land for fowling, fishing and catching eels which would have been a food source and traded.

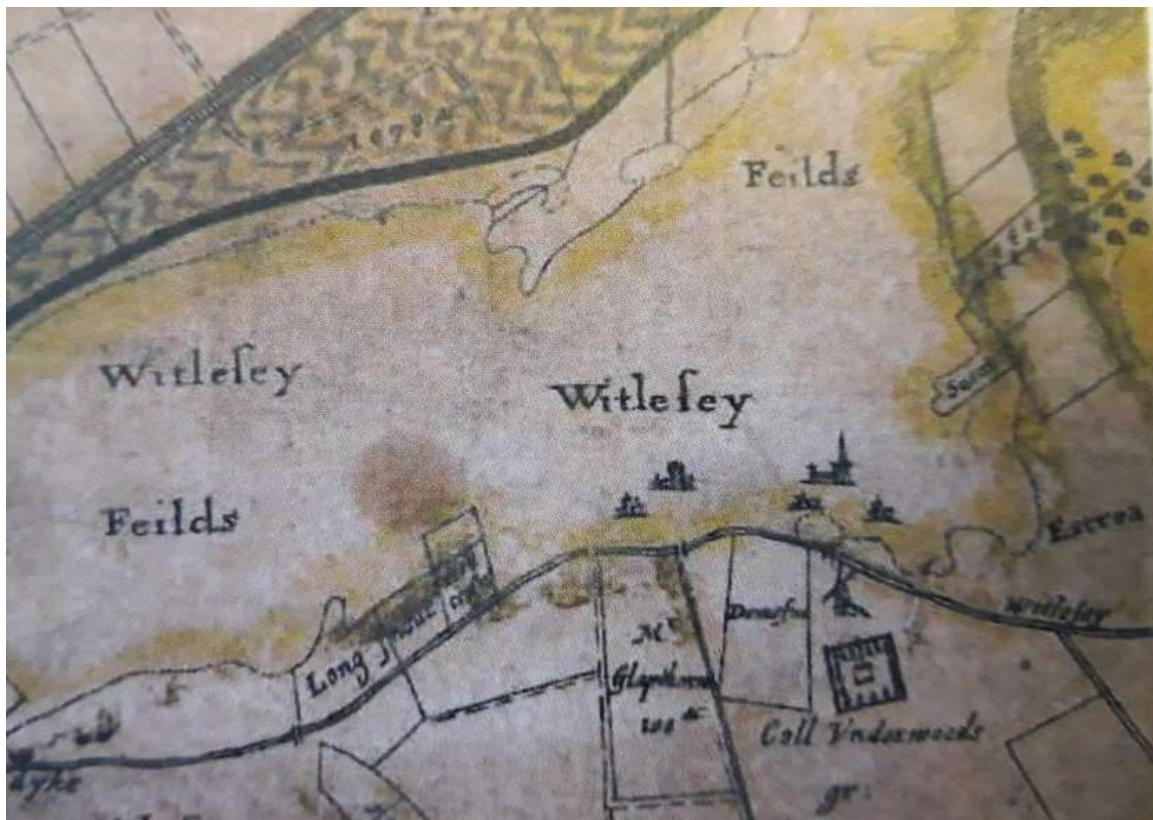
**4.0.7** Land ownership in Fenland from the 10<sup>th</sup> century onwards was dominated by monastic estates. The Fenland monasteries were “*refounded*” from 970 onwards and they were “*endowed with enormous estates (augmented through purchase and bequests) by the King and leading members of his court*” (Oosthuizen 2000). The Benedictine Abbey of Ely owned the Isle of Ely including Wisbech, March and most of Whittlesey with the remaining land of Whittlesey falling under Thorney Abbey estate, also of Benedictine denomination. As a result Whittlesey was divided between two monastic estates each dedicating a church; as such the town boasts two parish churches. These estates were both seen as generating a good income, indeed it is noted that “*Judging by the value of the manors, Whittlesey was a prosperous place in the Middle Ages*” (BHO)

**4.0.8** St Mary’s Church was associated with the manor owned by the Thorney Abbey Estate. It is the larger of the two churches and served the larger parish. St Mary’s Church



(grade i) is built in Barnack stone and boasts a fine 15<sup>th</sup> century spire and 15<sup>th</sup> century chancel but it does also contain fabric from earlier church buildings. The chancel arch and arcading are dated to 13<sup>th</sup> century; the nave and the south are 14<sup>th</sup> century. The Manor House (grade ii) to the south of the church has a 15<sup>th</sup> century wing although it is mainly a 17<sup>th</sup> century building. St Andrew's (grade ii\*), on the west side of the settlement, was associated with the Ely manor and is also built in Barnack stone. This church is mainly of 14<sup>th</sup> century construction although its south aisle contains fabric from the 13<sup>th</sup> century and its key features such as the clerestory, south porch and west tower are 15<sup>th</sup> century. The ownership of land in and around Whittlesey was to change in the 16<sup>th</sup> century with the dissolution of the monasteries as the monastic estates were broken up and lands passed to private owners.

**4.0.9** The landscape around Whittlesey has changed significantly over the centuries through the improvement of watercourses and land drainage. The monastic estates, in managing the Fens, kept watercourses clear and were the first to attempt to modify the landscape by altering river courses for the purpose of alleviating flooding. In 1490 Bishop Morton "*supervised the cutting of Morton's Leam from Peterborough to Guyhirn*" (Gray 1990) to "*drain water from outlying land and render it less susceptible to floods*" (Bevis 1992) and was continually improved over subsequent centuries. In the early 17<sup>th</sup> century the Duke of Bedford and associated investors set about draining the Fens, They were seeking to capitalise on its fertile lands for grazing and arable farming and by 1707 705 acres in the area of Whittlesey had been drained. In the mid-17<sup>th</sup> century the Dutchman Cornelius Vermuyden was appointed to oversee the draining of the Fens. Within the area around Whittlesey, Vermuyden's plans involved widening the Nene and creating the washes to hold excess river water in winter. By the end of the 18<sup>th</sup> century it is estimated that there was 1550 acres of open field and 2400 acres of pasture. The land drainage schemes were not entirely successful and it should be noted that land still flooded regularly until pumping was introduced from the early 19<sup>th</sup> century.



**Jonas Moore Map 1658 illustrating Whittlesey in the 17<sup>th</sup> Century.**

**4.10** The draining of the Fens coincides with the growth of Whittlesey, indeed *“The economic importance of the town continued to grow in the 17<sup>th</sup> century”*. It is stated that *“in 1639-40 the town was assessed at £115 9s. 7d. - more highly in fact than any place in the Isle except Wisbech”* (BHO). A number of buildings within the town survive from the 17<sup>th</sup> century, the era of the draining of the Fens. The largest of these buildings is Grove House (grade ii\*), which was built in 1680 in stone. 8 Market Place (grade ii), Blackbull Inn, Market Street (grade ii), 9 Market Street (grade ii) and Butter Cross (grade ii\*) are all of 17<sup>th</sup> century origin (often with later alterations), and are again of stone construction and sit on or close to the Market Place. There are also a number of timber framed and thatched properties around the town which survive from the 17<sup>th</sup> century. 14 Market Place/1 Market Street (grade ii) is located on the Market Place and 38 Gracious Street (grade ii), 9 Claygate (grade ii), 40 Whitmore Street (grade ii) , 13 & 15 Low Cross (grade ii) and 56 High Causeway (grade ii) all sit to the north of the town centre. 2 Market Place (grade ii) is of brick construction and dated to late 17<sup>th</sup> century.

**4.11** In the early 18<sup>th</sup> century, Whittlesey was granted a Royal Charter to hold a weekly market for the buying and selling of all manner of corn, flesh, fish, goods and wares along with three annual three day fairs. The granting of this charter officially gives Whittlesey recognition of town status. Whittlesey’s Royal Charter was granted in 1815 by George I to a George Downes. The land around the town that had been drained and divided into fields was now being farmed for crops such as coleseed, wheat and oats. However, the drainage scheme was not entirely successful and the land still flooded in winter. The draining of the fens also exposes areas of close surface clays which could be exploited for construction in brickmaking, *“In the 18<sup>th</sup> and early 19<sup>th</sup> centuries brick-making was a small localised craft industry employing seasonal labour”* (Hillier 1981). The development of Whittlesey through this era sees the building of some fine detached Georgian houses around the town of brick construction, including 10 Market Place (grade ii\*) facing the market, Wilderness House, 47 London Street (grade ii\*), Horsegate House, Horsegate (grade ii) , 8 Gracious Street (grade ii), 4 High Causeway (grade ii\*) and Park House, Church Street (grade ii). These higher status dwellings are testament to their wealthy owners. Further buildings with their origins in the 18<sup>th</sup> century can also be identified by a number of date stones seen around the town. Mud walling also appears to be used as a boundary treatment from this period. The stony nature of these walls could suggest the clays used weren’t suitable for bricks.



**18<sup>th</sup> and 19<sup>th</sup> Century Date Stones can be found on historic buildings around Whittlesey.**

**4.12** By the beginning of the 19<sup>th</sup> century, Whittlesey was a town in decline. The weekly market had ceased and the men of the town were known for liking their drink. Luckily this circumstance was not to last. The market was restored in 1838 and by this time the town was served by two banks, numerous schools and had two literary societies. The Whittlesey Improvement Act 1849 resulted in civic improvements including paving, lighting, cleansing and regulating of the houses and buildings. In Garner’s Directory of 1851 he states *“The town is very straggling but has a clean appearance, it consists of a neat market place and several streets, some of which contain some excellent houses. Within the last few years it*

*has been much improved by the erection of several good shops, the slabbing of pavements and introduction of gas*". The town benefited from the era of the industrial revolution with the arrival of the railway and emergence of the commercialised brick industry. The railway came to Whittlesey in 1846 when Whittlesey Station, on the Ely to Peterborough line and run by the Eastern Counties Railway, opened first for goods and then for passengers. The benefits the railway brought to the town are noted in Slater's Directory (1851) which states "*The market is held on Friday and the contiguity of the railway has imparted an impetus to its business*". While the commercial brick industry was established from the 1880's through the development of deep clay extraction Whittlesey would principally remain a town serving an agricultural community in the 19<sup>th</sup> century. The development of the town in this century is reflected in the built environment in buildings such as 68 High Causeway (grade ii) dating to 1830s, Hermitage Rest Home (grade ii) dating to 1830's, Town Hall (grade ii) built in 1857, the non-conformist chapels and schools.



**Left: Butter Cross. Right: Whittlesey Market Place in 1974**

**4.13** The commercial brick industry around Whittlesey thrived as it entered the 20<sup>th</sup> century. This was fuelled by demand from London – a major market for its bricks which were transported there by rail. Whittlesey station served 4 brickworks; in 1891 7130 tons of bricks were transported from Whittlesey by rail but this figure increased to 108500 tons by 1898. Consequently the brick industry became a great employer in the town, "*by 1900 there must have been between 1000 and 1500 men employed in the Fletton brick industry in Peterborough and Whittlesey*" (Hiller 1981). This in turn fuelled the growth of the town as housing was required to serve an influx of labourers. The brick industry prospered greatly throughout the 20<sup>th</sup> century and its presence has influenced the growth of Whittlesey although the numbers employed in the industry declined from the late 1920's as a result of greater mechanisation in the brick making process. The arrival of the railway made its impact on the town from the 19<sup>th</sup> century, and the arrival of the motor car and demands on the road network had a great impact on Whittlesey in the 20<sup>th</sup> century. In the 1970's the road network through Whittlesey, specifically the A605, was "improved" with roundabouts and new sections of road constructed through historic parts of the town to provide a link between Peterborough Road and Eastrea Road, bypassing Market Place, and linking the top of Broad Street with Gracious Street while allowing traffic to pass more freely through the town. This rearrangement of roads has served to sever the historic streets of High Causeway and Gracious Street in two which has undermined their character. The development of the town in the 20<sup>th</sup> century is reflected in the built environment and has seen the historic town centre distinctly split in two (south of A605 and north of A605) altering the context of the town's historic settlement pattern. Alongside this there was major expansion to the north and west from housing developments. Within the conservation area buildings worth noting from the 20<sup>th</sup> century include the Parish Hall, Station Road (1901) and Nisa Store, formally the Coop, (1903 & 1927)

## 5.0 CHARACTER ANALYSIS – GENERAL POINTS

### Built Environment Overview

**5.0.1** Whittlesey Conservation Area comprises the historic core of the market town which covers the historic parts of the commercial town centre and surrounding historic residential development. The northern section of the conservation is detached from the main body of the conservation area, severed from the town centre by a 1970's road scheme. There is little commercial activity outside of the town centre although a few public houses do survive among the residential streets namely New Crown Inn High Causeway, The Letter B Church Street, The Boat Inn Ramsey Rd and Falcon Hotel London Street, although there would have been many more at one time. As well as being a town with two parish churches and associated parish rooms, the community was also once served by six non-conformist chapels. These chapels appeared around the town in the residential streets although only three still serve as chapels today. A Kingdom Hall can be found on Church Street and a Catholic Church now occupies the building on Station Road which was once a school. The former Board School on Broad Street has been converted into residential and business use. The town's schools are now all located outside its historic core.



***The Crown Inn High Causeway is one of a few public houses that now exist outside the town centre. Up until the mid 20<sup>th</sup> Century there were many pubs and businesses that existed around the town.***

**5.0.2** Whittlesey's historic streets form an imperfect grid arrangement. Historic buildings front the streets, their gardens and outbuildings behind. This strong historic pattern of development has shaped the character of the town, but since the mid-late 20<sup>th</sup> century it has been eroded by the creation of new streets (such as Gale Gardens and Duddington

Gardens) as well as individual houses within back-land areas. The Market Place, with its 17<sup>th</sup> century Butter Cross, forms the historic focal point of Whittlesey and defines the town's sense of place. In the conservation area the scale of building is predominantly two storey. The exceptions are around the Market Place and some key historic three-storey buildings around the town, their scale conveying their status and historic importance. Throughout the town brick, slate and pantile are the most common building materials but there is a range of other character defining materials - typically attributed to the town's earliest buildings including stone, timber framing and thatch.

## Public Realm

**5.0.3** An integral aspect of streetscene is street surfacing, street furniture, signs and street nameplates - these are considered as public realm matters. Within Whittlesey Conservation Area, the highest quality public realm is that around the Market Place where the street surfacing is laid in stone sets, high quality "heritage" street lighting installed and bespoke little bins and benches are in-situ. Collectively, this high quality public realm compliments the historic buildings on and around the Market Place creating an attractive high-quality environment. At Market Place's junctions with Eastgate and Market Street, bespoke railings have been installed at the crossings which tie in with the ironwork on the Market Place. Elsewhere within the commercial centre, pathways are flagged and high quality bollarding and bins have been installed. Further public realm improvements could still be made, including installing "heritage" streetlighting throughout the town centre to enhance the commercial centre.



***19<sup>th</sup> Century cast iron name plates can be found widely around the town and add to the historic qualities of many street scenes.***



***Bespoke railings are an element of good public realm found near Market Place.***

**5.0.4** Outside of the commercial centre, the public realm is mediocre to poor. At key historic locations within the conservation area, attention to public realm detailing is lacking. To the south of St Andrew's Church speed signage has been placed in front of the principal view of this church. Utilitarian lighting can be found in the public open spaces like the Garden of Rest, which is otherwise a highly attractive well maintained green space, and in front of key historic buildings such as the main entrance gates to St Mary's Church. Adjacent to St Mary's Church gates is the Station Road Carpark. Much more could be made of this space through better quality surfacing to significantly enhance this part of the conservation area and the setting of the church.



***The utilitarian lighting column to the entrance to St Mary's Church is an example of poor public realm detail and detracts from the setting of the church.***

## **Green Space and Trees**

**5.0.5** The general character of the Whittlesey Conservation Area is that of a historic urban town. Public green space within the conservation area is limited. Trees are not characteristic of the commercial centre townscape but are an intrinsic element of some surrounding residential streets. The key commercial streets including Market Place, Market Street, Broad Street, High Causeway and Queen Street afford an urban townscape and only the odd tree can be found within these street scenes. Residential streets immediately to the south of the town centre, specifically St Mary's Street, Falcon Lane and London Street, are just as urban in appearance. However, the appearance of residential streets to the edge of the town centre including Station Road, Scaldgate, Church Street, Briggate, Gracious Street and Delph Street have a more noticeable presence of trees and other natural qualities within the street scene and their character and appearance is shaped in part by the presence of trees. Within the conservation area there are 9 Tree Preservation Orders (TPOs).

**5.0.6** Private gardens contribute to the settlement morphology of the town and the natural qualities of the conservation area, even though these are located on private property and often not visible to the public. There are some notable private garden spaces which make a positive contribution to the conservation area, as well as making an intrinsic contribution to the setting of the buildings they serve. These are generally associated with key historic buildings. The garden to 8 Market Place (grade ii) sits to the south of the house behind walled boundaries with a lawn and planting and its large mature copper beach tree rises over the garden wall. Grove House (grade ii\*) looks out onto a sizeable rear lawned garden. 62 Church Street is set back within a well maintained plot with mature trees throughout. Horsegate House (grade ii) presents a well planted English country garden to its rear, lovingly created by the current owners with mature trees. The Elms, Arnolds Lane contains grassed space and mature trees. Mature trees in gardens can rise above property providing a natural back drop to the built environment.



***The copper beach tree in the ground of Harrington House sits within a private garden but its presence makes a strong contribution to the character and appearance of the street scene.***

**5.0.7** There are two principal areas of public green space within the conservation area. These are the Garden of Rest (off Station Road) and the land to the west of St Mary's Church. Both these spaces were formally burial grounds serving St Mary's but were closed for burials by the end of the 19<sup>th</sup> century and their gravestones removed in the 1960's. The Garden of Rest is the smaller area of green space and is well kept with trees, planted borders and a feature sculpture as a centrepiece as well as offering seating for those using the space. Much less has been made of the larger area of land to the west of St Mary's Church. Only a small area of the space to its north end, crossed by paths, offers any focal point but there are no seats to sit on to enjoy the space. The remainder of the space is maintained as an open grass area but there is nothing to draw people into this larger part of the space. The churchyard around St Andrew's and the field to its north also make a fundamental contribution to the natural qualities of the conservation area although are not principal areas of public open space.

## The Whittlesey Mud Walls

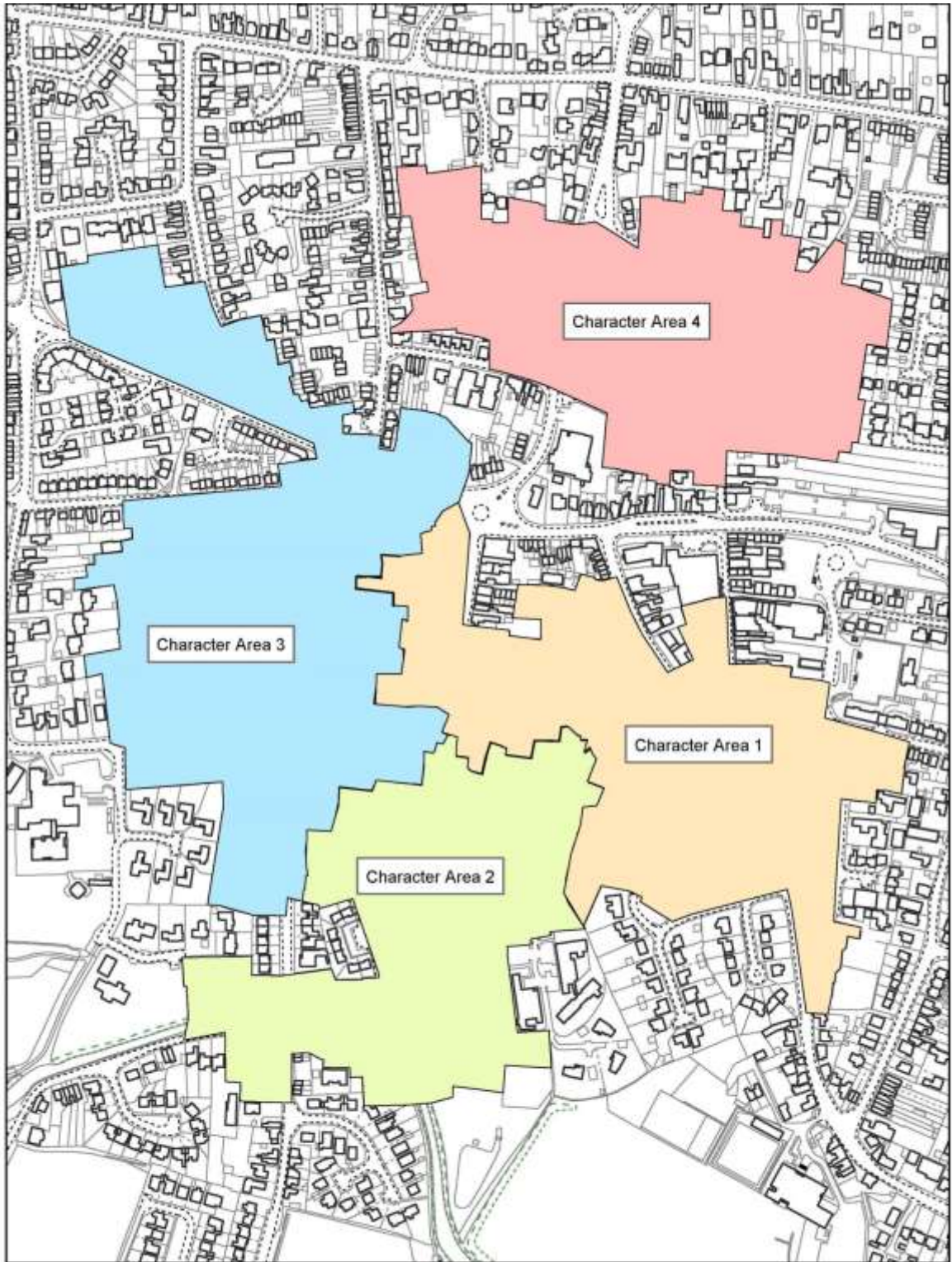
**5.0.8** A built feature that makes an intrinsic contribution to the character and sense of place of the town is its mud walls. Whittlesey is the only place within Fenland and within the wider county of Cambridgeshire where mud walls are found. These mud walls are therefore a unique and special aspect of the town's character. Twenty Eight sections of these historic mud walls are found around the town; fifteen of these are located within the Whittlesey Conservation Area. The mud walls are believed to have been constructed between the 1780's and the mid-19th century utilizing the surface clays found around the town. The walls are constructed from clay mixed with chopped straw and a little water which has been built up in lifts without formwork or support. The walls are built on a footing of either brick or stone and are protected by copings of pantile, timber boarding or thatch. The walls are typically 35cm-40cm in width and between 1.5m to just over 2m in height. The most prominent mud walls around Whittlesey include the grade ii listed thatched mud wall at 4 West End, the longest stretch of mud wall in Whittlesey, and the short section of thatched mud wall at 5 Delph Street. Both these sections of mud walls front a highway, are well known of and are well maintained. However, the majority of mud walls which survive within the town actually form side or rear boundaries property and are often inconspicuous from public view points. Regrettably, it is known that many stretches of mud walls have been lost in the last 35 years and this aspect of Whittlesey's heritage is threatened.



***Mud walls are an intrinsic feature of Whittlesey's character. The wall on Delph Street is a well kept feature of the street scene.***




# Map of Character Areas

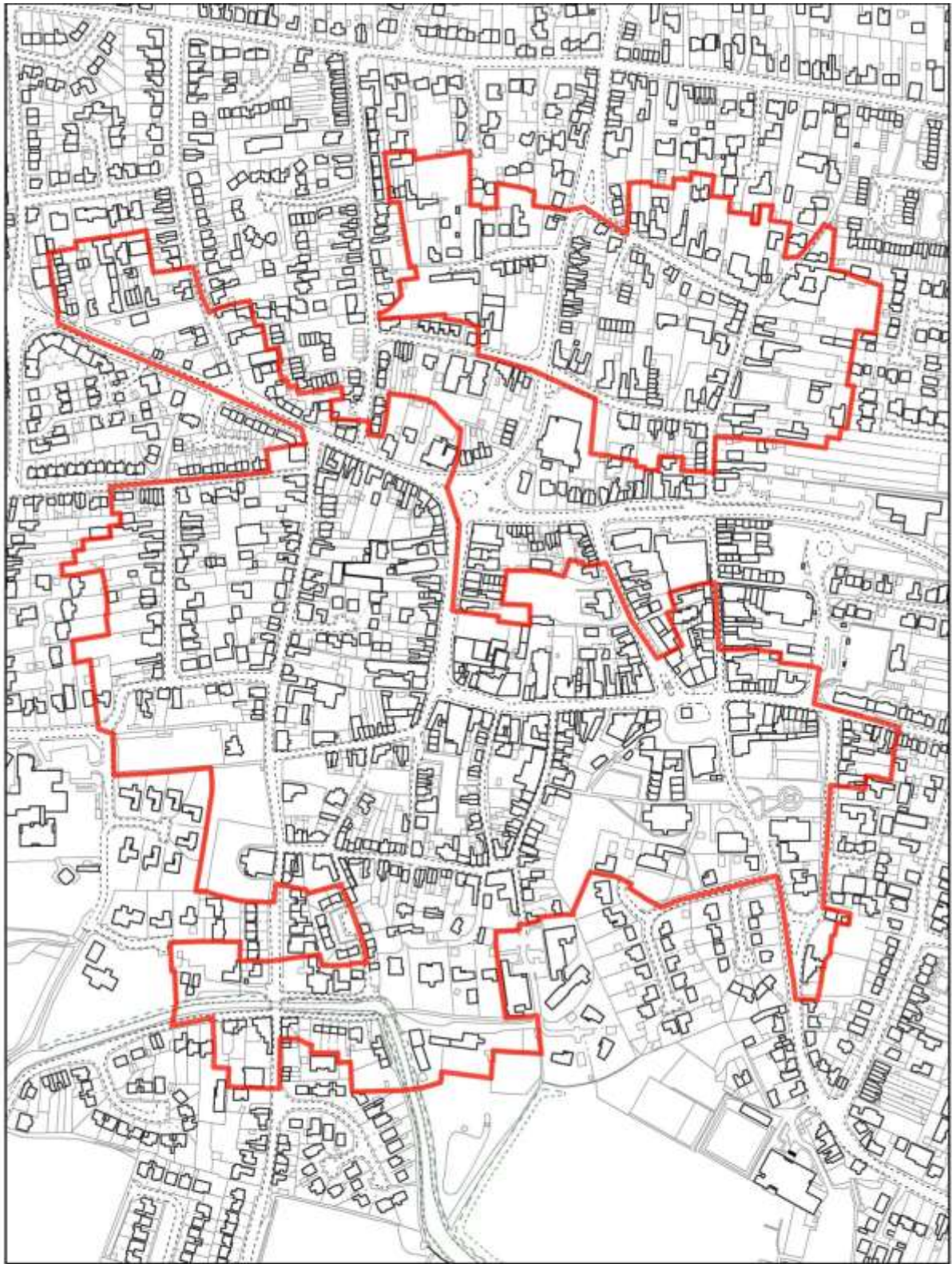


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Created on: 27/02/2018

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

N

  
Fenland  
DISTRICT COUNCIL  
Fenland District Council



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Created on: 27/02/2018

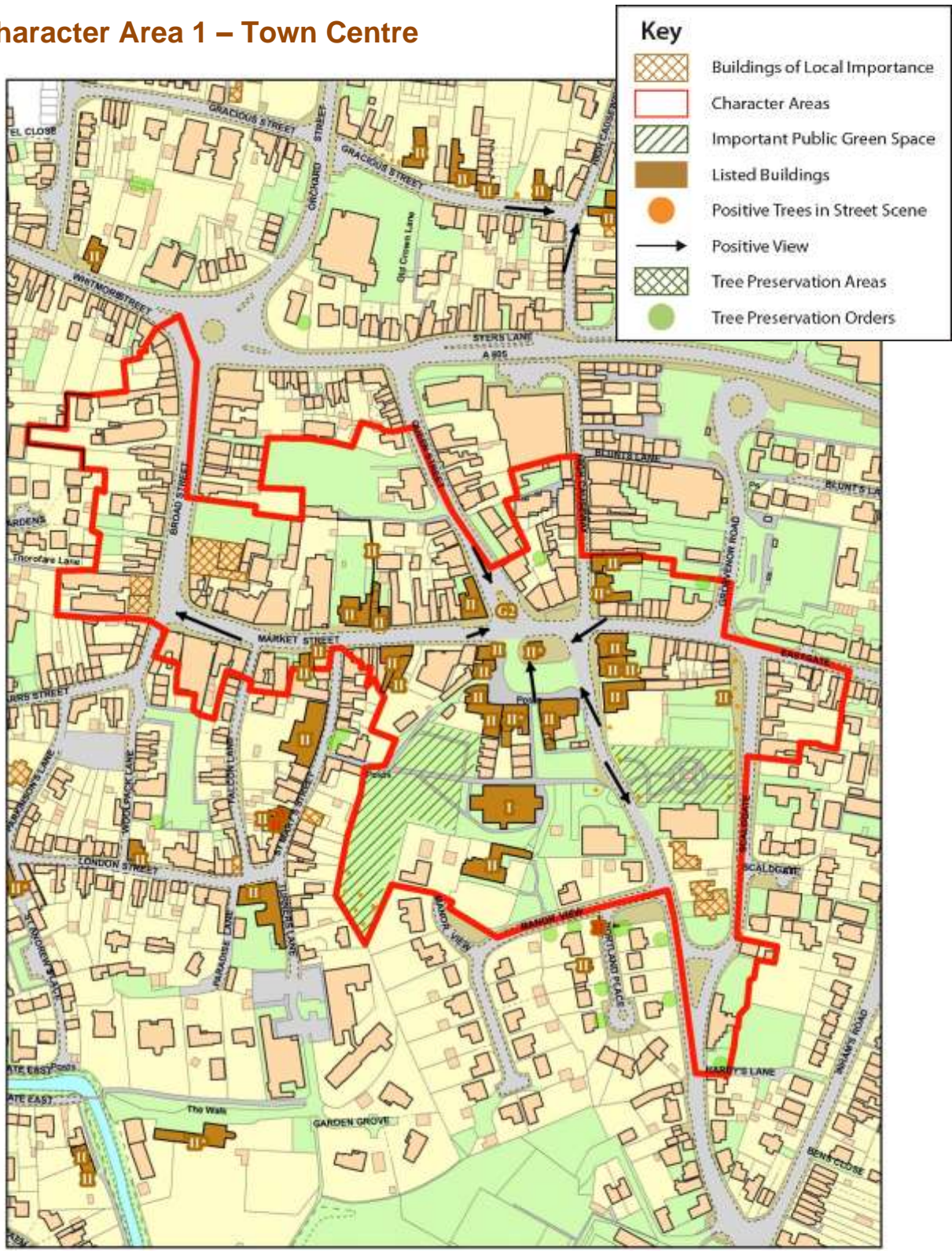
### Whittlesey Conservation Area

Scale = 1:4,000



# 6.0 CHARACTER AREA ANALYSIS

## Character Area 1 – Town Centre



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 Created on: 07/03/2018

**Whittlesey Conservation Area  
 Character Area 1 Map**  
 Scale = 1:2,500

N

Fenland  
 LANDSCAPE  
 Fenland District Council

## Market Place

**6.0.1** The focal point of the town is its historic Market Place, which is a highly attractive composition of public open space and historic buildings. Market Place is situated to the south side of Market Street in a location within the town where many streets and walkways come together - Eastgate, Market Street, High Causeway, Queen Street and Station Road. The pattern of streets around Market Place emphasises the importance of the space within the town and affords multiple views and aspects of Market Place as it is approached from different directions. Within the centre of Market Place is **Butter Cross (Scheduled Monument and grade ii\*)** - a fine open market building of stone columns with a pyramidal collyweston stone slate roof dated to the late 17<sup>th</sup> century. The space within the Butter Cross provides an attractive meeting place with seating laid out within it. The fortunes of Market Place have varied in recent decades and just ten years ago a number of key buildings were empty and boarded up. These buildings have since been restored and are now in use. The public realm itself was the focus of a successful enhancement scheme in 2000 when the floorscape was resurfaced and new lighting installed. The bus depot was relocated from the Market Place in 2015 leaving it free from traffic. It is important to the feel of Market Place that it remains open and without excessive clutter. It is also important that the upkeep of the buildings around Market Place is continually undertaken to maintain the attractive appearance of the area. Unfortunately there is evidence that this is not being done at some key properties. This negatively impacts on the area's appearance.



*The Market Place from the 1854 Town Map. A copy is held at the Whittlesey Museum.*



*The street surfacing and high quality bollards, street lighting and seating all contribute to the high quality appearance of the Market Place*

**6.0.2** The buildings around Market Place express the full range of the differing periods of architecture and building materials which contribute to the character and appearance of the Whittlesey Conservation Area. The earliest surviving buildings around Market Place are the stone and Collyweston slate roofed buildings of **Butter Cross (SAM and grade ii\*)** and **8 Market Place (grade ii)** along with the rendered timber-frame and thatched roof building that is **14 Market Place (grade ii)** which date to the 17th century. The brick facade of **10 Market Place (grade ii\*)** is a particularly fine example of an early 18<sup>th</sup> century building presenting well-proportioned architectural detailing to its street-fronting facade. **5 Market Place (grade ii)**, **6 & 7 Market Place (grade ii)**, **George Hotel (grade ii)** are all Gault brick buildings with slate roofs from the mid-19<sup>th</sup> century along with **13A Market Place (grade ii)** that has rendered brickwork. **12 Market Place (grade ii)** has early 18<sup>th</sup> century origins but was remodelled in the 19<sup>th</sup> century and its rendered facade dates from 1910. On the north side of Market Place the historic qualities of the buildings are limited. Of the three properties one is 19<sup>th</sup> century and two are mid-20<sup>th</sup> buildings. There is a sense they are disconnected from the historic Market Place as they are separated by a road and street fronting parking area. The flat roofed Barclays Bank is most obviously unbecoming in this historic location and refurbishment of the exterior could enhance the Market Place setting.

**6.0.3** The variety of architectural styles in one historic focal point contributes to Market Place's unique character. The status of Market Place is emphasised by the scale of some of the buildings around this central area. Three of the key buildings are three storey, which is in contrast the scale of development around the rest of the town (predominantly two storey.) The strong architectural and historic qualities of Market Place are emphasised by the fact the grouping of nine buildings around Market Place are all listed; two of these have grade ii\* listed status. The survival of original architectural detailing, such as historic timber windows,

within Market Place also reinforces the high architectural and historic quality of this part of the conservation area. Market Place indisputably has the strongest architectural and historic qualities within the whole conservation area strongly defining the town's identity and special interest. The greatest weight should be given to preserving and enhancing the character and appearance of Market Place. Proposals for shop fronts and signage will need to be very sensitively designed.

## St Mary's Church and its environs

**6.0.4 St Mary's Church (grade i listed)** is described by Pevsner as *"One of the most splendid spires of Cambridgeshire, rather in the Northamptonshire style"* (Pevsner 1977). The church's notable spire extends high in the air. It is viewed from many perspectives around Whittlesey and in distance views from the surrounding countryside. In this respect St Mary's is the most noted of the town's two churches given that St Andrew's lower church tower is not as prominent in the town's skyline. Views of St Mary's spire make a significant contribution to the character and appearance of the conservation area. Despite St Mary's notability, the church itself does not sit prominently within any streetscene but is positioned behind the south side of Market Place between the **Manor House (grade ii)** and **10 Market Place (grade ii\*)**, adjacent to a small public car park. The main gated entrance to the church does, however, align with the **Butter Cross (grade ii\*)** and can be seen in the views from Market Place via the narrow lane that sits between **10 Market Place (grade ii\*)** and **The George (grade ii)**.



***Glimpses of St Mary's Church can be seen from the Market Place. Improvements in the street surfacing would enhance these views and provide a better connection between the market place and the church.***

**6.0.5** The entrance into the churchyard is unassuming through the gate on the east corner of the church adjacent to the small public carpark. The appearance of the entrance is sadly let down by the utilitarian lighting column that sits by the entrance gate -replacement of this lighting column presents an opportunity for enhancement. Surfacing improvements to the Station Road Carpark could also enhance this part of the conservation area. Views of the east end of the church are now blocked by semi- mature trees which have grown along the boundary with the phone exchange site. The setting of the church and contribution its east end makes to the conservation area could be better revealed by the removal of these trees

allowing views of the east end of the church being seen once again from Station Road and from the public carpark. The south side of the church, where the church is entered through the south porch, faces the back of Manor House. This side of the church and its pleasant enclosed churchyard space can only be fully appreciated from its immediate locality.



***Views of the West End of St Mary's Church are obscured from public view by boundary trees. In 1961 there were no trees blocking views of St Mary's church and it had a much stronger presence in the station road street scene.***

**6.0.6** A sizeable churchyard once served St Mary's Church on its west side but the grave stones were removed in the 1950's and the land changed to public open space. This large area of predominantly grassed space is the largest area of public open space within the conservation area. It is enclosed by a variety of walling around its perimeter. Evidence suggesting that it once served as the churchyard can be seen in the survival of two dozen gravestones which are positioned around the north east corner in an area of planted beds. Pathways cross the space linking St Mary's Street to Market Place and St Mary's Street to the north eastern gateway into the churchyard. The optimum views of the tower and its spire are seen from this public space and it is the only location within the town where St Mary's tower and its spire can be seen in full. This public open space makes a positive contribution to the character and appearance of the conservation area although it is not utilised to its fullest and has no seating.



***St Mary's Church fine church spire seen in the mid-20<sup>th</sup> century, prior to the removal of grave stones (photo; Historic England Image)***

**6.0.7 Manor House (grade ii)** is built of stone. It is reputed to be the oldest surviving residential property in Whittlesey, with part of its south range dating back to the 15<sup>th</sup> century. It is positioned on the south side of St Mary's Church. Part of the northern side of the property forms the boundary to the churchyard. The context and setting of this property has changed considerably in the 20<sup>th</sup> century and sadly its standing within the town has diminished. Historically, its main driveway access sat adjacent to the gated entrance to the church. Its south elevation faced onto fields on the south side of town and good views were afforded of it alongside the church from Station Road. Today the driveway entrance is redundant and Manor House is accessed from Manor View - a late 20<sup>th</sup> century housing development that has been built on the land to its south and west. The views from Station Road taking in Manor House and the church are gone as the 1960's Telephone Exchange and two late 20<sup>th</sup> century houses have been built on this once open space. The south boundary to Manor House is now defined by a wall and mature trees; importantly providing the property with some separation and seclusion from the adjacent housing development.



*Manor House sits adjacent to St Mary's Church and historically the two were viewed together from Station Road (photo; Whittlesey Museum).*

## Station Road

**6.0.8** Station Road runs from the south east corner of Market Place in a southerly direction to the Whittlesea train station, which is 0.6 miles from the town centre. The road, a historic route which existed before the arrival of the railway, heads onwards out of Whittlesey diverging either to the village of Benwick or the town of Ramsey. Before the train station was built this street was known as Inhams End. Only the north end of Station Road falls within the conservation area. This section of the road leads from Market Place to the attractively grassed green on the road junction, formed where Station Road meets Scaldgate. The grassed green forms a focal point of views looking south along Station Road and makes an attractive entrance/exit to Whittlesey Conservation Area. At the time of writing this appraisal,



the character of this entrance/exit into the conservation area is due to change imminently as the former pub the Bricklayers Arms is to be demolished and replaced by a development of flats. The appearance of this area is also let down by the poor boundary detailing around St Jude's Church which is currently defined by concrete posts and wiring.

**6.0.9** The character of Station Road is markedly different from the urban character of Market Place which it leads from/to. Firstly, a positive aspect of the streetscene is its noticeable natural qualities resulting from mature trees and vegetation along this stretch of road along with the public open space on the east side of the street. A grouping of late 19<sup>th</sup> century buildings sit together on the east side of the road these being Childers, Parish Hall, St Jude's Church presbytery and St Jude's Church which collectively provide historic character to the Station Road streetscene. The stone wall which forms the west boundary of the conservation area also adds to the character of the street. This wall is the surviving boundary wall from Portland House, a fine 16<sup>th</sup> century house which was destroyed by fire in the 1950's, and whose grounds were developed for housing to create Portland Place.

**6.10** The Garden of Rest is an area of public open space that was created as an extension to St Mary's Church in the early 19<sup>th</sup> century, but was closed for burial by 1877. The space was created as a public garden in the 1960's when the gravestones were taken up; some gravestones can be seen around the perimeter of the space today indicating its past use. The space is a very attractive, well-kept area of public open space within the historic town centre. Crucially, it affords the opportunity for the public to sit and enjoy it as there are benches throughout the space. It comprises of lawns with a rose garden as a centrepiece and semi mature trees to the edges. Within the middle of the rose garden is a sculpture in metal of a straw bear, homage to Whittlesey's historic straw bear festival which is an intrinsic part of this town's cultural identity. Attractive railings define the street fronting boundary to the Garden of Rest. The only negative element of this is the presence of the utilitarian lighting columns within the space.



***The Garden of Rest is a well maintained and attractive area of public open space where the utilitarian lighting columns detract from its appearance.***

## Scaldgate

**6.11** Scaldgate is located to the east of Market Place and Station Road behind these principal streets, and is on the edge of the conservation area. The west side of Scaldgate is distinctly characterised as being the rear of Market Place and Station Road property/sites. Boundary walling of varying heights and coping details front the length of the street, except for the couple of dwellings at the very northern end of the road. This street scene of walling is complimented in areas by grass verging and associated trees. Trees and vegetation to the rear of properties/sites is attractive in itself, and makes a positive contribution to the character and appearance of the conservation area (even if the views over some of the walls of the rear elevations of buildings such as Childers aren't attractive). The walling at the northern end of the street is particularly conspicuous at over 3m high and forms the rear boundary of **8 Market Place (grade ii)**. It is broken by the vehicular access to the property, which is defined by an attractive pair of 1700 listed stone **gatepiers (grade ii)** surmounted by ball finials.

**6.12** Most of the buildings on the east side of Scaldgate are located outside of the conservation area boundary. Only the grouping of historic buildings at its northern end is located within the conservation area itself. However, that is not to say the modern buildings on the east side and outside the conservation area do not have an impact on the character and appearance of the conservation area. Their presence within the street scene enforces the nature of the street as a residential street to the edge of town centre of no more than two storey scale development (devoid of dormers). Grouping of historic buildings are predominantly 19<sup>th</sup> century and are two storey in scale sitting forward to the street. 11 Scaldgate is particularly noticeable for its shell-hood canopy and has two date stones within its south gable dated 1777 and 1873 . 7 Scaldgate has good architectural qualities with its double fronted bay windows, original period detailing including timber 4 pane sashes and interesting lions-head guttering. The period character of this grouping of properties has been eroded through the installation of mismatched UPVC windows and would be enhanced if they all presented traditional sash styles of windows.



*A 19<sup>th</sup> Century photograph of Scaldgate. (photo; Whittlesey Museum)*

## Eastgate, High Causeway and Queen Street

**6.13** Market Place is approached from the north east corner via Eastgate and the views of Market Place from the Eastgate junction are some of the most attractive of the space. Part of Eastgate falls within the conservation area, although this is dominated by a 1980's development of shops and flats on its north side known as Eastgate Mews. Eastgate Mews does not contribute to the architectural and historic interest of the conservation area, although it does present a consistent style of windows and shop fronts. This unity makes for an orderly, modern development. The south side of the street has more historic interest to it with **5 Market Place (grade ii)** siting on the corner of Market Place and Eastgate. No 1- 11 Eastgate form a terrace of varied late 19<sup>th</sup> century brick built dwellings, the central focus being 5 & 7 Eastgate which are three storey in height among adjoining two storey property. Unfortunately the architectural quality of this terrace has been diminished by the fact one property has had its brickwork painted. The windows throughout the terrace are all at odds in variety of different sizes and styles of UPVC, and the styles of doors are all different. The appearance of this historic terrace could be greatly improved if it had stronger uniformity in the detailing of windows and doors. The former car lot on the south side of the street also offers an opportunity for enhancement.



*Before Barclays Bank was built there was a garage on the corner of Market Place and High Causeway.*

**6.14** High Causeway runs in a northerly direction off the northeast corner of Market Place. It was once a principal historic street within the town of a long length, running continuously through from Market Place up to Gracious Street and beyond to Delph Street and Arnolds Lane. The connectivity and status of this street has been diminished by the fact it was truncated in the 1970's by road network "improvements" to the A605. High Causeway, south of the A605, does still remain one of Whittlesey's main shopping streets and is of a pedestrianised urban character with buildings fronting the street. A section of the southern end of High Causeway falls within the conservation area taking the historic buildings which survive on this section of the street. The most notable historic building is **4 High Causeway (grade ii\*)** on the east side of the street. This dates to c1740 and is a three storey brick property with central Venetian 1<sup>st</sup> floor window and bolection 2<sup>nd</sup> floor window. It is one of the fine early 18<sup>th</sup> century buildings around the town and sits in a prime position close to Market Place. Next to this is **6 High Causeway (grade ii)**, a building with early 18<sup>th</sup> century origins and later 19<sup>th</sup> century alterations including shop frontage. On the opposite side of High Causeway is 5,7 and 9 High Causeway which are 19<sup>th</sup> century in origin and afford attractive detailing including original windows.



*19<sup>th</sup> Century image of High Causeway (photo; Whittlesey Museum)*

**6.15** Part of Queen Street is included within the conservation area. This is the south part of the street which forms the road junction opposite Market Place along with  $\frac{3}{4}$  of the west side of the street. The junction into Queen Street off Market Place is notably wide. As a result, Queen Street affords the focus of the view from Market Place and the **Butter Cross (grade ii\*)** looking north. The **War Memorial (grade ii)** is a prominent feature in this street standing in the island on the road junction facing Market Place. This takes the form of a sculpture of George and the Dragon standing high on a stone base and enclosed by low railings. **2 Market Street (grade ii)** sits on the west corner of Queen Street and the east side

of the building fronts Queen Street. This late 17<sup>th</sup> century property (with later 19<sup>th</sup> century alterations) is the earliest surviving brick building in Whittlesey. Its 2½ storey scale along with stone Quoin detailing, stone window reveals and stone door case contributes strongly to the architectural quality of Market Place and makes a feature of this Market Street/Queen Street corner. The rest of Queen Street, with the exception of the rather incongruous 1960's police station (outside of the conservation area boundary), is of buildings that are two storey in scale and either presenting brick or render with slate roofs, positioned fronting the edge of the footpath or set slightly back. The buildings included within the conservation area on the west side of the street all appear to be mid-late 19<sup>th</sup> century and 15 Queen Street is noted for retaining attractive original windows. Behind Queen Street and within the conservation area is a public carpark.



***The wide junction of Queen Street draws the eye from Market Place and the War Memorial sits prominently in this view.***

## Market Street & Broad Street

**6.16** Whittlesey's principal commercial street is Market Street. This adjoins Market Place in its north east corner and is orientated east west running through the centre of the town. Along this street there are a mix of businesses and services which collectively characterise its commercial qualities. These include restaurants/cafes, a florist, DIY stores, haberdashery, hairdressers, a pub, charity shops, the library and museum. The scale of development along the street is predominantly that of two storey buildings, although a handful of historic 2½ - 3 storey buildings are found towards the west end of the street towards Market Place. The townscape of Market Street is derived from buildings fronting the footpath edge and buildings largely adjoin one another or sit tight together. The architectural and historic interests of the street scene are varied along its length. There are a number of historic buildings within Market Street, specifically concentrated to the east end of the street and a grouping of mid-20<sup>th</sup> century buildings at its west end. The 20<sup>th</sup> century buildings are conspicuous and noticeably at odds with its historic character of the street, but were only



brought into the conservation area when the boundary was altered in 2008 to give better focus in defining the town centre and its street patterns.

*Photos of Market Street (left; 19 Century courtesy of Whittlesey Museum. Right; 20<sup>th</sup> Century image from FDC collection)*

**6.17** Two historic buildings of very differing historic construction strongly define the junction of Market Street and Market Place. These are **14 Market Place (grade ii)** and **2 Market Street (grade ii)** which both date to the 17<sup>th</sup> century. 14 Market Place represents a vernacular construction of building being timber framed with thatched roof. 2 Market Street is brick built and represents strong Georgian qualities in its design. Like Market Place, some of the town's surviving stone buildings can also be found in Market Street. The four 17<sup>th</sup> century stone (or part stone) buildings are **7A and 7B Market Street (grade ii)**, **9 Market Street (grade ii)**, **17 Market Street (grade ii)** and **Black Bull PH (grade ii)**. With the exception of the 17<sup>th</sup> century buildings, the buildings from the subsequent centuries are of brick (including painted/rendered brick) construction and have either slate or modern tiled roofs. The town's museum occupies a brick building on the north side of the street within the **Town Hall (grade ii)** and fire engine house. Built in 1857, this building is notable within the streetscene with its clock and flagpole projecting out from the building and its detailing including tiled tympanum over the central door, lettering saying "fire engines" over the former appliance doors. A section of listed historic mud walling, **curtilage wall rear of Black Bull Public House (grade ii)**, survives behind the Black Bull Public House and forms the rear boundary to the end part of the east boundary.



***Two contrasting historic buildings flank the Market Place approach to Market Street.***

**6.18** There are pleasant views looking into Market Place from Market Street (and vice versa) which are framed by the two listed buildings, 14 Market Place and 2 Market Place. These views are enhanced by the street furniture such as lighting and railings, with their wheatsheaf detailing. They have been carefully selected and are sympathetic to the historic environment they serve. There are further opportunities that would enhance the character and appearance of this principal street within the conservation area. The stone building that is **9 Market Street (grade ii)** stands in a poor state of repair although it is currently the subject of a comprehensive refurbishment scheme. Completion of this scheme will enhance the appearance of the conservation area. The ground floor of **2 Market Street (grade ii)** has now been vacant for many years and the building's external fabric is noticeably deteriorating. The repair and refurbishment of this prominent historic building would enhance the appearance of the conservation area. There is a mix of shop fronts and signage the quality of which could be improved upon.

**6.19** Broad Street affords the principal route into Whittlesey's town centre from the A605, leading off the A605 roundabout and curving at its southern end to meet Market Street. This street is markedly wide with a mix of businesses along its length, but there are also a number of residential properties. Property fronts the footpath edge on the east side of the street. To the west side of the street property also sits forward to the street, although a number of dwellings and the chapel sit behind low garden walls creating a character to the street not seen elsewhere in the town centre. Property along this street is predominantly of two storey scale, with the exception being the building occupied by the Nisa store, 4 Broad Street. This is a feature building within the street scene and of a greater height than those around it. This building was built in 1903 and extended in 1927. It has the initials P.E.I.C.S on a date plaque referring to Peterborough Equitable Industrial Cooperative Society for whom the building was originally built. There is a strong historic quality to Broad Street. Most buildings appear to date to the 19<sup>th</sup> century of brick or render with slate or modern tile roofs. There are no listed buildings along this street. Only part of the street falls within the conservation area, which is 4 Broad Street (and its grounds) and the west side of the street.



*The 19<sup>th</sup> Century former school building now a commercial premises and flats has a noticeable presence in the Broad Street scene*

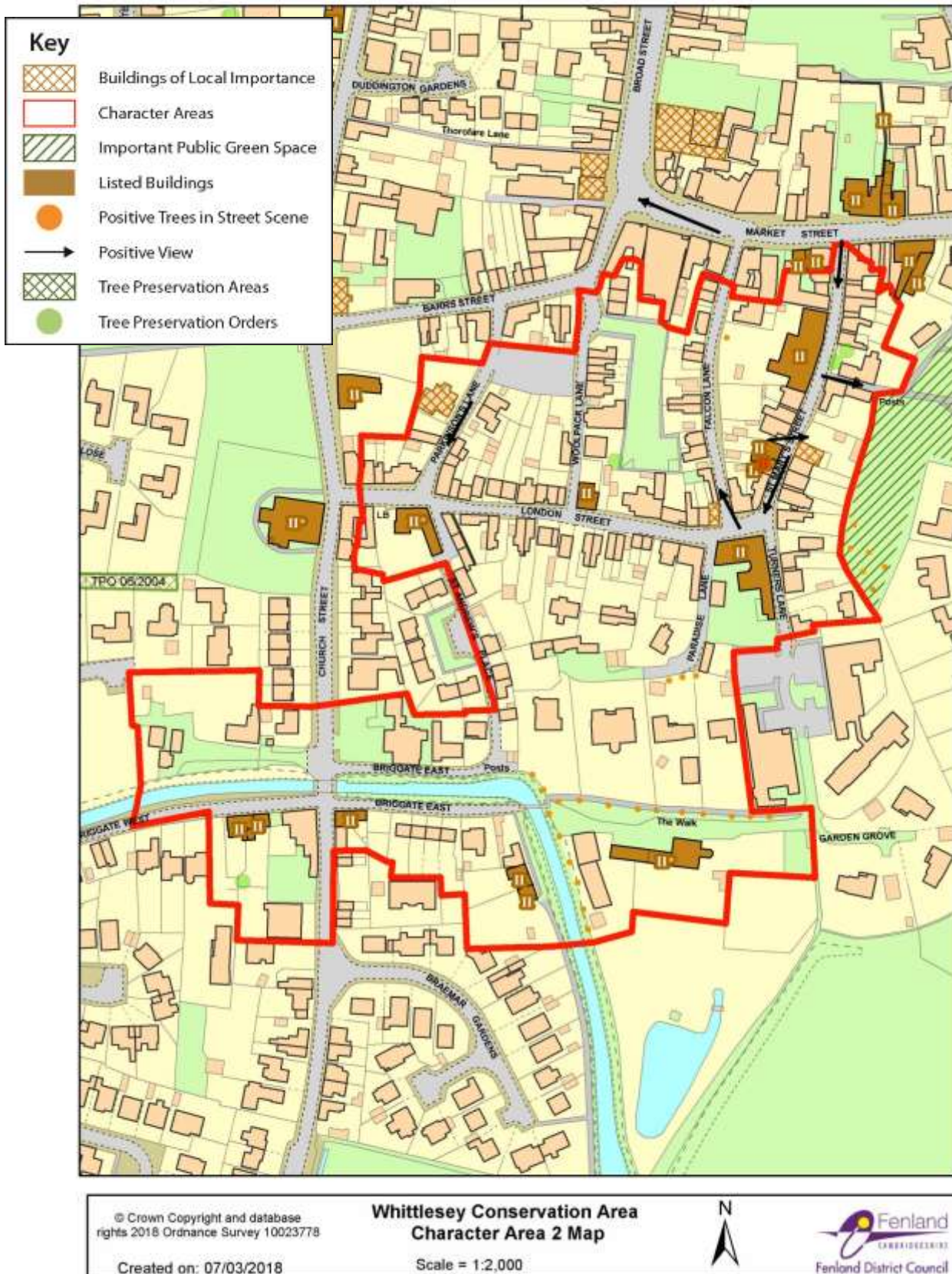
## **Buildings of Local Importance**

**6.20** Buildings of Local Importance within this character area and identified in the text above are:

- **St Jude's Church, Station Road** (identified as a BLI since 1993)
- **Church Hall (former Parish Room), Station Road** (identified as a BLI since 1993)
- **Nisa, 4 Broad Street**
- **Old School, 1 Broad Street**



## Character Area 2 – Southern Side of Town: London Street and Briggate Area



## London Street

**6.21** London Street is reputed to have been the principal street in Medieval Whittlesey before the town developed around Market Place. Indeed the street runs east from the medieval **St Andrew's Church (grade ii\*)** off Church Street. Although it is slightly off set from the east end of the church, St Andrews does not feature in long range views along London Street and the church's presence is only appreciated at the very west end of London Street. In the early 19<sup>th</sup> century London Street was known as Little London Street, but notably it was only one half of Little London Street as the other half is now known as St Mary's Street. The name of the street changed to London Street in the 1850s. Today London Street is a residential street situated to the edge of the town centre on the south side of the town. The street runs east-west following a slightly staggered alignment. Buildings line the entire length of the street on both sides of the street and sit on to or close to the footpath/road edge with limited space (if any) between buildings. Property along London Street is predominantly two storey in height, although ridge and eaves heights vary from building to building. The street scene is very urban in its character.



***St Andrew's Church is only visible at the West end of London Street***

**6.22** The street scene is dominated by brick buildings. These are predominantly built in buff coloured bricks, dating to the mid-19<sup>th</sup> century onwards. The exceptions are the oldest buildings on the street which are of 18<sup>th</sup> century origin. These present rendered facades, as in the case of the **Falcon Inn (grade ii)** and **22 London Street (grade ii)** or reddy pink brickwork as in the case of **The Wilderness (grade ii\*)**. The common roof material along the street is slate, although many properties have concrete tiles and there is one thatched property, 22 London Street (grade ii). The general consistency in building materials in this part of town presents a street scene of a homogeneous character. Along the street a number of properties have retained their original timber sash windows. Where these historic windows survive, they enhance the period character and appearance of the buildings where they are found. The loss of sash windows has eroded the architectural qualities of some buildings and the historic aesthetic of the street scene.

**6.23** London Street is connected to a number of other streets which run commonly in a north-south direction off it. These include St Mary's Street, Falcon Lane, Woolpack Lane and Parkinsons Lane off the north side of London Street and Turners Lane, Paradise Lane and St Andrew's Place off the south side of the street. The connectivity of London Street and pattern of streets around is reflective of its former importance as a principal medieval thoroughfare. The east end of London Street forms a junction and focal point within the street scene where St Mary's Street, Turners Lane, Falcon Lane and Paradise Lane all converge and it is dominated by the **Falcon Inn (grade ii)**. This historic inn has been called the Falcon Inn since at least 1800 and was historically important as the town's principal inn. In the 19<sup>th</sup> century it was the venue for public meetings and the stopping point for weekly carriers (horse drawn carriages) travelling to Peterborough, St Ives and London. When the railway came to the town in 1846 the omnibus ran visitors to the town from the station to the Falcon Inn. It was described in Pigots 1839 directory as *"the principle Inn – a well conducted commercial and posting house, situated in London Street"*. This junction has historically been a focal point of activity in the town which adds to its historic interest.

### St Mary's Street

**6.24** In the early 19<sup>th</sup> century St Mary's Street was referred to as Little London Street, as was London Street, and it took the name St Mary's Street from the 1850's. The street runs in a roughly north-south direction from the middle of Market Street to the east end of London Street. Turning off Market Street into St Mary's Street, there is an immediate contrast in the character and appearance of the two streets. St Mary's Street is a distinctly residential street immediately off the town centre. The street is narrow in its width and follows a gentle curved alignment which, at its southern end, frames an attractive view of part of the **Falcon Inn (grade ii)**. The narrow character of the street and its urban qualities are reinforced by property that mostly fronts the footpath edge. Buildings generally adjoin one another or sit close together on the same curving building line. The exception to this pattern of development being on the east side of the street where there is a gap between 13 St Mary's Street and 17 St Mary's Street which affords views through of the tower of **St Mary's Church (grade i)**. At this point in the street scene its strong urban character is softened as trees within the churchyard also stand out in views through the gap. The views of St Mary's Church tower from St Mary's Street make a positive contribution to the character and appearance of the conservation area, giving relevance to the name of the street.



***There is a strong unifying quality to St Mary's Street which is derived from the manner in which the building predominantly front the pavement edge and are of consistent height and materials.***

**6.25** St Mary's Street affords a particularly attractive street scene by virtue of its homogeneous character gently curving along its length. Property along this street is generally of 19<sup>th</sup> century construction. The street scene is dominated by brick buildings, predominantly built in buff coloured bricks although a few have painted or rendered brickwork. Roofing materials tend to be dark in their appearance and are either slate or modern tiles. The scale of buildings along the street is mainly that of two storey buildings and eaves and ridge heights are fairly consistent with only limited height variations. Architecturally, buildings present very simple facades traditionally of sash windows and simple doors although traditional timber sliding sashes have been lost from many of the dwellings. This has had a negative impact on the architectural merits of this street scene.

**6.26** The Hermitage Rest Home, **8-10 St Mary's Street (grade ii)** is worthy of specific mention. It has canted bay windows with iron balastrades and fanlight detailing over the door, affording a more ornate appearance than the other buildings on St Mary's Street. This building originally served as the Vicarage to St Mary's Church and was built around the 1830s. **20-22 St Mary's Street (grade ii)** is probably the oldest surviving building on St Mary's Street. Its date stone over the door gives date of 1754, although it has been subject to later alterations. This building currently stands in a poor state of repair which detracts from the street scene and external refurbishment works are required. 17 St Mary's Street boasts a plaque identifying it as the former home and birthplace of Sir Harry Smith.



***20-22 St Mary's Street is probably the oldest surviving building on the street but its front elevation and stack are in need of repair and maintenance.***

## Falcon Lane, Woolpack Lane and Parkinson's Lane

**6.27** These three narrow streets all adjoin the north side of London Street and run in their own imperfect north-south alignments. Both Parkinson's Lane and Woolpack Lane connect with Barr's Street and Falcon Lane connects to Market Street. In contrast to London Street and St Mary's Street, these secondary streets do not present such consistent residential character or cohesive street scenes. The looser pattern of their development affords incidental views across backland areas and of the rear gardens and yards of some properties. As a result, some natural features contribute to the character and appearance of these street scenes as trees and vegetation in garden and back land areas are visible.

**6.28** Across these three streets buildings are no more than two storey in height. The only exception is the building which sits on the corner of Falcon Lane and London Street, 20 Falcon Lane and 4 London Street. This building, erected in 1848, is three storeys high and is a feature building at this focal junction. Buildings and walls are mostly of buff-brick construction, although buff and pinky brickwork is seen in Falcon Lane. A pair of mid-20<sup>th</sup> century semis on Parkinson's Lane is also of a pinky brick. A couple of buildings have had render applied, although these are exceptions to the overall character and appearance of these streets. Whilst eaves and ridge heights vary, there is simplicity to the roofscape of the area which is devoid of dormer windows. Roof materials are predominantly slate or pantile. It is noted that where historic pantiles survive their vibrant colours contribute positively to the character of the street scenes.

**6.29** Falcon Lane, and specifically the east side of the street, has historically served as the rear of St Mary Street property. This is reinforced by the presence of the high 23m long brick boundary wall that fronts the street and still serves as the rear boundary to 8-10 St Mary's Street. Limited residential development has occurred on the east side of Falcon Lane, dating from the mid-20<sup>th</sup> century onwards and sitting slightly back from the road. Residential development is, however, more established on the west side of Falcon Lane where 19<sup>th</sup> century property fronts the street at the footpath edge. The property here is mainly semi-detached dwellings separated by driveways and accesses between. The rhythm of development is emphasised by the fact they sit on the outer arc of the curving street.

**6.30** At Woolpack Lane and Parkinson's Lane, a public carpark sits between both streets. It is accessed from both streets and is the focus of attention. Residential property is along both street fronts and sits close to the footpath edge. Boundary walling is also a noticeable feature in both street scenes and also sits tight to the footpath edge. The old Primitive Methodist Chapel can be found on Woolpack Lane. This is now converted to a Masonic Hall and the manner which its street fronting windows have been blocked up somewhat detracts from the appearance of this historic building. St Andrew's Parish Hall can be found on Parkinson's Lane and is still used as a parish hall. It is an attractive Victorian building built in the 1890's and is fronted by railings. The view looking south along Parkinson's Lane is worthy of mention in the manner it frames **Wilderness House (grade ii\*)** and creates notable view of this 18<sup>th</sup> century listed building.



*The Wilderness is a substantial historic property. It terminates the view looking south along Parkinson's Lane.*

### Turner's Lane, Paradise Lane and St Andrew's Place

**6.31** These three narrow streets all adjoin the south side of London Street and run in their own imperfect north-south alignments. St Andrew's Place, historically known as Cheap Lane until the mid-20<sup>th</sup> century, runs between London Street and Briggate East at the river. Paradise Lane and Turner's Lane are both short lanes, running either side of the **Falcon Inn (grade ii)**, and end without connecting with another street. Historically, both Paradise Lane and Turner's Lane led to land associated with **Grove House (grade ii\*)**. Turner's Lane led to a paddock associated with Grove House. A track across the paddock led to Grove House while Paradise Lane led to a garden associated with Grove House. Today Turner's Lane leads to the Health Centre developed on the former paddock land. Paradise Lane leads to a handful of dwellings built in the 1980's on gardens formally associated with Grove House.

**6.32** Turner's Lane is a relatively short stretch of street at the very eastern end of London Street. It appears as a continuation of St Mary's Street which it also forms a junction with. It is dominated on the west side by the lengthy side elevation of the Falcon Inn and there are a couple of historic dwellings on its east side. The street scene accords with the general character of London Street and St Mary's Street. In contrast Paradise Lane has very different character. On entering the lane, it is ancillary buildings/outbuildings which are most noticeable along with the tall mature trees to the end of the lane which close the view. Paradise Lane provides the access to the Falcon Inn carpark. There is a nice 19<sup>th</sup> century house on the east side of the Paradise Lane and a high brick wall at its southern end.

## Briggate

**6.33** On the south edge of Whittlesey, a small section of the Middle Level Navigations waterway cuts through the corner of the town - part of this lies within the conservation area. The Middle Level Navigations is a network of waterways east of Peterborough that were formed primarily for drainage purposes in the mid-17<sup>th</sup> century by Vermuyden. At Whittlesey, the Kings Dyke section of the waterway from Stanground meets the Whittlesey Dyke; historically known as Briggate River. The area of town known as Briggate formed in the cruck of the waterway on its southside dissected through the middle by the road from Ramsey. The 1840 Tithe Map shows that this area originally developed with property fronting the waterway only and there were orchards to the south of these properties on the edge of the town. From the 1900's, the area was more intensely developed with development occurring first along Ramsey Road before closes of housing was created by the mid-20<sup>th</sup> century which eliminated understanding of the original settlement pattern. Since the 1920's, west of Ramsey Road has been known as Briggate West and east of Ramsey Road, both sides of the river, has been known as Briggate East. The area also takes in **Grove House (grade ii\*)** which stands on its own on the east side of the Briggate River.



***Briggate and Grove House shown in the 1854 Town Map. This map can be viewed at Whittlesey Museum.***

**6.34** The historic area of Briggate sits in isolation from the rest of the town's historic built environment. This sense of separation is in part created by the presence of generic mid-20<sup>th</sup> century housing at the south end of Church Street (located outside of the conservation area), dividing Briggate from the historic buildings along Church Street. The focal point of this part of the conservation area is the Briggate River; a narrow unassuming waterway with narrow banks to its sides. In views looking along Ramsey Road and Church Street, it is not obvious that the road is going to cross a waterway given the modern concrete bridge maintains the same level as the approaching road. Once in close proximity to the bridge, there is the opportunity to look east and west along the line of the waterway and take in Briggate. There are strong natural qualities to the area deriving from the grassed banks of the river, along with trees and vegetation on the northside of Briggate West and trees and vegetation at the east end of Briggate West. The natural qualities of Briggate are a fundamental element of the character and appearance of this specific part of the conservation area. Unfortunately, the utilitarian concrete and steel railings fronting the river have a harsh appearance which detracts from views along the river.

**6.35** Briggate East and Briggate West are roads running alongside the waterway. They are fronted by a mix of historic buildings and mid-20<sup>th</sup> century replacement buildings. The oldest buildings fronting these streets tend to sit tight to the footpath edge, although later mid-20<sup>th</sup> century property tends to sit slightly back from the footpath edge. Within the street scene The Boat Inn, standing out with its blue paint finish, sits tightly and prominently on the corner of Briggate West and Ramsey Road. A late 18<sup>th</sup> century listed cottage, **2 & 4 Briggate East (grade ii)** sits tightly and prominently on the corner of Briggate East and Ramsey Road. Together these buildings are seen in long range views looking south along Church Street, the full widths of their frontages visible and markedly introducing the historic area of Briggate. The conservation area takes in only a short section of Briggate West including The Boat Inn and the adjacent late 18<sup>th</sup> century listed building, **1 & 3 Briggate West (grade ii)**. Briggate East incorporates the dog leg turn in the rivers direction at a row of mid-18<sup>th</sup> century cottages, **2 & 3 The Bower (grade ii)**. 2 The Bower is noted for being the only one in the area with a thatched roof. Buildings within the part of town comprise of 1 ½ storey cottages and 2 storey houses. They are brick built and have pantile or slate roofs, except for the one thatched property.



*The Briggate River was historically an area of commercial activity (Left; 19<sup>th</sup> Century from Whittlesey Museum. Right; as seen today)*



**6.36 Grove House (grade ii\*)** is located in a relatively secluded location within the town, tucked away next to the Briggate River on the southern edge of the conservation area. The property lies on the east side of the river at the point where it makes its 90 degree turn and heads off in a southerly direction. Grove House is one of Whittlesey's grandest and earliest surviving dwelling houses. Positioned on the edge of town adjacent to open countryside, Grove House was historically associated with substantial grounds including formal gardens to the north, paddocks to the east and lawned garden to the south. Today only the lawned garden to the south is still associated with the house and this makes an intrinsic contribution to its significance and status. Historically, the main access to Grove House was from the west via a bridge over the Briggate River but today the main driveway comes in from the east. A pedestrian bridge continues to provide access over the Briggate River to a public footpath, The Walk, which runs to the north of the house and can be followed round to Turner's Lane. The Walk is a narrow path characterised by mature tree cover and walling on its north side. The only public views of Grove House are seen from the footpath. A two storey storage building associated with Grove House sits adjacent to the Briggate River. Its presence compliments the river setting and also restricts views of Grove House from Briggate East.



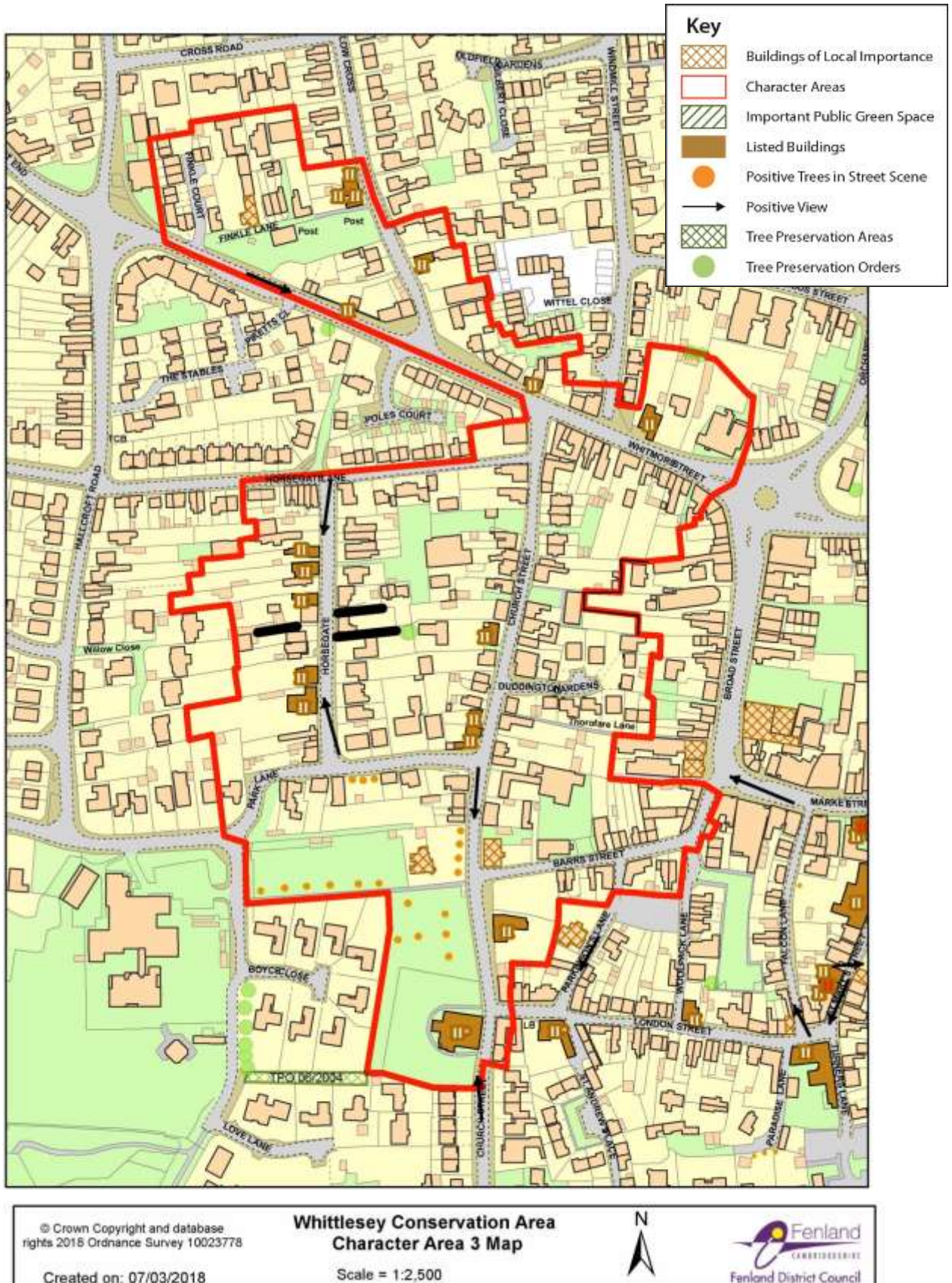
*The Walk is a pathway that runs to the north side of Grove House and links through to Briggate*

## **Buildings of Local Importance**

6.37 Buildings of Local Importance within this character area and identified in the text above are:

- **15 & 17 St Mary's Street** (identified as a BLI since 1993)
- **20 Falcon Lane/4 London Street**
- **St Andrew's Parish Rooms, Parkinson's Lane**

## Character Area 3 – Western side of town: Church Street and Whitmore Street Area



## Church Street

**6.38** Church Street, known as Church Gate until the mid-19<sup>th</sup> century, is a principal street within Whittlesey running in a north-south direction off Whitmore Street down to Briggate. It is the main road, referenced the B1040, which provides access into and out of the town from the south in the direction of the neighbouring town of Ramsey. The most prominent historic building on Church Street is **St Andrew's Church (Grade ii\*)** which sits towards the south end of the street adjacent to the junction with London Street. St Andrew's Church is positioned directly on the street orientated with its eastern gable tight to the footpath edge. St Andrew's Church is best appreciated when entering the town from the south, where it strikingly defines the entry into the historic core of the town and marks the boundary of the conservation area. From this perspective, the entire south front of St Andrew's Church dominates the street scene and the composition of its form and its beautiful tower can be seen in its entirety. It is regrettable that road signage and a lighting column intrude into this key view of St Andrew's Church and within the conservation area. It is also regrettable that the gated access into the churchyard on the north side of the church is lit by a poor quality utilitarian lighting column.



*There are fine views of the South Elevation of St Andrew's Church. It is a shame that there is positioning of modern signage that clutters this view.*

**6.39** The space formed by the churchyard and the field to its north side make a strong contribution to the character and appearance of Church Street. It is important for the strong natural qualities they bring to the locality and part of the Church Street street scene. These green spaces are viewed over the top of the brick boundary walls which form the boundary between the open space and the highway. The churchyard itself has an attractive triangular brick coping detailing. Most gravestones have been removed from the churchyard. Those left

have been set to the edges of the churchyard, with some reconfigured in an arch on the southside of the church. As a result of this the churchyard is principally grass with some bushes within it and trees to its west boundary. A mature Norway Maple is a feature within the north side of the churchyard. It is unfortunate that it restricts views of the north side of the church particularly when it is in leaf; the church is no longer clearly visible in southerly views along Church Street and the presence of the church is not fully appreciated within the streetscene from the north. The large field is not part of the churchyard and does not belong to the church. It is grassed with mature trees throughout which are a mix deciduous trees and evergreens.



***The North Elevation of St Andrew's can be seen in winter but in summer a tree blocks this view resulting in the Church having limited presence in street scene views looking south along Church Street.***

**6.40** Church Street is a residential street and is mainly characterised by 19<sup>th</sup> century development with a mix of different sized dwellings. Buildings tend to front the street, sitting on the footpath edge or set slightly back from the footpath. Property is no more than two storeys in height and of fairly consistent eaves and ridge heights. Property is generally of brick construction, mainly buff brick, although some houses have been rendered. Roofs tend to be of slate or concrete tile or pantile. Windows are predominantly of sash proportions. Different styles of sash windows survive in the various properties, although the majority have lost their historic windows and the mismatch of crudely detailed modern replacement windows has eroded the historic qualities of the streetscene. There are exceptions to this general character of Church Street; one example is 62 Church Street, a very attractive 1920's property set 18m back from the road. Stylistically, this property is unique within the street and it is of its era, built in red brick with slate roof and mullion and transom windows. The low street fronting boundary wall, mature trees fronting the street and front garden form a continuation of the green space created by the churchyard and the adjacent field. **48 Church Street (grade ii)** stands on the corner of Church Street and Park Lane. It is the only building on the street that has a thatched roof.

**6.41 Park House (grade ii)** is an attractive mid-18<sup>th</sup> century house on Church Street, located 42m north of St Andrew's on the opposite side of the road. This building is flanked by high brick boundary walls which accentuates its standing with the streetscene. The wall on its southside fronts its garden. The 19<sup>th</sup> century wall of the northside, which returns around the corner into Barr Street, fronts a site where St Andrew's vicarage stood until it was demolished in the mid-19<sup>th</sup> century. The former use of the site is identified by an inscribed keystone on the corner of the wall above the gate, with views through the gate revealing green space behind. Looking across the top of the wall are views of St Mary's church in the distance. The building on the opposite corner of the Barr's Street junction is a former Vicarage built in 1861, presumably to replace the one which was knocked down. It is a prominent period building within the street scene. Further buildings to note on the street include **46 Church Street (grade ii)**, a mid-19<sup>th</sup> century house of brick and slate roof with nice 16 pane sashes. **38 Church Street (grade ii)** is a cottage dating back to the late 17<sup>th</sup> century, with an attractive steep pitched corrugated pantile roof. At the north end of Church Street, on the west corner of the street, stands 4 Church Street. This large mid-19<sup>th</sup> century property is now divided into flats. Its architectural qualities have been diminished through replacement windows but it is still a prominent period building within the streetscene.



*19<sup>th</sup> Century views of Church Street showing Poles House, 4 Church Street, on the right hand  
(photo; Whittlesey Museum)*

## Barr's Street

**6.42** Barr's Street is situated off the east side of Church Street. It follows an imperfect east-west alignment, linking through from Church Street to meet with the southern end of Broad Street and north end of Woolpack Lane. The west end of the street is characterised by brick walling to both sides of the street. The long stretch of walling on the south side of the street around the Old Vicarage site is a prominent and attractive feature of the streetscene affording pleasing detailing including plastering and dog tooth detail to the top of the wall. Property along this street is commonly that of modest housing and either fronts, or sitting close to, the footpath edge. The exception is 22 Barr's Street which is a modern office building with yard. Buildings within this streetscene are no more than two storey in height and of simple pitched roofs. They are generally of brick construction although some have rendered facades and roofing is either slate or pantile roofs. The most conspicuous building on Barr's Street, and probably oldest building, is 3 Barr's Street. This is a 1½ storey cottage with orange "French flat" tiled roof. All historic properties along this street have lost their historic windows. The mismatch of crudely detailed modern replacement windows has eroded the historic qualities of the streetscene.

## Park Lane

**6.43** Running midway off the east side of Church Street is Park Lane. Park Lane runs in an east-west direction and connects with Horsegate which lies on its north side. The architectural and historic interests of this street are more limited than other historic streets within the conservation area. The street comprises of a mix of altered 19<sup>th</sup> century property and mid-late 20<sup>th</sup> century buildings. The focus of attention within the streetscene is drawn to the four bungalows on the north side of the street. This grouping of detached bungalows all sit back from the street behind low street-fronting boundary walls, with gardens or driveways fronting each property. This is in contrast to the older two storey buildings on the south side of the street sitting on or close to the footpath edge. There is a mix of boundary wall treatments which are a noticeable feature of the street scene. The concrete block wall associated with 52 Church Street is however considered to have a negative impact on the appearance of the street scene. The focus of the view looking west along Park Lane is 30 Park Lane, which sits on the boundary edge of the conservation area. The mature trees and vegetation in the garden of 1 Horsegate make a noticeable contribution to the west end of the street.

## Horsegate

**6.44** Located on the western edge of the conservation area is Horsegate. It is a residential street that runs in a north-south orientation between Park Lane and Horsegate Lane. Historically, this street was located on the edge of the town itself. Lands to its west were once open fields. This settlement footprint remained until large scale housing expansion occurred on the west side of the town in the mid-20<sup>th</sup> century. Historically, property on the west side of Horsegate fronted the street and had long narrow plots which backed onto a rear lane. These long plots were subsequently divided as the lane started to be developed from the early 20<sup>th</sup> century and became Hallcroft Road. Historically, the east side of the street was less developed although it accorded with the general pattern of development with property fronting the street and plots extending back. Within Horsegate only elements of its historic development pattern and historic buildings have survived. The west side of Horsegate has strong historic qualities, emphasized by the fact that five of the buildings along its length are listed and one is identified as a building of local importance. In contrast, the east side of the street is derived from mainly mid-20<sup>th</sup> century properties and its historic merits are more limited. There are three sections of mud walls surviving on Horsegate. These are between 9 & 13 Horsegate, 8 & 14 Horsegate and 14 Horsegate & Wade's Yard.



*A 19<sup>th</sup> Century image of Horsegate House showing the garden which historically existed in front of the property (photo; Whittlesey Museum)*

**6.45** The special qualities of Horsegate lie strongest in the streetscene created collectively by the listed buildings along the length of its west side. These are the oldest buildings on the street. The largest and most prominent of these properties is **Horsegate House (grade ii)**. This sits towards the southern end of the street and immediately draws the eye when entering the street from Park Lane. It was built in the 1720's by the Speechley family and is two storeys with dormers serving the attic. It is the only property of its scale on Horsegate which reinforces its status within the street scene. Spread out along the street north of Horsegate House is four cottages; **9 Horsegate (grade ii)**, **17 Horsegate (grade ii)**, **21 Horsegate (grade ii)** and **23 Horsegate (grade ii)**. They are all 1½ storey with catslide dormers to their front elevations. The consistency of their form adds regularity to the built form of the streetscene and is a focus of attention. These cottages are dated to the 18<sup>th</sup> century, although 23 Horsegate may have origins in the late 17<sup>th</sup> century.



*A 19<sup>th</sup> Century image of The Cottages on the West Side of Horsegate. The surviving cottages make a strong contribution of the character of the street scene (photo; Whittlesey Museum).*



**6.46** While the historic qualities of the two sides of the street differ, they do share a key characteristic in the fact that buildings on both sides of Horsegate are predominantly detached and a few are semi-detached. Such building types afford gaps between properties and a pattern of development, allowing incidental glimpses of trees and vegetation in back gardens and the skyline behind. On the east side of the street is Wade's Yard, believed to be the last of the town's yards. This also offers glimpse views down the yard of trees and vegetation in the backland area. The oldest buildings along both sides of the street front the footpath edge whereas 20<sup>th</sup> century properties, which are of a variety of generic 20<sup>th</sup> century architectural styles, have been set back. Buildings within the street are brick built, presenting a variety of brick, and some have been rendered. There are a mixture of roofing materials seen within this streetscene including pantile, peg tile, slate and thatch. The three listed cottages, 9, 21 and 23 Horsegate, are the only buildings to boast thatch and have reed thatched roofs, again drawing the eye to this grouping of cottages.

### **Whitmore Street and West End**

**6.47** The A605 is the arterial route that runs straight through Whittlesey from the nearby city of Peterborough to the west and heads east out of town. It follows historic routes into and out of the town although the central section of road, closest to the town centre, is a product of 1970's road realignment rerouting traffic away from Market Place. Within the conservation area lies part of Whitmore Street and part of West End, specifically a section of the north side of the street. In contrast with other streets around the town, this road does not follow a specific east-west alignment and the road heads into the town at an angle. Common with other parts of the town centre, the pattern of historic development along the road does sit either at the footpath edge or forward in the street scene. The scale of development within this streetscene in this part of the conservation area is of two storey buildings with the exception of some 1 ½ storey cottages.



***An aerial view of Broad Street and Whitmore Street before the 1970's road realignments' and the creation of the existing roundabout. The photo shows that Orchard Street did not historically connect with Broad Street and Whitmore Street.***

**6.48** The conservation area takes in Whitmore Street from the roundabout at the top of Broad Street. A continuous building line of adjoining 19th century property curves round from Broad Street into Whitmore Street on its south side. The run of 19<sup>th</sup> century buildings then continues from the Broad Street junction up to the Church Street junction. This grouping of property is characteristically of 19<sup>th</sup> century construction being brick built, although one facade has been painted, with traditional slate or later concrete tile roofs. They present near consistent eaves and ridge heights along with a fairly regular pattern of window openings, serving to present a unified street frontage. A couple of these 19<sup>th</sup> century properties have coaching arches, adding interest to the composition. Despite modern UPVC windows having been installed in most properties, there is consistency in their mock sash style which retains regularity in the appearance of property. That said, the quality of UPVC windows could be improved upon to further enhance the character and appearance of this street frontage.

**6.49** In contrast to the south side of Whitmore Street, the north side of the street is much more varied. A standout building is the Conservative Club: a large detached mid-19<sup>th</sup> century property sitting nearly opposite the Broad Street junction and draws the eye in views heading into Whitmore Street at the roundabout. Serving this property is a long length of mud wall which defines its west boundary. 23m west of the Conservative Club is **40 Whitmore Street (grade ii)** which is a rendered timber framed property with thatched roof and believed to be of late 17<sup>th</sup> century construction boasting a date stone stating "Circa 1700". Further along the street is **56 Whitmore Street (grade ii)**; another historic reed thatched property but of brick construction. The land to the west of 56 Whitmore Street has recently been subject of a housing development. The north side of Whitmore Street leads into West End. The West End part of the conservation area is defined by the long length of thatched mud wall, serving as street fronting boundary to the garden of 4 West End. The thatched wall is considered the finest stretch of mud wall within Whittlesey and is a striking feature of the street scene. It is protected as a listed structure under the listing **Wall adjoining 4 West End (grade ii)**.

## Low Cross and Finkle Lane

**6.50** Where Whitmore Street meets West End is a focal point in the road layout, resulting from the wide nature of the junction. Low Cross heads off in a northerly direction at this junction and only the southern end is included within the conservation area. The special historic qualities of this part of the street are characterised by the grouping of four thatched cottages at this end: **2 Low Cross (grade ii)**, **10 Low Cross (grade ii)** and **13 & 15 Low Cross (grade ii)** with **1 Finkle Lane (grade ii)**. This grouping of thatched cottages are all 1 ½ storey in scale. Three of them are timber-framed and rendered, dated to the 17<sup>th</sup> century. 2 Low Cross is of brick construction and believed to be an early 19<sup>th</sup> century property. The thatched cottages do not sit together but are dispersed over a short length of street and modern development is found between them. These buildings shape the historic character of the street scene because of their form and thatched roofs. The rendered south gable ends of 10 Low Cross and 13 Low Cross stands out in views looking north along Low Cross. 16 Low Cross is also worthy of mention as a brick built property with a thatched rear wing. The date stone on its front facade cites the date 1853.



***10 Low Cross is one of a grouping of Thatched Cottages on Low Cross***

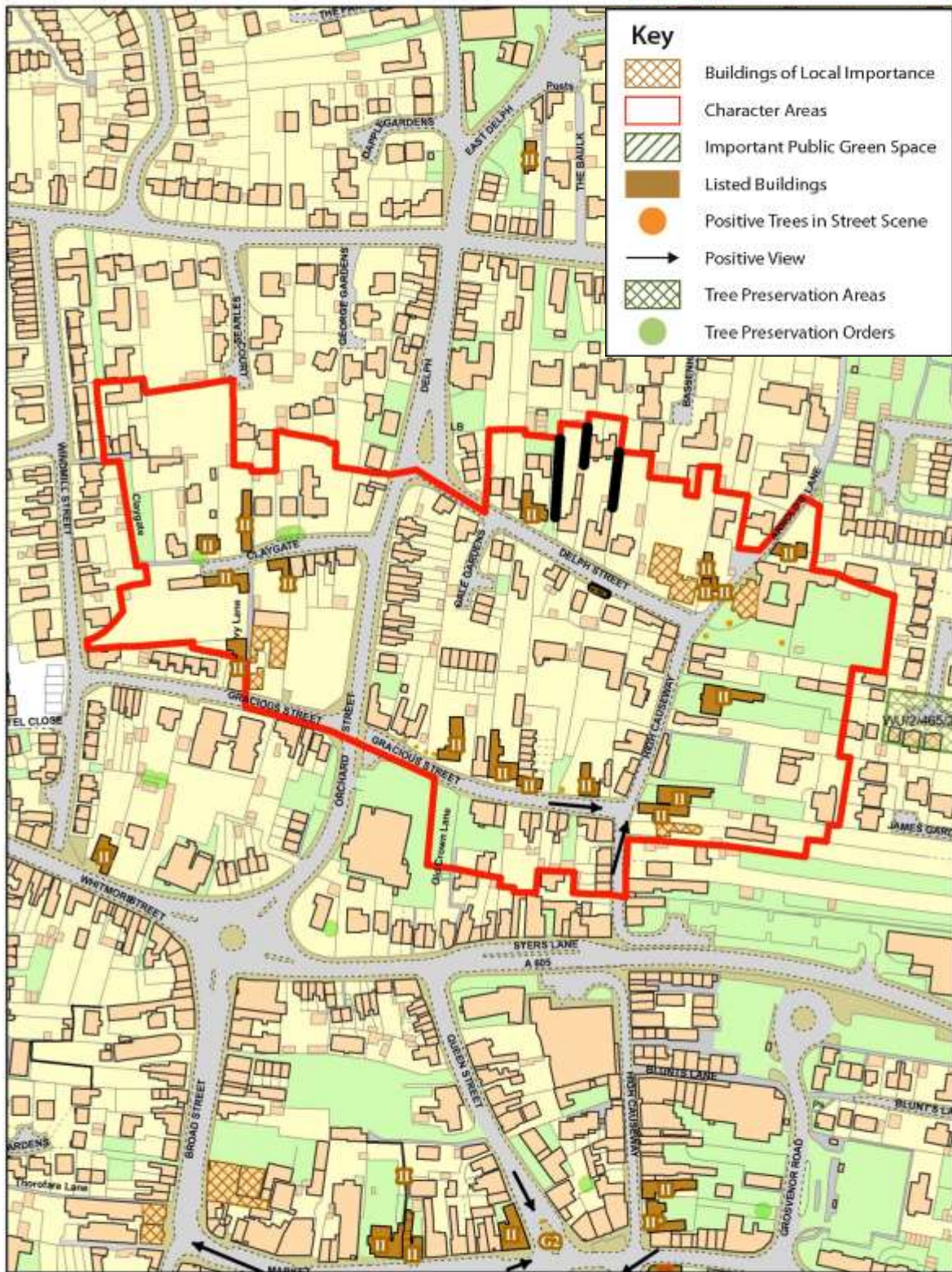
**6.51** Finkle Lane is a narrow lane which runs between Low Cross and West End. It connects with Low Cross at the southside of **13 & 15 Low Cross (grade ii)** and **1 Finkle Lane (grade ii)** where a pathway runs alongside these properties. The lane widens westwards from the middle, allowing for vehicular access and is fronted by a handful of pre 1900 property on its north side. The most interesting building along Finkle Lane is Castle House. This is a sizable property that stands side on to the lane, its front elevation facing westwards with garden on its west side. Castle House has crenulations around its eave, giving it a castle like character and forming the basis for its name. Some of the masonry fabric within the building suggests it has 18<sup>th</sup> century origins or earlier. Although it is unclear when it took on its present appearance, it has been known as Castle House since at the least the late 19<sup>th</sup> century. 4 Finkle Lane is also worthy of mention in the fact it incorporates a mud wall within the west side of the property. Another stretch of mud wall can be found at the north end of Finkle Court. Along Finkle Lane there are some poor quality boundary treatments such as panelled fencing and corrugated sheeting and there is scope to improve the appearance of the lane with the use of better quality boundary treatments. The land to the south side of Finkle Lane currently lays to waste and was last used as the Morley Bus depot. This land offers an opportunity for development but this will need to be sensitive to the context of Finkle Lane as well as Low Cross and West End.

## **Buildings of Local Importance**

**6.52** Buildings of Local Importance within this character area and identified in the text above are:

- **62 Church Street**
- **47 Church Street**
- **Mud Wall between 9 & 13 Horsegate**
- **Mud Wall between 8 & 14 Horsegate**
- **Mud Wall between 14 and Wade's Yard Horsegate**
- **Castle House, 8 Finkle Lane**
- **Mud Wall at Finkle Court**

## Character Area 4 – Northern Character Area



Key	
	Buildings of Local Importance
	Character Areas
	Important Public Green Space
	Listed Buildings
	Positive Trees in Street Scene
	Positive View
	Tree Preservation Areas
	Tree Preservation Orders

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 Created on: 07/03/2018

**Whittlesey Conservation Area  
 Character Area 4 Map**

Scale = 1:2,500

N

Fenland District Council

## High Causeway & Arnolds Lane

**6.53** High Causeway once ran continuously from Market Place up to Delph Street. In the 1970's it was cut in two by "improvements" to the A605 route designed to divert through traffic away from the town centre. The northern end of High Causeway falls within the conservation area and comprises of a strong historic street scene along its gently curving length. The oldest surviving properties on the street are **56 High Causeway (grade ii)** and **New Crown, High Causeway (grade ii)** which sit facing the junction with Gracious Street on the eastern side of the street. Both properties are reed thatched and rendered. 56 High Causeway is believed to be the older of the properties, being of timber frame construction and dated to the late 17<sup>th</sup> century, whereas New Crown is of 18<sup>th</sup> century and built in brick. The front range of 56 High Causeway projects forward with its gable end fronting the street and it is the only building within the streetscene orientated this way. 56 High Causeway and New Crown are seen at their best when viewed from Gracious Street along with 54 High Causeway. Collectively this grouping of three buildings makes for an attractive composition and they are arguably the more interesting buildings within an otherwise modest street scene.



*56 High Causeway and the New Crown Inn close the view from Gracious Street.*

**6.54** The overriding character of this part of High Causeway is one of brick built mid-late 19<sup>th</sup> century property, and it is regrettable that a few of these 19<sup>th</sup> century buildings have been rendered. The scale of building along High Causeway is no more than two storey. The consistency in colouration of the buff brickwork unifies the streetscene and is an intrinsic element of its character and appearance. The Whittlesey Town Bowls Club is worthy of mention in this respect, as it is a new building constructed in 2000 and built in a new brick which harmonizes well with the street scene. Roof materials along the street are predominantly slate. Roofs are of simple pitched forms and without dormer windows. Most property along the street has lost its original windows which would have mostly been timber sashes. There is now a variety of different styles and quality of modern replacement windows throughout the street scene diminishing the historic appearance of the streetscene and eroding its character. There is an opportunity to enhance the character and appearance of High Causeway through introducing more suitably considered windows.

**6.55** To the west side of the street, all pre-1900's buildings front the footpath edge. Only one circa 1970's dwelling is set back within its plot. The building line on the eastside of the street is more varied, with a handful of buildings set back from the footpath edge. **68 High Causeway (grade ii)** is a sizeable villa property dated to circa 1930's and a feature historic building which is set back from the street. It is currently fronted by hardstanding and there is an opportunity to enhance its setting and that of the streetscene through landscaping of its front garden space. Where boundary treatments front the street they tend to be in the form of low brick walls to the footpath edge. There are limited natural qualities within the streetscene and this part of High Causeway has a very urban character to it. That said, where some properties are set back there are touches of vegetation. The boxed hedge garden to 54 High Causeway is also worthy of note as it forms a beautiful garden setting to the house and adds interest to the street scene. The bowling green can also be seen at an angle from the street indicating a softer natural context to the rear of properties.

**6.56** Arnolds Lane extends from the northern end of High Causeway at the junction with Delph Street and is a narrow lane fit for single file traffic only. At the southern end of the lane is a concentration of historic buildings which are included within the conservation area. **1-5 Arnolds Lane (grade ii)** and **8 Arnolds Lane (grade ii)** are both brick and reed thatched buildings dating to the late 18<sup>th</sup> century. 1-5 Arnolds Lane, divided into three dwellings, is prominently positioned facing southwards down High Causeway. Its front garden, bounded by hedging, enforces its cottage character within an otherwise urban street scene. It is accompanied by a brick and pantile outbuilding which sits alongside Arnolds Lane. This compliments the setting of the listed building and makes an interesting contribution to the character of this part of the conservation area. In contrast, 8 Arnolds Lane is tucked away behind The Elms. Its gable end fronts the lane and can only be appreciated from Arnolds Lane itself. At the east end of Arnolds Lane is The Elms, a large mid Victorian property which now functions as an elderly care home but was originally built as a dwelling. Despite its size, The Elms affords an unassuming presence within the street scene and it is the street fronting boundary wall of brick with decorative stone band detailing which stands out. The mature trees within its ground also close the view looking east down Delph Street.

## Gracious Street

**6.57** Gracious Street is orientated in an east–west direction. Historically it was a principal road within the town, connecting with High Causeway at its east end and running continuously through to Windmill Street at its west end. The 1970's road improvements around Whittlesey saw Gracious Street divided in to two when Orchard Street was extended southwards to form part of the B1040 route through the town. In view of this, the impact Gracious Street now has within the settlement morphology of the town has diminished. The majority of the east side of Gracious Street falls within the conservation area, although the Ivy Leaf Club and its sizeable carpark on the west side of the street are excluded. The east side of Gracious Street is accessed from High Causeway only and is no longer a through route. This eastern section of the street retains a strong historic streetscene to much of its length, although it loses this interest when it reaches the expanse of the Ivy Leaf carpark. The western section of Gracious Street was subject to considerable redevelopment in the 1970's and is now devoid of special architectural and historic interest. Only a small part of the western section of Gracious Street is included within the conservation area, taking in the Whittlesey Baptist Chapel and its manse.



***The Baptist Chapel and its associated manse are the only buildings on the West Side of Gracious Street that are located in the conservation area.***

**6.58** The pattern of development along the eastern section of Gracious Street sees buildings either fronting the footpath edge or sitting forward to the street behind small front gardens. There is a mix of detached, semi-detached and a short run of terracing along the street. There are gaps between some buildings creating a street scene that has a looser arrangement of buildings than the adjoining High Causeway. The street scene has natural qualities which come from the trees and vegetation that sit within the small front gardens, or in gaps between buildings or from glimpse views taking in rear spaces. This is of particular note on the north side of the street where mature trees to the west side and rear garden of 4 Gracious Street, to the west of 16 Gracious Street and fronting 18 and 20 Gracious Street have an attractive impact on the appearance of the street. The pretty cottage garden



fronting 16 Gracious Street complements this cottage and is a very pleasant point of interest within the street scene. Where boundary treatments front the street, they typically consist of brick walls or railings. On the western section of Gracious Street the chapel and manse sit behind low boundary walls, the chapel siting quite far back behind a pathway and planted front garden area. The chapel's large carpark, which is well maintained, is located to its right behind a high brick wall. It is noted that this area was historically built upon until the 1970's when it was cleared.

**6.59** The oldest buildings along Gracious Street date to the 18<sup>th</sup> century and all sit to the north side of the street. They include a fine rendered and thatched house, **The Lindens, 4 Gracious Street (grade ii)** which stands out prominently at the High Causeway end of the street. Its form is appreciated as its frontage is seen in context with its gable and glimpses of its rear elevation. Two rendered and thatched dormer cottages, **10 Gracious Street (grade ii)** and **16 Gracious Street (grade ii)** sit mid-way on the street. **8 Gracious Street (grade ii)** stands out as arguably the grandest building on the street. It is a well-proportioned brick two storey Georgian property dating to the 1730's, with dormers to its attic. 8 Gracious Street was heavily restored in the 1980's but it is regrettable that its rear garden space was lost to the Martin Court development which is built off the rear of the listed building. The remaining buildings on the street are 19<sup>th</sup> century and are mostly of brick construction, although a few have been rendered. They typically have slate roofs, although some have unfortunately been replaced with modern concrete tile. UPVC windows are prevalent in the unlisted buildings along the street. The mix of UPVC windows styles, the shiny white finish of this material and faux strip glazing bars all serves to diminish the historic qualities of the period buildings and the street scene as a whole.

## Delph Street

**6.60** Delph Street follows an east – westerly direction, albeit at an angle, connecting at its eastern end with the top of High Causeway and at its western end with Orchard Street. There is a mix of different periods of buildings along its length, including many later 20<sup>th</sup> century properties, which have replaced older properties. On the whole, the historic quality of Delph Street is limited in comparison to other parts of the character area. The pattern of development along Delph Street varies with some buildings, such as short lengths of circa 1900 terracing sitting to the footpath edge, some buildings set back behind small gardens and some 1970's dwellings sitting back behind uncharacteristically large gardens. An interesting aspect of the street scene is the manner in which buildings on the north side of the street sit at an angle to the street. This development pattern is clearly historic as 10 Delph Street (grade ii) dating to 1768 is orientated in this way. There are natural qualities to the street scene resulting from small trees and foliage with front garden areas, although it is notable that a number of front garden areas have been extensively gravelled resulting in a loss of natural aspects of the streetscene.

**6.61** Buildings of particular historic interest on this street include 2 Delph Street, 6 Delph Street, 8 Delph Street and 10 Delph Street (grade ii). They are a mixed group of historic buildings. 2 Delph Street sits at the eastern end of the street and is a large brick and slate roofed building with gable ends fronting the street. 6 Delph Street is an attractive well-proportioned brick property. This stands out within the street scene as a three storey building whereas the street characteristically comprises of two storey property. 8 Delph Street, a painted brick property, clearly has early 19<sup>th</sup> century origins but has been altered, probably in the 1920's, with bay windows added. **10 Delph Street (grade ii)** is the only building which is listed and it dates to the mid-18<sup>th</sup> century standing out in the street scene with its thatched roof. The buildings of Delph Street are all of brick construction. The traditional roofing material is slate although concrete tile is seen on many of the buildings. Street fronting boundaries tend to consist of brick walls. An exception to this is the fine well maintained

stretch of mud walling fronting 5 Delph Street, which has a stone footing and is rendered with a thatched capping. There are three other sections of mud walling within this part of the conservation area. These form side boundaries between 4 & 6C Delph Street, between 6b & 8 Delph Street, and between 8 Delph Street and Delph Court. Unfortunately these boundaries to the side of property, which are not in public view, tend to stand in poor repair and require some attention.



***The Mud Wall between 8 Delph Street and Delph Court is an example of a fine mud wall serving as a side boundary and hidden from view from the street.***

## **Claygate**

**6.62** Accessed from the west side of Orchard Street, Claygate is a short stretch of street orientated in an east-west direction. It begins as a narrow road with property to either side but as the road ends, Claygate actually continues on as a footpath. This end of Claygate was once known as Crab End. Part of the western boundary of the conservation area is formed where this footpath makes a 90 degree turn north at an area of grassed open ground. Ivy Lane is a narrow footpath running off the southside of Claygate, linking through with Gracious Street. It forms an access between these two streets running past the side elevations of bordering buildings. No property actually fronts Ivy Lane. The character of Claygate varies along its length. On entering Claygate, there is contrast in the street scene as the first few buildings on the northside of the street are set back behind street fronting boundary walls or hedging. The buildings on the south side of the street front the footpath edge. On the north side of the street a row of lime trees extend along the street, fronting boundaries of three properties. In summer months this results in a wall of greenery creating a strong natural element to the street scene.

**6.63** On entering Claygate, the large detached 19<sup>th</sup> century house on the north side set behind hedging draws the eye. This attractive property of brick and slate construction was

built in 1847 and was once associated with a large land holding in this part of town. The defining architectural and historic qualities of Claygate lies with the grouping of four thatched cottages at the western end of the street: **9 Claygate (grade ii)**, **11 Claygate (grade ii)**, **8 Claygate (grade ii)** and **10 Claygate (grade ii)**. There is also a thatched cottage which runs alongside Ivy Lane, addressed **38 Gracious Street (grade ii)**, and a thatched building at 28 Claygate which form part of this cluster of thatched vernacular buildings. These thatched cottages, all vary in the form and appearance date to the 17<sup>th</sup> and 18<sup>th</sup> century, some have later additions. The thatched cottages are all 1½ storey in height. The scale of building along Claygate does not exceed two storey.

## Orchard Street

**6.64** Orchard Street is orientated in a north-south direction. Up until the 1970's, it was modest in length running from the north side of Gracious Street, where it intersected mid-way along Gracious Street, and up to Delph. It presumably took its name from the fact that up until the late 19<sup>th</sup> century an orchard ran along the length of its east side. In the early 20<sup>th</sup> century the orchard was developed upon and two pairs of semi-detached houses were erected, along with two short rows of terracing all built in brick with slate roofs. These all stand today and remain a fairly attractive grouping of properties with plaques giving their property names and dates of construction. It is, however, regrettable that no 6 has been rendered and a concrete roof added which is at odds with unity of the brick terrace. Windows throughout these properties have all been replaced by UPVC. Although similar in style, differences in construction and opening details in the plastic windows mean the properties have lost their unity.



***Orchard Street and Claygate as shown in the 1854 Town Map. This map can be viewed at the Whittlesey Museum.***

**6.65** Originally Orchard Street was a modest length and fairly unassuming. In the late 19<sup>th</sup> century it had the orchard on its east side and a row of cottages on its west side. The cottages were removed by the mid-20<sup>th</sup> century. However, the major change to the character of the street came in the 1970's along with the road reorganisation around Whittlesey. In association with the rerouting of the A605 through the town, bypassing the town centre, the roundabout was formed at the top of Broad Street and a new section of road put in, linking

this roundabout through to Orchard Street and creating the B1040 route through the town. Orchard Street was extended to twice the length it historically was and it became a main road through the town. Only the original northern end of the street is located within the conservation area. The site of the cottages remains undeveloped and is now the Baptist Chapel carpark. The west side of the street, which falls within the conservation area, is defined along its entire length by a high brick wall and two access points.

## **Buildings of Local Importance**

**6.66** Buildings of Local Importance within this character area and identified in the text above are:

- **54 High Causeway** (BLI since 1993)
- **Whittlesey Baptist Chapel**
- **Manse @ Whittlesey Baptist Chapel**
- **2 Delph Street** (BLI since 1993)
- **6 Delph Street** (BLI since 1993)
- **The Elms, 2 Arnold's Lane** (BLI since 1993)
- **Mud wall to 5 Delph Street**
- **Mud wall between 4 and 6C Delph Street**
- **Mud wall between 6b and 8 Delph Street**
- **Mud wall between 8 Delph Street and Delph Court**

## 7.0 REFERENCES

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### 7.02 Directories

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- Cassey's Cambridgeshire Directory 1864
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### 7.03 Maps

- Cambridgeshire Records Society, Jonas Moore's Map of the Great Levell of the Fens 1658
- 1841 Tithe Map
- 1854 Town Map
- 1887 OS County Series 1:2500 Cambridgeshire and Isle of Ely
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### 7.04 Websites

- British History Online (BHO) <http://www.british-history.ac.uk/vch/cambs/vol4/pp123-135> (viewed 23/03/2017)

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# ANNEX 1: HERITAGE ASSETS - LISTED BUILDINGS AND BUILDINGS OF LOCAL IMPORTANCE WITHIN WHITTLESEY CONSERVATION AREA

## Listed Buildings

A listed building is a building which is officially identified as having architectural and historic interest and is afforded statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. A listed building is a designated heritage asset.

Full details of all Listed Buildings across England can be found on the National Heritage Listed For England (NHLE) which is compiled and managed by Historic England. Visit: <https://www.historicengland.org.uk/listing/the-list>

All buildings listed on 22<sup>nd</sup> February 1985 (unless otherwise stated)

### Grade i

- Church of St Mary, Station Road (listed 11<sup>th</sup> August 1950)

### Grade ii\*

- Grove House, Briggate East (listed 11<sup>th</sup> August 1950)
- Church of St Andrew, Church Street (listed 11<sup>th</sup> August 1950)
- 4 (Vinpenta House), High Causeway (listed 11<sup>th</sup> August 1950)
- 47 (Wilderness House), London Street (listed 11<sup>th</sup> August 1950)
- 10 Market Place (formally Post Office) (listed 31<sup>st</sup> July 1970)
- Butter Cross (Market Cross), Market Place (listed 11<sup>th</sup> August 1950) – also a Scheduled Monument

### Grade ii

- 1-5 Arnolds Lane
- 8 Arnolds Lane
- 2 & 3 The Bower
- 1 & 3 Briggate West
- 38 Church Street (listed 12<sup>th</sup> December 1980)
- 46 Church Street
- 48 Church Street
- 49 Church Street (listed 20<sup>th</sup> February 1980)
- 8 Claygate
- 10 Claygate
- 9 Claygate (listed 26<sup>th</sup> August 1981)
- 11 Claygate
- 10 Delph Street
- 1 Finkle Lane
- 4 (The Lindens), Gracious Street
- 8 Gracious Street
- 10 Gracious Street

- 16 Gracious Street
- 38 Gracious Street
- 6 High Causeway
- 56 High Causeway
- New Crown, High Causeway
- 68 High Causeway
- 7 (Horsegate House), Horsegate (listed 11<sup>th</sup> August 1950)
- 9 Horsegate
- 17 Horsegate
- 21 Horsegate
- 23 Horsegate
- 1 (The Falcon Hotel), London Street
- 22 London Street
- 2 Low Cross (listed 16<sup>th</sup> May 1984)
- 10 Low Cross
- 13 & 15 Low Cross
- 5 Market Place (listed 11<sup>th</sup> August 1950)
- 6 & 7 Market Place (listed 11<sup>th</sup> August 1950)
- 8 Market Place (listed 11<sup>th</sup> August 1950)
- George Hotel, Market Place (listed 25<sup>th</sup> July 1974)
- 12 Market Place (listed 11<sup>th</sup> August 1950)
- 13a Market Place (listed 25<sup>th</sup> July 1974)
- 14 Market Place and 1 Market Street (listed 11<sup>th</sup> August 1950)
- 7A & 7B Market Street
- 9 Market Street (listed 26<sup>th</sup> July 1974)
- 17 Market Street
- 2 Market Street (listed 11<sup>th</sup> August 1950)
- 18 (Town Hall), Market Street
- Black Bull PH, Market Street (listed 11<sup>th</sup> August 1950)
- Curtilage Wall, rear of Black Bull PH, Market Street
- War Memorial and enclosure fence, Queen Street
- 8 & 10 St Marys Street (listed 23<sup>rd</sup> February 1978)
- 20 & 22 St Marys Street
- Gatepiers rear of No 8 Market Place, Scaldgate
- Manor House, Station Road (listed 23<sup>th</sup> June 1952)
- Wall adjoining No 4 West End
- 40 Whitmore Street
- 56 Whitmore Street

Guidance specific to proposals affecting Heritage assets can be found on the Historic England's website:

**Making changes to heritage assets** – <https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

**Good practice advice in planning the setting of heritage assets** - <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

## Buildings of Local Importance

Buildings of Local Importance are recognised at a local level as being buildings which have a heritage interest and have a degree of significance meriting consideration in planning decisions. These are buildings and structures which make a noticeable impression on local character and sense of place, but do not meet the criteria to be listed in their own right.

Buildings of Local Importance do not have statutory protection and are referred to as non-designated heritage assets. Background reading relating to Buildings of Local Importance can be found in Historic England's document Local Heritage Listing (2016) – Historic England Advice Note 7: <https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

- The Elms, 2 Arnold's Lane (BLI since 1993)
- Old School, 1 Broad Street
- Nisa, 4 Broad Street
- 2 Claygate (BLI since 1993)
- 47 Church Street
- 62 Church Street
- 2 Delph Street (Keneydon House) (BLI since 1993)
- 6 Delph Street (BLI since 1993)
- Mud Wall to 5 Delph Street
- Mud Wall between 4 & 6C Delph Street
- Mud Wall between 6b & 8 Delph Street
- Mud Wall between 8 Delph Street & Delph Court
- 20 Falcon Lane
- Castle House, 8 Finkle Lane
- Mud Wall @ Finkle Court
- 54 High Causeway
- Whittlesey Baptist Chapel, Gracious Street
- Mud Wall between 9 & 13 Horsegate
- Mud Wall between 8 & 14 Horsegate
- Mud Wall between 14 and Wade's Yard, Horsegate
- St Andrew's Parish Rooms, Parkinson's Lane
- St Jude's Church, Station Road
- Church Hall (former Parish Room), Station Road (BLI since 1993)
- 15 & 17 St Mary's Street (BLI since 1993)



## ANNEX 2 – PLANNING CONTROLS

### Demolition

Within a conservation area, planning permission is required for the demolition or substantial demolition of any unlisted building which exceeds 115 cubic meters and to take down a wall gate or fence (which is 1m or more fronting a highway and 2m or more elsewhere). Failure to obtain planning permission for relevant demolition in a conservation area constitutes a criminal offence under S196D Town and Country Planning Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### Protection of Trees

Trees in conservation areas that are not protected by a Tree Preservation Order (TPO) are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make a TPO on the tree.

### Permitted Development Rights

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. They are covered by the provisions of **The Town and Country Planning (General Permitted Development) (England) Order 2015**. The designation of a conservation area brings with it some additional planning controls, applying greater restrictions on permitted development rights. For the purpose of The Town and Country Planning (General Permitted Development) (England) (Order) 2015 Schedule 1 a conservation area is referred to as Article 2 (3) land.

Under The Town and Country Planning (General Permitted Development) (England) (Order) 2015 Planning Permission will be required for development in a conservation area where building works or change of use would:

#### **Dwellinghouses**

By virtue of Schedule 2 Part 1 A.2

- consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

Involves the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.  
(By virtue of Schedule 2 Part 1 B)

Involves the provision within the curtilage of the dwellinghouse of (a)any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b)a container used for domestic heating purposes for the storage of oil or liquid petroleum gas and those would be *would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.* (By virtue of Schedule 2 Part 1 E)

Involves the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse and that would be installed on a wall or roof slope which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse. (By virtue of Schedule 2 Part 1 Class G)

Involves the installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse and that would consist of the installation of an antenna (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or (iii) on a building which exceeds 15 metres in height. (By virtue of Schedule 2 Part 1 Class H)

### ***Change of Use***

Involves development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. (By virtue of Schedule 2 Part 3 Class Q)

### ***Other Matters***

Involves Development consisting of (a) the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and (b) the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use. (By virtue of Schedule 2 Part 4 Class E)

Involves the extension or alteration of a shop or financial or professional services establishment (By virtue of Schedule 2 Part 7 Class A)

In respect of click and collect facilities, consisting of the erection or construction of a collection facility within the curtilage of a shop (By virtue of Schedule 2 Part 7 Class C)

Development consists of modification of a loading bay of a shop. (By virtue of Schedule 2 Part 7 Class D)

It involves the extension or alteration of an office building subject to floor area limitations. (By virtue of Schedule 2 Part 7 Class F)

It involves the erection, extension or alteration of an industrial building or a warehouse subject to floor area limitations (By virtue of Schedule 2 Part 7 Class H)

### ***Renewable Energy***

The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on (a) a dwellinghouse or a block of flats; or (b) a building situated within the curtilage of a dwellinghouse or a block of flats where it would be installed on a wall which fronts a highway. (By virtue of Schedule 2 Part 14 Class A)

The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a dwellinghouse or a block of flats where it is to be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway (By virtue of Schedule 2 Part 14 Class B)

The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flat where it is to be installed on a wall or roof slope which fronts a highway. (By virtue of Schedule 2 Part 14 Class E)

*The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats where the flue would be installed on a wall or roof slope which fronts a highway (By virtue of Schedule 2 Part 14 Class F)*

*The installation, alteration or replacement of a microgeneration air source heat pump (a) on a dwellinghouse or a block of flats; or (b) within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage. Where the air source heat pump (i) would be installed on a wall or a roof which fronts a highway; or (ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or where the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if— (i) that wall fronts a highway; and (ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey. (By virtue of Schedule 2 Part 14 Class G)*

The installation, alteration or replacement of a microgeneration wind turbine on (a) a detached dwellinghouse; or (b) a detached building situated within the curtilage of a dwellinghouse or a block of flats where *the wind turbine would be installed on a wall or roof slope of (i) the detached dwellinghouse; or (ii) a building within the curtilage of the dwellinghouse or block of flats, which fronts a highway* (By virtue of Schedule 2 Part 14 Class H)

The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse or a block of flats where *the stand-alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway* (By virtue of Schedule 2 Part 14 Class I)

The installation, alteration or replacement of (a) microgeneration solar thermal equipment on a building; (b) microgeneration solar PV equipment on a building; or (c) other solar PV equipment on the roof of a building, other than a dwellinghouse or a block of flats where *the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway* (By virtue of Schedule 2 Part 14 Class J)

The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a building other than a dwellinghouse or a block of flats where it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway (By virtue of Schedule 2 Part 14 Class K)

The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a building other than (a) a dwellinghouse or a block of flats; or (b) a building situated within the curtilage of a dwellinghouse or a block of flats where *the flue would be installed on a wall or roof slope which fronts a highway* (By virtue of Schedule 2 Part 14 Class N)

*The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a building other than (a) a dwellinghouse or a block of flats; or (b) a building situated within the curtilage of a dwellinghouse or a block of flats where the flue would be installed on a wall or roof slope which fronts a highway (By virtue of Schedule 2 Part 14 Class O)*

#### **Article 4 Directions**

While conservation area designation removes some permitted development rights, it does not remove all. Owners of unlisted dwellinghouses, for example, can still undertake certain works including the replacement of windows, construction of porches and remove stacks without having to make a planning application. An Article 4 Direction is a planning power which can be put in place to remove permitted development rights and apply tighter controls on alterations and improvements of property within a conservation area. There is no Article 4 Direction in place in the Whittlesey Conservation Area.

## ANNEX 3: CONSULTATION PROCESS

In accordance with S71 Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation Area Appraisal (2018) and Conservation Area Management Plan (2018) are put to public consultation from **Monday 26<sup>th</sup> March 2018 and Monday 23<sup>rd</sup> April 2018**. The consultation is being undertaken in the following way:

- **Public Display** – A public display is being presented in the Whittlesey Town Council Office, Grosvenor Road during the consultation period. The display, consisting of information boards with copies of the appraisal and management plan, is available for review. The public may leave feedback in a suggestions box next to the display
- **Public Event** – On Monday 9<sup>th</sup> April 2018, the Conservation Officer will be available at the Whittlesey Library, Market Street, Whittlesey to answer any questions regarding this document and the accompanying management plan.
- **Online** – Copies of the Conservation Area Appraisal (2018) and the Conservation Area Management Plan (2018) are available to download on Fenland District Council's website at [www.fenland.gov.uk/conservationareas](http://www.fenland.gov.uk/conservationareas)
- **Advertising** – The consultation period has been advertised by means of a press release in a local publication. The press release cites the dates of the consultation and explains where the documents can be viewed.



# Whittlesey Conservation Area Management Plan

March 2018

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## Section 1 - Background

### Introduction

- 1.1 This Management Plan has been drawn up following the production of a detailed character appraisal for the Whittlesey Conservation Area. It will provide a framework for managing change, addressing issues and identifying enhancements within the conservation area to ensure the conservation area retains its qualities as an area of special architectural and historic interest.
- 1.2 In accordance with S71 Planning (Listed Buildings and Conservation Areas) Act 1990 local authorities are required to review their conservation areas *“from time to time and formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas”*. This Management Plan has been produced to provide those proposals and present a positive strategy for conserving and enhancing the Whittlesey Conservation Area.
- 1.3 The advice and guidance within this Management Plan and the associated Conservation Area Appraisal will also be considered as a material consideration in determining planning applications within and affecting the setting of the Whittlesey Conservation Area. This information should therefore be of use to property owners, developers, agents and Whittlesey organizations working on or in connection with buildings and sites within the Whittlesey Conservation Area.

### Whittlesey Conservation Area

- 1.4 A conservation area was first designated in Whittlesey on 4<sup>th</sup> February 1972. It focused on an area around the Market Place and the north end of Station Road, including St Mary’s Church across to St Andrew’s Church via London Street. The boundary was subsequently reviewed and substantially enlarged in November 1982 where it was extended to include the residential areas of Horsegate and the north end of Church Street as well as an area to the south of the town centre taking in Grove House and the corner of the Kings Dyke waterway. At this time a separate area around Claygate, Delph Street and Gracious Street was also identified as part of the Whittlesey Conservation Area. The conservation area boundary was officially amended again in 2009 when it was revised to include Broad Street in the town centre, the Finkle Lane area and incorporate other minor changes to tidy up the boundary edge.
- 1.5 There are 62 listed buildings within the conservation area of which one, the Church of St Mary, has grade I listed status and six which have grade II\* listed status. The Whittlesey Butter Cross is also designated a Scheduled Ancient Monument. An inventory of the designated heritage assets within the Whittlesey Conservation Area can be found within the accompanying Whittlesey Conservation Area Appraisal.
- 1.6 In 2014 Whittlesey Conservation Area was added to Historic England’s Heritage at Risk Register. It was added to the Heritage at Risk register due to issues concerning the dereliction of some key buildings within the conservation area which have a considerable negative impact on the character and the appearance of the conservation area. There are also issues in respect of the erosion of historic character resulting from poor quality shop fronts and signage, the unsympathetic replacement of windows and public realm issues.



- 1.7 A full assessment identifying the character and appearance of the Whittlesey Conservation Area is detailed within the Whittlesey Conservation Area Appraisal (2018). This Management Plan was produced concurrently with the latest appraisal document.

## **Legislative and Policy Framework - Production of the Management Plan**

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

- 1.8 The designation of conservation areas and the legal duties towards their care now falls under the provision of the Planning (Listed Buildings and Conservation Areas) Act 1990. S69 of the act gives local planning authorities the power to recognise areas which are considered to be of “special architectural and historic interest the character and appearance of which it is desirable to preserve and enhance” and define them within a boundary and designate them as a conservation area. Whittlesey Conservation Area is one of ten conservation areas designated within Fenland.
- 1.9 It is under S71(1) of the act that a duty is placed on the Local Planning Authority to “from time to time to formulate and publish proposals for the prevention and enhancement of conservation areas”. This Management Plan has been produced in accordance with this duty and is to be formally adopted with due regard to S71 (2) of the act which requires the proposals to be submitted for consideration to a public meeting in the area to which they relate.
- 1.10 In determining planning applications associated with buildings or land within a conservation area the duty in law under S72 (1) of this act is that “special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area”. The objectives and policies set out in this Management Plan shall support planning decision making that aligns with this duty.

### **National Planning Policy Framework (March 2012)**

- 1.11 The National Planning Policy Framework sets out Government planning policies for England and how these are expected to be applied. It identifies how planning policy is to contribute to the achievement of sustainable development through economic, social and environmental factors. A core principle of the NPPF is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. The NPPF seeks to promote positive planning which can shape and direct development.
- 1.12 This Management Plan is intended to accord with the NPPF and be a positive planning tool which will identify issues within the Whittlesey Conservation Area and the opportunities available to address the issues. It will help facilitate further projects and direct decision-making in a manner which will preserve and enhance the character and appearance of the Whittlesey Conservation Area and help create a town centre that is at the heart of the community and has opportunity for future economic growth. The Management Plan has been written with due regard to the NPPF and specifically section 2 (Ensuring the vitality of town centres) and section 12 (Conserving and enhancing the historic environment).

## **Fenland Local Plan (Adopted May 2014)**

- 1.13 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations may include other legislative direction, statutory guidance or other general guidance but such considerations should be weighted accordingly. The Fenland Local Plan was adopted in May 2014.
- 1.14 Local Plan Policy LP18 (The Historic Environment) states that *“The Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland”* and one of the ways it will achieve this is by *“keeping up-to-date and implementing conservation area appraisals and management plans, and using such up to date information in determining planning applications”*. The Management Plan is being produced in accordance with policy set out in the Fenland Local Plan.
- 1.15 Under Local Plan Policy LP11 (Whittlesey) it identifies Whittlesey as a local service centre and area for housing growth and states that *“All development should contribute to it retaining its character as a safe and community focused historic market town, preserving, enhancing and making appropriate use of its heritage assets to benefit its regeneration and sense of place, whilst recognising the need to prevent excessive out-commuting particularly to Peterborough”*. The production of this Management Plan will go towards supporting this policy intent.

## **Adoption and Consultation**

- 1.16 This Management Plan was adopted by Fenland District Council on May 17, 2018. Prior to its adoption, it was subject to local consultation as required by S71 (2) Planning (Listed Buildings and Conservation Areas) Act 1990. Full details of this consultation process are set out under Annex 1 of this document.

## **Section 2 – Management of the Conservation Area: Aims and Objectives**

### **Character and Appearance of the Whittlesey Conservation Area: An Overview**

- 2.1 Whittlesey Conservation Area covers the historic core of this rural market town. This is comprised of the commercial centre and surrounding residential development based on an irregular grid pattern of development. The conservation area is split into two sections as the northern part of the conservation area is separate from the main body of the conservation area. The historic focal point of the town is Market Place which comprises of a grouping of listed buildings surrounding a public open space focused upon an open 17<sup>th</sup> century market building. One aspect of interest of the conservation area is that it has two fine parish churches, St Mary's and St Andrews. St Mary's, however, with its splendid spire is the church that features most prominently within views through the town and in distance views of the town from the surrounding countryside. Within Whittlesey there is a good range of different periods of historic buildings expressing a variety in different building materials ranging from 17<sup>th</sup> century stone property and thatched cottages to fine 18<sup>th</sup> century brick buildings and 19<sup>th</sup> century civic buildings. A notable aspect of the town's character is that it boasts a number of mud boundary walls which are features unique to Whittlesey within Fenland and the wider county of Cambridgeshire.
- 2.2 There are a number of issues which detract from the character and appearance of the Whittlesey Conservation Area and have collectively resulted in the conservation area being placed on Historic England's Heritage at Risk Register. The erosion of the town's settlement pattern, a consequence of backland development, has occurred over a long period of time and has incrementally eroded the character of the conservation area. The installation of incongruous replacement windows and poor quality public realm collectively has had a negative impact on the character and appearance of street scenes and views through the conservation area. The dilapidation of a number of listed buildings has a negative impact on the appearance of the area. The poor repair of mud walls risks loss of this unique aspect of the town's heritage. There are 6 listed buildings at risk within the town with work underway on two of these.

### **Aims of the Management Plan**

- 2.3 This Management Plan will seek to identify those factors within the built environment which have harmed or threaten to harm the special qualities of the Whittlesey Conservation Area. It will also consider where opportunities for enhancement could be made to benefit the character and appearance of the conservation area. Through the identification of these issues, objectives will be developed to determine actions required, prioritize actions and effect positive changes within the conservation area to enhance its character and appearance and better reveal its significance.
- 2.4 It is envisaged that once the objectives commence being actioned the conservation area could be removed from Historic England's Heritage at Risk Register. Many of the objectives are long-term objectives and are intended to facilitate good management practices that will help look after the conservation area now and in the future. These long-term objectives require ongoing attention if they are to succeed aiding the preservation and enhancement of the conservation area.

## Objectives

### Buildings at Risk

- 2.5 Listed buildings are buildings and structures which are formally recognised for their architectural and historic interests and are afforded statutory protection accordingly. Whittlesey Conservation Area includes 61 listed buildings. Collectively, they make a fundamental contribution to the historic character and appearance of this conservation area and the sense of place of Whittlesey. The responsibility for maintaining listed buildings and keeping them in good order lies with the building owners although there is no specific standard set out in law that they have to be maintained to. The Council will seek to identify buildings which are “at risk” because they have fallen in to a state of disrepair or in a position which puts their fabric at risk of deterioration.
- 2.6 6 listed buildings within Whittlesey Conservation Area are considered to be “at risk”. This includes some key listed buildings in prominent positions on Market Street and Market Place which, by virtue of their risk issues, have a negative impact on the appearance of the conservation area. A list of buildings at risk within the Whittlesey Conservation Area is provided in Appendix 2. The reasons for listed buildings being “at risk” within this conservation area varies from building to building and the degree they are at risk also varies. Buildings are categorized from risk category 1, those where extensive repair is urgently needed to risk category 4, those where one element of the building or a feature is at risk of deterioration and requires repair in order to secure its future preservation. The Council is committed to addressing buildings at risk within the Whittlesey Conservation Area. This will not only protect the interests of individual listed buildings but will also enhance the character and appearance of the conservation area and protect its interests.

#### Objective 1

The Council will (i) seek to make contact with the owners of listed buildings “at risk” within the Whittlesey Conservation Area to raise concerns regarding their condition, (ii) look to work proactively with owners in the first instance to provide advice to facilitate the repair and reuse of these buildings and (iii) consider on a case by case basis using statutory powers where necessary, and in accordance with best practice, to secure repair where cooperation with owners is not forthcoming.



*Scaffolding and deteriorating mud walls*

## Mud Walls

- 2.7 A built feature that is unique to Whittlesey and contributes to the character and sense of place of the town is its mud walls. Whittlesey is the only place within Fenland and within the wider county of Cambridgeshire where mud walls are found. This fact emphasizes the significance of these vernacular features and the intrinsic contribution they make to character and appearance of the town. The Whittlesey Mud Walls Group undertook a comprehensive survey of the mud walls in 2016/2017 and found that twenty eight sections of wall survive around the town and fifteen of these historic mud walls are located within the Whittlesey Conservation Area. The mud walls are believed to have been constructed between the 1780's and the mid-19<sup>th</sup> century utilizing the surface clays found around the town. The walls are constructed from clay mixed with chopped straw and a little water which has been built up in lifts without formwork or support. The walls are built on a footing of either brick or stone and are protected by copings of pantile, timber boarding or thatch. The walls are typically 35cm-40cm in width and between 1.5m to just over 2m in height.
- 2.8 The most prominent mud walls around Whittlesey include the grade ii listed thatched mud wall at 4 West End, the longest stretch of mud wall in Whittlesey, and the short section of thatched mud wall at 5 Delph Street. Both these sections of mud walls front a highway, are well known of and are well maintained. However, the majority of mud walls which survive within the town actually form side or rear boundaries to property and are often inconspicuous from public view points. Out of the fifteen sections of historic mud walls within the conservation thirteen of these form side or rear boundaries to property and many of these are in a poor and/or deteriorating condition. It is, however, testament to the robustness of mud wall construction that these walls remain standing often with little or no maintenance. Common issues affecting the condition of mud walls include missing or damaged coping, damage from ivy growth or other vegetation and raised ground levels over footings. The greatest threat to the wholesale loss of mud walls is from demolition associated with development or lack of understanding about this type of construction.
- 2.9 In 1981 the first mud wall survey in Whittlesey was undertaken. This accounted for forty two sections of mud wall. The 2016/2017 mud wall survey identified twenty eight sections of mud wall, including three which had not been identified in the 1981 survey. There is very clear evidence that Whittlesey is losing its mud wall heritage and this unique feature of this Fenland town's character. Securing the retention and restoration of the mud walls is important to protecting the character of the Whittlesey Conservation Area.

### **Objective 2**

The Council will encourage the retention and proper repair of Whittlesey's mud walls by:

- (i) exercising planning controls (where applicable) to prevent the demolition of mud walls and consider using Article 4 Directions to protect mud walls, (ii) where a mud wall maybe beyond repair securing replacement with a new section of mud wall and (iii) encouraging the repair of mud walls by providing repair advice and financial support through the S57 Grant Scheme (subject to budget availability) and (iiii) fostering a greater understanding and appreciation of this aspect of Whittlesey's heritage in collaboration with community groups such as the Whittlesey's Mud Wall Group, Whittlesey Museum and The Whittlesey Society.

## Signage & Shop Fronts

- 2.10 Whittlesey Conservation Area covers the town centre which takes in the majority of the town centre shops and businesses. The character and appearance of Market Place, Market Street, Broad Street and High Causeway is greatly influenced by the shop frontages and signage of the premises which occupy the ground floors of buildings. The businesses use fascia signage and sometimes projecting hanging signs to advertise. The quality of shop fronts and signage varies considerably around the conservation area. There are some good examples of shop fronts and signage in the conservation area such as Parkers News (13 Market Street), Hubs Place (Market Place) and The George. In these cases the traditional styles of shop fronts and signage are attractive to look at, compliment the buildings which the shops occupy, clearly identify the name of the retailer and contribute positively to the character and appearance of the conservation area.
- 2.11 Unfortunately, at present, there are more premises which present shop fronts and signage that detracts from the qualities of the conservation area than preserve or enhance its character and appearance. Poor modern shop frontages, oversized fascias, signage with excessive wording and signs with garish graphics can be seen within the conservation area. The issue of inappropriate shop fronts and signage is a factor contributing to this conservation area being considered “at risk” and one which needs to be addressed. Addressing this issue would improve the character and appearance of the conservation area and may bring economic benefits to the town if it becomes a more attractive place to visit and shop.

### Objective 3

The Council will produce up-to date shop fronts and signage guidance. This will provide clear information on the style and design of shop fronts and signage which will be considered acceptable within the Whittlesey Conservation Area and throughout the district. This document will be a material consideration in determining of planning applications, listed building consents and advert consents and shall be used to ensure that development is of a standard which enhances the conservation area. The Council will seek to encourage owners of existing shops and businesses to improve shop fronts and signage.

## Windows

- 2.12 When English Heritage (now Historic England) conducted the first ever national survey of conservation areas at risk in 2009 they identified that the top threat to the character and appearance of England’s conservation areas was the unsympathetic replacement of windows and doors. The widespread marketing of UPVC products and assumptions that window replacement is better for energy saving and for the environment than window repair (including thermally upgrading windows) has fueled this threat. This threat usually affects unlisted buildings within conservation areas. Where dwelling houses are concerned property owners often benefit from Permitted Development rights meaning that they can lawfully change windows and doors and are not subject to planning controls. Where businesses and flats are concerned property owners often don’t realize that planning permission may be required to replace windows and doors resulting in unauthorized alterations being undertaken.

- 2.13 Whittlesey Conservation Area has been significantly affected by the loss of historic and traditionally styled windows from period buildings and the installation of modern unsympathetic replacements. In the majority of streets within the conservation area there is evidence of this. Over many years many unlisted residential buildings have had UPVC windows installed and it is often the shiny appearance of many UPVC products, poorly detailed opening styles and inferior glazing bar detailing that result in such windows appearing out of place in historic street scenes. In addition to this where there may have once been uniformity in windows in terraces and semidetached properties the introduction of replacement windows often results in inconsistent window styles which can diminish the architectural impact of a designed arrangement of buildings. The consequence of the loss of historic and traditionally styled windows is that the special architectural and historic interest of the conservation area has been eroded.
- 2.14 Around Market Place where there is a high concentration of listed buildings the historic fabric of these listed properties is protected and they all retain their historic windows. The architectural and historic quality of Market Place is very strong and the retention of historic windows is a factor in the superior aesthetic of this historic street scene. The appearance of all other streets within the conservation area would be enhanced through consideration being given to retaining historic windows or the more careful selection of replacement windows. Options are available for improving the thermal performance of historic windows and these should be explored in the first instance. Where replacement windows are to be installed timber or high quality foil finished UPVC product should be used with care taken in the selection of opening styles and glazing bar detailing.

**Objective 4**

Where window replacement is proposed and advice or permission is sought from the Council the Council shall seek to secure the best quality replacement windows are installed. Where UPVC is considered acceptable, this should be of a high quality foil finished nature.



***An example of high quality UPVC windows has been used in the unlisted manse on Gracious Street.***

## **Buildings of Local Interest within the town**

2.15 Buildings of Local Interest are those buildings which, although not worthy of listing in their own right, do have architectural and historic merits to them. In the context of the Whittlesey Conservation Area such buildings will make a positive contribution to the character and appearance of the conservation area. In view of this there is a presumption to ensure their interests are recognised and protected and are given consideration in the determination of planning decisions. In 2012 Fenland District Council developed criteria it would use for assessing and identifying Buildings of Local Interest. Through the production of the latest Whittlesey Conservation Area Appraisal (2018), which has been written alongside this Management Plan, Buildings of Local Interest have been reviewed and identified in accordance with the developed criteria. In moving this work forward it is important to undertake further study on these buildings to research and document their interests.

### **Objective 5**

The Council will seek to work alongside local heritage groups to encourage historical research into Buildings of Local Interest within the Whittlesey Conservation Area. The findings of this research will be published in some form so it can be accessed by all. This architectural and historical information would be considered in the determination of any planning applications submitted to the Local Planning Authority which affect a Building of Local Interest.

## **Trees within the Conservation Area**

2.16 Whittlesey Conservation Area covers an urban town centre. Trees are not a landscape feature throughout the conservation area but do make an intrinsic contribution to specific parts of the conservation area such as Station Street, Scaldgate, parts of Church Street and around the Bower. All trees within the conservation area are protected and approval is required to undertake works to trees within the conservation area. In addition to this there are a number of Tree Preservation Orders or Tree Preservation Areas designated which recognises trees of specific amenity value. Tree Preservation Orders were designated in Whittlesey from the early 1960's to the present day. Unfortunately the earliest tree preservation designations are now outdated and often do not provide clear information on the location or species of trees or take in to account that trees which they may have once covered have been lost through disease, age or unauthorised removal, In addition to this the orders may not clearly cover younger trees which have grown over the past 50 years. Work is required to resurvey trees within the Whittlesey Conservation Area to ensure Tree Preservation Orders are up to date and the trees within the conservation area are adequately protected.

### **Objective 6**

The Council will undertake a review of TPO trees within the Whittlesey Conservation Area.



## Development Opportunities

2.17 Whittlesey Conservation Area draws its boundary tight around the historic core of the town and this area is already densely developed. In this context development opportunities within the conservation area are limited. There are, however, a few sites and poor quality buildings which currently detract from the character and appearance of the conservation area and offer an opportunity to enhance the conservation area through appropriate redevelopment. The Council can support these owners by providing appropriate planning and conservation advice to help ensure such developments enhance the character and appearance of the conservation area:

- 9 Parkinson's Lane – development approved under F/YR16/1163/F
- 29 Horsegate – development approved under F/YR15/1025/F
- Site to south of Finkle Lane – development approved under F/YR18/0015/F
- Former garage site adjacent to 16 & 18 Church Street
- Parish Hall, Station Road

## Delivery

2.18 The six proactive objectives cited within this Management Plan are to be delivered through Fenland District Council as they fall under the Council's work remit. The delivery of these objectives will require the input of the Conservation Officers, the Arboricultural Officer and may involve collaboration with other teams like the Legal Department. Fenland District Council will use its available resources to help deliver the objectives contained in this Management Plan.

2.19 Whittlesey benefits from a strong civic voice and a committed Town Council. There are a number of established community groups and organisations within Whittlesey that take an interest and seek to promote Whittlesey's cultural heritage and its built environment. These groups include The Whittlesey Society, Whittlesey Museum and Whittlesey Mud Walls Group. The Management Plan provides an opportunity for local groups to get involved in the delivery of some of the objectives specifically objectives 2 and 5 in collaboration with statutory bodies such as Fenland District Council, Whittlesey Town Council and Cambridgeshire County Council.

## Section 3 – Development Management and Enforcement

### Development Management

- 3.1 This Management Plan seeks to establish a proactive framework for managing change, addressing issues and identifying enhancements within the Whittlesey Conservation Area. This will ensure it retains its qualities as an area of special architectural and historic interest and to better reveal these interests. The Local Planning Authority does however manage change within conservation areas on a day to day basis through the process of development management. Where planning permission or listed building consent is required for works to buildings within a conservation area there are statutory considerations the Local Planning Authority has to follow in determining such applications. Buildings located within a conservation area are also subject to some additional planning controls. The following section identifies the Acts and statutory guidance which contribute to the framework of development control and the process of considering applications.

### Town and Country Planning Act 1990

- 3.2 The Town and Country Planning Act 1990 is at the heart of the planning system although it is modified by The Planning & Compulsory Purchase Act 2004 and more recently by the Enterprise and Regulatory Reform Act 2013. S57 of the Town and Country Planning Act 1990 sets out the requirement that ***“Planning Permission is required for the carrying out of any development of land”*** although it allows for certain development to be exempt from planning permission if it is covered by a development order such as The Town & Country Planning (General Permitted Development) (England) Order 2015 as detailed below. S55 of The Town and Country Planning Act 1990 defines development. S38 (6) of The Planning & Compulsory Purchase Act 2004 instructs that ***“if regard is to be had to the development plan for the purpose of any determination [of planning permission] to be made under the planning Acts the determination must be made in accordance with the plan unless material consideration indicate otherwise”***.
- 3.3 The Enterprise and Regulatory Reform Act 2013 made changes to the Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990 simultaneously in respect to the demolition of unlisted buildings within conservation areas. The changes made in respect of demolition resulted in Conservation Area Consent becoming obsolete and instead Planning Permission is solely required for works of relevant demolition in a conservation area under provisions now covered by the Town and Country Planning Act 1990. Planning Permission is required for demolition of a building exceeding 115 cubic metres or to take down any wall, gate or fence over 1 metre high abutting a highway or over 2m elsewhere. Undertaking works of relevant demolition in a conservation area without planning permission constitutes a criminal offence under S196D of the Town and Country Planning Act 1990.

### The Town & Country (General Permitted Development) (England) Order 2015

- 3.4 The designation of a conservation area has implications under The Town & Country Planning (General Permitted Development) (England) Order 2015. For the purposes of this act, as stated under Schedule 1 Part 1, land within a conservation area is reference as Article 2 (3) land.

- 3.5 Under this act, certain works to unlisted dwelling houses which would have otherwise been possible to proceed without planning permission will require planning permission because the dwelling house is in a conservation area. Matters pertaining to the requirement of planning permission for dwellings houses are detailed in Schedule 2, Part 1 of the act and the act should be fully consulted before undertaking works to dwelling houses within a conservation area. Examples where planning permission will be specifically required if a dwelling house is located within a conservation area includes where works consisting of the cladding of any part of the exterior of a house with stone, artificial stone, pebble dash, render, timber, plastic or tiles or extending to the side of the house or extension consisting of a two storey rear extension. The installation of microwave antenna (satellite dishes) is also more greatly controlled if they are on dwellings within a conservation area.
- 3.6 Certain changes of use will require planning permission if a building is located in a conservation area. Such matters are detailed under Schedule 2, Part 3 of the act and this should be fully consulted when considering change of use of buildings within a conservation area. For example planning permission is required where buildings operating as shops, financial or professional services, betting offices or pay day loans offices and seek to change use to a building functions for assembly of leisure. Planning permission is also required where buildings are to change use to a dwelling house from a building operating as a shop, financial or professional services, betting office or mixed use.
- 3.7 Certain non-domestic extensions will require planning permission because a building is located in a conservation area. Such matters are detailed under Schedule 2, Part 7 of the act and this should be fully consulted when considering the extension of non - domestic property in a conservation area. For example planning permission is required for the extension of a shop or financial or professional services establishment or office building. Planning permission would also be required for the erection of a collection facility or modification of the loading bay of a shop.
- 3.8 The installation, alteration or replacement of microregeneration solar PV or solar thermal equipment is more closely controlled where buildings are located in conservation areas. Such matters are detailed under Schedule 2, Part 14 of the act and this should be fully consulted when considering installing such equipment. For example, planning permission is required if it is the intention to install the equipment on roofs fronting a highway.

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

- 3.9 The legal duties in respect to the consideration of listed building consent applications and planning applications affecting listed buildings and buildings in conservation areas falls under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard specifically to conservation areas the act requires that in determining planning applications within conservation areas ***“special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area”***.
- 3.10 With regard to listed buildings, S16 of the act concerns the determination of Listed Building Consent and requires that ***“in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”***. S66 of the act concerns the determination of planning permission in

respect of works to listed buildings and requires that ***“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case maybe, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”***.

### **Fenland Local Plan (May 2014)**

- 3.11 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations may include other legislative direction (such as the Planning (Listed Buildings and Conservation Areas) 1990), statutory guidance (like to NPPF) or other general guidance but such considerations should be weighted accordingly. The Fenland Local Plan was adopted in May 2014. Policy LP18 of the Fenland Local Plan (May 2014) specifically concerns the historic environment.
- 3.12 Within the Vision Statement set out in the local plan a commitment is made seeking that ***“The natural and historic environment will be protected and enhanced with new development taking into account the surroundings of the area in which it would be situated”***. Objectives 3.1 and 3.2 reinforce the vision and intrinsically inform how the Council will approach development affecting the district’s conservation areas and other heritage assets. Objective 3.1 seeks to ***“Preserve and where appropriate, enhance buildings, monuments, sites and areas and landscapes that are designated or locally valued for their heritage interest; and protect/enhance their settings”***. Objective 3.2 seeks to ***“create places, spaces and buildings that are well designed, contribute to a high and local distinctiveness of townscape character”***.

### **National Planning Policy Framework**

- 3.13 The National Planning Policy Framework sets out Government planning policies for England and how these are expected to be applied. It identifies how planning policy is to contribute to the achievement of sustainable development through economic, social and environmental factors. A core principle of the NPPF is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. Section 12 covers conserving and enhancing the historic environment and paragraphs 128 – 140 provide guidance on the determination of applications.

### **Enforcement**

- 3.14 The character and appearance of a conservation area can be diminished or harmed by unauthorised works being undertaken to listed buildings within it. Where breaches of planning occur, where unauthorised advertisements have been used or where tree protection offences have occurred. Where buildings or sites within conservation areas are neglected and allowed to fall into disrepair this can also impact negatively on the interests of a conservation area. In these circumstances the Local Planning Authority has a range of enforcement powers available at their discretion to address these issues.

## **Unauthorised Works to Listed Buildings**

- 3.15 Any works to listed buildings involving their alteration, extension or demolition are controlled by the mechanism of Listed Building Consent. Proposals that would fail to preserve a listed building's interests would not be granted consent. The interest of a listed building may be harmed by inappropriate and unauthorised works. Failure to obtain listed building consent itself or breaching a condition attached to a listed building consent constitutes a criminal offence under S9 Planning (Listed Buildings and Conservation Areas) Act 1990. Owners can be prosecuted for undertaking such works.
- 3.16 The Local Planning Authority has the power to address unauthorised works to listed buildings under S38 Planning (Listed Buildings and Conservation Areas) Act 1990 and can issue a listed building enforcement notice. A Listed Building Enforcement Notice would state steps required to restore the building to its former state or state steps required to alleviate the effect of the unauthorised works or steps required to bring the building back to a state it would have been if conditions attached to a listed building consent had been complied with.

## **Breaches of Planning Control**

- 3.17 A breach of planning control is defined under S171A Town and Country Planning Act 1990 and occurs where development has been carried out without the required planning permission or where there has been a failure to comply with a condition under which planning permission has been granted. It is at the discretion of the Local Planning Authority to take action against breaches but where such breaches cause harm to the interests of a conservation area enforcement action should be pursued. The Local Planning Authority can serve an Enforcement Notice which would state what action is required to remedy the breach. It is an offence to fail to comply with an Enforcement Notice once the period for compliance has elapsed.

## **Unauthorised Advertisements**

- 3.18 Unauthorised advertisements may relate to illegal hoardings, fly-posting, graffiti or adverts along highways. There are a range of provisions under the Town and Country Planning Act 1990 for dealing with these issues.

## **Tree Offences**

- 3.19 Tree Preservation Orders are made to protect specific trees in the interest of amenity. Anyone who contravenes an order by damaging or carrying out works to a tree has committed an offence and can be fined. They can also be required to replace the tree under a tree replacement notice.

## **Securing repairs to listed buildings**

- 3.20 Under S48 and S54 Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority has powers to address listed buildings which have fallen in to disrepair. Under S54 an Urgent Works Notice can be served on unoccupied listed buildings. An Urgent Works Notice would cover works (the minimum required) considered urgently necessary for the preservation of a listed building to keep the building wind and watertight, supported against collapse and secure from unauthorised entry. Such a notice would require an owner to undertake specified work in a particular timeframe otherwise the local authority would step in and execute

the works. A S48 notice, also known as a Full Repairs Notice, could specify works for the full repair of the building although should an owner fail to execute such works the Local Planning Authority would have to be in a position to review the viability of compulsory purchase.

### **Securing repairs to unlisted buildings in conservation areas**

- 3.21 Under S76 Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority could apply the provisions of a S54 urgent works notice (as detailed above) to an unlisted building.

### **S215 Notice**

- 3.22 S215 Town & Country Planning Act 1990 provides Local Planning Authorities with the power to take steps required for land and buildings to be cleaned up when their condition adversely affects the amenity of an area. Under S219 of the act, Local Planning Authorities have the power to undertake clean up works themselves, at cost to the Local Planning Authority, and recover the costs from the landowner.

## Section 4 – Monitoring

### Monitoring

- 4.1 During the 5 year period this Management Plan is set to cover, it is important to be able to monitor progress of objectives and measure success at the end of the period. Monitoring procedures should be easy to implement and transparent. In this regard the following monitoring should be followed:
- i. **Annual Review** – Fenland District Council’s management team, the conservation section and stakeholders<sup>1</sup> referenced within the document shall convene on an annual basis. The purpose of the meeting will be to specifically review the objectives set out in this management plan and report on the progress being made under each objective.
  - ii. **Measuring Success (Objectives)** – Success can be measured against completed objectives. It is considered that 4 out of the 6 objectives set have clear outcomes and success will occur when the objective is met. It is not felt objectives 4 and 5 will ever be clearly completed. Objective 5 concerns collaborative research which is of a nature that could be open ended, however, success in these objectives may be considered achieved as and when research is underway.
  - iii. **Measuring Success (Buildings at Risk)** - Success can be measured against removing buildings from being considered “at risk” within the Whittlesey Conservation Area.
  - iv. **Measuring Success (Conservation Area at Risk)** – Securing removal of the Whittlesey Conservation Area from Historic England’s Heritage at Risk Register will be a measure of success of this Management Plan.
  - v. **Recording Success (The Photographic Record)** – In collaboration with the annual review it would be beneficial to keep a photographic record of objective related buildings and streets so successes can be visually conveyed through “before and after” photographs.

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<sup>1</sup> Whittlesey Town Council, The Whittlesey Society, The Whittlesey Museum, The Whittlesey Mud Walls Group and the Whittlesey and District Business Forum.

## Appendix 1

### Public Consultation

In accordance with S71 Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation Area Appraisal (2018) and Conservation Area Management Plan (2018) are put to public consultation from **Monday 26<sup>th</sup> March 2018 and Monday 23<sup>rd</sup> April 2018**. The consultation is being undertaken in the following way:

- **Public Display** – A public display is being presented in the Whittlesey Town Council Office, Grosvenor Road during the consultation period. This will contain information boards with copies of the appraisal and management plan. The public may leave feedback in a suggestions box that sits alongside the display.
- **Public Event** – On Monday 9<sup>th</sup> April 2018 the Conservation Officer will be available at the Whittlesey Library, Market Street, Whittlesey to answer any questions regarding this document and the accompanying management plan.
- **Online** – Copies of the Conservation Area Appraisal (2018) and the Conservation Area Management Plan (2018) are available to download on Fenland District Council's website at: [www.fenland.gov.uk/conservationareas](http://www.fenland.gov.uk/conservationareas)
- **Advertising** – The consultation period has been advertised by means of a press release. This gives dates of the consultation period and explains where the documents can be viewed.



## Appendix 2: Buildings at Risk

### Introduction

Fenland District Council has maintained a Buildings at Risk Register since 1992, although the last formal register was produced in 2013. Identifying Buildings at Risk identifies cases where the district's built heritage is at risk. This focuses on buildings afforded statutory protection, those being **listed buildings**, and may also include some buildings which although not listed have a heritage interest and make a strong contribution to the character of their locality, those being **buildings of local importance\***.

Identifying Buildings at Risk focuses attention on the issue of historic buildings being at risk. It is beneficial to collate information on buildings at risk as this allows the extent of this problem, causes of problems and risk trends to be understood. It is helpful to inform proactive conservation strategies and allows limited conservation resources to be targeted where they are most needed.

### Risk Categories

A 2015 (unpublished) review of buildings at risk sought to establish risk categories, which are intended to give clear parameters for assessing buildings at risk. This information gives clear guidance to building owners and the public why a building has been considered to be at risk. Categorising risk cases allows the nature and causes of risk to be better understood. Trends in risk issues are also more easily identifiable when information is assessed in this way. The following 4 categories have been used since 2015:

#### Category 1 Risk

A building/structure in a seriously dilapidated state requiring extensive repair and structural stabilisation. Likely to be suffering from all of the following:

- Severe structural failure and/or structural collapse
- Extensive wind and water penetration
- Extensive damage to and loss of historic fabric
- Not capable of use in its present condition

#### Category 2 Risk

A building or structure in a dilapidated state requiring a scheme of essential repairs and refurbishment to prevent structural failure, further deterioration and loss of historic fabric. Likely to be suffering from some of the following:

- A condition that would be conducive to structural failure
- Localised problems with wind and water penetration.
- Long-term vacancy or under use.
- Its condition may impede its use.
- Suffering multiple problems with deteriorating fabric
- Failing historic internal finishes

**Category 3 Risk**

A vulnerable building or structure needing a scheme of repair and/or consideration to its future use to preserve it. Likely to be suffering from one or more of the following:

- Vacancy or under use
- Requires refurbishment to facilitate reuse
- General repairs required to the roof covering
- Defective rainwater goods
- Localised water ingress
- The exterior requires repointing or rendering
- Deteriorating joinery
- Repairs are required to internal features

**Category 4 Risk**

A building or structure which presents clear deterioration of an individual element of its fabric. Requires repair to the individual element of fabric to preserve the architectural and historic interest of the building. Likely to be suffering from one of the following:

- Deteriorating joinery requiring repair and redecoration
- Localised repairs required to the roof such as the replacement of slipped tiles
- Repair required to rainwater goods
- Vegetation growth, such as ivy, presents a risk and requires removal
- Localised damage to internal features

## Buildings at Risk within the Whittlesey Conservation Area

There are 62 listed buildings within the Whittlesey Conservation Area. 6 of these are currently identified as being “at risk”. 1 Building of Local Importance is also identified as being at risk. The following table accounts for buildings at risk within the Whittlesey Conservation area which includes survey work undertaken in 2017.

Risk Category	Name	Status	Reason	Duration on FDC risk register
2	9 Market Street	GII	This building has stood in a dilapidated state for many years. Its upper floors are vacant. A restoration scheme commenced in Winter 2017 and is ongoing.	Added 2014
2	10 Claygate	GII	This building stood vacant for a number of years and required total refurbishment, including structural repairs .A restoration scheme commenced in Winter 2016 and is ongoing.	Added 2014
3	2 Market Street	GII	The ground floor of the building is vacant and has been for a number of years since the bank (Natwest) pulled out. The joinery to the eaves is deteriorating and water is now running down the façade when it rains. The first floor dormers and windows are also showing signs of deterioration and require repair.	Added 2017
4	6 & 7 Market Place	GII	The 1 <sup>st</sup> floor joinery has been in a poor condition for a number of years and repairs are required.	Added 2014
4	20 & 22 St Mary's Street	GII	The building is occupied. It is, however, in poor repair to the front elevation with blocked guttering and deteriorating joinery. It requires a scheme of maintenance, localized repair and redecoration.	Added 2017
4	9 Claygate	GII	The deteriorating condition of the thatched roof is a concern and potentially this could result in problems with water ingress if it is not addressed.	Added 2017
2	Parish Hall, Station Road		This building has stood vacant for many years. It requires refurbishment associated with a new use.	Since at least 2008

\*Buildings of Local Importance within Fenland are formally identified within conservation area character appraisals. The Council has been identifying BLI's in this way since conservation area character appraisals were first published in the early 1990's.

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Agenda Item No:	<b>16</b>	
Committee:	COUNCIL	
Date:	17 May 2018	
Report Title:	<b>Economic Development Update</b>	

## Cover sheet:

### 1. Purpose / Summary

- This report provides an update to Council on Economic Development activity on Fenland and requests endorsement to enter into a shared Economic Development service arrangement with the Borough Council of King's Lynn & West Norfolk (BCKLWN).
- The report explains that the Council is currently engaged with Opportunity Peterborough (OP) who supports FDC's internal Economic Development resources.
- It is considered an appropriate time to move forward with FDC's ambitions to secure more and higher skilled job opportunities, attract new business to the area and expand the existing support provided to Fenland businesses.
- Fenland shares a great deal in common with BCKLWN and a shared service would support an economic geography with a combined population of over 250,000, a combined Gross Value Added (GVA) of £5.1 billion and over 10,500 existing businesses.
- The shared service will provide additional resources to meet gaps in FDC's existing Economic Development service and strengthen its business engagement activities and aftercare support. It will also support additional work required to attract and secure inward investment.

### 2. Key issues

- The Service Level Agreement with OP expired at the end of February 2018 and a temporary four month extension was agreed, however it is considered an opportune time to review future arrangements.
- The shared service proposal would create a team of 6 (5.3 Full Time Equivalent (FTE), significantly increasing access to resources and skills across the shared geography for significantly less than the cost than creating a similar 'standalone' service.
- The proposals will cost FDC approximately an additional £43,000 p.a. but will provide a greatly enhanced and more proactive Economic Development service. BCKLWN will also be investing additional resource into the shared service.
- The shared service would operate initially for a period 3 years with an annual break clause providing an opportunity to terminate or extend the arrangements if both parties agree that they remain effective and beneficial.
- It will be necessary to restructure FDC's existing staffing establishment, the details of which, should the proposals be approved, are being dealt with via Staff Committee planned for 11 June 2018.

### 3. Recommendations

- Council is requested to agree to the following recommendations:
  - To approve the proposal for Fenland District Council to enter into a shared Economic Development Service with the Borough Council of King's Lynn & West Norfolk.
  - To agree to Fenland District Council entering into a Section 113 (of the Local Government Act 1972) agreement to share staff across both authorities To delegate authority to the Director of Growth & Infrastructure and the Director of Finance in consultation with the Leader and the Portfolio Holder for Growth and Portfolio Holder for Finance to finalise the agreement for an Economic Development shared service.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Cllr Chris Seaton – Leader Cllr David Mason –Portfolio Holder for Growth Cllr Mrs Anne Hay – Finance Portfolio Holder
<b>Report Originator(s)</b>	Gary Garford – Corporate Director (Growth & Infrastructure) Brendan Arnold - Corporate Director (Finance) Justin Wingfield – Head of Business & Economy
<b>Contact Officer(s)</b>	Paul Medd – Chief Executive Gary Garford – Corporate Director (Growth & Infrastructure) Brendan Arnold - Corporate Director (Finance) Justin Wingfield – Head of Business & Economy
<b>Background Paper(s)</b>	

## **4. Background**

- 4.1 The economic prosperity of the District remains a key cornerstone to delivering Fenland's growth aspirations. As a pro-growth authority, FDC has a significant pipeline of projects and future growth activity which is predicated on unlocking substantial housing growth already committed within our adopted Local Plan, allied to potential additional 12,000 new homes as part of the Wisbech Garden Town project, and securing investment into much needed and significantly improved road, rail and digital infrastructure.
- 4.2 To ensure that Fenland is an attractive place for people to live & work and to underpin sustainable growth, a proactive Economic Development service is essential to ensure that new businesses are attracted into the area and that effective support is provided to enable our existing businesses to grow. All of this contributes towards creating higher skilled and better paid employment opportunities, with a significant proportion of that wage growth, expenditure and additional Business Rate revenue being spent and generated within the district, directly contributing towards the economic prosperity cycle.
- 4.3 This report seeks to build upon the success of the Economic Development Team and to take a leap forward in proactively seizing opportunities to build economic prosperity through the creation of a shared Economic Development service between Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN) to support an economic geography with a combined population of 251,800<sup>1</sup>, combined Gross Value Added (GVA) of £5.1 billion<sup>2</sup> and over 10,500<sup>3</sup> businesses.
- 4.4 There is not only investment, jobs and skills benefits to the Fenland area following business growth and inward investment but also the potential benefit of increased inward investment can increase income directly to FDC via NNRDR income. As examples the following NNDR Fenland element can be achieved – Medium factory (£100,000), Warehouse (£75,000), retail (£50,000 - £350,000). This would be a welcome revenue income in these difficult public financial times.

## **5. Current Position**

- 5.1 The Council's Business & Economy Team comprises the Valuation & Estates, Business Premises and Economic Development (ED) Teams. This report focuses on proposed changes which will affect the Economic Development Team only.
- 5.2 The Economic Development function is currently delivered in conjunction with Opportunity Peterborough (OP) by virtue of an annually renewable Service Level Agreement (SLA). The SLA is due to expire on the 28 February 2018 and a temporary four month extension has been agreed. The SLA has been in place for two years and it is considered timely to review the future arrangements regarding the delivery of the Economic Development within Fenland.
- 5.3 The OP SLA has helped to establish, rationalise and improve how resources are deployed to satisfy the ever-changing and ever-growing demands upon the service, although it is recognised that there are limitations on existing resources.
- 5.4 In the last 12 months it has become increasingly apparent that ED has grown in importance, particularly as Members recognise that with a reduction in core Council funding - investment; commercialisation and revenue creation (particularly Business rates growth & retention) are key tools to creating a sustainably funded Council. The creation of the Combined Authority, the emergence of a 'Business Board' from the GCGP LEP

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<sup>1</sup> ONS/NOMIS (2016)

<sup>2</sup> ONS/NOMIS (2016)

<sup>3</sup> ONS/NOMIS – UK Business Counts 2017

and the aspirational growth fuelled by the bold vision of FDC has resulted in a need to also review the scale and capacity of existing Economic Development Team to ensure it is able to meet the need in Fenland.

## 6. Shared Service Proposal

- 6.1 In advance of the end of the current OP agreement, officers assessed the various options for ED along with the need to increase resources as outlined, which would apply to all options. The options and assessment were as follows:
- a) Continue with OP
  - b) Bring the service in house
  - c) Enter into a shared arrangement with another LA
- 6.2 The shared arrangement option offered a more flexible and diverse approach, gave better staff cover and utilised both Council's skills and experience.
- 6.3 In July 2017, FDC Officers approached colleagues at the Borough Council of King's Lynn and West Norfolk (BCKLWN) to discuss the possibility of setting up a shared service between the two Councils. Following the initial engagement, Officers developed a proposal for a Shared Economic Development Service which responds to the needs and seeks to address existing shortfalls in provision of each Council. The proposal will enable both Council's to jointly deliver a shared Economic Development Service across the entire geography, sharing wider skills and resources at a significantly lesser cost than resourcing a single authority establishment.
- 6.4 It is important to underline that both parties share a series of commonalities and synergies between the economies of the two districts and the priorities of both Councils'. **Appendix 1** illustrates the significance of key socio-economic indicators that the combined geography includes. In addition, the two Councils are members of the Greater Cambridge Greater Peterborough LEP and emerging Combined Authority 'business board', which provides further common ground.
- 6.5 In preparing the proposal, the first things considered were the functions (scope) that a shared service would perform based on FDC's needs and aspirations and BCKLWN's existing gaps in provision. The structure of the proposed shared service was then built around these requirements, which include:
- Business engagement, support & relationship management;
  - Inward investment, including digital marketing and LEP liaison;
  - Aftercare programme, business closure & redundancy/redeployment assistance;
  - Funding support for businesses – signposting, pro-active support;
  - Project pipeline – developing projects that enable / unlock business and economic growth (possibility to include infrastructure, regeneration and housing, if needed / desired);
  - Business networking & event management.
- 6.6 The structure of the shared service is crucial to meeting the demands of the Economic Development service and providing sufficient resources to address demand and proactively pursue opportunities. The proposed structure include new roles for Inward Investment & Intelligence (including funding), supported by additional Administrative support providing improved social media and networking support and will comprise six posts (existing and new posts) equating to 5.3 FTE.
- 6.7 The day-to-day shared service delivery will be overseen by the Head of Shared Service who is also responsible for other services within BCKLWN. FDC's Head of Business & Economy will provide strategic direction and client side management for FDC. The key



responsibilities of each post will be developed into full Job Descriptions and Person Specifications and agreed/approved by FDC's Staff Committee scheduled for 11 June 2018.

- 6.8 The shared service would operate initially for a period 3 years with an annual break clause, to provide the parties with an opportunity to terminate, but would provide the opportunity to extend the arrangements if both parties agree that they remain effective and beneficial.
- 6.9 To ensure the shared service remains agile but with clear connectivity to the respective partner's geography, the proposal includes a combination of FDC & BCKLWN based staff and mobile staff that share / move between both locations. It is proposed that staff will be accommodated within existing office accommodation at no additional cost to either partner and facilities exist for permanent and 'touch down' office accommodation.
- 6.10 BCKLWN's ED Team make much greater use of cloud based technologies that enables file sharing, editing and commenting from anywhere with Wi-fi / data connectivity. The use of cloud-based applications will further underpin agile and flexible working practices. At this time FDC would need to expand its mobile operating practices to align with the established BCKLWN system, although it is expected that this could be easily achieved at a reasonable cost (the costs of which are to be confirmed).
- 6.11 An appropriate and proportionate performance management framework, with suitable indicators/reporting will be established, which seeks to reflect the best practice and ensures that stakeholders understand the nature of reporting and the often 'slow burn' nature of Economic Development outcomes, but also demonstrates the value of the shared service to the respective partners.

## **7. Benefits of the Shared Service**

The shared service will deliver the following benefits to Fenland:

- Provide a dedicated full time Account Manager to build strong relationships and increase business engagement activity with potentially c.200-225 employers across Fenland, with particular focus our major employers;
- Build upon existing success and compliment this with access to dedicated support and expertise from a successful Economic Development Team at BCKLWN;
- Provides a dedicated resource to prepare funding bids for FDC projects and offer grant advice to support local businesses access business grants, including bid auditing, which will represent a significant improvement over the signposting support currently offered;
- Provides a dedicated resource to undertake pro-active and targeted digital marketing to promote the area for inward investment (97% of all enquiries start online) and will be complimentary towards other business support services within FDC, Business Premises, Licencing, Planning, etc;
- Offers the opportunities to seek support and develop business cases for the LEP and Combined Authority for key initiatives, including infrastructure and skills, which are identified as critical issues for the businesses;
- Stronger voice in dealings with the LEPs, as it will represent an area with approximately double the number of businesses and GVA;
- Provides strength to lobby for improvements and investment from the Government on collective issues and barriers affecting the shared geography;
- Stronger evidence base and rationale (approx. double the GVA and business base) when bidding for external funding.

- The outcomes this should lead to include expanding business growth, increased inward investment, more jobs and enhanced skills, increased local spend and NNDR business rate income for the Council.

## **8. FDC Staffing Considerations**

- 8.1 As outlined above the shared service proposal will seek to restructure FDC's existing staffing establishment, the details of which will be dealt with via Staff Committee scheduled for 11 June 2018.
- 8.2 The Management, Trade Union and Staff Partnership (MTS) has already considered the proposals for consultation purposes.

## **9. Member Engagement**

- 9.1 As part of the process to bring the shared service proposal forward, the proposition was presented to an All Member Seminar on 29 March 2018 and the proposals have been considered by the Overview & Scrutiny Panel at their meeting on the 2 May 2018. The Overview & Scrutiny Panel provided constructive feedback regarding the need to ensure a robust series of justifiable and evidence based performance indicators. Such indicators need to ensure that the investment made and resources deployed are being used effectively and are positively influencing outcomes and outputs.
- 9.2 The Overview & Scrutiny Panel are keen to review such performance measures once they are established to ensure their effectiveness. The panel also went on to recognise some observations that Fenland District Council has not been as effective as some other Local Authorities with respect to assisting local businesses to access grant funding. Officers recognise that existing resources are spread very thinly and that the proposed shared service seeks to create a role that is responsible for identifying and sharing grant opportunities and assisting local businesses through the application process.
- 9.3 Cabinet considered and recommended the report to Council at its meeting earlier today.

## **10. Financial Considerations**

- 10.1 The shared service proposal will result in an additional annual cost of approximately £43,000 p.a. for FDC and a similar level of investment will be required by BCKLWN. This investment will increase FDC's existing staffing establishment from 1.5FTE to 2FTE and enabling access to a combined team of 5.3 FTE.
- 10.2 The additional resourcing of £43,000 has already been allowed for in the recently approved Council budget.
- 10.3 There will be a requirement to invest in some limited ICT hardware and software to enable FDC-employed officers to access the established cloud-based systems currently utilised by BCKLWN, the costs are to be confirmed but will be met from existing revenue budgets.

## **11. Next Steps & Recommendations**

- 11.1 As the SLA with Opportunity Peterborough will conclude at the end of June 2018, Officers consider that the proposed shared service between FDC & BCKLWN would create a service that is best placed to meet the growth needs and support the economic prosperity of the respective Districts, whilst pooling resources and expertise with BCKLWN will enable Fenland to create an economic area comparable to Peterborough or Cambridge in terms of GVA, population and numbers of businesses.
- 11.2 It is considered that the additional £43,000 p.a. required to fund FDC's contribution can be received many times over, from the economic activity it stimulates and supports within Fenland and across the combined geography. Working with OP has proven how authorities' representing different areas can work together and avoid competition with

each other. Recognising that both parties to this shared service proposal have much more in common than what separates them, growth stimulated anywhere within the wider geography will create economic prosperity both Districts can enjoy – after all, businesses do not stop at administrative boundaries.

- 11.3 The proposal for an initial 3 year arrangement will allow sufficient time to establish the possible and build on existing work, but along with the annual break clause, will provide the parties with sufficient comfort that they can go their own way if necessary.
- 11.4 As the proposal seeks to create a shared service, such arrangements are subject to Section 113 of the Local Government Act 1972 and require full Council approval.

## Appendix 1 – Key socio-economic indicators

### **Gross Added Value (GVA) (Income approach) – ONS 2016**

The GVA of Fenland's economy is £2.23 billion and West Norfolk's is £2.87 billion giving a combined figure of £5.10 billion for the economic geography covered by the two local authorities.

Table 1 shows that the combined GVA of Fenland and West Norfolk is similar to Cambridge's and Peterborough's, higher than Norwich's and one fifth of the Cambridgeshire and Peterborough Combined Authority's GVA.

Table 1

West Norfolk + Fenland	Peterborough	Cambridge	Norwich	CA
£5.10bn	£5.38bn	£5.91bn	£3.9bn	£24.21bn

### **Number of businesses – UK Business Counts 2017**

The number of businesses (local units) in Fenland is 4,140 whereas West Norfolk has 6,415 businesses, giving a combined 10,555 across the two economies.

In terms of number of businesses (local units), West Norfolk is similar to Cambridge and Norwich and the combined areas of West Norfolk and Fenland count for a quarter of all businesses within the Combined Authority (Table 2).

Table 2

West Norfolk + Fenland	Peterborough	Cambridge	Norwich	CA
10,555	8,400	6,670	6,200	41,650

In terms of economic sectors, the two economies are very similar with agri-food, manufacturing and transport & distribution being the main contributors to the overall GVA.

### **Population – ONS 2016**

West Norfolk – 151,600

Fenland – 100,200

Combined – 251,800

The combined population of West Norfolk and Fenland is approximately the same with the combined population of Cambridge and Peterborough and represents one third of the population of the Combined Authority (Table 3).

Table 3

West Norfolk + Fenland	Peterborough	Cambridge	Norwich	CA
251,800	156,407	108,113	141,000	849,000

Agenda Item No:	17	
Committee:	Council	
Date:	17 May 2018	
Report Title:	Constitutional Amendments	

## 1. Purpose/Summary

For Full Council to approve proposed changes to the Constitution as set out in paragraph 2.1(a) of Article 4.

## 2. Key Issues

- In order to comply with good principles of governance and to ensure that overall accuracy and relevance of the Constitution, it is necessary to consider periodic updates and amendments.
- This Report proposes amendments to Part 3 of the Constitution to formally introduce a new function for the Leader in relation to the Cambridgeshire and Peterborough Combined Authority. In particular, Members are asked to approve the incorporation of the Combined Authority into the Leader's Portfolio and, to take urgent decisions relating to it in the exceptional circumstances that these arise.
- The final amendment proposes minor grammatical changes to the paragraph detailing the Chief Executive's urgency powers.

## 3 Recommendations

The Report recommends the following amendments for approval:

Page F.13 - Part 3, Responsibility for Functions - Fenland District Council Cabinet and Portfolios

In the first line and second column of the table, the portfolio responsibilities for the Leader to be amended to include, 'Cambridgeshire and Peterborough Combined Authority'.

Page F.41 - Part 3, Responsibility for Functions - Table 5 - Functions Delegated to All Portfolio Holders

Immediately after 'All Portfolio Holders' and prior to 'Finance Portfolio Holder', a new paragraph to be inserted to read:

### 'The Leader

1. Delegated authority to take executive decisions on behalf of the Council in relation to matters concerning the Cambridgeshire and Peterborough Combined Authority where those decisions are considered to be urgent by the Council's Chief Executive and are therefore unable to be considered by Cabinet and/or Council.'

Page F16 - Part 3 - Responsibility for Functions - Table 4 - Functions Delegated to Officers

The current wording at paragraph 7 to be amended to read:

'7. ~~To have a general power after consultation save i~~n cases of urgency to have a general power, after consultation with the member holding the appropriate portfolio in Cabinet, or the Chairman of the relevant committee as the case may be, to deal with any matter not delegated to any other officer by statute or other legislation on which the Chief Executive considers to require a decision before the next meeting of the appropriate body within the Council.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Councillor Chris Seaton, Leader of the Council
<b>Report Originator(s)</b>	Carol Pilson, Corporate Director and Monitoring Officer
<b>Contact Officer(s)</b>	Paul Medd, Chief Executive Carol Pilson, Corporate Director and Monitoring Officer
<b>Background Paper(s)</b>	Fenland District Council Constitution