

# CABINET



**MONDAY, 11 JULY 2022 - 2.00 PM**

**PRESENT:** Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor Miss S Hoy, Councillor Mrs D Laws, Councillor P Murphy and Councillor S Tierney

**APOLOGIES:** Councillor S Count and Councillor C Seaton

## **CAB8/22    PREVIOUS MINUTES**

The minutes of the meeting held on 13 June 2022 were confirmed and signed as an accurate record.

## **CAB9/22    ANNUAL REPORT 2021/22**

Councillor Boden presented the Annual Report of the Council 2021/22.

Councillor Boden referred to it being a very difficult year as this was the second full year of Covid and a lot of praise goes to officers for the way in which they have managed the services provided to residents, not just ordinary services, but the extra ones required due to Covid. He also gave credit to Councillor Tierney for going through the report to ensure it is clearer, cleaner, and easier for people to read and understand.

Councillor Tierney appreciated Councillor Boden's comments but stated that he really had to do very little this year as officers now produce the report in the way he would like to see.

**Proposed by Councillor Boden, seconded by Councillor Sam Clark and AGREED to approve the Annual Report of the Council 2021/22.**

## **CAB10/22    TREASURY MANAGEMENT ANNUAL REPORT 2021/22**

Councillor Boden presented the Council's Treasury Management Annual Review for 2021/22.

Councillor Boden highlighted that:

- the Council did invest an extra £4m into two property unit trusts at the end of the financial year so no income would have been received from these, but it is believed that this money will earn greater returns than the Council would be able to get on the money markets generally
- no new borrowing took place during 2021/22 and the overall borrowing figure decreased, which is an achievement
- external investment amounts were received of £52,375, which is more than was budgeted for due to holding more Government money than expected
- the figure for temporary investments of £31.85m is so high due to Government being slow in asking for surplus money back
- the amount received from external investments was lower than it would have been because just towards the end of 2021 the Council spent £3.7m on a commercial investment property in Wisbech, which produced a good return for the Council during the year and is an

indication of the direction of travel that the Council wants to go to find ways of better returns for the money that the Council holds.

**Proposed by Councillor Boden, seconded by Councillor Benney and AGREED to note the report and recommend that Council receive the Treasury Management Annual Report.**

### **CAB11/22 FINANCIAL OUTTURN REPORT 2021/22**

Councillor Boden presented the Council Revenue and Capital Outturn report for 2021/22.

Councillor Boden stated that this is another very good report and a lot of work has been done by officers to achieve the good results that the Council has. He thought it important for all members to be aware of the way in which the outturn changed during the year, because at December Cabinet the outturn was shown as being a deficit of £987,000, and he did state at the time that he believed the position would be substantially better at year end. However, at the budget meeting of Full Council in February the deficit was still shown to be at £243,000 and he is pleased to say that the actual outturn at year end was a surplus of £584,000. Councillor Boden stated that this money goes into the Council's Budget Equalisation Reserve which now stands at £1.067m. The purpose of this reserve was to act as a feedback loop to ensure that there is of necessity prudent budgeting that is reflected in the way in which the Council operates.

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

- (i) note the Outturn for the Council's General Fund services in 2021/22, as detailed at Appendix A and Section 2 of the report, and note the transfer of the underspend to the Budget Equalisation Reserve,**
- (ii) note the reasons for the variations from revised estimate, and**
- (iii) approve the proposed Capital Funding schedule for 2021/22 at Appendix B(i) of the report.**

### **CAB12/22 CAPITAL UPDATE REPORT**

Councillor Boden presented the Capital Programme Update report.

Councillor Boden pointed out that the Council continues to operate in such a way so capital expenditure can be made to fund the programmes. He said there are significant inflationary pressures on the whole nation, but also with the costs of materials, labour and finished goods, all of which feed into the capital programme. Therefore, the Council needs to look carefully now and in the future at the programme to ensure that those projects currently underway continue to be monitored and controlled as tightly as possible and that there is a future capital programme which is realistic.

Councillor Boden highlighted two major issues that are on the horizon and referred to in the report:

- the accommodation review which will involve some significant medium-term costs financed over the medium to long term given that decisions are being made on the way in which this Council operates for a further 30-40 years
- remedial works at the Quay in Wisbech, which are going to be significant.

He feels that the Council is starting from a sound base and a far better position than many other local authorities which is due to the good stewardship from both officers and members that will enable the Council to face the challenges ahead.

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

- Councillor Mrs French referred to item 13, Growing Fenland Civil Parking Enforcement, which has been allocated £252,000 for 2022/23 and £100,000 for 2023/2024 and asked what has happened to some of the money as she understood the funding to be £400,000

overall? Councillor Boden responded that the figures were initially estimates and the expectation would be that if these were to be the actual figures, then the remainder would still be used for parking as required, but more likely be off-street parking that the Council has responsibility for to ensure that the rules and regulations for off-street parking are tightened up and made legal, where they are currently not legal so that the enforcement that takes place on-street is also able to be replicated off-street as there are savings to be made by joining those two things together.

- Councillor Mrs French stated that there are problems with County Council currently, with them trying to push the project back. There is a Highway meeting at County tomorrow, it is not on the agenda, but members will be looking to have an update on parking enforcement, and she would be very disappointed if the County Council do pull out as work has been undertaken on this issue since 2019 and funding from the Combined Authority has been successfully received.
- Councillor Hoy referred to the Wisbech Water Park, stating that she had asked for an update when it would be opening as it was originally indicated to be for the school holidays, and it would be a shame if it could not be opened for this period. She stated that there was also supposed to be some play equipment and a running pavement, but she did not see this included in the report. Phil Hughes, Acting Assistant Director, responded that the water pad is almost complete, the equipment is not being put in above ground at the moment until it is in use, the Council is undertaking some trenching, some electricity and water supply works, but it is going to be tight for the end of the summer holidays and might exceed that time because of the connection between the equipment the Council has put in and UKPN and Anglian Water. He stated that in terms of the play area, this is going to be undertaken after works to the water pad.
- Councillor Boden asked if there are issues with the utilities that are causing difficulties with this project. Phil Hughes responded that the Council needs to dig the trench first so whilst that work is being undertaken, the Council is going to make sure UKPN and Anglian Water are ready to put in the connection as soon as possible.
- Councillor Tierney stated it would be wonderful if some magic could be undertaken so that it could be working for the Rock Festival in 4 weeks' time, he recognises that this may not be possible, and the Council is doing everything it can. Phil Hughes responded that it is unlikely.
- Councillor Hoy stated that she had not had an answer about the running pavement. Phil Hughes responded that this has not yet been figured in the scheme, this was to be implemented using Section 106 monies but due to the slight cost overrun of the water and power connections Section 106 monies have been spent on this, but other sources of funding are being looked at. Councillor Hoy stated that it would have been useful for members to have known this before this Cabinet meeting as it sounds like now the running pavement will not be implemented until some further money is found and it is known how pushed the capital programme is, so the running club is going to be very disappointed. She expressed the view that members keep finding out things at the last minute in meetings or there are overspends and to say the park is not going to be finished before the end of the holidays which is over 7 weeks away will see the Council ridiculed for opening a facility for children in Autumn when it is colder and not used. Winter months will be dark, and it may get vandalised so when the summer comes around again it will not be a new park anymore and she feels it is disappointing. Phil Hughes responded that officers are also disappointed, construction started in February, and they have been working since then to deliver the park for the summer holidays, but it has just not been possible.
- Councillor Mrs French referred to Item 28, March Mooring Renewals, with a cost of £24,000 allocated and asked if a quotation has been received from Middle Level Commissioners for how much it was going to cost if they were to do the work. Phil Hughes responded that this figure will not cover the costs for the moorings, there are two aspects to the moorings, the mooring in West End Park and consideration for increasing the size of the moorings in the middle of town. Middle Level responded yesterday regarding the costs of increasing the size of the mooring in town and a couple of weeks ago in relation to West End Park moorings.

He stated that what the £24,000 will be spent on is replacing and improving the pump out facility following members' direction and officers will have to come back to Cabinet at another time regarding improving the moorings. Councillor Mrs French stated that this is totally unacceptable, members went on a boat trip a few months ago and spent a considerable amount of time discussing the moorings, not new ones, the one that is there in a dangerous state, and she is not happy with what she has just been told. She asked what the actual price is quoted to repair the broken mooring that exists. Phil Hughes responded that Middle Level were asked to provide a price for two different designs for the mooring in West End Park, one was to replace as current which was £88,000 and the other was to provide a gabion-based mooring with a price still to be provided. He stated that they are yet to get information from Middle Level on the riverside in the centre of town, reinforcing this so a path can be put down. Councillor Mrs French made the point that it was agreed that £24,000 was to be spent on the moorings and not on the pump out station, with the money for this coming out of the High Street funding. Phil Hughes responded that originally the High Street funding was not going to repair the pump out station as it was going to be moved, so following the river trip members instructed officers to get the pump out station back in action as soon as possible and that is what is happening. Councillor Mrs French reiterated that there was a long discussion on the boat trip regarding the pump house and it was agreed by officers, not by members, that they were either going to remove it or push it up to Fox's Boatyard. Having spoken to Fox's they are a private business and do not have main sewers, they have to pump out themselves and it was made clear that they did not want it. Officers expected it was going to be moved further up to the Waterman's Club, but they did not contact the Club or Middle Level so after the boat trip it was discussed that the pump house was going to be repaired and upgraded with the High Street funding so the £24,000 should not be used for this purpose and it seems nobody is listening to the conversations taking place. Councillor Boden stated that a meeting is taking place tomorrow and asked if this issue would be taken up at that meeting.

- Councillor Mrs Laws stated that she sits on the Navigation Board of Middle Level, and she has heard various conversations, if it would help, she is happy to speak to Middle Level as these moorings have been talked about as they are unsafe and need to be used. Councillor Mrs French stated there is a meeting tomorrow afternoon and David Thomas from Middle Level should be in attendance.
- Councillor Mrs French referred to land at the top of West End Park, which is not currently in the capital programme, with part of it already having been handed over with the other part where parking is being provided for the fisherman and this is something that was agreed in 2003 but unfortunately there have been massive problems with anti-social behaviour, with trees being destroyed, and whilst the site manager has put cameras up, the Council needs to be looking to installing CCTV in that area which will obviously have a cost. Councillor Mrs French expressed her thanks to Megaplants at Doddington who have secured two mature trees and will be providing them for free in October.

**Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED that the updated capital programme as set out in Appendix A, which includes alterations to those schemes not funded from grant which consequently require additional capital expenditure not specifically budgeted for but remain within the capital overall budget, is approved.**

### **CAB13/22 SHARED PROSPERITY FUND**

Councillor Benney presented the UK Shared Prosperity Fund report.

Councillor Benney stated that this fund is the Government's domestic replacement post EU exit for the European Structural and Investment Programme, with all areas of the UK receiving an indicative allocation, which is not guaranteed, of the fund via a formula with the funding available to this Council being approximately £1.3m and a total of £8.78m across the Cambridgeshire and Peterborough Combined Authority area over a 3-year period commencing from this financial year

to 2024-25. He stated that the CPCA will collate all Cambridgeshire and Peterborough local authority projects into a Local Investment Plan for presentation to the Department of Levelling Up, Housing and Communities that will make the decision on Shared Prosperity Fund allocations later this year.

Councillor Benney pointed out the proposed amendments to the Cabinet report recommendation. Members agreed to these amendments under Rule 12.7 of the Council's Standing Orders.

Councillor Boden stated that the Council has got a good deal in respect of the 10.5% of funding that will go into the CPCA area wide skills project. For the first time the CPCA has agreed that this money should be spent on a needs basis rather than split proportionately between the authorities, which will mean that Fenland will get a very significant share of this total fund, which it needs as Fenland comes third from bottom in the list of authorities in terms of the level of skills and education it has in this area, which has been recognised for a long time and it is hoped this will make a significant contribution in addressing this.

**Proposed by Councillor Benney, seconded by Councillor Mrs French and AGREED to recommend**

- **the five proposed Fenland District Shared Prosperity Fund projects to the CPCA for inclusion in the CPCA Local Investment Plan to be submitted to the Department for Levelling Up, Housing and Communities;**
- **all proposals remain as detailed in the original report with the exception of BUS7 for which funding is reduced by £130,935; and**
- **an additional proposal is that the £130,935 taken from project BUS7 is used as FDC's contribution of 10.5% of allocated funding to deliver the CPCA area wide skills projects detailed in Appendix 1.**

## **CAB14/22 HOUSING ENFORCEMENT POLICY**

Councillor Hoy presented a revised Housing Enforcement Policy.

Councillor Hoy stated that the Policy was originally approved in 2018 and it sets out for openness and transparency to tenants, agents and landlords the range of powers available to the Council contained in legislation that are used on a daily basis. She stated the emphasis being that the Council should not punish good landlords, the policy has worked well and stood up to scrutiny at every residential property tribunal the Council has attended to defend fines but there has been some learning in court cases that has led to a legal review of the policy to give greater clarity to all involved in the process. She summarised what the revised policy sets out and that Overview and Scrutiny Panel and stakeholders have been consulted.

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

- Councillor Tierney stated that it is interesting how different councils around the country handle these policies and issues. In his view, Fenland has taken a balanced approach in that there are things that could have happened which would have been punitive to landlords and would have harmed people's ability to get housing, which the Council pushed back against, and there are other policies that are being championed which punish bad landlords without creating a situation where people do not want to be landlords. He thinks that the way the Council has approached these matters is one that is respected by both landlords and tenants, people can see that the Council has improved the places that are for rent whilst recognising there is still more to be undertaken and Councillor Hoy has led this well.
- Councillor Hoy expressed her thanks to the officers as when she started her role in 2019, she was keen to implement a policy such as this one that fined the bad landlords and the team embraced this and are undertaking the work daily.
- Councillor Mrs French stated that she welcomes this policy and referred to a property on The Chase March which has been vandalised and has cost the Council a fortune in

boarding it up; the property owes Fenland a lot of money and some form of legal needs to be taken against the owners to try to bring this property back into use and retrieve the Council's money. Councillor Hoy responded that mostly the Housing Enforcement Policy relates to issues under the Housing Habitation Act but counteracting that is the planning side and perhaps the Council should be serving more Section 215 notices as there are a number of properties around the district that have been empty for too long. Councillor Mrs French stated that it would be a 216 Notice and she is pleased that these were approved to be served on two properties at the last Planning Committee meeting; she feels that Fenland should be taking a tough line as the district has too many properties that have been allowed to fall into disrepair. Councillor Mrs Laws stated that she does not disagree with what has been said, but there is also a balance due to costs to the Council and the individual and if members have any properties they would like to highlight in particular then officers will look at them. She stated a further issue is that due to Covid the courts are behind, and these cases are not top of its list.

- Councillor Tierney expressed his sympathy with Councillor Mrs Laws as you are damned if you do and damned if you don't to some extent and she is right about needing a balance as this Council considers itself to be compassionate, but on the same scale if you wait too long and are too sympathetic it can be a problem that never goes away and you end up with a situation that can cripple an area. His opinion is that the Council is slightly too far on the compassionate side, and he thinks the Council should be just a little tougher but not unreasonably so.
- Councillor Boden concurred that the Council does need to be somewhat tougher but referred to a burnt-out property within his ward where compassion was certainly required but made the point there is a difference between compassion and being taken advantage of.
- Councillor Mrs Laws, referring to the case that Councillor Boden mentioned, made the point that the Council does try to be compassionate and there is a process, and it takes time to find contractors but reiterated that if any member has a particular property where they feel action needs to be taken to let her know.

**Proposed by Councillor Hoy, seconded by Councillor Tierney and AGREED to adopt the Council Housing Enforcement Policy.**

*(Councillor Benney declared that he is a private landlord and the policy may impact him, and left the meeting for the duration of the discussion and voting thereon)*

#### **CAB15/22 DRAFT 6 MONTH CABINET FORWARD PLAN**

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

#### **CAB16/22 24 HIGH STREET WISBECH - AWARD OF CONTRACT AND APPROVAL OF ASSOCIATED FINANCE AND OFFICER DELEGATIONS**

Councillor Boden presented the report on 24 High Street, Wisbech in the absence of the Portfolio Holder, Councillor Seaton.

Councillor Boden reminded members that much of the report can be debated in public, there are exempt schedules which if requiring discussion will involve members in taking a vote on whether to move into exempt session, but he would like to avoid this if possible.

Councillor Boden stated that the Council owns the 'gap' site that is 24 High Street, Wisbech and previously this year the Council went to open tender for a contractor to develop the site to an approved design consisting of a small ground-floor commercial unit with flats above. He advised that unfortunately on that occasion the Council was unsuccessful in attracting a bidder and the Council subsequently used a Government Framework Agreement to identify several companies who were interested in the opportunity with this procurement process concluding last week.

Councillor Boden made the point that this site is challenging for a builder, it is on the High Street meaning traffic management and pedestrian issues, the site has a cellar, it is between two other buildings with party wall considerations to address and additionally the contractor's compound would need to be located elsewhere. He stated that following the receipt of tenders, officers have prepared exempt schedules to this report.

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

- Councillor Tierney stated that he thinks his views are clear and well known, it has taken a long time and he is glad that the Council is finally there, and he just wants to press on and get the site developed as soon as possible.
- Councillor Hoy asked if this is approved today how soon can work be mobilised as she is concerned that costs are rising all the time. Councillor Boden responded that it is a matter of the amount of time it takes for the Council's professional advisors and its officers to be able to negotiate with the preferred bidder on various items but believes this to be a matter of weeks. He stated that in respect of prices it has been suggested as far as the building trade is concerned that the country is entering a plateau where prices may not continue to escalate as they have in recent months, but there is no guarantee about this, but prices in the next few months may be lower than they were and prices, particularly steel, are not down to simply inflationary factors but a whole host of other factors many of which will work themselves out of the system eventually.
- Councillor Mrs French expressed the view that the Council has spent years and months on this, there have been enough conversations and it just needs to be developed.

**Proposed by Councillor Boden, seconded by Councillor Tierney and AGREED to note the current position in relation to the Council's redevelopment plans for 24 High Street, Wisbech and, following consideration of the information in Schedules 1 and 2 regarding the preferred bidder's submission, AGREED to:**

- **note the anticipated total value of redeveloping 24 High Street capped in accordance with the terms and conditions of the Crown Commercial Services Government Construction Framework RM6088;**
- **recommend that Full Council considers and approves the options available for funding the redevelopment of 24 High Street based on the value anticipated by the preferred bidder and as set out in Schedule 3 and delegate to the Chief Finance Officer, in consultation with the Leader, authority to identify and utilise the most appropriate combination of funding, having regard to the Council's wider budgetary duties and obligations, and**
- **subject to the above, recommend that Full Council approves the negotiation and entry into a contract with the preferred bidder in accordance with the requirements of the Code of Procurement and the legal advice and due diligence requirements set out in Schedule 1, seeking at all times to ensure that the Council maintains its best value obligations.**

### **CAB17/22 CONFIDENTIAL MINUTES**

The confidential minutes of the 13 June 2022 were confirmed and signed as an accurate record.

*(Members resolved to exclude the public for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)*