

# OVERVIEW AND SCRUTINY PANEL

MONDAY, 9 NOVEMBER 2020 - 1.30 PM



**PRESENT:** Councillor D Mason (Chairman), Councillor A Miscandlon (Vice-Chairman), Councillor G Booth, Councillor D Connor, Councillor M Purser, Councillor R Skoulding, Councillor D Topgood, Councillor R Wicks and Councillor F Yeulett

**APOLOGIES:** Councillor M Cornwell, Councillor S Count and Councillor M Humphrey

**OFFICERS IN ATTENDANCE:** Anna Goodall (Head of Governance and Customer Services), Phil Hughes (Head Of Leisure Services), Paul Medd (Chief Executive), Wendy Otter (Transport Development Manager) (*left 14.46*) and Carol Pilson (Corporate Director and Monitoring Officer)

**GUESTS:** Councillor C Boden (*left 13.55*), Councillor S Clark, Councillor J French (*left 15.17*), Councillor D Laws, Councillor P Murphy (*left 15.03*), Councillor C Seaton (*left 15.06*), Councillor S Wallwork (*left 14.00*), Russell Beal (Anglian Water), Rowland Potter (Cambs & Peterborough Combined Authority), Ivan Horsfall Turner (Freedom Leisure), Dan Palframan (Freedom Leisure) and Matt Hunt (Freedom Leisure)

Councillor Mason welcomed members of the public and press watching the livestream of the Overview & Scrutiny meeting via YouTube due to Government guidance on social distancing. The meeting was held in accordance with the provision set out in the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and with Fenland District Council's Virtual Meeting Protocol.

## **OSC19/20 PREVIOUS MINUTES.**

The minutes of the meeting of 12 October 2020 were confirmed subject to the following amendment:

- Councillor Booth asked that the words "to some degree" be removed at point 11. (OSC17/20).

## **OSC20/20 UPDATE ON FENLAND PROJECTS**

Councillor Mason welcomed members of Cabinet and Russell Beal from Anglian Water to the meeting. He also thanked Russell Beal for providing a presentation prior to the meeting.

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

1. Councillor Miscandlon asked how COVID-19 had affected the Fenland projects. Councillor Mrs Laws said that from a Whittlesey perspective, approval has already been gained for the interactive flood signs; land has been awarded and permission given for the power source, with 24/7 staff support. It will not affect the installation as the contractors are still operating following social distancing and safety guidelines. Should approval be given for the Heritage Centre and Heritage Walk then these will have to go out to tender and we will have to wait to see how the contractors will manage that.
2. Paul Medd said that it is remarkable that given the unprecedented nature of the pandemic all

the projects have continued with the minimum of disruption. There was some impact during the first lockdown when the trades and builders' merchants had to shut but this second lockdown some of the original restrictions do not apply so we are hopeful that these projects will be able to continue without much further disruption.

3. Councillor Mrs French said that March had put £100k towards civil parking enforcement but they were not aware until recently that they may have to match fund the High Street bid, for which a bid had been put in for £11.3m. However, the Mayor of the Combined Authority has agreed to give another £1.1m, so we have £2m hoping to match fund and wait anxiously to see if we will get anything.
4. Councillor Booth said he was frustrated over the lack of detail about anything being done for the villages in Fenland, saying they make up over a quarter of the population yet are scantily mentioned. The applications on the few projects stated in the report have been generated through those local communities. He pointed out that he has also repeatedly commented in respect of Wisbech 2020 Vision; it is not just Wisbech but also the surrounding area where there are also areas of multiple deprivation. Also, the primary schools in the surrounding area feed into the secondary schools at Wisbech. The issue of attracting the best teaching talent is one across the whole of the north of Fenland. More attention needs to be paid to the villages who are the poor relatives when it comes to receiving funding in our area.
5. Councillor Yeulett said given the current and future national funding problems, how sure are we that these projects will come to fruition and is the funding readily available for them? Councillor Boden said the funding for the county council projects has already been set aside in the budget for this year so is guaranteed; the money put forward for the Combined Authority has also been budgeted for so is also confirmed as available.
6. Councillor Boden addressed Councillor Booth's comment and said that the CPCA money is specifically for the market towns rather than Fenland as a whole; unfortunately, Councillor Booth is therefore correct that this money is not being targeted at the villages. That was the decision made by the Mayor and the Combined Authority and is part of a much larger project across the whole of Cambridgeshire and Peterborough and is not restricted to Fenland.
7. Councillor Miscandlon thanked everyone for their updates so far. He is glad to see the projects are still going forward with minimal delay; we all accept that due to COVID-19 there will be some delay. He thanked officers and Cabinet members for their progression of the projects within the Fenland area.
8. Councillor Wicks said there is one project that he does not think falls within the remit of this area, being more Highways England. There is the upgrade to the Guyhirn roundabout. He asked how we are moving forward with the dualling of the A47 through to at least Wisbech to start with. Rowland Potter advised that Highways England are continuing to progress the Guyhirn roundabout project and he will circulate more comprehensive details post meeting. In respect of the dualling works, he said they did progress a Project Control Framework State Zero Highways England standard of documentation to get that scheme into their programme and negotiations are ongoing. Highways England are proposing to undertake a review of that project control framework documentation work internally with their own consultants. We are negotiation whether that will be fully funded by themselves or if they will seek funding from us to enable that to happen. The purpose of that review will be for them to identify whether additional work will be required for them to include it in their own development programme. This may not be the outcome that members expect to hear but the Combined Authority will continue to push hard for that scheme and our negotiations have borne fruit in terms of engagement with Highways England. He will keep members informed of progress. Councillor Mason thanked Rowland for his update and welcomed him to the meeting.
9. Councillor Seaton said that it should not be underestimated the frustration of the A47 alliance that comprises of all the councils and districts that surround the A47. Ongoing talks are happening, it is still on the radar and it has the full support of the Mayor and the CPCA and it will create opportunities for housing and commerce along that dualling when, not if, it happens.
10. Councillor Mrs French said she has a meeting on 18<sup>th</sup> November on the A47 and although she is not sure of the agenda hopes there may be some update then.
11. Councillor Booth asked if any members aside from Councillor Boden had any comment to

make regarding the rural areas. He also asked if any of the main Wisbech 2020 projects had been progressed bearing in mind the issue with COVID-19 as he understood the project group had not been meeting. Russell Beal said the work is continuing but more in the background this year; although the steering group has not been meeting the individual organisations have been doing a lot of support work around COVID-19, particularly for the Ferry Project, Wisbech Community Farm, and the College of West Anglia.

12. Councillor Miscandlon said he was concerned that we have to come to a meeting such as this for an update and asked if all councillors could be kept informed more regularly with basic updates, barring any commercially sensitive information. Councillor Mason endorsed Councillor Miscandlon's view and said regular information would be useful.
13. Paul Medd agreed that there is a whole range of projects going on that members should be regularly briefed on. In respect of Wisbech 2020, one of the things FDC was tasked to do prior to the pandemic was to undertake a governance review. The core vision group tasked officers to undertake a review on what may exist post 2020 and this work has been impacted upon by the pandemic but it is still a piece of work that is progressing and he should hope to have that brought forward soon. Councillor Booth thanked Paul Medd for his update, saying members need to see progress against delivery on this project.

Councillor Mason thanked everyone for their attendance at today's meeting.

## **OSC21/20 WISBECH RAIL UPDATE**

Councillor Mason thanked Rowland Potter for providing members in advance with the progress update report on this item

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

1. Councillor Booth said he wanted to explore the point in the update regarding feasibility, i.e. aspirations on services per hour to Cambridge. He said that Greater Anglia had recently announced they were going to cut services until there was an intervention, so what safeguards or guarantees can be put in place to ensure that once funding is received and the rail line is delivered there are no cuts to services later on, particularly in respect of protecting the public purse. Rowland Potter said unfortunately he cannot give any guarantees, however he is a passionate defender of maximising capacity through the Ely Junction and will continue to argue for that case. He is also passionate about the Wisbech to March rail link and is arguing strongly for that maximum service, also he will continue to fight for the Wisbech rail line to be developed and built. It is a complex process, but he will continue to engage positively with the various bodies involved.
2. Councillor Mason said there are two strong business cases, one for trains from Wisbech to Cambridge and the other a shuttle service between Wisbech and March, and he asked for more detail on the benefits of both. Rowland Potter advised the most commercially viable is the two trains per hour direct to Cambridge however there is a medium business case value for the shuttle service for at least ten years pending that availability. Network Rail creates the capacity and the Department of Transport approves the timetabling for the train operating companies. Unfortunately, services have been cut lately due to the pandemic and we have been arguing the need for those services to at least be reinstated and for additional services to be provided. Our strongest case is for the two trains to Cambridge however there is a case for an interim solution. Post COVID-19 we do not know what the timetable will look like, but he argues for a railway line between Wisbech and March going onto Cambridge and will continue to do so.
3. Councillor Topgood said the Ely North Junction is one of the biggest projects that will help

capacity on the line but there is also the plan to replace the signalling of the whole line which will also increase capacity. We must remember that this project is far wider, it is a major infrastructure improvement to Growing Fenland. Fenland has been starved of investment for many years and we are now beginning to see major investment coming in. The shuttle service is going to be the first phase, and future extensions could see trains from Wisbech to further north, and he thinks this is a great idea for the future growth of Fenland.

4. Councillor Skoulding asked Rowland Potter if he knew the numbers of people travelling by bus from Wisbech to March onto Peterborough or Cambridge for work on a full price ticket. Rowland Potter advised that he did not have that level of detail to hand but would be able to provide that information from the business case post meeting.
5. Councillor Miscandlon said that it is incumbent on everyone at this meeting to promote the use of the rail service once it is completed. It is a case of use it or lose it, and if we can encourage people to use rail services then the train operating companies will see the financial benefits to them to keep the capacity.
6. Councillor Booth mentioned the access to the Restoring Your Railway Fund. Given the extortionate cost of reinstating a railway line he asked if we have missed out on access to central Government funding as they have received so many bids, but this project is not listed on their website. Rowland Potter responded that the restoring railways fund is complex and is in several phases. The current phase announced today is for innovation fund applications but the Wisbech to March proposal would come under accelerated projects, which has not yet been announced or promoted. However, we applied early once we had heard of it but the list that Councillor Booth refers to is for those applications that come under the category of innovation. Councillor Booth asked if any money is allocated to the phase this project would come under or would it all be used up on the earlier applications. Rowland Potter said unfortunately this has not been clarified by the Department of Transport but irrespective of the allocation of funding, we have submitted a passionate application and have had several discussions with Network Rail to put a strong argument for this case and for funding. Other potential means of funding have yet to be announced or decided. Councillor Booth thanked Rowland Potter for the clarification.
7. Russell Beal added that from an Anglian Water point of view they have been working with Rowland Potter and the Combined Authority on a number of things in the Fenland area, and as part of the Wisbech 2020 work he is doing, particularly in relation to the Wisbech Garden town project, he has seen nervousness by the Government in terms of investment in the Fens. This is due to the flood risk issue and finding a long-term solution. We know the sea level is rising and the potential of enormous impact from climate change in the Fens. He is currently leading on the Future Fenland project, which is an ambitious project that looks to link together climate change resilience for the Fens and integrate that with the work Rowland Potter has been doing in terms of road and rail connectivity. A budget of £200m has been announced by the Government towards a flood and coast resilience programme and there is an opportunity to get the Fens identified as one of 25 locations to benefit from that funding. He is working on that now and it is important to link the work that we are all doing to make that bid more powerful.
8. Councillor Booth asked what is happening with the Wisbech Garden Town as it had been some 18 months since the bid had been submitted. Russell Beal said we are doing everything possible, as is Rowland Potter and his team, but it is important to find the long-term resilience to climate change. The Fens is at or below sea level which is rising so the risk is increasing. The garden town was not refused, but it was but more a question of what the long-term solution is. Anglian Water has an ambitious plan to construct a new reservoir in the Spalding area, with potential for a second reservoir south of Kings Lynn. Traditionally these would have been looked at in isolation by Anglian Water, but the way forward is to combine these proposals with the future flood risk resilience strategy. New reservoirs will not only be good for public water supply but will aide land irrigation and there is a concept on the drawing board that looks to combine future water supply strategy with a climate change resilience strategy, and put together with the CPCA's green transport strategy we

can unlock potential growth. There is a window over the next 12 months to make a strong case to Government which will hopefully give them confidence to accept the Wisbech Garden Town. It also builds confidence particularly with new businesses potentially looking to come to the Fenland area which will provide further economic and sustainable growth.

9. Councillor Booth referred to Russell Beal's point around flood risk and said that in respect of the Garden Town, work was commissioned to do some modelling with funding from the Dutch government and he asked if the Government had not accepted the new modelling provided or were they questioning its robustness. Russell Beal said the modelling went a long way to outline a way forward in the immediate future, but it is the long-term solution they are looking for, particularly when looking at the long-term projections on climate change. The Government does not want to approve mass house building only to see it all underwater in 50 years' time. A high-level meeting is proposed for next spring and they are already speaking to Government about the longer-term proposals such as enhanced sea defences to look at the benefits of an integrated approach and the cost savings.
10. Councillor Seaton said, to follow up on Russell Beal's points, the proposals of the reservoir south of Kings Lynn would be of immense assistance to furthering the duelling of the A47 and the associated developments that would entail.
11. Councillor Yeulett agreed with councillor Topgood's comments, saying this is a long-term project with difficult negotiations going forward. If it goes ahead it will benefit the whole district and we should all get behind it. He was particularly interested in what Russell Beal had said but did not think the Government would want to sacrifice all the valuable arable farming land in the area and they must think this through.
12. Councillor Topgood referred to Councillor Skoulding's earlier query about footfall to catch trains. He said that not many people go to March to catch trains, they either go to Peterborough or Kings Lynn. He mentioned the sparseness of the bus services, if getting to March after 5pm you cannot get back to Wisbech anyway so the figures will not be of any help. Referring to the Restoring Your Railways Fund, it clearly states that the first round was to get projects to where they have already been, with the second phase to get the funding for railways. He is pleased that Rowland Potter has said that the Combined Authority has applied for the second tranche of money already. Clearly, we need to look at bus services and the upgrade of roads in one go and that is why we need major infrastructure improvements because one will bring the other.
13. Councillor Skoulding said he believed there had been a speed limit on the old Wisbech to March line due to silt and asked how this will be overcome on the new line. Rowland Potter said we know there are topographical and geotechnical challenges. Within the design, we have put in a design that is of greater speed than warranted but we wanted to put forward a business case that is of higher grade rather than a lower one that may need to be changed later. There are challenges with ground conditions for road and rail in Fenland, but we will use experts to ensure suitable solutions in place when required. However, he does not see the Wisbech to March line being of a high speed because of the short distance involved.
14. Councillor Miscandlon mentioned the correlation between bus, taxi and train fares. The prices will need to be competitive and affordable to ensure the services are used. Rowland Potter agreed and said the local transport plan produced by the Combined Authority has a vision of an integrated transport solution that looks at all these. There is a bus reform task force looking at current and future bus provision and a rail enhancement strategy and we want to give public transport solutions that gives people real alternatives to the car. Details still need to be established, but the individual services cannot work in isolation and as Russell Beal said earlier, all these activities need to be linked.
15. Councillor Topgood referred to the condition of the railway line between March and Wisbech as mentioned by Councillor Skoulding and said it is no different to the line between Peterborough and Ely. The reason for the lower speeds is because there is a big difference between the maintenance on a passenger line and a lightly used goods line. The line it will be re-laid in modern materials and will be maintained as a passenger line.

Councillor Mason thanked Rowland Potter and Russell Beal for their attendance at today's meeting

and for the information provided.

*(Rowland Potter and Russell Beal left the meeting).*

### **OSC22/20 FUTURE WORK PROGRAMME**

Councillor Mason confirmed representatives from Anglian Water will be attending the December meeting to answer questions.

Confirmation has been received from Councillor Hay that she will be attending the December meeting in her role as Chairperson of the Member led review into the Anglia Revenue Partnership. The review meetings have concluded, and a review report is being written.

Councillor Booth said that although the Panel had recently met with representatives from Clarion he asked if we would be seeing them early next year. Councillor Miscandlon said it was not on the list and raised the possibility of an additional meeting being arranged. They had been due to attend the meeting in March 2020 which had been cancelled due to the pandemic and the programme was already looking very full for next March. Councillor Mason said an additional meeting could be arranged if members required it and asked them to contact him with their preferences.

Councillor Skoulding said that members had been expecting Clarion to provide a telephone number for councillors and asked if that had been provided. It was confirmed that Clarion had previously provided an email that had been recirculated to members.

### **OSC23/20 FREEDOM LEISURE REVIEW**

Councillor Mason welcomed Ivan Horsfall Turner, Dan Palframan and Matt Hunt from Freedom Leisure to the meeting and for the presentation that had been provided in advance.

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

1. Councillor Miscandlon asked how COVID-19 had affected overall business and the future business plan of Freedom Leisure in the Fenland area. Ivan Horsfall Turner said it has impacted on them hugely both as a company and within Fenland. Membership had grown substantially in the first year of 2019/20 but has now dropped, and income in the last month or two has been around 40% of what would have been received previously. The second lockdown will impact even further. He thanked the Council, particularly Carol Pilson and Phil Hughes, for their support since March. He said the support of all 20 local authorities has been crucial to maintain Freedom Leisure's viability and sustainability. Income and customer numbers are likely to be extremely low at least until next March so it is a very challenging time.
2. Councillor Miscandlon said when the original lockdown ended, there was negative press over Freedom's handling of the swimming teaching clubs, particularly in Whittlesey and asked Ivan Horsfall Turner if he felt this could have been handled better and what has been done to ensure it does not happen again. Ivan Horsfall Turner agreed that in hindsight this situation could have been handled better; the reality is that it has been a challenging year and perhaps what was a significant change for the programming of the swimming clubs would have had more corporate oversight, and communication and discussion through FDC officers in a normal series of events. Matt Hunt confirmed that dialogue with the clubs is ongoing; they are working hard with one club which was specifically unhappy with the situation and hopefully what Freedom put in place on reopening was a reduced programme reflective of the level of support that Fenland was offering. It meant changes for all their customers, but we all have to accept changes, and work is ongoing to ensure the club is as happy as can be in this scenario. Councillor Miscandlon thanked Freedom Leisure for the answer, saying we can all move forward.

3. Councillor Booth referred to the audit scores for reviews that have been conducted and said it was concerning to see an external audit raised some red and amber issues. He asked what the nature of those issues are and if they have been rectified. Matt Hunt said the area manager audit is an internal audit conducted by a manager from another area and we would generally expect an audit in the first year of operating a new contract to be lower, the benchmark being against a site that has been operating since 2002 where systems and procedures have been embedded. There is some room for improvement on the leisure client scores across the sites and the biggest issues are always in relation to safety and customer service but there is nothing overly concerning in these scores. Dan Palframan said there is a lack of an automatic front door in Chatteris which the auditor noted and led to the lower score for Chatteris, but it is not a priority to install one and there is no concern over this. Matt Hunt repeated that health and safety is the most important score and he encourages the health and safety manager to be overly critical in this respect rather than an issue be identified as the result of an accident; again there is nothing to be concerned about in this respect but it is expected that all the audit scores will increase over time. Councillor Booth said the health and safety scores were graded as green but they were relatively low scores in comparison to some other grades but he assumes that is because no critical issues have been found in those audits but rather an accumulation of small issues that can be remedied quickly. Matt Hunt agreed that this was correct. The internal company target is 60% and there is an automatic fail for certain items, and this has not happened.
4. Councillor Topgood said FDC had provided Freedom Leisure with substantial funding during the pandemic. He asked how much has been learned since the last lockdown and how confident are Freedom that they are going to get through this further period of four weeks and any further period of lockdown after that. Ivan Horsfall Turner said it is a different scenario, back in March the leisure centres were closed with five hours' notice. There was no warning then, but there was a little more notice this time which allowed them to plan. Equally they were different lockdowns in terms of profiling of costs. For example, the first lockdown took place during summer and Freedom saved on utility costs by shutting the buildings completely; however, in this current lockdown they need to protect the centres, assets of FDC, by keeping them heated, therefore, the cost profile is different. Also, the real cost is in terms of the reduction of users which will continue during the rest of this financial year and most certainly have an impact into next year. It will take some time to increase user numbers so the reality is that Freedom will need ongoing financial support into next year as indeed the whole sector will. However, in terms of the importance of this service in aiding people's health and well-being, it is vital to the long-term security of the service.
5. Councillor Yeulett asked how Freedom are coping financially now, having provided figures for 2019/20, and how will FDC be reimbursed in due course. Ivan Horsfall Turner said they are in monthly discussions with officers to give details on an open book basis but it is challenging; Freedom is struggling to maintain a decent level of viability but he assured Councillor Yeulett that the organisation is viable and stable having had a strong year in 2019/20. FDC's current agreement runs to the end of March 2021 but it is inevitable that Freedom will not be in contract position next year as they will not be able to recover membership numbers by the end of the year. COVID-19 has not only created a capacity issue as centre user numbers needs to be strictly controlled, but there will also be an impact on customer confidence. In terms of repaying FDC for the financial support, in the longer term it is envisaged that they will repay by delivering a vitally important leisure and fitness service to the residents of Fenland.
6. Councillor Mason said that he understands that there is a legal limit to the financial support that FDC can offer to Freedom. Carol Pilson confirmed that FDC has a well-documented leisure contract with Freedom Leisure and although there is no specific limit on the financial support FDC can give them, Cabinet has a number of factors they can look at and a series of options to consider, for example if Freedom cannot continue to run the service, then who will. Their conclusion is that they do wish Freedom Leisure to continue running the leisure service but will have to reconsider this at every point that additional financial support is given. Carol Pilson added that we are in a good position in terms of how Freedom Leisure

may financially repay FDC as when the pandemic began, we were only one year into a fifteen-year contract, so there is plenty of time to look at how the business performs over the longer term, which other Councils were not able to do.

7. Councillor Yeulett observed that there are many demands on FDC funding and this will be scarce going forward, so we must look very carefully at areas of need.
8. Councillor Booth said at last year's meeting it was highlighted that there was a lot of comment on social media regarding showers not working properly or leaks in the main halls etc. Regarding the feedback collated this year within the report, can he assume that will include both compliments and complaints and is an action plan drawn up as a good quality service organisation to improve the delivery of the service? Matt Hunt agreed that all comments are collated and placed in a site-specific contract-wide business plan that Dan Palframan leads on. Most issues previously identified have been rectified through capital investment. There is work planned for the year ahead, with money allocated for roof replacements and repairs.
9. Councillor Booth asked if Freedom are looking to be more proactive in acting upon social media comments and demonstrating that issues are being dealt with. Matt Hunt agreed that this is very much part of the ongoing development work around improving the service. Freedom is not a one-size fits all operation but works around the individual needs of each different community and that is one of their strengths. Dan Palframan agreed and said there had been a culture shift where formerly staff may have taken criticism personally and shied away from it but they now actively seek feedback and then act on it where it is relevant and justified, however there is caution over how much engagement they undertake on social media and there is a hierarchy of how certain issues are dealt with. Overall, he is proud of how customer complaints are dealt with.
10. Councillor Miscandlon thanked Carol Pilson for her well researched and comprehensive answer to the question regarding whether there was a legal limit to the amount of financial support that FDC could give to Freedom Leisure.
11. Councillor Purser asked how Freedom encourages people to use their facilities. Ivan Horsfall Turner said they are not commercial fitness operators and whilst they need to increase membership numbers, they work in consultation with local authorities specifically on local schemes, issues and demographics. Trying to encourage the inactive to be more active is exactly where we should be, with a whole range of concessionary schemes. Dan Palframan confirmed that Freedom accepts GP referrals and work with local clubs for example; and one of their biggest successes last year was Active Communities in terms of engaging harder to reach users, actively targeting certain areas rather than taking a blanket approach.

Councillor Mason thanked Ivan Horsfall Turner, Dan Palframan and Matt Hunt for their attendance at today's meeting and for the information they had provided.

*(Ivan Horsfall Turner, Matt Hunt and Dan Palframan left the meeting)*

## **OSC24/20 URGENCY POWERS - PUBLIC SPACE PROTECTION ORDERS (PSPOS), WISBECH**

Councillor Mason advised Members that this update encompasses agenda items 9 and 10. He advised the Overview and Scrutiny Panel that he was asked as Chairman of Overview and Scrutiny to waive the Forward Plan notice period and subsequent call in period in relation to the Portfolio Holder decision, to enable the Cabinet Member, Councillor Sue Wallwork, to take a decision in relation to four Public Spaces Protection Orders (PSPO's) in Wisbech.

The PSPO's in Wisbech were agreed by Cabinet in 2017. These orders need to be reviewed every three years to be either extended, amended or deleted. A consultation has taken place and all stakeholders including the Town Council unanimously agreed the Orders should be extended for a further three years.



It was originally thought this was an officer decision as an extension to the original Order that was agreed in 2017, however, to ensure we are taking a legal decision, officers decided the decision is required to be taken by a Cabinet Member. All key decisions are required to be advertised on the Council's Forward Plan for 28 days, however due to change of mind on the most appropriate governance process, this item did not appear on the Forward Plan for the full 28 days. It would have been on the forward plan for 20 days.

The reason this decision was so urgent is the Orders expired on 20th October 2020 therefore a decision was required before then to extend the Orders otherwise they would have lapsed, and the powers would no longer be enforceable to control alcohol related issues in Wisbech.

Councillor Mason added that he was keen for Members to understand the rationale behind his decision to utilise his delegated urgency powers in this instance.

Carol Pilson added that this had been an unfortunate set of circumstances and she was very grateful to Councillor Mason for his consideration on the matter and making that decision so that we did not have to go back through consultation and allow those powers to lapse.

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

1. Councillor Booth said he agreed the Order should have been put through and the use of emergency powers was appropriate, but this was the third instance this year where the orders had to be used. He understands that the pandemic has been in part responsible but as a long-term member of the Overview and Scrutiny Panel these powers have not really been used up until this year. He would not like to see this become a regular occurrence and asked for assurance from officers that this is not going to become the norm. There should be a series of checks and balances to ensure Council business is conducted in the appropriate manner. Carol Pilson said that officers do their utmost not to call upon these urgency powers and the appropriate provision is set out in the constitution which for this situation has a defined set of rules, which includes the reporting today as a safeguard for when these rules have to be called upon. However, she understands Councillor Booth's point that these powers have been used several times recently and added that as Monitoring Officer responsible for good governance, it is certainly not a position she nor her colleagues would want to encourage regularly. Unfortunately, these situations do sometimes arise though, and these powers are the best use for the best outcome for the council and the community although we would like to use them to a minimum. Councillor Booth said he did not disagree with the decisions made but reiterated it is a matter of checks and balances to be used appropriately but thanked Carol Pilson for her answer.
2. Councillor Miscandlon said that he was involved in one of the previous emergency powers when COVID-19 struck. He said that he fully supports the actions taken this time with the appropriate safeguards as he did previously. He can assure the Panel that prior to authorising the emergency powers, he knew there was a lengthy discussion with the legal officer in an attempt not to use or overuse the powers that were available.

**Members confirmed that they were happy with the use of the urgency powers available in this instance.**