

AGENDA

CABINET

MONDAY, 18 MARCH 2024

4.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH**

Committee Officer: Linda Albon
Tel: 01354 622229
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- 1 To receive apologies for absence
- 2 Previous Minutes (Pages 3 - 8)

To confirm and sign the minutes of 26 February 2024.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting
- 5 Playing Pitch Strategy - Rugby Update 2023 (Pages 9 - 24)

For Cabinet to consider an updated playing pitch strategy (PPS) specifically for the sport of rugby in March.
- 6 District-wide Armed Forces Military Covenant (Pages 25 - 32)

To consider a proposal to sign an updated District-wide Armed Forces Military Covenant (AFC) as a commitment to current and legacy armed forces personnel living the Fenland District.

7 Wisbech High Street Update (Pages 33 - 34)

To receive an update regarding ongoing work related to 24 High Street and 11-12 High Street, Wisbech.

8 Draft 6 Month Cabinet Forward Plan (Pages 35 - 36)

For information purposes.

9 Items which the Chairman has under item 3 deemed urgent

10 To approve to progress for a Compulsory Purchase Order utilising the Town & Country Planning Act powers for a long-term empty property in March (Pages 37 - 50)

To understand the reasons why it is felt necessary to take legal action to CPO, Willow View, The Chase, March, PE15 9RJ in order to bring a long-term empty property back into use and address community concerns.

(Appendix B to this report comprises exempt information – to exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: “that the public be excluded from the meeting for Items which would involve the likely disclosure of exempt information as defined in the paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) as indicated.”

Friday, 8 March 2024

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

CABINET



MONDAY, 26 FEBRUARY 2024 - 2.00 PM

PRESENT: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor Miss S Hoy, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

APOLOGIES: Councillor Mrs D Laws and Councillor A Miscandlon

CAB53/23 PREVIOUS MINUTES

The minutes of the meeting held 22 January 2024 were approved and signed.

CAB54/23 BUSINESS PLAN 2024/25

Members considered the Business Plan 2024/25 report presented by Councillor Boden.

Councillor Mrs French expressed her thanks to officers, Councillor Tierney, and Councillor Boden, saying a lot of work has gone into producing this Business Plan over the last few months and she congratulated all involved.

Councillor Tierney said he could not take a great deal of credit, but added his appreciation to officers and thanked them for their hard work on producing the Business Plan.

Proposed by Councillor Boden, seconded by Councillor Tierney and AGREED to consider and recommend to Council the approval of the Final Business Plan 2024-25.

CAB55/23 BUDGET 2024/25 AND MEDIUM TERM FINANCIAL STRATEGY 2024/25 TO 2028/29

Members considered the Budget 2024/25 and Medium-Term Financial Strategy 2024/25 to 2028/29 report presented by Councillor Boden.

Councillor Boden wanted to put on record his thanks to Mark Saunders, Chief Accountant, for the work put in this and every year which is much appreciated by all members, to Peter Catchpole the S151 Officer, and to Sian Warren and the Finance team for the large amount of work put into producing these figures.

Councillor Boden added that it has been a difficult financial year for several reasons, not least the high level of inflation, excessive temporary staff costs, particularly in Planning, and continued excess costs for temporary accommodation under the Council's homeless obligations. The Council is seeking to remedy the latter two, reducing staff costs through filling vacant posts, and the possibility of restructuring work to minimise the number of temporary staff, and a considerable amount of expenditure in purchasing 30 properties to be used for temporary accommodation to reduce the cost that the Council failed to recover from central Government.

In presenting the report, Councillor Boden mentioned that in respect of council tax there is some moral issue about not taking more from the public than this Council needs to balance the books and should continue to fulfil the election promise that only the amount of council tax will be taken

that is needed. However, there are challenges ahead, including that of the transformation necessary to continue to push through cost efficiency, savings, and rationalisation of the work the Council does and there will be some difficult decisions to make. Additionally, there will be the challenge of the capital programme, the way it will be funded and the extent to which it will be able to be implemented. But this council is in a far stronger position than many others around the country thanks to many years of prudence of councillors and the good guidance of officers.

Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED that:

- (i) The revised estimates for 2023/24 as set out in Section 7 and Appendix A showing an estimated shortfall of £548k (to be funded from the Budget Equalisation Reserve) be approved: and**

AGREED to recommend to Council that:

- (ii) The General Fund revenue budget for 2024/25 as set out in Section 8 and Appendix A be approved.**
- (iii) The Medium-Term Financial Strategy as outlined in this report and Appendix B be adopted.**
- (iv) The Capital Programme and Funding Statement as set out in Appendix D be approved.**
- (v) The adoption of the additional Business Rates Relief measures as detailed in Section 6 using Discretionary Relief Powers be approved.**
- (vi) The expenses detailed in Section 11 be approved to be treated as general expenses for 2024/25.**
- (vii) The Port Health levy for 2024/25 be set as shown in Section 12.**
- (viii) The current working age Council Tax support Scheme be adopted with effect from 1 April 2024 as set out in Section 14, with appropriate changes to the prescribed pensioner scheme as determined by regulations.**
- (ix) The Long-Term Empty Premium and Second Homes Premium be amended as detailed in Section 15 as follows:**
 - a. To agree to shorten the period that a 100% Council Tax premium on long term empty dwellings is payable from the current 2 years (empty) to 1 year from 1 April 2024.**
 - b. To agree to implement the 100% Council Tax premium on all second homes from 1 April 2025.**
 - c. To agree that the classes of properties detailed in paragraph 15.10 do not attract the long-term empty premium for the periods specified.**
- (x) The Treasury Management Strategy Statement, Minimum Revenue Provision, Treasury Investment Strategy, Prudential and Treasury Indicators for 2024/25 and Capital Strategy 2024/25 as set out in Section 16 and Appendix E be approved.**
- (xi) The Band D Council Tax level for Fenland District Council Services for 2024/25 be set at £254.79, a decrease of 0.18% (£0.45) on the current year.**

CAB56/23 REVISED GRANT DECISION MAKING PROCESS FOR THE 2024/25 SPF INVESTMENT IN BUSINESS PROJECT AND REPF BUSINESS GROWTH GRANTS PROJECT

Members considered the Revised Grant Decision Making Process for the 2024/25 SPF Investment in Business Project and REPF Business Growth Grants Project report presented by Councillor Benney.

Proposed by Councillor Benney, seconded by Councillor Hoy, Cabinet considered and AGREED a replacement to the North Cambridgeshire Place Development Board in the UK Shared Prosperity Fund grant making decision process.

CAB57/23 FDC TRANSPORT POLICY

Members considered the FDC Transport Policy report presented by Councillor Seaton.

Proposed by Councillor Seaton, seconded by Councillor Mrs French and AGREED to approve the development of a draft transport policy that will come back to Cabinet for discussion and adoption during financial year 2024/25.

CAB58/23 RENEWAL OF BUILDING CONTROL SERVICES

Members considered the Renewal of Building Control Services report presented by Councillor Boden on behalf of Councillor Mrs Laws.

Proposed by Councillor Boden, seconded by Councillor Hoy and AGREED to the renewal of the contract for CNC to deliver Building Control services on behalf of the Council.

CAB59/23 CONSTITUTIONAL AMENDMENTS

Members considered the Constitutional Amendments report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Tierney and AGREED to recommend for approval by Full Council the following changes to the Constitution:

- 1. At Part 3, Table 4, paragraph 71a, to amend the existing wording of the Constitution as follows:**

The authorise the allocation of external funding awarded to the Council, **the approval of the Council's acquisitions of goods, services and works (whether following a procurement exercise or otherwise)** and entry into the associated financial and legal agreements up to £100,000 in consultation with the relevant portfolio holder and Leader of the Council.

- 2. At Part 3, Table 5, paragraph 10, to amend the existing wording of the Constitution as follows:**

To authorise the allocation of external funding awarded to the Council, **the approval of the Council's acquisition of goods, services and works (whether following a procurement exercise or otherwise)** and entry into the associated financial and legal agreements up to the following limits:

Value	Designation
Up to £100,000	Corporate Directors in consultation with the relevant Portfolio Holder and Leader of the Council
Between £100,001 and £500,000	Cabinet Member and Leader of the Council
Over £500,001	Cabinet

- 3. At Part 4, Council Procedure Rules, paragraph 28 which relates to Substitutions, the addition of a new paragraph 28.7 which states:**

“Where Outside Bodies are concerned, the Leader of the relevant political group may nominate an alternative attendee where exceptionally, neither the approved

substantive or substitute members are able to attend a meeting of the relevant Body and provided that the Body's Constitution/Terms of Reference permit that attendance".

4. Save insofar as a function is delegated to a specific member of the Corporate Management Team, such as the Chief Executive, S151 Officer and/or Monitoring Officer, for the Constitution to be amended so that 'Corporate Directors' instead reads 'Corporate Directors and Assistant Directors' with the associated delegations then equally applying to them.
5. For Part 7 of the Constitution, Management Structure to be amended in accordance with the proposals set out at Appendix 1.
6. At Part 4 Responsibilities for Functions, 3.3 Executive Advisory Committees, 3.3.3 RURAL & FARMING EXECUTIVE ADVISORY COMMITTEE to add to the terms of reference to include:
 - Reflect upon flooding issues affecting the District.

CAB60/23 WISBECH HIGH STREET UPDATE

Members considered the Wisbech High Street Update report presented by Councillor Seaton.

Councillor Seaton announced that piling is completed at 24 High Street; the base slab either has already been laid or is shortly to be laid and progress should accelerate now that the challenging ground works have been completed.

In respect of 11-12 High Street, Councillor Seaton advised that the Council has received a consultant report of potential options. The National Lottery Heritage Fund (NLHF) requested the Council commission this report to give guidance as to what would be appropriate on the site. The report highlights that a three or four storey building is suitable in this conservation area. A third, less attractive option, is considered in the report. It does not consider costs but only the impact of building in this historic centre of Wisbech. Councillor Seaton stated that for Cabinet to consider further options, he would like to have options assessed for cost which will allow future decisions and will also allow more meaningful discussions with potential funding partners, including discussing any grant with the NLHF. Councillor Seaton added that Council officers had a very productive meeting two weeks ago with the NLF, and it was more positive than expected due to some new personnel in post. A response is expected shortly, and Councillor Seaton will pass more information to Cabinet members when he receives it.

Proposed by Councillor Seaton, seconded by Councillor Mrs French and AGREED to note the current position in relation to the building of 24 High Street, Wisbech and note the actions regarding 11-12 High Street, Wisbech.

CAB61/23 ACCEPTANCE OF CAPITAL FUNDING FOR THE PROVISION OF DOMESTIC FOOD WASTE SERVICES

Members considered the Acceptance of Capital Funding for the Provision of Domestic Food Waste Services report presented by Councillor Murphy.

Councillor Murphy referred to the £826,815 grant funding available from Defra for weekly food waste services being rolled out nationally by Government from March 2026 and said this was not sufficient to the Council's requirements. To deliver this additional service, small food waste bins will be required along with extra vehicles to collect them. Approximately 48,000 internal food waste

caddies, 49,000 external caddies and 300 communal bins will also be needed.

Councillor Murphy said the Council needs to accept the amount offered whilst commencing an appeals process for further capital funding to cover the deficit that will occur in the roll-out, which will be an addition to the existing high standard refuse service. Councillor Murphy further stated that all the equipment required will be purchased simultaneously by all RECAP partners to take advantage of the benefits of bulk buying.

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

- Councillor Boden said that this is a new statutory responsibility and to receive any capital funding, the Council is obliged to respond positively to the figure offered by 1st March, even though the amount of money is not sufficient. However, he understands that Government has withdrawn the suggested amount, accepting that a different figure may be appropriate even though there is no guarantee any additional money will be received. Collecting authorities nationwide are saying the amount of capital offered is insufficient to fulfil this new legal obligation. This is something FDC will be following up vigorously but at this stage, to receive any money at all, there is no choice but to accept the offer made but it does not commit the Council to only accepting that amount.
- Councillor Mrs French commented that this was discussed on Politics East yesterday with the Leader of South Norfolk saying the money offered would not be enough and he was talking in the region of millions of pounds being needed. She said this Council needs to be very careful not to be hit with something that is going to cost a fortune. Councillor Boden said unfortunately there is no choice but to go ahead with it and accept the money; it is a matter of negotiating to ensure the Council is fully funded for the capital and revenue changes that are going to take place.
- Councillor Hoy said she understands that the Council must accept this money and supports it but there needs to be very strong representations made to Government about this. She believes that it will be a very unpopular policy and, having seen it happen in other areas, can envisage small bins being blown around the streets in high winds, leading to rubbish being strewn about with all the potential problems that will cause, including rats. The public will be unhappy, and they will blame FDC, whose waste service is exemplary. She expressed her fear that the Government will potentially make the Council's best service its worst service overnight; it will be really bad news. Councillor Boden thanked Councillor Hoy but he did not believe that this would happen as the Council has some extremely good officers who will be able to manage the situation.

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

- 1. Consider and accept this funding offered towards the necessary capital expenditure for these service changes, acknowledging that there are conditions placed upon this funding and the use of equipment purchased.**
- 2. To delegate the sign off of the financial, legal and all other agreements to the Council's Section 151 Officer in consultation with the Finance Portfolio Holder.**
- 3. Note at this point confirmation of the final funding amount has not been forthcoming from Defra. It is expected that the first instalment of funding will be in the region of £826,815.**
- 4. Delegate to the Finance Portfolio Holder and Section 151 Officer the ability to accept future capital and revenue allocations in regard to the introduction of a Food Waste Service and enter into any associated agreements.**
- 5. Note that given the number of authorities going to market for these vehicles and materials at one time, there is the risk that the funding provided by Defra does not completely cover the costs of transitioning to this additional statutory waste service.**
- 6. Note that the New Burdens doctrine will be applied to the net costs of transitioning to**

and providing the new service from March 2026.

CAB62/23 DRAFT 6 MONTH CABINET FORWARD PLAN

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

Councillor Hoy commented that as a matter of process she felt items should not appear on the agenda without Cabinet members knowing or approving them. She asked if the agenda could therefore be reviewed, and any oversights be corrected before the next meeting. Councillor Boden said it is a matter for Cabinet members to decide what is on the agenda, but both he and officers noted her comments.

Councillor Mrs French said it is not on the Forward Plan but she hopes to bring forward a paper in respect of upgrading the signage at FDC-owned car parks.

2.40 pm

Chairman

Agenda Item No:	5	
Committee:	Cabinet	
Date:	18 March 2024	
Report Title:	Updated Rugby Playing Pitch Strategy	

Cover sheet:

1 Purpose / Summary

- 1.1 For Cabinet to consider an updated playing pitch strategy (PPS) specifically for the sport of rugby in March. This strategy can be used as an evidence document for local community rugby clubs when applying for funding.

2 Key Issues

- 2.1 March Bears rugby club in March has seen incredible growth in the past 5 years, growing from a small club with an adult men's team into a community club that has several senior teams, women's rugby, youth rugby and walking rugby all taking place.
- 2.2 Unfortunately, this growth in the number of people playing the sport in the town has not been matched with a similar increase in the size or quality of facilities that the Club can access.
- 2.3 Fenland last had a PPS developed using Sport England grant funding in May 2016. This playing pitch strategy covers many sports, including rugby, and is some 222 pages long. Ideally the whole document would be revised, however third-party financial support is not available for a piece of work that would cost in the region of £30,000.
- 2.4 With significant change in the demand for rugby in March, it was considered reasonable to carry out a small piece of work to revise only the rugby section of the PPS. This will allow local community rugby clubs to use the revised Rugby PPS as an evidence document when applying for grant support from organisations such as Sport England or the Rugby Football League.

3 Recommendations

- 3.1 That Cabinet adopts the recently developed Rugby Playing Pitch Strategy and that this is published alongside the Council's current 2016 Playing Pitch Strategy as a supplemental document.

Wards Affected	All
Forward Plan Reference	<u>KEY/16JAN24/01</u>
Portfolio Holder(s)	Cllr Alex Miscandlon, Portfolio Holder for Leisure
Report Originator	Phil Hughes Head of Leisure Services
Contact Officer	Carol Pilson Corporate Director
Background Papers	Rugby Playing Pitch Strategy (attached in schedule 1)

1 BACKGROUND AND INTENDED OUTCOMES

1.1 See cover sheet.

2 REASONS FOR RECOMMENDATIONS

2.1 See cover sheet.

3 CONSULTATION

3.1 Consultation has been undertaken as part of the Rugby PPS work with both March and Wisbech rugby clubs.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 A whole PPS review was considered. However, this would not be funded by a third party – Sport England funded the 2016 report – leaving all costs with FDC. This was considered excessive so a review of only the rugby aspect of the PPS has been undertaken.

5 IMPLICATIONS

5.1 Legal Implications

5.2 N/A. The Rugby PPS supports local rugby clubs.

5.3 Financial Implications

5.4 N/A

5.5 Equality Implications

5.6 As detailed in the PPS document, the recent growth of the rugby club in March has allowed the addition of walking rugby for older people, youth rugby for boys and girls, as well as the addition of a women's side. The adoption of the PPS will allow the club to continue to seek improved facilities to continue to expand and broaden the appeal and offer of rugby in the town.

5.7 Any Other Relevant Implications

5.8 None

SCHEDULES

Schedule 1 - Draft Rugby Playing Pitch Strategy

Schedule 1

**Fenland District Council
Playing Pitch Strategy Review
Rugby Union
October 2023**

DRAFT V1

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

Contents

1. Introduction and Context	1
Background Context	1
Methodology	1
2. Review of existing Pitch Provision	2
Overview of existing Grass Pitch Provision at Elm Road	2
Future Growth – 2016 PPS	4
3. Impact of the growth of March Bears RFC	5
Grass Pitch	5
Ancillary Facilities	7
Facility Requirements	7
Other Sporting Use of Elm Road	8
Football	8
Athletics	8
4. Summary Conclusions and Recommendations	10

DRAFT V1

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

Tables

Table 1: Rugby Pitch Maintenance Quality Assessment Specifications	2
Table 2: Rugby Pitch Drainage Quality Assessment Specifications	2
Table 3: Match Equivalent Calculation for Rugby Union Pitches	3
Table 4: Supply and Demand Balance – 2016 PPS	3
Table 5: Current Rugby Club Profile	5
Table 6: Current Supply and Demand Capacity (All Figures in MES)	6

DRAFT V1

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

1. Introduction and Context

- 1.1. In July 2023, Fenland District Council (FDC) appointed Strategic Leisure Limited (SLL) to undertake a review of the 2016 Playing Pitch Strategy (PPS), with a specific focus on rugby union in the March area. The rationale for the focus on rugby only is the significant growth of March Bears RFC, resulting in the unsuitability of their current site.

Background Context

- 1.2. The context for the review of the 2016 PPS, focussed on rugby union provision in March, is that due to large scale growth of the rugby union club, the data and findings are now out of date. March Bears RFC now require alternative, larger pitch provision and ancillary facilities, or increased access to additional provision.
- 1.3. The Elm Road site, where the rugby club is located, is shared with March Town Youth FC and March Athletic Club. The three organisations own a lease on the ground under the shared organisation of The March Sports Association.

Methodology

- 1.4. To undertake this review, the following methodology was used:
- Review of the 2016 PPS
 - Research, audits and site visits to determine the current pitch and ancillary facility supply and quality;
 - Meetings with all three sports club representatives;
 - Consultation with the RFU
 - Production of draft and final report.

DRAFT

2. Review of existing Pitch Provision

Overview of existing Grass Pitch Provision at Elm Road

- 2.1. In order to understand changes to the capacity of rugby union pitch provision since 2016, a review of the existing PPS was undertaken. It should be noted that this review only considers the Elm Road site. The only other rugby union site that is available for community use is at Wisbech Rugby Club. A summary of the Elm Road pitch capacity as per the 2016 PPS is set out below.
- 2.2. The Sport England methodology for assessing grass rugby union pitch quality analyses two key elements; the maintenance programme and level of drainage. Each pitch is scored and classified in one of three categories. These represent actions required to improve site quality. A breakdown for each of the two scoring elements and three respective categories is provided in the following two tables.

Table 1: Rugby Pitch Maintenance Quality Assessment Specifications

Category	Overall Quality Rating
MO	Action requires significant improvements to the maintenance programme
M1	Action requires minor improvements to the maintenance programme
M2	Action requires no improvements to the maintenance programme

Table 2: Rugby Pitch Drainage Quality Assessment Specifications

Category	Overall Quality Rating
DO	Action on pipe draining system is needed on pitch
D1	Action on silt drainage system is needed on pitch
D2	No action is needed on pitch drainage
D3	No action is needed on pipe drainage or slit drainage.

- 2.3. These scores are then combined to provide a match equivalent capacity, as calculated in Table 3. Depending on the score of a site, a pitch is assigned a certain carrying capacity which can then be used to calculate the overall capacity of a site. This capacity is measured in Match Equivalent Sessions (MES) per week.

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

Table 3: Match Equivalent Calculation for Rugby Union Pitches

Drainage	Maintenance		
	Poor (M0)	Standard (M1)	Good (M2)
Natural Inadequate (D0)	0.5	1.5	2
Natural Adequate (D1)	1.5	2	3
Pipe Drained (D2)	1.75	2.5	3.25
Pipe and Slit Drained (D3)	2	3	3.5

- 2.4. The 2016 PPS records Elm Road as having 1 senior grass pitch of M0/D2 quality, giving a capacity of 1.75 MES per week.
- 2.5. Although March Bears RFC did not engage in a consultation exercise at the time of the PPS, through independent research and information provided by the RFU, the club was recorded as operating 2 senior male teams. Both teams utilised the Elm Road site, creating a mid-week training demand of 1 MES and due to playing home and away fixtures a match play demand of 1 MES. The impact of this demand on the capacity of the site is demonstrated in Table 4.

Table 4: Supply and Demand Balance – 2016 PPS

Site	Pitch Type	Quantity	Supply Capacity	Demand (Midweek)	Demand (Match Play)	Balance
Elm Road Sports Field	Senior	1	1.75	1	1	-0.25

- 2.6. Table 4 highlights that in 2016, Elm Road had a deficit of -0.25 MES.
- 2.7. The PPS recommended that the site was protected to minimise the risk of a large proportion of residents not having access to rugby club provision without significant travel. It was also recommended that enhancements to the drainage and maintenance of the pitch would increase the carrying capacity and therefore reduce the deficit. The club commissioned a Grounds Management Association (GMA) report and has made improvements based on the recommendations. The pitch is now scored as M1/D1, providing 2 MES of capacity per week.
- 2.8. Additionally, it was suggested that March Bears RFC could utilise Neale Wade Sports Centre for weekend matches as another method of reducing the 2016 deficit.

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

- 2.9. Finally, the PPS recommended the installation of floodlighting which would create the opportunity for the club to hold mid-week training sessions throughout the winter months. This has since been completed.

Future Growth – 2016 PPS

- 2.10. The PPS suggested that based on team generation rates created (2016 ONS population data), and applying these to population predictions up to 2031, there would be no increase in senior, junior and mini/midi teams in March or the wider-Fenland area. March Bears RFC did not highlight any latent demand either, so it was not possible to analyse the impact of future growth on pitch capacity at Elm Road.

DRAFT

3. Impact of the growth of March Bears RFC

Grass Pitch

- 3.1. Through consultation with March Bears RFC and the RFU, it is apparent that the club has grown substantially since the 2016 PPS. Official team numbers are highlighted in Table 5.

Table 5: Current Rugby Club Profile

Club	Adult teams (male)	Adult teams (women)	Junior Boys' teams	Junior Girls' teams	Mini / Midi teams	Total
March Bears RFC	2	1	3	1	5	12

- 3.2. Alongside the 13 teams highlighted through consultation, it is also noted that the club hosts 4 walking rugby teams, who utilise the grass pitch at Elm Road.
- 3.3. Table 6 shows the impact of this increased demand on the supply and demand balance at Elm Road. PPS guidance suggests that all senior and youth teams are assumed to play matches on senior pitches once a fortnight due to home and away fixtures. Match Equivalent Sessions have therefore been calculated as 0.5 per week for senior and youth teams. This is for match play only as training information has been provided by the club and is used to inform the mid-week training demand.
- 3.4. Regarding mini/midi rugby, in the case of Elm Road, all rugby takes place on the senior pitch due to lack of mini pitches. This level of rugby places less stress on the grass provision, therefore a lower demand of 0.25 is applied for mini/midi teams.

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

Table 6: Current Supply and Demand Capacity (All Figures in MES)

Site	Number of Floodlit Pitches	Mid-Week Day/Training			Weekend Match Day Senior/ Junior			Weekend Match Day Mini			Total Senior/Junior Match Pitch Balance	Unmet Mini Demand Placed on Senior Match Pitches (50% of Senior ME)	Total Pitch Balance
		Supply (MES)	Demand	Balance	Supply	Demand	Balance	Supply	Demand	Balance			
Elm Road Sports Field	1	2	11.5	-9.5	0 ¹	3.5	-3.5	0	1.25	-1.25	-13	-1.25	-14.25

- 3.5. The figures in Table 6 show that the deficit has increased significantly since the 2016 PPS and is now -14.25 MES per week, comprising a training deficit of -9.5 MES and a match play deficit of -4.75 MES. This is a result of the large increase in team numbers and therefore demand, but also the availability of mid-week training capacity due to the installation of floodlighting.
- 3.6. The club's growth, from a small 2 team club to a large 12 team organisation with approximately 200 youth players, 71 senior males and 21 senior females, has placed a significant amount of additional pressure on the existing Elm Road pitch. Although there have been minor improvements to the playing surface, it is impossible for a single pitch to cater for these levels of demand.
- 3.7. As a result of the significant deficit of pitch provision, fixtures are regularly cancelled or rearranged due to the pitch being in a poor condition or because of scheduling issues.
- 3.8. Growth of the club has plateaued in recent seasons due to lack of additional capacity, but there is a large amount of latent demand for which the club cannot cater. This unmet demand is largely from women's, girls and junior teams which are key development areas for the RFU.
- 3.9. The RFU believe that the club's growth, although positive, has been unsustainable and if alternative arrangements for pitch provision are not found then the club will begin to lose members that cannot be catered for properly.

¹ 0 MES of supply has been assigned to 'Weekend Match Day' for senior/junior and mini columns as all capacity has already been used by 'Mid-Week Training'.

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

Ancillary Facilities

- 3.10. Currently at Elm Road, there is a small ancillary facility which includes 2 very small, inadequate changing rooms with interconnecting toilets and showers. This does not meet RFU standards. There is also a ladies' changing room, which becomes the officials' room during male fixtures. However, this results in there being no female toilets or changing provision available on site on Saturday afternoons.
- 3.11. This lack of facilities also has the potential to cause safeguarding issues, with females and children often required to use unsuitable and unsecure changing and toilet provision.
- 3.12. As is further explored later in the report, the ancillary facility is a shared facility between the clubs that form the March Sports Association (MSA); March Bears RFC, March Town Youth FC and March Athletic Club. As there is also extensive use of the site from the football and athletics clubs, the demand for use of the ancillary facility is unmanageable and often causes friction between clubs.

Facility Requirements

- 3.13. It is apparent that the March Bears RFU Club requires access to additional floodlit, grass pitch provision. Based on the figures in Table 6, the club generates a demand of 14.25 MES per week. If this figure is used in conjunction with Table 3, it could be suggested that the club requires access to a minimum of 4 senior rugby pitches with the maximum quality score of M2/D3 to fully cater for their existing demand. However, this is challenging to achieve from a space and land basis, as well as a maintenance and quality basis.
- 3.14. March Bears has suggested that realistically they would require an additional 2 floodlit senior grass pitches to help reduce the deficit in pitch capacity. However, the RFU has referenced that the other club in Fenland, Wisbech RFC, have a similar number of teams and access to 3 senior pitches. Wisbech RFC still does not have enough capacity to meet all of their demand.
- 3.15. There have been preliminary discussions between the RFU and the Football Foundation about the potential for a rugby compliant (WR22) 3G pitch, which could cater for both March Bears RFC and Wisbech RFC. However, this would require both clubs to travel further for training and match play; it may still not be able to meet all the clubs' demands; and would pose an affordability issue, meaning it may be unsustainable for the clubs.
- 3.16. With regards to ancillary facilities, March Bears RFC has stated they now require a minimum of 4 changing rooms, an officials' room, medical facilities, as well as a bar and kitchen to generate the secondary spend which is vital to sustain the club.

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

Other Sporting Use of Elm Road

- 3.17. Although the scope of work specifically requested for this report focusses on rugby union in March, it is worth noting the demand from other sports for pitch and ancillary facility provision at Elm Road. As previously mentioned, there was a partnership formed between football, rugby and athletic clubs under the name of the March Sports Association (MSA). The association manages the ground on a 70-year lease from a private land owner, of which there is 66 years remaining.
- 3.18. All three clubs highlighted the fact that even though facilities at Elm Road are inadequate, there is no other site in the area that provides access to ancillary facilities. However, sharing of the clubhouse between clubs does not currently work and a resolution needs to be found.

Football

- 3.19. March Town Youth FC is the main user of the football pitch also located at Elm Road. Although there are 32 youth teams in March, only 7 are based at Elm Road. The pitch is of standard quality, providing a capacity of 2 MES based on FA and Sport England guidance. The 7 teams create a match play demand of 3.5 MES per week, as well a training demand (highlighted by the club) of 6 MES per week. This places the pitch in a deficit of -7.5 MES, demonstrating that the football club is experiencing similar issues to the rugby club.
- 3.20. During consultation, the club also highlighted that they expect growth of another 8-10 teams in the next 2 years. This will further exacerbate the current deficit.
- 3.21. Other teams associated with the club utilise pitch provision at Estover Playing Fields. However, the pitches are not of suitable quality and therefore suffer from over-playing. The club also hires a number of other venues, but this is not financially sustainable.

Athletics

- 3.22. March Athletic Club is the other key user of Elm Road. The club has approximately 120 adult members and 70 junior members. However, there is significant latent demand, which is caused by limited access to appropriate facilities.
- 3.23. Although the club is mainly a road running club that uses Elm Road as a base, there is a small athletics sprint straight and throwing area located at the west edge of the site. The club has previously utilised the rugby and football pitches to cater for some of their training demand, however since the growth of both sports this is no longer possible.
- 3.24. The club is now also limited in the events offered to members, as throwing events have been limited since a spectator rail was installed adjacent to the rugby pitch. Shot Put training now takes place over the corner of the football pitch which is worsening the quality of football provision.

Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

- 3.25. There are a number of high-level athletes in the junior section of the club and the club requires space for meaningful training, especially for throwing events. However, there is no evening or weekend time where any club has sole use of the site. This creates issues between the clubs with regards to programming and space.

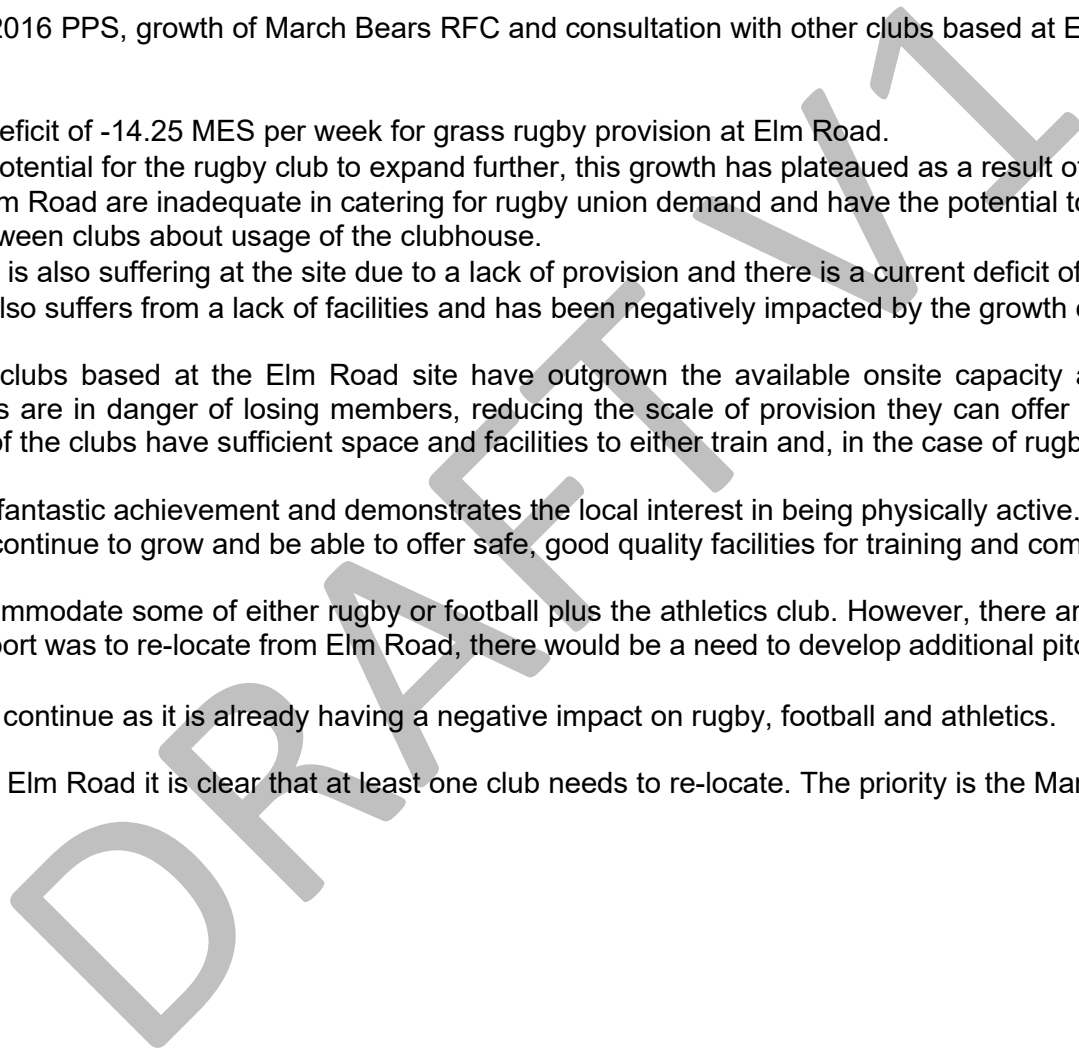
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Fenland District Council

Playing Pitch Strategy Review Regarding Rugby Union Pitch Provision

4. Summary Conclusions and Recommendations

- 4.1. Based on the review of the 2016 PPS, growth of March Bears RFC and consultation with other clubs based at Elm Road, the following conclusions can be made:
- There is a significant deficit of -14.25 MES per week for grass rugby provision at Elm Road.
 - Although there is the potential for the rugby club to expand further, this growth has plateaued as a result of the lack of appropriate pitch provision.
 - Ancillary facilities at Elm Road are inadequate in catering for rugby union demand and have the potential to cause safeguarding issues. There are also issues arising between clubs about usage of the clubhouse.
 - March Town Youth FC is also suffering at the site due to a lack of provision and there is a current deficit of -7.5 MES.
 - March Athletics Club also suffers from a lack of facilities and has been negatively impacted by the growth of both football and rugby clubs.
- 4.2. It is clear that the existing clubs based at the Elm Road site have outgrown the available onsite capacity and available ancillary provision. As a consequence, all three clubs are in danger of losing members, reducing the scale of provision they can offer members, and potentially experiencing safeguarding issues. None of the clubs have sufficient space and facilities to either train and, in the case of rugby and football, play competitively.
- 4.3. The growth of the clubs is a fantastic achievement and demonstrates the local interest in being physically active. However, there now needs to be some changes to enable clubs to continue to grow and be able to offer safe, good quality facilities for training and competitive use.
- 4.4. The Elm Road site can accommodate some of either rugby or football plus the athletics club. However, there are significant MES deficits at the site for either club, so even if one sport was to re-locate from Elm Road, there would be a need to develop additional pitches on the site using the vacated area.
- 4.5. The current situation cannot continue as it is already having a negative impact on rugby, football and athletics.
- 4.6. Given the lack of capacity at Elm Road it is clear that at least one club needs to re-locate. The priority is the March Bears given their size and expected future growth.



Agenda Item No:	6	
Committee:	Cabinet	
Date:	18 March 2024	
Report Title:	District-wide Armed Forces Military Covenant	

1 Purpose / Summary

- 1.1 To consider a proposal to sign an updated District-wide Armed Forces Military Covenant (AFC) as a commitment to current and legacy armed forces personnel living the Fenland District.

2 Key Issues

- 2.1 The Armed Forces Covenant (AFC) is a commitment to ensure those who serve, have served, and their families are treated fairly.
- 2.2 It's a mutual understanding of respect and support between the local authority and the armed forces community.
- 2.3 The Council signed a community covenant 13 years ago which involves the County Council, District Councils, Police, Fire and the NHS and the existing covenant is seen as too vague and does not accurately represent and align with our remits as a local authority.
- 2.4 Therefore, the main objectives in signing a new covenant as set out in Appendix A is to reaffirm our commitment.
- 2.5 There are no additional resources needed in order to sign the AFC.

3 Recommendations

- 3.1 Cabinet is recommended to:
- Approve the signing of the AFC as set out in Appendix A by Cllr Wallwork, the Portfolio Holder with Responsibility for the AFC.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr Susan Wallwork – Portfolio Holder for Community, Health, Environmental Health, CCTV, Community Safety & Military Covenant
Report Originator(s)	Dan Horn – Assistant Director Ashley Godfrey – Community Support Manager
Contact Officer(s)	Dan Horn – As above Carol Pilson – Corporate Director
Background Papers	Armed Forces Covenant: guidance and support - GOV.UK (www.gov.uk)

1 BACKGROUND AND INTENDED OUTCOMES

- 1.1 The Armed Forces Covenant (AFC) is a commitment to ensure those who serve, have served, and their families are treated fairly.
- 1.2 It's a mutual understanding of respect and support between the local authority and the armed forces community. The AFC recognises the unique sacrifices made by our military personnel and aims to provide them with equal access to essential services and opportunities.
- 1.3 The Council signed a community covenant 13 years ago which involves the County Council, District Councils, Police, Fire and the NHS and the existing covenant is seen as too vague and does not accurately represent and align with our remits as a local authority.
- 1.4 Therefore, the main objectives in signing a new covenant as set out in Appendix A is to reaffirm our commitment and refresh AFC mindsets across the council and will also allow service specific pledges to be made which will prove that this is not merely a symbolic gesture but a tangible commitment to upholding our responsibility

2 REASONS FOR RECOMMENDATIONS

- 2.1 Below are examples of pledges we are likely to make as part of signing a new AFC:
 - Engage with partners to ensure that Housing Statutory Duty is observed using best practice
 - Map local AFC Community members and the support that is available to them
 - Provide all staff with access to AFC Training
 - Regularly review and improve digital and hardcopy AFC support information
 - Promote the AFC to all partners including online training modules
 - Engage with and support internal staff from the AF Community
 - Support Armed Forces Day, Remembrance and other Civic Events
 - Work through Employer Recognition Scheme to provide best support for Armed Forces Community potential employees and current staff.
 - Ensure that all staff are considering the Armed Forces Community when dealing with residents
 - Ensure that staff are able to provide the best signposting and support for customers who have a connection to the Armed Forces
 - Support further collaboration between the Armed Forces Peterborough and Cambridgeshire Board and other partnerships
 - Link with and support local AF Community support groups

- Target AFC Community with grant funding information, training and employment support
 - Create support information for service leavers settling in Fenland
 - Ensure AFC Community are considered in Community Strategies
- 2.2 Moving forward, as we already have been accredited as a Bronze Award Holder we're aiming to apply to become a Silver Award holder in the UK Defence Employer Recognition Scheme, supported by Cllr Wallwork as Armed Forces Champion.
- 2.3 Signing a new AFC, with the above pledges, will support our silver award application by demonstrating our dedication to serve the Armed Forces community through all council services.

3 CONSULTATION

N/A

4 ALTERNATIVE OPTIONS CONSIDERED

N/A

5 IMPLICATIONS

5.1 Legal Implications

- 5.2 There are no specific legal implications connected with the recommendations set out in this report.

5.3 Financial Implications

- 5.4 The Council (along with all other Councils in Cambridgeshire & Peterborough) is contributing £8333 per year from April 2024 for 3 years for a post to help meet all our duties and responsibilities towards our Armed Forces.

5.5 Equality Implications

- 5.6 The Armed Forces Covenant is a promise from the nation that those who serve or have served in the armed forces, and their families, are treated fairly.
- 5.7 Equality Impact Assessments for service areas relative for the covenant relate to ensuring fairness in what the Council does.

SCHEDULES

Appendix A – AFC



Fenland District Council

We commit to uphold the Armed Forces Covenant and support the Armed Forces Community. We recognise the contribution that Service personnel, both regular and reservist, veterans and military families make to our organisation, our community and to the country.

Signed on behalf of:

Fenland District Council

Signed:

Name:

Position:

Date:



The Armed Forces Covenant

An Enduring Covenant Between

The People of the United Kingdom
His Majesty's Government

– and –

All those who serve or have served in the Armed Forces of the Crown

And their Families

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty. Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most, such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.

Section 1: Principles of The Armed Forces Covenant

1.1 We, Fenland District Council, will endeavour to uphold the key principles of the Armed Forces Covenant:

- *Members of the Armed Forces Community should not face disadvantages arising from their service in the provision of public and commercial services.*
- *In some circumstances special provision may be justified, especially for those who have given the most, such as the injured or bereaved.*

Section 2: Demonstrating our Commitment

2.1 We recognise the contribution that Service personnel, reservists, veterans, the cadet movement and military families make to our organisation, our community and to the country. We will seek to uphold the principles of the Armed Forces Covenant by:

- Engage with partners to ensure that Housing Statutory Duty is observed using best practice.
- Map local AFC Community members and the support that is available to them.
- Provide all staff with access to AFC Training
- Regularly review and improve digital and hardcopy AFC support information.
- Promote the AFC to all partners including online training modules.
- Engage with and support internal staff from the AF Community
- Support Armed Forces Day, Remembrance, and other Civic Events
- Work through Employer Recognition Scheme to provide best support for Armed Forces Community potential employees and current staff.
- Ensure that all staff are considering the Armed Forces Community when dealing with residents.
- Ensure that staff are able to provide the best signposting and support for customers who have a connection to the Armed Forces
- Support further collaboration between the Armed Forces Peterborough and Cambridgeshire Board and other partnerships.
- Link with and support local AF Community support groups.
- Target AF Community with grant funding information, training, and employment support
- Create support information for service leavers settling in Fenland.
- Ensure AF Community are considered in Community Strategies

2.2 We will publicise these commitments through our literature and/or on our website, setting out how we will seek to honour them and inviting feedback from the Armed Forces Community and our customers on how we are doing.

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Agenda Item No:	7	
Committee:	Cabinet	
Date:	18 March 2024	
Report Title:	Wisbech High Street Update	

1 Purpose / Summary

To provide Cabinet with a monthly update regarding;

- ongoing building work at 24 High Street, Wisbech.
- progress regarding a viable option for 11-12 High Street, Wisbech

2 Key Issues

2.1 24 High Street Construction Progress

Etec, the main contractor, continues the construction work on 24 High Street.

Despite the poor weather works are progressing as anticipated, with groundwork completed. Expectation is that steels will soon be apparent on site and the structure to begin to rise above the gate / hoarding.

The expected completion date remains October 2024.

2.2 11-12 High Street

Architects are continuing to work on a 4-storey structure that will include a commercial unit below, with 12 1-bedroom flats or studios.

Current expectations, to make the project financially viable, are that the floor space of the new building will not take up the whole plot, keeping costs down. The flats will all be either 1 bedroom or studio. This again delivers housing that is in high demand but reduces development cost over those of 2 bedroom flats.

Consideration is also being given to the potential to make the stair area more compact with the removal of the lift.

The change in approach to a smaller footprint building means architects taking some 3 weeks to develop 'massing plans'. Once in place a QS will be able to estimate development costs, and these will then be sense checked by a building firm.

3 Recommendations

- 3.1 That Cabinet notes the progress in relation to the building of 24 High in Wisbech High Street and notes the actions ongoing regarding the development of a viable option for 11-12 High Street, Wisbech.

Wards Affected	Medworth Ward	
Forward Plan Reference	KEY21APR22/01	
Portfolio Holders	Cllr Chris Seaton Cllr Ian Benney Cllr Chris Boden	Portfolio Holder for Social Mobility and Heritage Portfolio Holder for Economic Growth Leader of the Council and Portfolio Holder for Finance
Report Originator Contact Officers	Phil Hughes Mark Greenwood Paul Medd Peter Catchpole	Head of Service Head of Property, Assets and Major Projects Chief Executive Corporate Director and S151 Officer

**DRAFT 6 MONTH CABINET FORWARD PLAN –
Updated 07 March 2024**




(For any queries, please refer to the published forward plan)

CABINET

CABINET DATE	ITEMS	LEAD PORTFOLIO HOLDER
22 Apr 2024	1. Leisure Facility Strategy	Cllr Miscandlon
	2. Investment Board Update & review of the Commercial & Investment Strategy	Cllr Boden Cllr Benney Cllr Tierney
	3. Wisbech – Government Long Term Plan for Towns funding	Cllr Boden Cllr Hoy Cllr Tierney Cllr Wallwork
	4. Cabinet Draft Forward Plan	Cllr Boden
	5. Accommodation Review (with confidential appendices)	Cllr Boden
	6. Wisbech High Street Update (confidential) (TBC)	Cllr Seaton Cllr Hoy Cllr Tierney
20 May 2024	1. To approve the award and appointment of the winning tender for the CCTV maintenance contract to commence with effect from 1 September 2024 and to agree that management of the contract is delegated to Peterborough City Council	Cllr Wallwork
	2. Cabinet Draft Forward Plan	Cllr Boden
	3. Wisbech High Street Update (confidential) (TBC)	Cllr Seaton Cllr Hoy Cllr Tierney
17Jun 2024	1. Appointment to Outside Bodies	Cllr Boden
	2. Grounds Maintenance Contract – Future Options	Cllr Murphy
	3. Climate Change Action Plan Update	Cllr Boden Cllr Tierney
	4. Cabinet Draft Forward Plan	Cllr Boden
	5. Wisbech High Street Update (confidential) (TBC)	Cllr Seaton Cllr Hoy Cllr Tierney
15 Jul 2024	1. Cabinet Draft Forward Plan	Cllr Boden
	2. Wisbech High Street Update (confidential) (TBC)	Cllr Seaton Cllr Hoy

CABINET DATE	ITEMS	LEAD PORTFOLIO HOLDER
		Clr Tierney
TBC Aug 2024	1. Cabinet Draft Forward Plan	Clr Boden
	2. Wisbech High Street Update (confidential) (TBC)	Clr Seaton Clr Hoy Clr Tierney
30 Sep 2024	1. Investment Board Update	Clr Boden Clr Benney Clr Tierney
	2. RECAP Partnership Waste Strategy Review	Clr Tierney
	3. Fenland Transport Strategy	Clr Seaton
	4. Cabinet Draft Forward Plan	Clr Boden
	5. Wisbech High Street Update (confidential) (TBC)	Clr Seaton Clr Hoy Clr Tierney

TBC = To be confirmed

Agenda Item No:	10	
Committee:	Cabinet	
Date:	18 March 2024	
Report Title:	To approve to progress legal action for a Compulsory Purchase Order (CPO) utilising the Town and Country Planning Act powers for a long-term empty property in March	

This item comprises EXEMPT INFORMATION Appendix B which is not for publication by virtue of Paragraphs 1 and 2 of Schedule 12A of the Local Government Act, 1972 (as amended).

Cover sheet:

1 Purpose / Summary

- 1.1 To understand the reasons why it is felt necessary to take legal action to CPO, Willow View, The Chase, March, PE15 9RJ in order to bring a long-term empty property back into use and address community concerns.

2 Key Issues

- 2.1 The Council has been unable to resolve bringing a long-term empty property at The Chase, March back into use for many years. This has included taking enforcement action and incurring costs in doing so.
- 2.2 The property has been subject to community complaints with regard to Anti-Social Behaviour as well as environmental concerns relating to its deterioration on a popular walkway in the town.
- 2.3 Following referral to the Problem Properties Working Group all other powers to resolve the issues at the property and get it back into use would not help resolve the situation.
- 2.4 This is predominantly because of the family not requesting probate from the late owner's estate.
- 2.5 The recommendation from the working group was that the property should be CPO as that will enable action to be taken to get the problems identified resolved.
- 2.6 Legal assessment has confirmed that there is a good case for a CPO to be sought on the property.
- 2.7 It is proposed that a CPO utilising a power available in the Town & Country Planning Act 1990 should be utilised to secure the CPO.
- 2.8 If the CPO is secured, then the intentions will be to get the property back into use as well as recover the costs incurred by the Council through implementation of an agreed option which will include immediate disposal or refurbishment / redevelopment by the Council. This to be done in accordance

with the Council's Asset Management approach, Commercial Investment Strategy and Procurement Policy.

3 Recommendations

- 3.1 That Cabinet resolves to make, seek confirmation of and implement a compulsory purchase order (CPO) pursuant to s226(1)(a) of the Town and Country Planning Act 1990 (TCPA) and the Acquisition of Land Act 1981 and all other enabling powers in relation to Willow View, The Chase, March. PE15 9RJ ("the Property") which is shown edged red on the plan attached to Appendix A, for the purposes of improvement.
- 3.2 That the Cabinet resolves that the Council seek to acquire the Property whether compulsorily using the statutory powers or by voluntary agreement.
- 3.3 That the Cabinet delegates authority to the Monitoring Officer and Corporate Director to:
 - To take all necessary steps to secure the preparation, making, and submission to the Secretary of State for confirmation and implementation of the CPO including (but not limited to); the publication and service of all statutory notices; the investigation of and response to objections (including the negotiation and completion of any necessary agreement and undertaking in order to secure the removal of objections to the CPO); and the presentation of the Council's case at any public inquiry or via written representations and all other associated procedural steps .
 - To acquire the Property whether by voluntary agreement or compulsorily using the statutory powers section s226(1)(a) Town and County Planning Act 1990 and Acquisition of Land Act 1981
 - To determine the form and contents of the CPO and the statement of reasons accompanying the CPO and to finalise the same.
 - Take all appropriate actions for making amendments, modifications and deletions to the CPO and plan including updates and corrections to the draft as necessary to finalise and secure confirmation of the CPO.
 - Issue and serve any warrants to obtain possession of the Property once acquired following execution of a General Vesting Declaration or service of a Notice of Entry if it is necessary to obtain vacant possession.
 - Suspend or abandon the CPO proceedings or withdraw the CPO in relation to all or part of the Property.
 - Take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting, or defending proceedings.
 - Take all other necessary action to give effect to these recommendations.

Wards Affected	March south
Forward Plan Reference	
Portfolio Holder(s)	Cllr Chris Boden (Leader & Finance) Cllr Sam Hoy (Housing) Cllr Dee Laws (Planning)
Report Originator(s)	Dan Horn (Assistant Director) Lorraine Moore (Empty Homes Officer) Jo Evans (Housing Compliance Manager)
Contact Officer(s)	Dan Horn (Assistant Director) Carol Pilson (Corporate Director)
Background Papers	Section 226(1)(a), Town & Country Planning Act (TCPA) 1990

1 REASONS FOR EXEMPTION

- 1.1 Appendix B is NOT FOR PUBLICATION in accordance with Paras 1 and 2 of Schedule 12A of the Local Government Act 1972 in that it contains information relating to sensitive personal information. The public interest test has been applied to the information contained within this exempt report and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.

2 BACKGROUND AND INTENDED OUTCOMES

- 2.1 This cabinet paper relates to a long-term empty detached bungalow known as Willow View; one of three similar dwellings having private vehicular access via a link public footpath between Gaul Road and March Park, known as The Chase. The Property has been empty since 8 January 2015 when the last owner passed away.
- 2.2 The Property has been the subject of multiple service requests into a variety of teams (Community Safety, Streetscene, Private Sector Housing (PSH), Refuse and Cleansing), community representations to local Councillors due to complaints by neighbouring residents and other members of the community that this empty property was subject to Anti-Social Behaviour (ASB).
- 2.3 After several years of trying to resolve the issues raised from a multi team approach due to a variety of legal issues relating to the ownership of the property it has been concluded that only a CPO is likely to bring the property back into use.

3 REASONS FOR RECOMMENDATIONS

- 3.1 February 2019 - Enquiry from Cllr French into Private Sector Housing (PSH) team following reports that youths were trespassing Willow View and causing anti-social behaviour.
- 3.2 Upon investigating the complaint, the PSH team established that the Property had been broken into and that the youths were visiting the premises after school.
- 3.3 Appendix B sets out as an exempt annexe the engagement with interested parties. In summary over a 5-year period the Council has been unable to secure a realistic action plan to bring the property back into use leaving all parties to agree that a CPO seems the only way forward to resolve the problem affecting the community and the town.
- 3.4 The Property is a Victorian detached dormer bungalow, of solid brick construction, on a good-sized plot of land and accessed via a public footpath to the town centre with restricted vehicular access to the front elevation. There are footings laid for an approved single storey extension, in front of which is a double garage. Due to the neglect the Property has not only suffered damage caused by unauthorised entry, as explained above, but the main structure has deteriorated, and the roof of the garage has fallen in.
- 3.5 Whilst its original refurbishment over 7 years ago, resulted in the Property being watertight, with all windows having been replaced, the installation of metal window and door guarding, (required to prevent unauthorised access),

unfortunately this will require further replacement to bring the Property into a habitable condition. In addition, the roof tiles and rainwater goods, which are original, will need replacing, and due to its current EPC rating (F38), the Property will require a full energy efficiency upgrade throughout. Whilst there was evidence that a modern boiler had been installed, this has been ripped out, presumably by the trespassers and there has been damage caused to the internal partition plasterboard walls. During inspections, officers have not witnessed the presence of a functional kitchen, but there is a room with appropriately sited sockets. There are no functioning bathroom facilities throughout.

- 3.6 Need for a CPO: In considering the Council's commitment to bringing empty homes, particularly those with a Long-Term Empty status, back into use, this case is a key member priority and in considering the attached options, it is no longer appropriate to continue pursuing a voluntary solution.
- 3.7 There is no indication that any further delay to CPO action would be beneficial, and it is therefore not in the public interest, particularly since the Property has already been empty for several years.
- 3.8 Consequently, CPO is the only realistic option and is both appropriate and necessary as a last resort, to ensure that the property is returned to beneficial use within a reasonable timescale.
- 3.9 Without the intervention of the Council the property will remain empty for an unknown length of time. However, during the CPO process the Council will remain open to voluntary purchase and look to pursue this where the power of sale can be established via a grant of probate or letter of administration.
- 3.10 As mentioned above the property is visually deteriorating and is attracting anti-social behaviour and vandalism which is a blight on the local community and environment. This is negatively affecting the neighbours' enjoyment of their properties. The access road is also a public right of way, and its' dilapidated and unsightly condition is visible to users of that route. A CPO will enable the physical appearance of the Property to be brought in line with the neighbouring properties which will increase the environmental, economic and social wellbeing of the area.
- 3.11 As the Property continues to be unoccupied and is in a derelict state with no evidence that this will change in the foreseeable future the Council believes there is no other prospect of the property returning to beneficial use without a CPO.

4 CONSULTATION

- 4.1 The views of the community living in and around this problem property has been taken into account and they are resolute in wanting a solution to be found to bring the property back into use.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 All other powers have been considered as an alternative but for the reasons set out above, centred around the ownership issues means CPO is deemed the only action that will bring a solution.
- 5.2 In terms of CPO powers both the TCPA and Section 17 of the Housing Act 1985 were considered. Both pieces of legislation can be applied but the TCPA gives the most flexibility in terms of meeting criteria required.

6 IMPLICATIONS

6.1 Legal Implications:

- 6.2 The legal process for the CPO order requires the Council to carry out due diligence before making a formal application to the Secretary of State. This includes consideration of the Equality Act 2010 (Protected Characteristics), Human Rights Act 1998 (Article 1 & 8) and the Land Compensation Act 1961 & 1973 which must be detailed in a Statement of Reasons report and approved by the LA's delegated officer before submission.
- 6.3 The Council is obliged to act in a way which is compatible with the European Convention on Human Rights. The Convention Rights relevant to compulsory acquisition are as follows:
- Article 8 (of the Convention). This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well being of the country.
 - Article 14 (of the Convention). This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.
 - Article 1 (of the First Protocol). This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- 6.4 The Council considers that there is a compelling case in the public interest for the acquisition of the Property. The Council has made numerous attempts to engage with the deceased's family but this has not yielded any progress in confirming ownership and power of sale or in the renovation of the Property which is in a very poor condition. Since it has not been possible to confirm ownership or a party legally able to administer the estate of the deceased (noting there is no timescale for the acquisition of probate by the deceased's family) the Council considers that the benefits of the acquisition of the Property, which could not be reached by voluntary agreement, outweighs the loss that that will be suffered by the CPO.

- 6.5 The Order is therefore considered to be compatible with the European Convention on Human Rights as there is compelling public interest to compulsorily acquire the Property, and any interference with the human rights is legitimate and in the public interest.
- 6.6 The Council has had due regard to its Equalities Duties as specified under section 149 of the Equality Act 2010 to date and will continue to do so throughout this matter. In taking the decision to make the CPO, the Council considers that the proposal is fully compliant with the Equality Act.
- 6.7 The Council considers the Order to be compatible with the Public Sector Equality Duty and will not have a significant negative impact upon protected groups. The Property is not used disproportionately by any group with protected characteristics as it is currently empty.
- 6.8 As it is possible the deceased's family may be able to apply for a grant of probate or letters of administration the potential health issues have been carefully considered. It is understood as of March 2022 that one family member has been in hospital. However, it has not been possible to verify this and no information on the nature of the health condition is known. It has been considered what steps or action might be required to mitigate any inequality caused by these potential health issues. Additional time (over 18 months) to progress the probate has been given since the Council were advised of the hospital stays. As no specific detail on how the significant health issue affects the family member's everyday life and ability to progress the probate and there has been limited response to attempted engagement it has not been possible to identify any further action to be taken. Equally, it has not been possible to justify delaying the CPO any further.

6.9 Financial Implications

- 6.10 Officers have identified a CPO legal specialist who are experienced in working with Councils' with similar cases. The fixed fee for a non-contested CPO is £3,500 plus VAT plus disbursements. (If contested or if there are complications; legal work will be charged at the hourly rate of £145 plus disbursements and it could prove necessary to instruct Counsel)
- 6.11 If Next of Kin agree a sale before the order is made the price quoted will still need to be paid.
- 6.12 **Estimated costs of a CPO:**
- Legal Costs- The fixed fee charged is £3,500 plus disbursements (If contested or if there are complications; legal work will be charged at the hourly rate of £145 plus disbursements and it could prove necessary to instruct Counsel)
 - Land Registry Searches and Costs – est. £250.00
 - Newspaper Adverts – est. £2,000.00
 - Possession Costs (Locksmith) – est. £150.00
 - Stamp Duty Land Tax (dependant on value on vesting date but it could be in the region of £4,800.00)

6.13 **Estimated compensation:**

- Land Acquisition/Market value – est. £140,000.00 - £160,000.00
- Disturbance (normally where someone needs to move as a result) – estimate £10,000.00 plus dependant on reasonable disturbance evidenced (where the CPO is for an empty property this is dependent on whether the property is an investment property and whether a new property is purchased within 1 year of the vesting date)
- Basic Loss Payment - £12,000.00 (exempted if a s215 notice is served and not complied with at the relevant date)
- Surveyors/ Solicitors fees – est. £10,000.00 plus dependant on reasonable fees evidenced.
- The valuation date for the purposes of compensation will be a future date in the CPO process and so the valuation will be dependent on the property and market conditions at that time. There can be no guarantee that the value will be in the region of £160,000.00 on the future vesting date.
- As part of the CPO the Council are required to provide compensation to the estate of the deceased owner. As no probate has been granted, we cannot compensate the beneficiaries of the estate until they prove they have an entitlement, and this can only be achieved by applying for probate.

6.14 The Council has made provision for the costs associated with CPO action.

6.15 The funding will be provided from the facility agreed to take forward our Commercial and Investment Strategy.

6.16 **Proposals for the Property:**

6.17 Once the Council has control of the property the focus will be:

- to recover the costs incurred for the enforcement and CPO work undertaken to conclude a CPO. An option appraisal will be undertaken to ascertain the best option for the property in accordance with our normal approach to asset management linked with our commercial investment strategy. A cross check to ensure we abide with all requirements of the CPO will be part of the appraisal process.
- Working to bring the property back into use as quickly as possible.
- The options include:
 - Via public auction, the sale to include conditions requiring the satisfactory renovation and occupation of the premises within a reasonable timeframe.
 - Renovate it prior to selling or renting with a yield return. It is not considered that renovation of the Property will require planning permission.
 - Knock down and redevelop subject to planning restrictions. If you follow the link, you will find the 2015 planning application for Willow View, where Highways clearly outline their concerns

regarding vehicle access and why they would want to limit this in the Chase because it is a public footpath.

[F/YR15/0184/F | Erection of a single-storey extension to side of existing dwelling involving the demolition of existing garage, side lean-to extension and chimneys | Willow View The Chase March Cambridgeshire PE15 9RJ \(fenland.gov.uk\)](#)

In 2022 the owner of the garages adjacent to the left side of Willow View applied to demolish the garages and erect a new dwelling. This was granted permission on appeal to the Planning Inspectorate to redevelop the garages into a single dwelling (May 2023)

6.18 The option progressed will then be undertaken taking into account and adhering to the Council's procurement policy.

6.19 Equality Implications

6.20 See legal implications above.

7 SCHEDULES

Appendix A – Site Plan

Appendix B – Exempt Annex reasons for recommendations


Legend Cabinet 0324 CPO: Appendix A

Lines

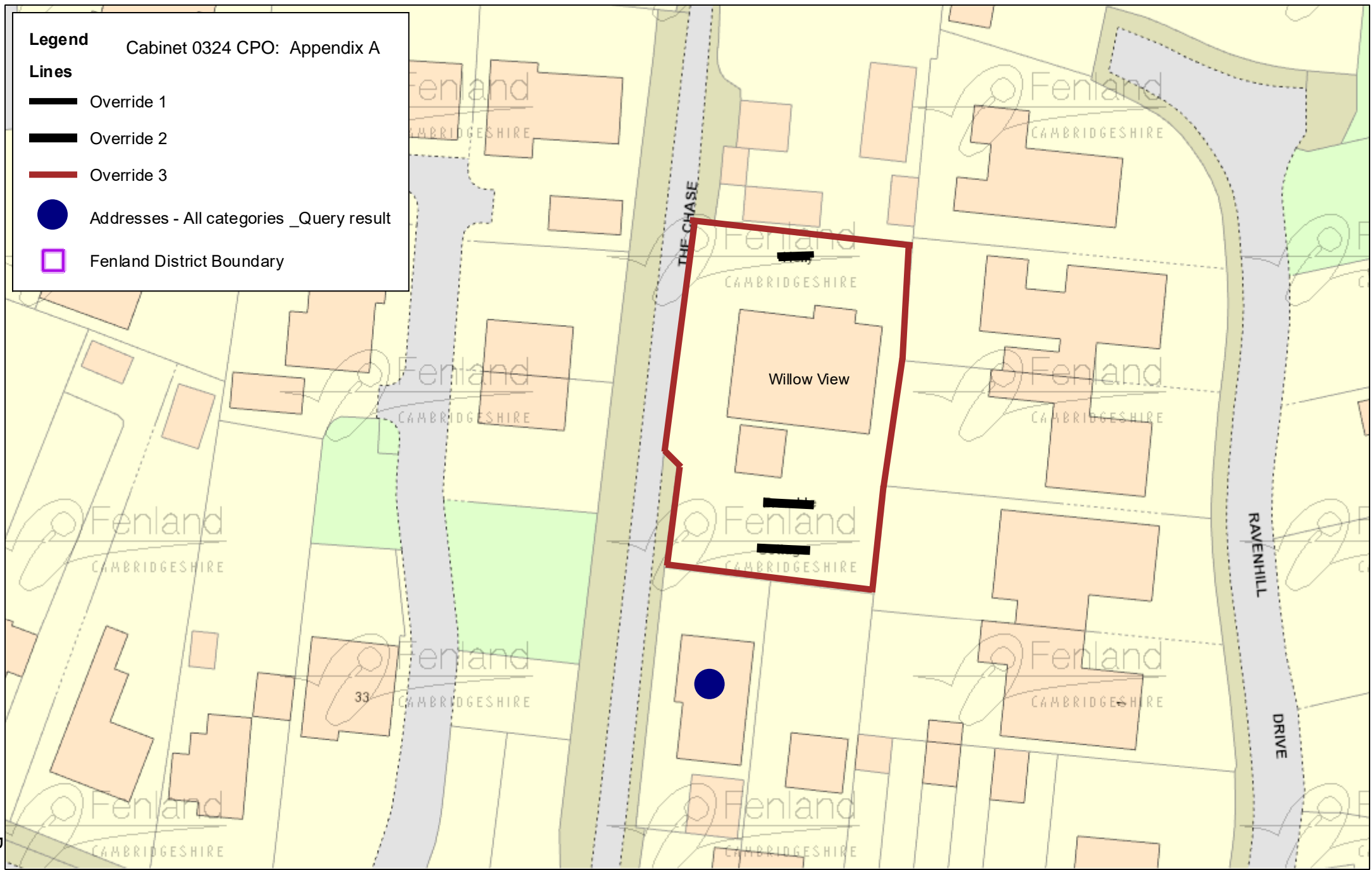
 Override 1

 Override 2

 Override 3

 Addresses - All categories _Query result

 Fenland District Boundary

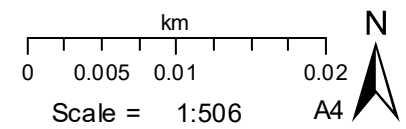


Created on: 13/02/2024

FDC Web Map

Author: Fenland Maps

Credits: Ordnance Survey, FDC.



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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