

CABINET



MONDAY, 30 SEPTEMBER 2024 - 2.00 PM

PRESENT: 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

CAB11/24 PREVIOUS MINUTES

The public minutes of the meeting held 15 July 2024 were agreed and signed.

CAB12/24 ANNUAL REPORT 2023/24

Members considered the Annual Report of the Council 2023/24 presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED to approve the Annual Report of the Council 2023/24.

CAB13/24 REVIEW OF FIXED PENALTY NOTICE FINE LEVELS FOR ENVIRONMENTAL CRIME OFFENCES

Members considered the Review of Fixed Penalty Notice Fine Levels for Environmental Crime Offences report presented by Councillor Murphy.

Members commented as follows:

- Councillor Seaton said although he fully supports the proposal, he does not think the new fine is enough to deter fly tipping.
- Councillor Mrs French said that she also supports the proposal but agreed with Councillor Seaton that the fine should be greater.
- Councillor Miscandlon commented that whilst he agrees with the proposal, he also thinks the fine should be higher although he accepts it cannot be changed currently.
- Councillor Tierney said that he supports the proposal but the public wants to see strong action from the Council so there must be a proper deterrent. He is in support of higher fines, and they should be increased going forward.

Proposed by Councillor Murphy, seconded by Councillor Mrs French and AGREED to approve the proposed changes in fine levels as enabled by the Environmental Offences Regulations.

CAB14/24 PROPOSED INCREASE TO CURRENT HACKNEY CARRIAGE VEHICLE - TABLE OF MAXIMUM FARES

Members considered the Proposed Increase to Current Hackney Carriage Vehicle - Table of Maximum Fares report presented by Councillor Hoy.

Councillor Boden said members would note the recommendations within the report stated that Council is being recommended to approve the proposals within Appendix A, however, for the avoidance of doubt, this recommendation should read that Cabinet approve the proposals. Quoting

relevant paragraphs within the constitution, Councillor Boden requested that the recommendation therefore be amended so the word 'Council' is replaced with the word 'Cabinet'. Members approved the recommendation.

Councillor Hoy said that along with the published report, members had been tabled some items. One was a letter that she presumed had been duplicated and circulated as multiple copies had been received signed by residents. Also, there was a similar letter from hackney carriage drivers and a written statement from Councillor Patrick. Councillor Hoy said that because the additional information had been received less than an hour ago, she felt compelled to address the issue of process.

Councillor Hoy pointed out the report recommendations were agreed at Licensing Committee, where Councillor Patrick's group are represented under political proportionality and had agreed with Conservative members on the recommendations. It was a shame that any concerns with the report were not raised by members of his group at that time, neither was she contacted directly by Councillor Patrick or any taxi drivers to make their complaints about the increase.

Councillor Hoy advised that it was the taxi trade themselves that requested the rise and Councillor Patrick also put in a proposal for a rise. In his proposal, she recalls he wanted the flag to go from £4 to £5, a 25% increase, whereas Licensing Committee's proposal of £4 to £4.40 was cheaper. She said that this leaves Cabinet in a bizarre situation where they have a request for a fee increase asked for by the taxi trade, which Councillor Patrick fed into whilst also requesting an increase, and now he is saying he does not want an increase.

Councillor Hoy pointed out that she is not a taxi driver, and she rarely uses them because if she needs one it tends to be in an evening when there are none available. The drivers she has spoken to suggest that one of the many reasons that people are not joining the trade is because it is too costly for them; this is something she understands as what driver would want to leave their home on a Friday evening for the sake of a £4.60 fare for example? She can understand the logic of increasing the fares to allow for that, but it must be remembered that Fenland District Council are not increasing the fares, they are increasing the maximum amount that can be charged by taxi drivers. When people are saying that this Council is increasing the fares, this is being done to make a political point and to try and stir up ammunition, therefore she would like to talk through the tabled items.

Councillor Hoy firstly addressed the generic letter from taxi-using members of the public. She said that nowhere in that letter does it mention that the increase is the maximum amount the driver could charge and would be allowed to charge. It is very carefully worded to make it seem like Fenland District Council will put those taxi fares up and the driver has no choice. Furthermore, there has been no time to verify the addresses having only received the letters in the last hour, but she had noted one contains a Norfolk address so is not from a Fenland resident.

Councillor Hoy then addressed the generic letter from hackney carriage drivers, saying the issue with this letter is that it mentions a rate per mile of £3.30 being an increase of 50% per mile. That has been an incorrect calculation used by Councillor Patrick many times online and on social media and now in this letter. A two-mile journey is 20% extra; it would have to be a journey of over 30 miles to be paying 50% more. Whilst people are being given incorrect information, scaremongering such as this letter will continue to put people off using taxis. Councillor Hoy continued that the letter goes on to say that "While it may be argued that the fare is the maximum that can be charged it would only need a small handful of drivers to charge the full amount to seriously damage the trade and put drivers out of work". Councillor Hoy stated that she believed the real issue here is that of an anti-competitive nature. She understood that if the increase is allowed, some drivers will want to increase their fares but will have to hold them down to remain competitive. It is human nature to want to protect your job, but she asked how does that impact Fenland residents if they cannot get taxis and what happens when those drivers retire and leave

the trade?

Finally, Councillor Hoy referred to the letter from Councillor Patrick where he said he had spoken to many service users and over 90% were against the rise in the tariff being considered. She asked 90% of how many people? Who did he ask? How many did he ask? Furthermore, the letter said that the Licensing Portfolio Holder has limited experience of the trade. Councillor Hoy said that if she was a taxi driver, then as the Portfolio Holder she would not be able to propose the paper anyway because she would have a disclosable pecuniary interest. For this reason, there can never be a Licensing Portfolio Holder that is a taxi driver setting fares.

Councillor Hoy wanted to make it clear that she is on the drivers' side but is also on the residents' side. She added that to a degree it does not matter how much the taxi fee is if there are no taxis available; it is important to get this right and therefore she would like to defer the report to the next Cabinet meeting so that she can personally consult with the hackney carriage drivers with correct information.

Councillor Hoy therefore formally proposed that this item be deferred to the next meeting of Cabinet. Before that meeting she will work with officers to provide a letter where she can consult directly with the hackney carriage drivers.

Councillor Boden thanked Councillor Hoy but suggested that, in case this process takes longer than expected, the proposal be changed that it be deferred to a future meeting of Cabinet if it is not possible to bring it back to the next one. Councillor Hoy agreed with the proposed change which was seconded by Councillor Miscandlon.

Councillor Boden said members will now have seen three tabled emails and three other documents as mentioned by Councillor Hoy. The documents are copies of almost 100 additional submissions presented by Councillor Patrick, along with his statement, just prior to the commencement of Cabinet. These relate to the proposed decision, but they were received outside of the formal consultation period. A decision therefore needs to be made whether these documents should be accepted for consideration or rejected as out of time. Councillor Boden proposed that all the documents be accepted in the interests of complete openness in the decision-making process. Members agreed unanimously.

Members commented as follows:

- Councillor Tierney said when he first saw this issue addressed by Councillor Patrick in social media and the documents in front of Cabinet today, his initial thought was of disgust at what he thought to be outright lying. However, having had a chance to think about it, he wonders if Councillor Patrick simply does not understand how the system works despite having been both a district councillor and taxi driver for a long time, but it is certainly misleading to the public. It is a shame because a policy like this needs thoughtful decision making. He is on the side of the taxi drivers, who need to make a fair living, feed their families and pay their bills, and also that of the taxi users, some of whom are very vulnerable, and need to be able to get around. He would like to see the best outcome for all, for taxi drivers to be able to make a living but to be able to deliver the best price they can to people who need low prices in these times. However, when people are being told that Fenland District Council sets the tariff that is being charged per mile that is not true. Repeatedly in the letter in front of us that mistake is made; it is certainly very unclear, and in other statements made elsewhere it is also unclear. It is also clear from the letters from other people that they have mistook it, presumably because Councillor Patrick told them so. Fenland District Council sets the maximum fee above which no taxi driver is allowed to charge but below that the taxi drivers set the fee. He absolutely supports them setting the most reasonable fee they can afford; they should compete with one another as that is how healthy free markets work. They should do their best to deliver a fantastic service that's affordable to people who need it. Most of them do, but it is a terrible shame that some of them

are allowing themselves to be misled and that some members of the public are being scammed and told absolute nonsense because it is simply not true. It is not true that the Council sets the actual tariff that taxi drivers charge; the taxi drivers set that, and he fully encourages them to set the best price that they can. That said he does not mind the outcome; if the taxi drivers were all to say they do not want any rise in the maximum tariff, then do not have it. If it does not encourage new drivers, if drivers cannot afford to pay their bills then blame Councillor Patrick. Councillor Tierney said he would personally prefer if the Council had no say in the maximum tariff at all, in a free-market drivers should set their maximum tariff and if too expensive they will be out of business because that is how markets work. He added that he found it awful that incorrect information has been given out to score cheap political points.

- Councillor Mrs French agreed that the item should be deferred in the interests of transparency and to be fair to both users and taxi drivers.

AGREED that the Proposed Increase to Current Hackney Carriage Vehicle - Table of Maximum Fares report be deferred and that the matter be considered at a future meeting of Cabinet.

CAB15/24 EMERGENCY INTERIM ACCOMMODATION PROCUREMENT FOR LOCAL HOMELESSNESS

Members considered the Emergency Interim Accommodation Procurement for Local Homelessness report presented by Councillor Hoy.

Councillor Mrs French said she agreed with the report but requested Councillor Hoy investigate the number of vacant properties owned by social landlords, as some have been empty for over a year. Councillor Hoy agreed, adding that although discussions were ongoing between officers and registered providers, much of the delay has been caused by housing associations reviewing the condition of their housing stock for damp and mould which has slowed down the process.

Proposed by Councillor Hoy, seconded by Councillor Mrs French and AGREED to approve accepting 9 companies for the provision of emergency interim accommodation to place homeless households.

CAB16/24 WISBECH HIGH STREET UPDATE

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

Proposed by Councillor Seaton, seconded by Councillor Tierney and AGREED to note the monthly update relating to the works at 24 and 11-12 High Street, Wisbech.

CAB17/24 DRAFT 6 MONTH CABINET FORWARD PLAN

Members noted the draft 6-month Cabinet Forward Plan.

CAB18/24 PURCHASE OF A PROPERTY PORTFOLIO IN FENLAND AS A COMMERCIAL INVESTMENT (WITH CONFIDENTIAL APPENDICES)

Members considered the Purchase of a Property Portfolio in Fenland report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Hoy and AGREED to review the report, particularly the financial and legal implications as set out in confidential schedules 3 and 4 and:

- a) Authorise officers to purchase through the Council's Section 151 Officer the portfolio of

property available at Meadowcourt, Elm in consultation with the Portfolio Holders for Finance and Housing and following satisfactory due diligence procedures.

- b) Authorise officers to proceed with a planning application for the conversion of the main house to provide additional accommodation as detailed with costs to be approved in advance in consultation with the S151 Officer and Portfolio Holder for Finance.

CAB19/24 FUTURE SPACE REQUIREMENTS - ACCOMMODATION REVIEW (WITH CONFIDENTIAL APPENDIX)

Members considered the Future Space Requirements Accommodation Review report presented by Councillor Boden.

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

- Note the content of the Outline Business Case.
- Progress Option 1B iv and subject to that decision being taken, to authorise the development of a Full Business Case (FBC) in relation to that preferred option.
- Delegate to the Corporate Director and S151 Officer in conjunction with the Leader of the Council the appointment of a consultant and associated allocation of funding necessary to complete the FBC.
- Delegate to the Corporate Director and S151 Officer, in conjunction with the Assistant Director and Head of Property, authority to negotiate the terms and pricing of the purchase as required.

(Members resolved to exclude the public from the discussion on this item of business on the grounds that the appendix to the report involved the disclosure of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) as indicated).

CAB20/24 OPTIONS FOR THE RENEWAL OF A LEASE OF OPERATIONAL LAND IN MARCH - CONFIDENTIAL

Members considered the Options for the Renewal of a Lease of Operational Land in March confidential report presented by Councillor Mrs French.

Proposed by Councillor Mrs French, seconded by Councillor Boden and AGREED to note the contents of the confidential report and authorise officers to act accordingly to the recommendations suggested.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that the report involved the disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 of the Local Government Act 1972 (as amended) as indicated).

CAB21/24 CONFIDENTIAL MINUTES

The confidential minutes of the meeting held 15 July 2024 were approved and signed.