

BOSTON BOROUGH COUNCIL

At the meeting of the Council of the Boston Borough Council held at the Municipal Buildings, Boston, on Monday 25 September 2006 at 6.30 p.m.

Present :

The Mayor (Councillor Richard Leggott), in the Chair

Councillors Tony Austin, Andrew Bakewell, Sandra Bakewell, Peter Bedford, Michael Brookes, Colin Brotherton, Peter Craven, Bob Cory, Kathryn Dawson, Alan Day, Maureen Dennis, Shaun Forster, Michael Gall, Sally Gall, Fred Gilchrist, Paul Goodale, Paul Kenny, Ernie Napier, Peter Nodder, Frank Pickett, John Rylatt, Raymond Singleton-McGuire, Ossy Snell, Jane E. Stewart, Albert Tebbs, Horace Wright and Mary Wright.

Officers –

Chief Executive, Director of Resources, Director of Development, Monitoring Officer, and Principal Electoral & Member Services Officer.

Also attending –

Richard McDermott – Tribal Consulting

Anthony Barber – Focus Consultants

PRAYERS

The meeting recommenced with prayers led by the Chief Executive.

24 MINUTES

The minutes of the meetings of the Council held on 26 June and 13 September 2006 were taken as read and signed by the Mayor as a correct record.

25 APOLOGIES

Apologies for absence were received from Councillors Ashton, Battram, Finch and Hart.

26 COMMUNICATIONS

The Mayor welcomed Councillor Raymond Singleton-McGuire to his first meeting of the full Council following his success at the Fishtoft by-election held on 6 July 2006.

27 QUESTIONS

- 1. Question asked by Councillor Tony Austin pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.**

"For how much longer are the Council Tax Payers of Boston including our trades people, our visitors, our customers and our friends to be inconvenienced by the three humps in South End that, on a daily basis, create queues stretching back to the Market Place?"

Is it not time that a public announcement should give information on a topic that is creating, as it does, delays in transit from Bank Street to South Square of in excess of thirty minutes, borders on contempt for the already harassed and frustrated users of the congested roads of Boston, and deters customers of our businesses from coming into the town centre?"

Response by Councillor Peter Bedford, Portfolio Holder for Planning and Transport

"I thank Councillor Austin for notice of his question.

Traffic calming was installed on Sunday 9 April to enhance safety during the period when contractors are at work on the repair and refurbishment of the Guildhall. Lincolnshire County Council's Highways Dept. specified the amount and profile of the traffic calming measures that would be required to provide protection to both the contractors and motorists. The necessity for road closures and implementation of traffic calming was well publicised in advance in the local press and media.

The repair and refurbishment of the Guildhall is proceeding exactly to schedule and subject to maintaining this level of progress the scaffolding over South Street is due to be completely removed by 5 November. The traffic humps will be removed at the same time."

2. Question asked by Councillors Shaun Forster and Ernie Napier pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

"Several years ago, this Council successfully succeeded in removing the May Fair from Central Park because of the damage it was causing to the infrastructure.

Just before Easter last year, officers made the decision, with, it appears, minimum Councillor involvement and, especially, without consulting the Ward members concerned, to put four white knuckle theme park rides in the main area of the Park.

Both Councillor Napier and I protested about this and were told that officers did not need Council permission to approve this and it was too late to prevent this happening this year anyway. We were told that this was to be on a trial basis for that year only. But, if it was even considered to continue with this policy, full consultation with everybody concerned would take place.

When will this dialogue begin? Any decision made should include a recommendation from the appropriate Council Committee so that the practice followed by this Council in the past should be continued.

We feel that this is too big an issue to be left to officer delegation."

Response by Councillor Andrew Bakewell, Portfolio Holder for Festivals and Events

"I thank Councillors Forster and Napier for notice of their question.

The then Leader and Deputy Leader of the Council were consulted on the proposal to site four “theme park” style rides in Central Park during the period of the Mayfair. However, Officers accept that it was an oversight not to consult the relevant Ward Members and the Chief Executive offers his apologies for that omission.

In past years some damage did occur when all of the traditional Mayfair rides along with living vans occupied Central Park and this was the reason for their relocation at that time. The theme park rides for this year's event had previously been successfully sited on the Meadows at Stamford without damaging the area. However extensive Health and Safety preparations including consultation with the Building Control and Parks & Grounds Sections were undertaken in the lead up to the event, to ensure that these rides could be sited safely in Central Park without causing any long term damage and subsequently proved to have successfully achieved this.

It is correct that this provision was undertaken on a trial basis. The rides proved to be an extremely popular addition to the attractions of the Fair and brought a new dimension to the event. Following the success of both the Mayfair and Party in the Park this year, Officers are about to commence a review of the provision of festivals and events, developing business plans for the future to take account of all aspects of the staging of these major events with a view to ensuring their long term sustainability and that health and safety standards will always be of paramount priority.

Within the Council's Scheme of Delegation, responsibility for the development and promotion of external events and the maintenance and management of open spaces and parks is delegated to Officers. Following completion of the review full consultation with elected Members, the general public and existing Mayfair tenants will be carried out in coming months well in advance of and prior to any final decisions being taken with respect to the future use of the park for this purpose.

Supplemental question asked by Councillor Napier pursuant to paragraph 11.6 of the Rules of Procedure as set out in the Constitution:-

“The Leader and Deputy Leader were consulted on the proposal to site the rides in the park last year, but as far as I am aware thought this was an ‘in principle’ consultation not on a final decision.

A Risk Assessment on the health and safety issues relating to the fair being sited within the park was undertaken, would it be possible to have details of this?

Response by Councillor Andrew Bakewell, Portfolio Holder for Festivals and Events

“In accordance with the provisions of the Council's Constitution I will provide a written response to the question regarding the risk assessment, but I cannot comment on the issue of consultation with the Leader and Deputy Leader as I was not a member of the Cabinet and not privy to the discussions at that time.”

28 DECLARATIONS OF INTEREST

Councillor Austin declared a personal and prejudicial interest in the report relating to representation on external organisations as his employers were accountants for the Thomas Sanderson Trust and

he undertook the role of Case Manager, and a personal interest on the grounds of being a member of the Boston Grammar School Foundation Governors.

Councillor Napier declared a personal interest in the report relating to representation on external organisations on the grounds of being a Council appointed representative on the Thomas Sanderson Trust.

Councillor Kenny declared a personal and prejudicial interest in the report relating to Boston Mayflower Corporate Governance issues on the grounds of his employment with Boston Mayflower.

Councillors Forster and Gall declared a personal interest in the report relating to Boston Mayflower Corporate Governance issues on the grounds of being tenants of Boston Mayflower.

Councillors Sandra Bakewell, Day and Stewart declared a personal interest in the report relating to Boston Mayflower Corporate Governance issues on the grounds of being Council appointed representatives on the Boston Mayflower Board.

Councillors Andrew Bakewell, Sandra Bakewell, Bedford, Goodale and Snell declared a personal interest in the report relating to the Boston Area Regeneration Company Formation and Masterplan Update on the grounds of being elected members of Lincolnshire County Council.

29 BOSTON AREA REGENERATION COMPANY FORMATION AND MASTERPLAN UPDATE

(The Mayor requested Members to move into the Committee Room/Meeting Room for the following item of business).

The Chief Executive introduced a report on progress that had been made with the Boston Area Regeneration Company (BARC), including the appointment of Directors, preparation of a Year 1 Business Plan and an update of the Local Area Masterplan.

The Chief Executive stated that this was the first report to Council following agreement to set up the BARC in April 2006 and it was intended that regular progress reports would be submitted to Council on a quarterly basis.

The Director of Development drew Members attention to the recruitment of Directors for BARC, stating that representatives had been drawn from the funding partner organisations (East Midlands Development Agency/Lincolnshire Enterprise, Lincolnshire County Council and Boston Borough Council), and the private and voluntary sector.

The Chief Executive introduced Anthony Barber of Focus Consultants and Richard McDermott of Tribal Consulting, representatives of the two preferred consultancy partners for the BARC project.

Mr. Barber gave a presentation on the Local Area Masterplan update, including a brief overview of progress that had been made on the projects contained within the Masterplan.

Mr. McDermott then gave a presentation on the Year 1 Business Plan that had been prepared for BARC giving details on the following topics:-

- Status of the Business Plan
- Proposed Role of BARC
- Key Projects and Classification –
 - Active Projects
 - Developing Projects
- Next Steps

The Mayor thanked Mr. Barber and Mr. McDermott for their attendance and asked Members to return to the Council Chamber for debate.

It was moved by Councillor Goodale, seconded by Councillor Kenny and

RESOLVED that procedure rule 17.5 be suspended to allow Members to speak more than once during the debate.

During an extensive and detailed debate members raised the following issues of concern:-

- Funding requirements for BARC and Masterplan projects;
- Improvements required to the infrastructure of the town to support new developments;
- Amalgamation of previously identified projects into one development scenario i.e. West Street;
- Doubt about accuracy of the figures stated for increase in population;
- Governance arrangements for BARC and involvement of the Council's financial team;
- Rationalisation of projects to take account of major issues that affect residents;
- Planning approval for the Boston Enterprise Centre prior to a report being submitted to Council.

The Chief Executive, Director of Development and Director of Resources responded to Members comments and questions stating:-

- A detailed report on the West Street project had been submitted to the appropriate Committees and Cabinet earlier in 2006, and the principle had been agreed but not the detail. At that time no information had been given regarding finance for the development as each project would require its own feasibility study to be carried out and the implications for the Council relating to funding would be dealt with at that time. Each project would be assessed on its own merits and the Council would then determine if it wished to support the individual projects.
- Eleven major projects had been identified within the Masterplan and approved in May 2004, a number of those being approved as Beacon Projects. The scope of some of the projects had widened as progress had been made and issues had been incorporated e.g. youth into community cohesion projects.

- The stated population increase of 3.8% was as much as could be discerned from what was officially known.
- Improvements to the infrastructure was accepted as a relevant point. Lincolnshire County Council was carrying out a transport study, the results of which would be released for consultation and it was hoped the information would be received in the near future.
- The Governance arrangements that had been put in place for BARC were considered to be robust, a strategic management team had been established comprising of the Chief Executive, Director of Development, Head of Chief Executive's Office and representatives of the Council's appointed consultants. No commitment would be given to any project without Member approval, and it was a requirement for the Leader of the Council to be consulted throughout the process.
- Independent arrangements had been made for the provision of financial services to BARC for capacity and independence reasons. A strong financial system had been set up, with BARC and Boston Borough Council being identified as separate entities with separate reporting activities.
- The Business Plan identified key issues and grouped those into priorities under an overall vision. The process was an on-going one and issues that arose would be taken account of and the Plan reprioritised if necessary, following full consultation on the issues involved. An internal appraisal process would be undertaken for each project, and a balanced decision made based on the information available.
- The release of funding for the Boston Enterprise Centre had been agreed by the Cabinet Sub Group in accordance with its terms of reference, to enable the funding from partner organisations to be drawn down within the required timeframe. The decision had coincided with the application for planning approval. However, a full report on the project would be submitted to the next meeting of the Cabinet to address the concerns raised by Members.

It was moved by Councillor Mary Wright, seconded by Councillor Andrew Bakewell and

RESOLVED

- 1. The list of Directors appointments be noted;**
- 2. The Masterplan update be approved;**
- 3. That the Year 1 Business Plan for BARC be endorsed, subject to any further comments arising from the BARC Board at its meeting on 26 September 2006."**

30 MONITORING OFFICER AND DEPUTY CHIEF EXECUTIVE

Monitoring Officer

The Chief Executive introduced a report on the appointment of a Monitoring Officer to replace Ms Deborah Upton, who had left the employment of the authority in July 2006, but had agreed to continue to act as the Council's Monitoring Officer as a temporary arrangement until a new Solicitor could be recruited.

Interviews for the position of Solicitor to the Council and Monitoring Officer had been held on 18 September 2006 and a candidate had been offered the position subject to Council ratification.

Councillor Sandra Bakewell, Chairman of the Appointments Panel, outlined the reasons for the Panel's recommendation for the appointment of Monitoring Officer, stating that the selection process had been thorough and transparent. The preferred candidate had been a qualified practising solicitor for 15 years; had many years experience of working with elected members and acted in a Monitoring Officer role for a considerable period of her career.

In accordance with the requirements of the Council's Constitution, the Cabinet had been consulted on the Panel's recommendations and voiced no objections.

It was moved by Councillor Sandra Bakewell, seconded by Councillor Mary Wright and

RESOLVED

- 1. That the Council note the cessation of the interim arrangements for the role of Monitoring Officer.**
- 2. That Eleanor Hoggart be appointed as the Council's Monitoring Officer from the date she commences employment with the Council.**
- 3. That for an interim period until Ms Hoggart is in post, Mr. Ian Farmer be appointed as Monitoring Officer, and the Assistant Solicitor to the Council be appointed as Deputy Monitoring Officer."**

Deputy Chief Executive

The Chief Executive reminded Members that Deborah Upton had also been appointed Deputy Chief Executive on an interim basis in February 2006.

Following Ms Upton leaving the authority consideration had been given to the Corporate Management Structure, and the Chief Executive recommended that the Director of Development, Mr. Phil Drury, be formally appointed as Deputy Chief Executive.

It was moved by Councillor Mary Wright and seconded by Councillor Brookes that the Director of Development be appointed Deputy Chief Executive.

Councillor Kenny raised concerns regarding equal opportunity issues and the transparency of the selection process for the post and questioned whether an appointments panel should have been established for this purpose.

The Chief Executive responded that full consultation had been carried out with elected Members and staff on the proposed corporate management structure, which he believed to be the best and most robust structure to effectively deliver the services of the Council. At no time during the process had anyone raised any objections to the proposed structure or questioned the need to establish an appointments panel for the position of Deputy Chief Executive.

The Monitoring Officer stated that it was not a legal requirement for the appointment of Deputy Chief Executive to be agreed by Council. In the majority of local authorities deputy positions were in the gift of the substantive postholder. However, the Council's Constitution was not current as it stated that the Director of Resources also held the position of Deputy Chief Executive, and as the proposition was contrary to that Council ratification was required.

An amendment was moved by Councillor Andrew Bakewell and seconded by Councillor Kenny that the Council be asked to note the Chief Executive's appointment of the Director of Development, Mr. Phil Drury, as Deputy Chief Executive.

On being put to the vote the amendment was carried and it was

RESOLVED that the Council note the Chief Executive's appointment of the Director of Development, Mr. Phil Drury, as Deputy Chief Executive.

31 BOSTON MAYFLOWER CORPORATE GOVERNANCE ISSUES

Councillor Mary Wright introduced a report on behalf of Councillor Battram, portfolio holder for Housing and Health, on a request from Boston Mayflower Limited for the Council to agree to a change of the definition of a quorum and to reduce the Borough Council representation on the Board from four to two members.

The report stated that increasingly over the years difficulties had occurred with levels of Councillor attendance at meetings of the Board and the Chief Executive of Boston Mayflower had therefore requested greater flexibility in relation to the company's governance arrangements.

A vacancy had arisen on the Mayflower Board for a Council appointed Director and, in view of Mr. Lightfoot's request, it was proposed not to make an appointment to fill that vacancy, thereby reducing the Council representation from four to three members.

Members questioned the role and value of Members appointed to the Boston Mayflower Board., and were informed that Cabinet had requested a review be conducted on the need for representation on the Board.

It was moved by Councillor Mary Wright, seconded by Councillor Rylatt and

RESOLVED

- 1. That the definition of a quorum being six, to include “a minimum of two independent members” and to remain silent about the residual make up, be agreed.**
- 2. The Borough Council’s representation be reduced to three by not filling the current vacancy.**

(Councillor Kenny declared a personal and prejudicial interest in the above item and left the meeting during the consideration and vote thereon.)

32 MEMBER DEVELOPMENT CHARTER

Councillor Brookes introduced a report requesting consideration be given to signing up to the Local Government East Midlands (LGEM) Member Development Charter.

The report stated that the Policy Development Committee had established a Member Development Task and Finish Group to consider adopting a formal process for the provision of training and development for Councillors.

The Task and Finish Group had subsequently met and considered the adoption of the East Midlands Regional Councillor Development Charter Standard as a framework and tool for developing member skills and effectiveness.

The Charter aimed to promote best practice in councillor development and had an accreditation process set against standards, which had been developed in conjunction with the IDeA and other regions around the country. Representatives of LGEM had been invited to make a presentation to members of the Task and Finish Group on the 6 key stages of the process and the charter standards.

The Group had agreed that the framework in the Charter appeared suitable for taking forward Member Development and recommended that the Council sign up to the Charter and work towards accreditation.

It was noted that the Policy Development Committee had also considered the report at its meeting on 12 September 2006, and supported the recommendation.

It was moved by Councillor Brookes, seconded by Councillor Sally Gall and

RESOLVED that the Council agree to sign up to and pursue accreditation for the East Midlands Regional Member Development Charter.

33 VICE-CHAIRMAN – AUDIT AND GOVERNANCE COMMITTEE

The Chief Executive introduced a report on the vacancy that existed for a Vice-Chairman of the Audit and Governance Committee.

The report stated that at the adjourned AGM held on 18 May 2006, Councillor Peter Craven had been appointed to the position of Vice-Chairman of the Audit and Governance Committee. Since that time Councillor Craven had stepped down from that position and was no longer a member of the Committee.

Nominations were therefore sought for a Vice-Chairman of the Committee.

It was moved by Councillor Horace Wright, seconded by Councillor Singleton-McGuire and

RESOLVED that Councillor John Rylatt be appointed as Vice-Chairman of the Audit and Governance Committee, to hold office whilst he remains a member of the Council, until the next annual meeting of the Council or until the appointment of a successor.

34 REPRESENTATION ON EXTERNAL ORGANISATIONS

The Chief Executive introduced a report on vacancies that had arisen on several external organisations for Members to serve as the Council's representatives.

Letters seeking expressions of interest had been circulated to all Members, and positive responses received to three of the four vacancies. Nominations were then sought from Members for the remaining vacant position on the Boston Citizens Advice Bureau Management Committee.

It was moved by Councillor Mary Wright, seconded by Councillor Rylatt and

RESOLVED

- 1. That the following Members be appointed to serve as the Council's representatives on the organisations set out below, to hold office whilst they remain members of the Council, until the next annual meeting of the Council or until the appointment of their successors:-**

**Councillor Day –
Councillor Napier –**

**Bicker Trust
Boston Grammar School Foundation Governors**

Councillor Brotherton – Thomas Sanderson Trust
2. That the Boston Citizens Advice Bureau Management Committee be informed that the Council would not be making an appointment for a Member to serve as the Council's representative during the Municipal year 2006/07.

(Councillor Austin declared a personal and prejudicial interest in the above item and left the meeting during the consideration and vote thereon.)

The meeting ended at 8.40 p.m.