CABINET

MONDAY, 5 SEPTEMBER 2022 - 12.00 PM

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

APOLOGIES: Councillor S Count and Councillor Mrs D Laws.

CAB18/22 PREVIOUS MINUTES

The minutes of the meeting held on 11 July 2022 were confirmed and signed as an accurate record.

CAB19/22 PURCHASE OF AIR QUALITY MONITORING EQUIPMENT

Councillor Boden presented the purchase of Air Quality Monitoring equipment report.

Councillor Boden reminded members that a motion was brought forward at Full Council to prioritise the purchasing of air quality monitoring equipment in Whittlesey and also to seek to publicise the record of what is being monitored. He stated that the reason behind this is that there has been a very considerable amount of disquiet in Whittlesey at the amount of what is believed to be industrial pollution which has been experienced increasingly over the last few months and it is vital that there is public reassurance that there is no danger to health and that it is identified where these sources of pollution are coming from so action can be taken.

Councillor Boden advised that the pollution being referred to is dust, odour, particulates and noise, so it is quite a wide range of areas being covered. He stated that two options have been given in the thorough report to members about the running costs of a reference monitoring station or of an air quality sensor and in both cases they capture data for nitrogen dioxide and particulates of 10 and 3.5 micrometres.

Councillor Boden suggested that Option B be taken, which is the air quality sensor which would be within existing budgets but that an SO2 sensor also be asked for so that sulphur dioxide can be measured at the same time and additionally he will be requesting, in accordance with Paragraph 2B of the resolution at Full Council, that further consideration be given by officers to how the Council will publicly report both its monitoring readings and any monitoring readings that the Council is able to obtain from third-party monitors.

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

- Councillor Mrs French recognises the problem that exists in Whittlesey but assumes that the equipment will be moved around the rest of the District? She made the point that due to the amount of building that is taking place she is receiving lots of complaints about dust, smells and noises, especially on larger building sites and she thinks the problem will get worse so this equipment is essential. Councillor Boden responded that there is some flexibility with this, especially when going with the cheaper option it is quite possible that more sensors can be purchased as and when necessary and the report does say that there may well be statutory obligations upon the Council at some stage in the very near future for additional monitoring. He stated that industrial pollution is quite different in terms of its nature from the

dust, especially to the dust that occurs during building.

- Councillor Tierney stated that historically Fenland has very good air quality, which is something that the area can be proud of, but information is needed to show if this is changing and in some areas residents are concerned and they could be correct. He stated that he is supportive of the sensors and feels it is good the Council is investing in being able to check the whole of Fenland going forward. Councillor Boden stated that it is also important that the Council does not hide anything and is as public and as open as it can be with the data obtained as there is a duty to reassure the public that everything is being undertaken and they can see for themselves what the measurements are which are taken, not just in Whittlesey but across Fenland, with openness being increasingly important as more sensors are purchased and more information and data is obtained.

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

- **approve the purchase of one monitoring sensor unit, to include a SO2 sensor, with associated support services to enable the publication of real-time data with the costs being funded from within existing budgets;**
- **approve that the first location of this monitoring equipment being Whittlesey; and**
- **officers to give consideration as to the publication of the results of the monitoring undertaken by them and third-party monitoring and to report back to Cabinet on the options available.**

CAB20/22 DIESEL FUEL SUPPLY VIA ESPO CONTRACT

Councillor Boden presented the report on the proposed renewal of a contract to purchase diesel fuel supply via ESPO.

Councillor Boden stated that due to the size of this contract it is necessary for this report to come before Cabinet and as is explained the Council currently purchases its fuel in bulk through a national framework, the Eastern Shires Purchasing Organisation (ESPO) and it is time for the Council to reconsider how it purchases its fuel in future. He stated that there has not been any difficulty with ESPO in the past, which seems to have given good value for money and there is no reason why it should not give good value for money in the future.

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

- Councillor Murphy stated that diesel has been reduced by the introduction of electric bin lifts and more efficient vehicles and despite averaging another 400-500 properties a year to collect from which equates to a lot of mileage, diesel is still being reduced. He expressed his support for the recommendations within the report.
- Councillor Boden stated that one of the first actions that he took when he became Leader of the Council was to ask for detailed operational reports on a vehicle by vehicle and day by day basis of the Council's refuse collection vehicles in the expectation that he would be able to make some significant suggestions about how things could be improved and after going through an analysis of the data he realised that things had been optimised as far as they could, with officers and Councillor Murphy doing an excellent job ensuring the Council is getting the best value for money that it possibly could.

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

- **delegate authority for the Director(s) with responsibility for Environmental Services and the Port to procure diesel fuel through an ESPO tendered framework with immediate effect to ensure continuity of supply for these key services;**
- **set a contract term for this provision of 2 years, plus the option of 2 years extension; and**
- **delegate power for the Director(s) with responsibility for Environmental Services and the Port in consultation with the relevant Portfolio Holder(s) to extend this contract to its full term of 4 years where it continues to deliver best value.**

CAB21/22 PROPOSED ARTICLE 4 DIRECTION - MUD WALLS WHITTLESEY

In the absence of the Portfolio Holder, Councillor Boden presented the report to confirm the Article 4 Direction to remove permitted development rights for the removal and alteration of the mud walls in Whittlesey for consultation purposes. He stated that planning permission would be required if works to demolish any of the walls in part or entirety were proposed, which removes the risk of the loss of mud walls which are a significant and unique architectural and historic feature in Whittlesey.

Councillor Boden stated that if approval is given by Cabinet there will be a consultation, which will include a press notice, notification to the Town Council and the wall owners, with the results of the consultation being brought back to Cabinet with the report recommending whether or not the Article 4 Direction should be confirmed. He stated that the Article 4 Direction would not be effective until after the consultation and then only when the Direction is subsequently confirmed by Cabinet.

Proposed by Councillor Boden, seconded by Councillor Clark and AGREED that the Article 4 Direction be approved for public consultation.

CAB22/22 CONFIRMATION OF ARTICLE 4 DIRECTION - LAND TO THE REAR OF B1098

In the absence of the Portfolio Holder, Councillor Boden presented the report to confirm the Article 4 Direction to remove permitted development rights for means of enclosure, formation of accesses, temporary uses and caravans, formation of tracks on land located in the open countryside to the rear of established and unrelated residential properties on the B1098, Horseway, Chatteris.

Councillor Boden reminded members that early in the year Cabinet approved an immediate Article 4 Direction on this land as it was considered necessary as the land had been divided up into over 100 plots and works that could be undertaken without planning permission under permitted development rights would potentially be damaging to the appearance of the countryside. He stated that the Direction was published for consultation purposes and the results of the consultation have been presented to members in the report and having reviewed the responses it is considered that the need for the Direction remains and no points raised during the consultation outweigh the benefits of the Direction and no matters have been brought forward that make it necessary to revise the Direction.

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

- Councillor Mrs French asked what is going to happen to the structures that are already on the land? Councillor Boden stated that he does not have the technical knowledge to answer this and asked officers to provide a response. Nick Harding stated that at this point in time a survey has not been commissioned of the whole site, which will be undertaken if Cabinet confirms the Direction today, and this will enable officers to establish a position statement as to what development has taken place thus far and the Council will then reach a determination over what is authorised and what is not. He stated that the Article 4 Direction does not work backwards in time so that anything that was undertaken lawfully can remain so the Council would only be interested in any unlawful development and when dealing with the unlawful development a decision would be made using the usual methodology to establish whether or not there is merit in taking any enforcement action.
- Councillor Murphy asked how quickly is this going to be undertaken as time is of the essence here as more items will be placed on the land? Nick Harding responded that as the Council went down the immediate Article 4 Direction route it took effect at the time the earlier decision was made by Cabinet. He stated that he is anticipating that the survey work should be completed within the next 2 months but that would not affect the position relating to any unlawful development that took place prior to the immediate Article 4 Direction coming into force.

Proposed by Councillor Boden, seconded by Councillor Murphy and AGREED that the Article 4 Direction to remove permitted development rights be confirmed.

CAB23/22 11-12 HIGH STREET, WISBECH

Councillor Seaton provided Cabinet with an update regarding on-going work related to 11-12 High Street, Wisbech.

Councillor Seaton reminded members that the previous project to develop 11-12 High Street by way of a third-party developer did not proceed when construction costs well above the expected limit were returned and despite the developer being happy to make an initial loss in excess of £1 million the increased construction costs pushed this loss up further making the project even less viable. He stated that since that time the Council has explored several options with limited progress and as is indicated in the report the current situation has three potential options:

- to build a façade on the front elevation to ensure the High Street is restored to how it ought to look
- discussions are on-going with a third sector organisation to develop the building as per the agreed planning application
- a further third-party builder is assessing the site in terms of viability.

Councillor Seaton stated that he will report back to Cabinet when the three options have crystallised, and it is known what is or is not possible and then the Council will know the likelihood of the £1million National Lottery Heritage Grant being used to support the construction work at 24 High Street.

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

- Councillor Tierney expressed the view that this site has had a series of bad luck and other things have derailed it over the years since discussions began on this building, but he stressed the urgency of getting on with whatever plan that the Council is going forward with including obtaining the information as things are not getting cheaper, building materials are escalating and nationally it is being cited that there are more price rises to come. He is aware that Councillor Seaton and officers are working hard on this issue, but the need for urgency needs to be borne in mind. Councillor Seaton agreed with Councillor Tierney's comments, it is an urgent matter that needs to be resolved as soon as possible but the Council is also in the hands of the proposed developers coming forward with their figures.

Proposed by Councillor Seaton, seconded by Councillor Benney and AGREED that the current position in relation to 11-12 High Street, Wisbech be noted.

CAB24/22 24 HIGH STREET, WISBECH

Councillor Seaton provided Cabinet with an update on progress with the 24 High Street, Wisbech redevelopment project.

Councillor Seaton reminded members that at the last Cabinet meeting it was recommended to Council that the Council enters into a contract with the preferred bidder to develop this site and the Council is now in a pre-contract arrangement with the preferred bidder establishing some key facts of the work in advance of signing the full build contract and starting on site. He stated that the work that is on-going at present will deliver more cost certainty prior to entering into the main contract by establishing the contractor's accurate construction phase plan, an engineering assessment of the current steel supports with a view to their current safety and how much movement some will need to allow construction and further assessment of any potential highway closures in the High Street, with these being limited as much as possible both in terms of the build cost as well as inconvenience to the community and adjacent businesses.

Councillor Seaton made the point that this work is necessary as part of the project and will not delay the start on site date. He suggested that the next update should be when the Council has a start date and has signed the main build contract.

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

- Councillor Hoy referred to the piece of art that is on the façade, which she feels look quite nice, and that it would be a shame for this to be lost, although she does want the new building to take place. Councillor Seaton responded that he would speak to officers and see what options there are in retaining this piece of artwork.
- Councillor Tierney endorsed Councillor Hoy's comments, he stated the artists were excited about doing this artwork and pleased to be doing something good in the town and any time someone puts time, energy and effort into improving a place the Council should remember to thank them and champion them for it, which does not always happen.
- Councillor Seaton stated that 24 High Street has been a long time in its gestation period and the Council needs to press on with it as soon as it can.

Proposed by Councillor Seaton, seconded by Councillor Hoy and AGREED that the current position in relation to 24 High Street, Wisbech be noted.

CAB25/22 ASYLUM SEEKER DISPERSAL

Councillor Hoy presented the report on the potential financial and social implications of the Government's Asylum Seeker Dispersal programme as it relates to Fenland.

Councillor Hoy stated that the Council has had notification that it will be expected to house a significant number of asylum seekers by December 2023, and this worries her for a number of reasons

- she does not like the way it has been forced upon Fenland, with all councils being made to take asylum seekers but it is not right that the Council is not allowed to say no, and she is very frustrated when Government force this policy on the Council, particularly when they do not understand Fenland's needs and issues;
- there is a shortage of housing so where will these asylum seekers be housed and all members know of residents in their own areas who are struggling to find housing, both social and private;
- will Serco be buying houses or renting houses per person because if it is individual units it is going to be a significant number of houses taken, if it is to create HMOs or hotels that is also going to have a knock-on effect for the wider area and not enough work has been undertaken by the Government on the implications to local services and housing supply;
- if an asylum seeker claim fails they are going to be signposted to leave but how can it be ensured that they do actually leave, they will be left with no recourse to public funds and Government's answer seems to be you do not have to pay for them so no problem, but some of the rough sleepers have no recourse to public funds but that does not solve the problem as the Council does not want people living in tents in streets as not only does it look unsightly it is not good for people health and how they should be living; and
- if the Council has to take on so many asylum seekers by next year how do members know it will not be the same number or more year after year. It is being reported that 1,000 people are coming over the Channel a day how are those numbers going to materialise all over the country.

Councillor Hoy expressed the view that it is clear that Government wants to get people out of hotels and thinks disbursing them across the country is the way to do this, but this is not dealing with the real issue and Government is not getting to grips with immigration. She feels that with this issue the Council needs to be strong as if you are a pushover the Government will just push and walk all over you, particularly as Fenland has cheap housing.

Councillor Hoy stated that West Midlands Council were strong, they all clubbed together taking the Government to a judicial review, having previously taken the bulk of asylum seekers, and won, which is why the Government has changed its policy now and gone for full dispersal. She suggests that a watching brief is kept over this issue as the Council does need to be prepared to be strong if necessary in future but for the time being the recommendations set out in the report be followed.

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

- Councillor Boden expressed his serious concern over this matter, not just in Fenland but nationally, but members do need to consider what the impact will be on Fenland. He stated that on a full dispersal scheme, which Government are saying they plan to have eventually, so long as you have 1,000 illegal immigrants coming across the Channel on a daily basis Fenland will be expected to take two every single day and this is more than just a worrying prospect. Councillor Boden stated that the first thing that the Council is demanding the Government does is get the border sorted out, take stronger action to deter people, to stop people, to return people, to take stronger action than is being undertaken at the moment; secondly to process people more quickly and to deport those individuals who have no right to be here; and thirdly the Government has to be more discriminating in where these asylum seekers will be dispersed to because it will be entirely inappropriate for asylum seekers who may not have any English at all and be of the same culture as the indigenous population to be “dumped” for example in a village with no bus service and no ability to get to any town where there may be services which may be appropriate for them, which is a recipe for disaster not just for them but also potentially for the local community. He stated that the Council is asking for all these things to be undertaken and for the Member of Parliament and for the newly appointed Prime Minister to push this forward, with the impact that this will have, not just on the asylum seekers themselves but also on the local communities if there becomes a shortage of rented properties as a result of Serco’s actions not just for the numbers they are currently talking about, which are confidential, but also for the additional 50% which it is assumed will take place once the number of illegal asylum seekers reaches 100,000 according to the Gov.UK website, in Fenland on the private rented sector is going to be significant for many individuals and this just does not seem to have been taken into account.
- Councillor Mrs French stated that Councillor Hoy had summed it up well as it will be very worrying if Fenland is forced to take asylum seekers as Fenland does already have a shortage of housing and whilst she is not against helping people, the District needs to look after its own residents first.
- Councillor Tierney agrees with what Councillor Hoy says and would go further as he is sick and tired of the Government making stupid decisions and then passing the problem down the line to people who did not make those stupid decisions. He expressed the opinion that people say to him all the time why is the country allowing up to 1,000 people a day who we do not know anything about and people are frustrated with seeing these asylum seekers put up in hotels and lots of money thrown at them when people here are struggling and things are getting harder and the harder things get the more angry people are going to get and that anger will be directed fairly or unfairly at the newcomers. Councillor Tierney feels it is a recipe for unhappiness and difficulties and is a bad policy overall, but as the Government are getting focused on about putting asylum seekers in hotels it thinks to solve the problem they should be farmed out to all the areas, which he feels is stupid, Fenland is not just short of housing but has issues with dentists, doctors, school places and travel and all of these things will be compounded every time a bunch of people arrive who the area knows nothing about because if they had come through proper channels they would not be asylum seekers. He feels that a fair number of asylum seekers are economic migrants who are coming to the UK for a better way of life, which he has no problem with, but there is a limit to how much help can keep being extended day after day without impacting the country’s own people. Councillor Tierney stated that he would like to be much stronger and wished that the Council had the financial ability to take the Government to court as it is the wrong policy and the Government should be told that Fenland does not want this, not because it does not

want to help people, it is very diverse already, it is about the pace of change and the struggles that the people who live in Fenland have right now, who elected members to represent them.

- Councillor Benney raised concern with the effect this will have on the private sector housing market, which will drive the cost of housing up for everybody as where there is a shortage the prices will go up and that will affect local people, who are already struggling. He referred to several families who have approached him lately looking for accommodation, who have the funds but just cannot find anywhere and these are local people, who the Council should be looking after and this scheme will add further strain to the market. He agreed with the comments of other members.
- Councillor Hoy expressed frustrations with the Government as she feels that some people watching the meeting will be thinking that members are being unkind to a group of people, but the Government needs to get to grips with people accessing routes that should not be allowed to them.
- Councillor Benney made the point that asylum seekers are travelling across European countries and they could claim asylum in these countries and do not have to come to England. He feels this is a backdoor way of people coming to this country and the country is being taken advantage of.

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

- **note the contents of the report;**
- **request officers to provide instructions as to what preparations need to be made by the Council in respect of the Asylum Seeker Dispersal Programme and the assessment of the Council's revenue budget implications of the scheme; and**
- **instruct officers, in conjunction with the Portfolio Holder for Housing, to send letters to Steve Barclay MP and the new Prime Minister to demand:**
    - **that Government continues and increases its attempts to identify and reduce the number of illegal asylum seekers entering and remaining in the UK**
    - **that Government significantly improves the asylum processing system so that asylum seekers' applications are processed in a timely manner**
    - **that measures to remove from the UK those destitute individuals who have no recourse to public funds be significantly improved**
    - **that all additional local authority costs resulting from the Asylum Seeker Dispersal Policy should be guaranteed to be reimbursed in full by Government, including those costs which are incurred following an asylum seeker's application for asylum being refused.**

CAB26/22 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the draft six month Cabinet Forward Plan for information and stated that there would be an additional item on the agenda for 3 October 2022 on Project Management.

Councillor Hoy asked if an update on the Asylum Seeker Dispersal Programme should be included at a future meeting? Councillor Boden agreed when there is further definite information from Serco on what the arrangements will be.

CAB27/22 ACCOMMODATION REVIEW (CONFIDENTIAL)

Councillor Boden presented the report on the accommodation review.

Members made comments, asked questions and received responses.

Proposed by Councillor Boden, seconded by Councillor Benney and AGREED the proposed recommendations.

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

CAB28/22 POTENTIAL PROPERTY ACQUISITION OPPORTUNITY (CONFIDENTIAL)

Councillor Benney presented the report on a potential property acquisition opportunity.

Members made comments, asked questions and received responses.

Proposed by Councillor Benney, seconded by Councillor Boden and AGREED the proposed recommendations.

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

CAB29/22 INVESTMENT OPPORTUNITY (CONFIDENTIAL)

Councillor Benney presented the report on an investment opportunity.

Members made comments, asked questions and received responses.

Proposed by Councillor Benney, seconded by Councillor Boden and AGREED the proposed recommendations.

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

1.05 pm Chairman