

CABINET



MONDAY, 11 SEPTEMBER 2023 - 4.00 PM

PRESENT: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor Mrs D Laws, Councillor A Miscandlon, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork.

APOLOGIES: Councillor Miss S Hoy.

CAB18/23 PREVIOUS MINUTES

The minutes of the previous meeting held on 17 July 2023 were approved and signed.

CAB19/23 THE FOUNTAIN, HIGH STREET, MARCH

Members considered the options for relocation for the fountain following the petition presented to Full Council presented by Councillor Seaton.

Councillor Seaton stated concentration would be on the alternative site options that have been investigated as an alternative to the approved and present location. He recognised and acknowledged the letter received by all Cabinet members from Lindsey Betts and Gary Richmond.

Councillor Seaton stated that it was organised for Cabinet members to be given a guided tour around the alternative site locations within the past week, which was to enable an informed decision to be reached by looking at the sites and not based solely on the written report. He stated that it was investigated moving the fountain position slightly closer to the road but this was rejected due to safety reasons and referred to each of the alternative sites, with their associated risks as detailed in the report.

Councillor Seaton stated that these options have been extensively investigated and based on the difficulties that each of the option sites have produced he proposes that the present location which has been approved should be progressed as planned.

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

- Councillor Tierney stated that on lots of the options it was said that it was unlikely that they would be supported, which he presumes means by Historic England, but he would like to understand what their power is, are they advising or must the Council do as it says. Councillor Seaton responded that they are a statutory body but they are an advisory body, which means they possibly would not block a different option, however, it could challenge to the Secretary of State if it did not approve where the fountain was going to be moved to.
- Councillor Tierney expressed the view that these issues are very personal to towns and as a Wisbech councillor he is always uncomfortable on making a judgement on something that is so personal to a different town but members are in the situation they are in and have to try and make the best decision. He feels it is good that so many options have been investigated and it is unfortunate that the view is taken that Historic England would say no to so many but he would like going forward to speak to them and ask what leeway there is in these matters as this is not going to be the last time this happens and he would like to understand what their appetite is for other suggestions rather than assuming they are going to say no to everything.
- Councillor Murphy stated that he walked around all the sites and considered all the

information provided and, in his opinion, the land outside Iceland is too far out of the centre of March and is already a busy area with existing businesses too close and would be vulnerable to vandalism; outside the Library again this is too far outside the centre, would be hidden and vulnerable to vandalism; West End Park exactly the same reasons as the Library; adjacent to the Market Place is again out of the centre but it tends to be forgotten that the fountain looks smaller in a wide open space and when situated on a smaller space it will look out of character. He referred to the last two positions in Broad Street, where he feels the fountain should be, the riverside area would create, in his view, too many problems with possible subsidence from works on the riverbank, with new designs, new contracts and different planning consents and considerable higher extra costs. Councillor Murphy expressed the opinion after weighing up all the possibilities that the fountain should be moved to the original position that was already agreed and passed with an approved planning application.

- Councillor Mrs Laws stated that she has read the report and looked at the alternative locations and questioned exactly what clout the statutory body consultee actually has, she has seen many applications over the year and they have not taken action but she recognises because the fountain is in the town centre they look more in-depth at this. She feels it is unsettling as Cabinet members, being very precious about their own towns, having to make decisions on other Fenland towns.
- Councillor Wallwork agreed with the comments of other councillors and it is really difficult when it is not your home town but she did attend the site visit and looked at all the options. She agrees with the location being where the fountain is proposed to be placed but would like to convey to residents that she does hope when it is finished that they can see that the Council made the right decision because it is a beautiful development and the project itself is going to look stunning when it is finished. Councillor Wallwork made the point that this has not been an easy or a flippant decision but members have taken all the facts, especially the costs, into account.
- Councillor Miscandlon thanked the officers for arranging the visit to the sites, some of them he dismissed out of hand as they were unsuitable, one or two were mildly interesting and could have worked had more investment been placed in them but he agrees that the current approved location is the proper place for the fountain. He hopes the residents of March appreciate the new location for the fountain when it is in place and hopes it will enhance the town, which he is sure it will.
- Councillor Boden stated that his attitude towards this issue has changed considerably having seen the report, he did say at Council that Cabinet would look at this and examine it thoroughly and carefully but did not imagine it would produce such a lengthy report. He stated that what he thought he was going to do was a cost benefit analysis to look at the costs of the various alternatives and the benefits from those costs but when he did go through the report and also from some further information what he found was that the Council already has the best solution in front of them and, therefore, the cost involved for the alternatives was irrelevant. Councillor Boden stated that he shares the concern about being over the bridge being too far away and the fountain loses the prominence that it has, which would be the same in West End Park and near the Library and would be seen by far fewer people than is the case currently and he always thought having it near the Market Place would be problematic as it would not fit in there very well and seem out of place, with the Market Place already being a tight area in terms of what it does and the fountain would detract rather than add to the Market Place. He made the point that this left only the alternative of the Riverside location and when this was initially suggested to him he did not think this was a bad idea, still very prominent and the one most likely to appeal subject to the cost, but what he had not considered was that locating the fountain at that site would detract from the War Memorial, which is there for a very particular purpose and if you set a major item such as the fountain that close to it, it clearly changes the nature of the area

around the War Memorial. Councillor Boden stated that he hoped it would be possible to look at a small amendment to the proposed location and he did not think it would be unreasonable to look at moving it metres if not centimetres from its current location and somewhat closer to the road and its previous location and he asked for that enquiry to be made, which Councillor Seaton did, and it turns out the original proposal did locate the fountain as close as was possible to the original site, it could not be moved one centimetre closer to the original site because of site line and potential road safety issues. He stated that it was for those reasons that he came to the conclusion that, regardless of what the costs were which were not relevant and regardless of what Historic England might have to say as they are a consultee and have no rights to stop the Council doing whatever it wants to do but do have the opportunity of going to the Secretary of State to stop it, the proposed location is the best location available for the fountain.

- Councillor Seaton stated that there are two specific reasons for the siting of the fountain and that was to have the least impact on its historic relevance as is possible in the context of its relationship with the roundabout and secondly to incorporate the structure into the new public realm to be enjoyed by members of the public. He feels that a lot of the comments that have been made are very apt especially about Historic England and whilst they are an advisory body there could be objections to it moving elsewhere and were they to go through the Secretary of State it would be at least one may be two years if not more on the timing.

Proposed by Councillor Seaton, seconded by Councillor Miscandlon and AGREED to:

- **note the positive progress of the project as detailed in the report; and**
- **instruct officers to progress the project as planned with the current, approved location of the fountain.**

(Councillor Benney declared an interest, by virtue of being a member of Planning Committee, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs French declared an interest, by virtue of being Chairman of MATS, and retired from the meeting for the duration of the discussion and voting thereon)

The Chairman and members agreed to this item being brought forward on the agenda.

This item comprised EXEMPT INFORMATION within Appendix 11 which is not for publication by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended) but it was not necessary to go into confidential session.

CAB20/23 INVESTMENT BOARD UPDATE AND REVIEW OF THE COMMERCIAL AND INVESTMENT STRATEGY

Members considered the update on the work of the Investment Board from March 2023 to August 2023 presented by Councillor Boden.

Councillor Boden stated that he had been slightly disappointed by the speed of progress, which has not been as quick as he would like but it has taken time to go through the various processes which have been necessary. He stated that it is still at a stage where the overall likely success or otherwise cannot be judged of the two ongoing projects.

Councillor Boden referred to the objectives, the first one being to realise more by going through this process on these two sites rather than selling them on the open market with no development and secondly to covert as much as possible of the gain on these two sites from capital to revenue. He stated that both of these objectives have progressed and the Council disposed of the sites to Fenland Future Ltd and what Fenland Future Ltd do with the sites will now be what results in the return that the Council gets, with their being financial difficulties over the past couple of years that

had not been anticipated not least the effect of the war in Ukraine and it is being seen nationally a definite slow down if not reversal on the private housing market.

Councillor Boden made the point that there was a significant amount of resilience built into the plans and not all the site in Wisbech is for private housing and he believes there is still a very good business case in both sites but it is not known what the position will be economically in six months' time. He stated that there is no reason to change the plans that the Council has for these two sites.

Councillor Boden referred to the second objective, this has been occurring and it is too early to say how successful this has been but the Council has already, even though a single house has not been built, undertaken the ground work so when the gains come in a significant proportion will be turned from capital to revenue. He feels it paints a picture of something going in the right direction and it makes sense to keep going in that direction.

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

- Councillor Mrs Laws made the point not to put scarers on the market as whilst she acknowledged the property market had slowed down she does not think it is in a position where it is failing.
- Councillor Miscandlon stated that the only people who seem to be slowing down on their investment are the very large companies that pay massive bonuses to their staff and the smaller and more resilient local companies seem to be doing well and long may they do so.
- Councillor Boden expressed the view that the potential reduction in return or the risk he particularly had in mind was the level of new house prices and that has been subject to some weakening over the course of the last few months and there may be more to come in the future but the important point he made was the plans that the Council had in place for both sites had a significant amount of leeway and resilience to unexpected events and whilst the Council may not receive as great a return as might have been the case both sites should still perform very well.

Proposed by Councillor Boden, seconded by Councillor Mrs Laws and AGREED to note:

- **the report from the Investment Board; and**
- **the ongoing review of the current Commercial and Investment Strategy as determined by the Constitution and delegated to the Section 151 Officer for tabling at a future meeting.**

(Councillors Benney, Boden and Tierney declared that they are members of the Investment Board)

CAB21/23 RENEWAL OF PUBLIC SPACES PROTECTION ORDERS FOR WISBECH FOR A 3-YEAR PERIOD

Members considered the extension of the Wisbech Public Spaces Protection Order (PSPO) on the consumption of alcohol by a further 3 years presented by Councillor Wallwork.

Councillor Wallwork stated that in 2017 the Council introduced the PSPO to cover areas of Wisbech Town Centre to deal with issues of street drinking and anti-social behaviour. She advised that the PSPO can be made for a maximum of three years and must be reviewed before being renewed, it was previously extended in 2020 and expires in October 2023.

Councillor Wallwork stated that as part of the renewal the Community Safety Team have carried out a consultation with the public and key stakeholders as well as reviewing data to determine whether the PSPO should be extended for a further three years. She made the point that the report outlines the issues, the consultation process outcomes and the role the PSPO plays in Police enforcement.

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

- Councillor Tierney stated that he championed introducing the PSPO when it was first introduced but he did say at the time that he did not think it was going to work as a new policy was being introduced with no means of enforcing it. He expressed the view that these new powers become available, the public demand something is done and the Council responds correctly but if there is no structure in place to enforce any of it, it all becomes useless and it is useless, it does not work as nobody will enforce it and the only people who have the power to enforce it are the Police and they will not do it as they are too busy, have to put their resources elsewhere and the areas where PSPOs are put in place people are still drinking in them and creating anti-social behaviour. He believes that no one has been enforced or charged since the introduction of the PSPO but he is still going to support renewing it as if you do not renew it people will say why would you not back this clear policy to counter it and he finds it is a difficult situation where members have to support policies where there is no enforcement undertaken and the Government should be challenged to say with these powers in place who is going to enforce it in future and how are the Police going to be encouraged to keep the law and how are they going to be resourced to do this. He stated that he did want to point this out as if it keeps get nodded through without pointing out the weaknesses then he does not think members are doing their job.
- Councillor Mrs Laws added that a lot of time, effort and work goes into these policies, which is not good if they are not enforced but it has to be reviewed on the understanding that nobody is enforcing it.
- Councillor Miscandlon agreed with the comments of the other councillors but stated that the Home Secretary made the announcement a week ago that all crimes will be investigated and he thinks representation needs to be made to the Chief Constable and the Borough Commander that these are crimes and they need to be investigated and dealt with. He expressed the view that it is no good the Police advocating their responsibility as they have not got the resources, it is for them to get the resources and implement the restrictions that are in place to not allow people to break the law.
- Councillor Mrs French agreed with the previous speakers and asked if the Council could write to the PCC and express their deep concern regarding this, starting at this point before it is taken further. She made the point that the policy cannot be withdrawn but what is the point of having the policy if it is not going to be enforced.
- Councillor Wallwork stated that there is always more that everyone can do and a large proportion of the issues in Wisbech do not seem to get a great deal of support simply because they are low level. However, she stated that there are things that are being done and it is used especially with the Luscombe Operation but it is a Police force that does not have the resources to may be undertake the things that hit residents more and street drinking is a thing that residents see and makes them feel unsafe. Councillor Wallwork expressed the opinion that the policy is being used but it is not being used to the full extent and she will push this further forward.

Proposed by Councillor Wallwork, seconded by Councillor Seaton and AGREED to approve the extension of the PSPO for a 3 year period.

CAB22/23 RENEWAL OF AGENCY CONTRACT ARRANGEMENTS

Members considered the renewal of the contract arrangements for temporary agency workers presented by Councillor Boden.

Councillor Boden stated that the Council does already utilise a neutral managed service provider via Eastern Shires Purchasing Organisation (ESPO) and the current contract arrangements needs to be renewed or changed as the contract only runs until December. He made the point that there are other organisations other than ESPO but under the research he has undertaken there is nothing wrong with what ESPO provides to the Council and he sees no advantage whatsoever of moving away from ESPO and looking for alternative arrangements.

Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED that the Council recontract agreement with a vendor neutral managed service provider via the ESPO framework arrangements to enable it to continue with the current effective arrangements.

CAB23/23 WISBECH HIGH STREET UPDATE

Members considered the Wisbech High Street update presented by Councillor Seaton.

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

- Councillor Tierney appreciated the work starting as it has been a long time coming and it is great to see it commencing. He feels that the people of Wisbech understand it takes time to work on projects such as this and appreciate that it is being undertaken without having to close the High Street, which is vital to businesses, but the change to move the scaffolding back is a great idea, it will really help as there are lots of people struggling to get up that path who have mobility issues and he welcomes this change.
- Councillor Mrs Laws questioned the £25,000 cost of scaffolding and asked if various quotations were sought and does it include insurance? Councillor Seaton responded that there is a lot of scaffolding here, it is virtually the whole of 11-12 that has been scaffolded as some of the walls are unsafe so it is a large job and officers have obtained the best price from the scaffolding firm that are already there, with the scaffolding being an ongoing cost that the Council has.

Proposed by Councillor Seaton, seconded by Councillor Tierney and AGREED to note the current position in relation to the 24 High Street construction project in Wisbech and information regarding the property at 11-12 High Street.

CAB24/23 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the draft 6 month Cabinet Forward Plan for information.

Members made the following comments:

- Councillor Boden made the point that currently at the November and December meetings of the Cabinet there is a further update on the Wisbech High Street but noted that Councillor Seaton said there may not be any substantial change until January but he would like this to remain on the agenda as it was stated that there would be monthly reports and there could be developments. Councillor Seaton agreed with this course of action.
- Councillor Mrs French stated that the Forward Plan does not include anything about Civil Parking Enforcement, she attended a presentation last week at County Council and it is likely to be going to the Highway and Transport Committee meeting on 3 October and she hopes there may be some information that can be reported. She added that she did ask the specific question of whether the Council has to use the County's contractors to do the lining and the signs and the answer was no. Councillor Boden suggested that this be added to the 13 November Cabinet agenda, even if it is a for information item.
- Councillor Mrs French stated that the other question she asked was if it was possible that the Council could look to bring in Civil Parking Enforcement in Fenland in 2024 and not 2025. Councillor Boden stated that he is aware that Councillor Mrs French asked this question but there are a lot of hurdles to overcome before this point is reached. Councillor Mrs Laws asked what the response was to this question? Councillor Mrs French responded possible.

CAB25/23 FREEDOM ENERGY COSTS UPDATE

Members considered providing financial support to Freedom Leisure to cover the increase in excess energy costs to run Fenland's four leisure centres presented by Councillor Miscandlon.

Councillor Miscandlon stated that from meetings with Freedom Leisure they are quite surprised that they are doing better than they anticipated, which is to the Council's advantage because the cost analysis that they require from the Council diminishes and the managers are very upbeat about going forward and are grateful for the support from the Council. He acknowledged that there is work to be carried out on the centres, some of this is being investigated currently, which will enhance the centres for the public.

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

- Councillor Tierney stated that he is glad that Freedom Leisure appreciate the support the Council has given them as it was comprehensive and he wants to make it clear that the Council did this as it was supporting the people of Fenland as those services are valued and did not want to see Covid and other things put an end to this so it was investment for the people of Fenland and not for the company although it had a knock on effect.
- Councillor Boden referred to Councillor Miscandlon saying that Freedom Leisure were surprised that they were doing as well as they are and he is also surprised but it is to the benefit of everyone. He agreed with the comments of Councillor Tierney, with there being councils around the country where the leisure provision that is available, particularly swimming pools, have been reduced and in some cases eliminated entirely and this Council has taken a deliberate decision to protect those facilities for residents in Fenland to the extent that it has. Councillor Boden made the point that there are 4 leisure centres across the area which is a lot more than most councils of Fenland's size would have due to the very unusual set up of having 4 towns within its area, with many authorities the size of Fenland having one centre, and as a result this Council faces a much larger challenge to provide services at locations where people will find them as convenient as possible and the decision has been taken, where the Council can, to continue to support that operation and it intends to do so in the future subject to external factors, which cannot be predicted. He stated he is pleased with the information in the report but the Council needs to continue to be rigorous in the financial implications of it and he knows a great deal of hard work goes on behind the scenes between officers and Freedom Leisure and he is grateful for this.
- Councillor Miscandlon agreed with the comments of Councillor Tierney that this support is not for the benefit of Freedom Leisure but is for the benefit of the residents of Fenland and this needs to be kept within the forefront of people's minds as Freedom Leisure are a bi-product from the commitment of this Council to the residents of Fenland and he would fully support anything that enhances this.

Proposed by Councillor Miscandlon, seconded by Councillor Boden and AGREED to:

- **note the impact that the energy crisis continues to have on the leisure sector;**
- **note the continued good operational performance of the Fenland group of leisure centres managed by Freedom and note the Sport England and Government funded energy assessment report regarding the facilities in Fenland;**
- **recognise the £4 return on investment that every £1 invested in sport and physical activity generates in England and as part of that return recognise the essential role that the Council's leisure facilities play in helping to maintain the physical and mental health of our community as highlighted in the attached Appendix I;**
- **recognise the significant financial challenges that the Council itself is facing;**
- **consider and delegate to the Section 151 Officer, working in consultation with the Portfolio Holders for Finance and Leisure, to offer direct financial support to Freedom Leisure in the form of a repayable loan, on an open book basis, up to a maximum of £100,000 for the period 1 October 2023 to 31 March 2024. This represents 85% of the expected maximum excess energy cost, with the sum anticipated to be reduced by the continuing implementation of the mitigating measures put in place to reduce operating costs and energy consumption. Any repayable loan shall become payable through an annual deduction of any profit generated in excess of the levels predicted in the Leisure Operators Base Trading Account. This is a change from the current**

50/50 profit share and will be subject to the performance of the business over the remaining contract period. The past three years have been particularly difficult for businesses across the country. Whilst the operational business has recovered well, there remains no certainty that excess profits will be made in the future;

- **note the swimming pool support fund (revenue) bid information; and**
- **note the anticipated bid to the swimming pool support fund (capital) for energy mitigating measures.**

This item comprised EXEMPT INFORMATION within Appendix C which is not for publication by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended) but it was not necessary to go into confidential session.

5.08 pm

Chairman