

CABINET



THURSDAY, 8 OCTOBER 2020 - 4.00 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, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

OFFICERS IN ATTENDANCE: Amy Brown (Chief Solicitor and Deputy Monitoring Officer), Peter Catchpole (Corporate Director and Chief Finance Officer), Paul Medd (Chief Executive), Carol Pilson (Corporate Director and Monitoring Officer) and Justin Wingfield (Head of Business & Economy)

GUESTS: Nick Dighton and Nick Carver of Floorspan

Councillor Boden welcomed members of the public and press watching the livestream of the Cabinet 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.

CAB21/19 PREVIOUS MINUTES

The minutes of the meeting held 8 September 2020 were agreed.

CAB22/19 QUESTIONS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH PROCEDURE RULE 9A.

In accordance with Procedure Rule 9A, Nick Dighton, Managing Director of Floorspan, asked the following question.

“Over 20 years ago in 1998 as a one man band I stood in person before a similar Fenland District Council Committee to make my case for Planning Permission on 3/4 of an acre in Europa Way that I was negotiating to buy from FDC which, if granted, would enable me to move my fledgling business to Wisbech.

I very much remember the kind and encouraging words of the Committee Chairman as he presided over a unanimous approval.

We now employ close to 100 people from a 6-acre operational site, in part facilitated by FDC through the sale of additional land and the granting of various Planning Permissions along the way. However, the existing site is at capacity and we need additional land to facilitate the next phase of the company's growth.

We have been engaged with FDC through your Economic Development Officer for over 3.5 years now in an attempt to identify and purchase a suitable site, longer than the possibility of the incinerator project I imagine and this fact, combined with our demonstrable history with FDC, should undermine the suggestion that there is a connection. The latest setback in the form of a Motion to halt the sale of all land within 500mtrs of the proposed incinerator, proposed on the eve

of the meeting at which the sale of the site was to be considered, is a bitter blow.

Anecdotally, we have heard that some members have imagined a connection between the project and Floorspan which does not exist. I want to make it absolutely clear to members that there is and never has been any connection between Floorspan and the incinerator project. An imaginary connection is simply fanciful and potentially very damaging to us and to FDC.

The current economic conditions are unique and challenging but paradoxically in our opinion present a moment in time for an ambitious and forward-looking company. The Government are keen to support companies like us and are offering various incentives by way of encouragement.

I urge you to continue the support to us that you have shown in past years and demonstrate to the wider world that you really are “open for business”.

Your Standing Order requires that any presentation to this committee on such a crucial matter can only be in the form of a question. So on the basis of what has just been said my question is: ‘On what evidence is the justification for holding up and then refusing the sale of the land to Floorspan with all the added benefits to the Wisbech area really based and will you reconsider the earlier Motion to enable our expansion to proceed within the FDC area.’

Councillor Boden thanked Nick Dighton for both his statement and question, saying that there is a confidential item on the agenda within which Cabinet would consider carefully everything that has been said. Councillor Boden added that when a question is raised in public at a council meeting concerning an agenda item at that meeting, usually it would be the case that a substantive answer would be given to the question, referring to the details of the published report relating to that item. Unfortunately, in this case it is possible that Cabinet will determine that as the agenda report contains legally exempt information, the report and discussion of that item will have to remain confidential, therefore for that legal reason he can say no more at this stage.

Councillor Boden thanked Nick Dighton for attending Cabinet and providing the information that members would take on board.

Nick Dighton asked when he may expect to hear further in relation to his question. Carol Pilson advised that whatever decision was made today; a call-in period of five working days would have to be observed before any decision could be implemented and any decision released.

Councillor Boden thanked both Nick Dighton and Nick Carver for attending the meeting today.

(Nick Dighton and Nick Carver left the meeting).

CAB23/19 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the Cabinet Forward Plan for information.

CAB24/19 PROPOSED DISPOSAL OF LAND (CONFIDENTIAL ITEM)

Members considered the confidential Proposed Disposal of Land report presented by Councillor Boden.

Members made comments, asked questions and received responses.

Cabinet considered the report and RESOLVED to pursue Option 1 which was to retain the Land and the Additional Land and not to enter into any disposal or further negotiations at this time acknowledging the economic implications and strategic significance of the site. In conjunction with this, Cabinet requested that officers provide the organisation requesting

the sale with ongoing assistance in identifying opportunities for expansion within the District.

4.49 pm

Chairman

CABINET



WEDNESDAY, 21 OCTOBER 2020 - 4.00 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, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

OFFICERS IN ATTENDANCE: Amy Brown (Chief Solicitor and Deputy Monitoring Officer), Peter Catchpole (Corporate Director and Chief Finance Officer), Garry Edwards (Engineering Manager), Phil Hughes (Head Of Leisure Services), Simon Machen (Interim Corporate Director), Paul Medd (Chief Executive), Carol Pilson (Corporate Director and Monitoring Officer), Gemma Wildman (Local Plan Manager) and Justin Wingfield (Head of Business & Economy)

Councillor Boden welcomed members of the public and press watching the livestream of the Cabinet 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.

CAB25/19 PROJECTS UPDATE - GROWING FENLAND & CCC CAPITAL COMMUNITY FUND

Members considered the Project Update – Growing Fenland and CCC Capital Community Fund report presented by Councillor Boden.

Councillor Boden drew Members' attention to a late amendment within the report which had been republished. The list of projects for the CPCA funding has been increased from three to five with some specific figures regarding the amount of CPCA funding requested and the revenue cost implications for FDC.

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

- Councillor Hoy asked who is communicating when the bids are won because Wisbech Town Council have still not been told officially they have received funding for the marketplace and are the payments made on a staged basis? Councillor Boden apologised that Wisbech Town Council had not received official notification, he was not aware of this and he will report back to the Combined Authority to ensure the mechanisms are put in place that all successful bids are notified to the relevant town and parish councils as a matter of urgency. Regarding funding, unfortunately he is not aware of the answer and will find this out from the CPCA.
- Councillor Mrs French asked Councillor Hoy if she had been notified by Cambridgeshire County Council under the community fund that money had been awarded. Councillor Hoy said yes, she had heard from them and that they will be paid this in stages but had not heard from the CPCA and wondered if that was a different process. Councillor Boden reiterated that he would report back to the CPCA for this information.
- Paul Medd said in response to Councillor Hoy's second question, he suspects the CA will want a funding agreement which will itemise the specifics associated with each of the projects and how payment is received. He confirmed that this would be taken up on Councillor Hoy's behalf.
- Councillor Mrs Laws said that she had contacted officers who are supporting the Growing Fenland Group and understands a wealth of legal documents have been submitted by the

CPCA, which is onerous and time consuming, but we have to go through them and her concern is that having heard the good news, it sounds like it could be weeks before hearing more on the funding. She is hoping that the legal documents have now been reviewed and returned to the CPCA, but she cannot confirm that. Paul Medd said that was a good point, the news that the money is available is great, but we want to get on and deliver the projects and officers are working very hard in order that all the appropriate governance can be in place as quickly as possible.

Cabinet AGREED to:

- **Note the content of the revised report and the five projects submitted as set out in the appendices to the report;**
- **Authorise the relevant revenue costs associated with these five projects and to note there are no capital costs for FDC to consider.**

CAB26/19 FREEDOM LEISURE UPDATE

Members considered the Freedom Leisure Update report presented by Councillor Sam Clark.

Councillor Clark pointed out that although the report stated that FDC had received £1.1 million in Government support, this figure should read £1.291 million.

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

- Councillor Mrs French said it is unfortunate, it will cost money, but we have to support this.
- Councillor Mrs Laws agreed with Councillor Mrs French saying we are in no position to make any decision other than to support this.
- Councillor Seaton said it was not only the financial implication to consider but the welfare of the residents who rely on the facilities provided by Freedom. We have a duty to provide support whilst financially possible.

Cabinet AGREED that:

- 3.1 Fenland District Council (“FDC”) provides the financial relief to Freedom Leisure set out in these recommendations.**
- 3.2 FDC defers the monthly management fee of £37,560 per month for October 2020 – March 2021, at a cost to the Council of £225,360, repayable in accordance with the terms set out at paragraph 3.6 of these recommendations and noting some of these monies are recoverable through the Government’s Income Compensation Scheme for Councils.**
- 3.3 FDC continues to support Freedom Leisure on an open book basis by providing them with an interest free loan payable monthly up to the amounts set out below and repayable in accordance with the terms set out at paragraph 3.6:**

Total cash support:	£284,748
Deferred management fees:	£225,360 (para 3.2)
Total Phase III support:	£510,108
Total Phase I & II support:	£590,348 (para 2.10)

Less Income compensation support (£322,763) (para 2.12)

Total proposed Freedom Leisure cost to FDC in 2020/21: £777,693

- 3.4** These costs are an estimate based on the information available at the time of despatch. The new Job Support Scheme's applicability or possible impact is not factored into these costs. Additionally, UKActive is putting together another report on the current state of the leisure industry.
- 3.5** Repayment of the £510,108 described in paragraphs 3.2 and 3.3 of these recommendations shall become payable through an annual deduction of 75% of any profit generated in excess of the levels predicted in the LOBTA (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 contract period.
- 3.6** The Monitoring Officer and s.151 Officer are authorised to put in place all necessary arrangements to give effect to the agreed recommendations to include entry into the necessary legal arrangements and expenditure of the amounts described from existing budget provisions.

CAB27/19 HOUSING DELIVERY TEST

Members considered the Housing Delivery Test report presented by Councillor Mrs Laws.

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

- Councillor Boden asked if there was any indication of the effect that COVID-19 may have had in respect of expected housing delivery numbers for the current year. Councillor Mrs Laws said that she did not yet have statistics, but the inference is that present property owners are looking to move outside of cities and major towns. Fenland offers an attraction, especially for Cambridge commuters, as our property prices are lower than Cambridge and southern England. We have seen a market trend for four and five-bedroom homes being sold first on sites even before they have been built. Councillor Mrs Laws added that the report notes that the Council has delivered a positive increase in the delivery of homes for 19/20 with 561 homes delivered which is in excess of the Council's housing target so is encouraged by these figures, and also our five-year land supply is in a plus state. Councillor Boden thanked Councillor Mrs Laws for this reassuring news.

Cabinet AGREED to approve Fenland District Council's Housing Delivery Test Action Plan and the recommended actions to improve the deliverability of housing in the district.

(Gemma Wildman left the meeting).

CAB28/19 CIVIL PARKING ENFORCEMENT UPDATE

Members considered the Civil Parking Enforcement Update report presented by Councillor Mrs French.

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

- Councillor Mrs Laws commented that parking enforcement aside, knowing the issues with illegal and irresponsible parking and that it will support the police, from Whittlesey Town Council's point of view this will free space for shoppers who will be able to come into town and support our local retailers. We are currently under pressure over people using Whittlesey free parking and then commuting to Peterborough for the day. She thanked Councillor Mrs French for her work on this saying it will benefit both residents and retailers and will be welcomed by the community.
- Councillor Tierney said we know residents are keen to see this happen, but they do not

understand how complex such a scheme is, hence the amount of time it has taken. He thanked Councillor Mrs French saying it is great work and good to see it moving forward.

- Councillor Benney said this is a very good scheme and report. The implications of adopting this policy will deal with more than parking; we find that local towns get congested with people parking all day and it is killing the shopping centres. He believes it will be good for business, and with the right signage will also alleviate some of the noisy anti-social behaviour with cars congregating late at night. He said it is a good use of funds and thanked Councillor Mrs French for her work.
- Councillor Murphy said this is an excellent scheme; we have been talking about it for a long time, which he found exasperating, and now we need it as quickly as possible.
- Councillor Mrs French said that she agreed with Councillor Mrs Laws concerning the situation in Whittlesey and had spoken to the Mayor of the Combined Authority regarding this. There has to be a very strong business case to the CA stressing that this is part of COVID-recovery so that we can get cars parking in Whittlesey. She also thanked the towns for their agreement to each contribute £100,000 from the allocation of £1million funding towards the implantation of civil parking enforcement. In respect of Councillor Benney's hopes to reduce antisocial behaviour, Councillor Mrs French said that would be something that would be worked on. In respect of Councillor Murphy's statement, she agreed it had taken time; it was something she started looking at in May 2019 with the intention of putting a paper forward in October 2019 but unfortunately there was no money until the Combined Authority's contribution. It is going to take time, but she is working with the relevant parties and pushing to shorten the timeframe.

Cabinet AGREED to note the progress made on parking enforcement options and to consider the paper which discusses the proposed introduction of parking enforcement for on/off street parking areas.

*(Councillor Seaton lost connection between 16.31/16.37 but was deemed able to vote on this item)
(Garry Edwards joined the meeting during this item at 16.33 and left at 16.56)*

CAB29/19 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the Cabinet Forward Plan for information.

CAB30/19 DISPOSAL OF LAND (CONFIDENTIAL ITEM)

Members considered the confidential Disposal of Land report presented by Councillor Benney.

Members made comments, asked questions and received responses.

Cabinet AGREED to Option 2 contained within the confidential report and to delegate the responsibilities within it accordingly.

4.57 pm

Chairman