

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held in the Council Chamber, Municipal Buildings, West Street, Boston, PE21 8QR, on Monday, 15th July, 2019 at 6.30 pm

Present:

The Mayor (Councillor Anton Dani), in the Chair
Councillors Tracey Abbott, Alistair Arundell, Tom Ashton, Alison Austin, Richard Austin BEM, Peter Bedford, Alan Bell, Shaun Blackman, George Cornah, Anne Dorrian, Viven Edge, Deborah Evans, Paul Goodale, Martin Griggs, Neill Hastie, Jonathan Noble, Brian Rush, Chelcei Sharman, Judith Skinner, Paul Skinner, Aaron Spencer, Yvonne Stevens, Peter Watson, Judith Welbourn, Nigel Welton, Colin Woodcock and Stephen Woodliffe

Officers –

Chief Executive, Deputy Chief Executive (Monitoring Officer), Chief Finance Officer and S151 Officer, Head of Environmental Operations, Communications Manager and Democratic Services Manager

9 MINUTES

The minutes of the meeting of the Council held on 28 February 2019 were taken as read and signed by the Mayor as a correct record.

10 APOLOGIES

Apologies for absence were received from Councillors Michael Cooper and Frank Pickett.

11 COMMUNICATIONS

The Chief Executive reported on the death of Mr. Jack Barnes, the last Chairman of the Boston Rural District Council in 1973/74.

The Mayor offered the Council's congratulations to Councillor Richard Austin on being awarded the British Empire Medal in the Queen's Birthday Honours.

12 DEPUTATIONS AND PETITIONS

The Chief Executive reported there were no deputations or petitions.

13 QUESTIONS FROM ELECTED MEMBERS

The Chief Executive reported there were two questions each from Councillors Neill Hastie, Anne Dorrian and Brian Rush.

Question asked by Councillor Neill Hastie pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

"In the past I've been told that that the toilets need to be locked to stop the homeless taking up residence and to stop vandalism.

If a person was to take up residence in one of the toilets or had the intention to vandalise said toilets then a charge of 20p would not stop them.

Is it not time, given the huge number of complaints about people urinating in the park and also in the streets of Boston, oftentimes exposing themselves to vulnerable children and women in the process, to make all council toilets free for use and available to use 24/7 as a solution to tackling this problem”

Response by Councillor Chelcei Sharman

“If Councillor Hastie could supply me with the details on the individual complaints and statements he is referring to after this meeting I will ask officers to investigate them further and answer this element in writing.

However, following a tour of its assets undertaken on 20 June 2018 and a report on Public Conveniences to its 25 July committee meeting, the Boston Town Area Committee or BTAC, set up a Working Group to review and consult on the challenges it faced in the management of its Public Conveniences and their security.”

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

“Thank you, but that doesn’t answer my question about being open 24/7 and free to use. It doesn’t cost anything to keep them open and only £17,000 comes in, so it wouldn’t break the bank. If the Council scrapped the Cabinet system it would save £33,000 per annum, which could be used to fund the opening of the toilets and invest in other services in Boston.”

Response by Councillor Sharman

“I will provide a written response to your question.”

Question asked by Councillor Neill Hastie pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

“A scrutiny committee should act independently with a level of trust so why has a conservative party councillor and a CONSERVATIVE GROUP councillor been made chair and deputy chair of a scrutiny committee that will be looking at scrutinising key issues and decisions made by the conservative party/group within the town?”

Response by Councillor Welton

“As you will recall, at the Annual Meeting of the Council held on 20 May 2019, it was full Council who appointed the Chairmen and Vice-Chairmen of the Committees.”

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

“How can the opposition trust a chairman and vice-chairman to act in the best interest and without pressure from the ruling group and not to divulge information. There has

been an incident of leaked information with officer's e-mails being published on social media. You have changed the Leader, now change the chairmen as well."

Response by Councillor Welton

"In the past scrutiny has been well served by its Chairmen and Vice Chairmen acting independently and with integrity and honesty. The Conservative Group believes in transparency and want to engage with opposition groups in an open and frank discussion to put together a range of transparency issues for the good of the town. We are all elected to serve the people of the town. If the constitution requires changing to achieve that a cross party working group can be set up to review with a structured approach, but may take 18 months to two years to complete."

Question asked by Councillor Anne Dorrian pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

"In addition to the present Government's Austerity programme and their war on the poorest and most vulnerable in our society, one could argue that the biggest threat to our local residents is the irreparable damage to our planet caused by man-made climate change.

Why on earth would you so rudely cancel the guest speaker who so willingly made herself available to this Council in order to share her knowledge about the same?"

Response by the Mayor

"I thank Councillor Dorrian for notice of her question.

I did not cancel the meeting, I exercised my authority as Mayor to maintain the traditional start time of full Council. To add to your information, none of the present Councillors have objected to that.

To save the lives of the poorest and the vulnerable in our society, I myself walk to my work on a daily basis. So I do hope that you will follow suit and leave your car at home and walk to your work and, in doing that, you may help the poorest and the vulnerable if you are concerned about their future wellbeing."

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

"I respect the office of Mayor, but you cancelled the meeting after it had been arranged. You had the opportunity to change the start time before the invitation was extended. It is well known that you are well travelled, visiting Morocco regularly, I have not taken an aircraft journey for 15 years, but do use my car for a short journey to work."

Response by the Mayor

"I sometimes drive to Morocco."

Question asked by Councillor Anne Dorrian pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

“What do you consider to be the three most important health issues which are affecting our local residents and what are you doing about them?”

Response by Councillor Paul Skinner

“Rather than considering my own views, I can inform Council that there are three principle health issues already prioritised by the Boston Borough Strategic Health Group, in its strategy. These priorities are:

1. To encourage healthier lifestyles and behaviours,
2. To work towards Boston becoming a Dementia-Friendly Community, and
3. To improve local housing and financial confidence.

The Borough Council is a key partner within the Borough’s Strategic Health Group and Councillor Dorrian will be able to find further information on the Council’s website regarding this strategy and the work of our partners.”

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

“Thank you for your reply and the signpost to the Strategic Health Group is appreciated. I was shocked to discover that children in Boston have the worst teeth in the UK. Now I have brought this to your attention will you look into this further to improve dental education in the area.”

Response by Councillor Skinner

“Health of all of us is important, but it is a county council function. I’m surprised you’ve not blamed the Conservatives, Labour were in office when charges were introduced for prescriptions, dentistry and glasses, although I accept the Conservatives kept them. Labour were responsible for clinical PFI projects for the NHS which the conservatives are seeking to reduce. A reduction of 20% in funding by the Labour government accentuated problems on the east coast including the recruitment and retention of medical professionals in the area which we are experiencing today.”

Question asked by Councillor Brian Rush pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

“As the former Chairman of BTAC you will have had access to information regarding expenditure used for items purchased to enhance the visual attractiveness, specifically of ‘The Green’.

Although it may not now be within your remit, are you able to inform the people of Boston, whose money it was that will have been used to purchase ‘new corporate image market stall roof covers’ as a precursor to the advent of a co-operative and where are they now?”

Response by Councillor Welton

“As the former Chairman of BTAC, I can inform Councillor Rush that Markets do not fall under the responsibilities of BTAC and BTAC did not purchase any new equipment for the Markets, during my time as chair of this committee.”

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

“We all need to take responsibility for finances. I have struggled to find out who purchased these items and hoped you would help. I am concerned nobody knows where they are, will you provide help in locating them as they are expensive items just to dismiss.”

Response by Councillor Welton

“You have been here longer than me, but I will take the challenge and we should share information and work together to resolve the problem.”

Question asked by Councillor Brian Rush pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

“Given that a number of our elected members are our representatives on Black Sluice and Witham Fourth Internal Drainage Boards, and in light of the recent unfortunate flooding in Wainfleet, how sure are we that all necessary protections across the Borough are adequate and suitable to protect the people and the property in and around Boston.”

Response by Councillor Paul Skinner

“It would be totally inappropriate to comment on the recent tragic recent flooding events ahead of completion of the formal flood investigation by the Lead Local Flood Authority in accordance with Section 19 of the Flood and Water Management Act 2010.

The IDBs locally with partners are to be applauded for their excellent water management and flood protection endeavours. This said IDB's alone do not have this sole responsibility or ability.

The Environment Agency, land owners, Councils and Government at all levels, all of us have a role to play. This may be a topic of huge interest to members which may warrant invitation to IDBs present to members on their work and I would be happy to extend such an invitation.”

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

“I appreciate your response, but my question was what steps are the Council taking for the protection of the people of Boston. What is in place if such a catastrophe were to happen here, we need to be assured the Council can respond effectively.”

Response by Councillor Skinner.

“As you know the Boston Barrier is under construction which is a major project to provide flood protection. Flood and Water Management at Lincolnshire County Council

is a partnership across the county. Norfolk County Council will be conducting and independent investigation into the Wainfleet incident, there were 38 other places which generated a section 19 notice, all of which will be subject to independent investigations. Boston Borough Council staff worked hard to support the recovery work in Wainfleet together with other organisations such as the reserve firemen from Leverton.”

14 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chief Executive reported there were no questions from members of the public.

15 DECLARATIONS OF INTEREST

No declarations of interest were made.

16 APPOINTMENT OF LEADER OF THE COUNCIL

The Chief Executive introduced a report seeking nominations for appointment as Leader of the Council for the remainder of the Council term 2019/20 to 2023/24.

The report stated that the Local Government Act 2000 and the Council's Constitution required the Council to appoint a Leader at the start of each Council term. The appointment is normally for the whole Council term, but the Constitution set out the circumstances in which the appointment may end.

At the Annual Meeting of the Council held on 20 May 2019, Council had resolved that Councillor Michael Cooper be appointed as Leader of the Council for the Council term 2019/20 to 2023/24.

In accordance with the requirements of the constitution, Councillor Cooper had given notice that he was stepping down as Leader with effect from 15 July 2019. This created a vacancy for the position of Leader of the Council for which nominations were being sought.

It was noted that the Leader may amend the size and composition of the Cabinet. Should any changes be made by the new Leader, Members would be informed accordingly.

It was proposed that the Chief Executive be granted delegated authority to make any necessary consequential Constitutional changes as a result of the appointment of a new Leader of the Council.

In accepting the nomination the Leader Elect stated that the Council would be stronger if everyone worked together. The best way of dealing with matters was being open to different views. There would be difficult decisions to be made and which everyone should be engaged with and compromises made if appropriate. Trust needed to be built across the Chamber, to actively engage and move forward to work together.

It was moved by Councillor Nigel Welton, seconded by Councillor Paul Skinner and

RESOLVED that Councillor Aaron Spencer be appointed as Leader of the Council for the remainder of the Council term 2019/20 to 2023/24.

17 AUDIT AND GOVERNANCE COMMITTEE MINUTES

Councillor Jonathan Noble introduced the confirmed minutes of the Audit and Governance Committee held on 28 January and 25 March 2019 highlighting the key matters considered by the Committee.

It was moved by Councillor Jonathan Noble, seconded by Councillor George Cornah and

RESOLVED that the confirmed minutes of the meeting of the Audit and Governance Committee held on 28 January and 25 March 2019 be received.

18 REAPPOINTMENT OF NON-ELECTED REPRESENTATIVES

The Monitoring Officer introduced a report seeking approval for the re-appointment of non-elected representatives Mr. Alan Pickering as the Lay Member on the Audit and Governance Committee and Mrs. Alison Fairman as the Independent Person to assist the Monitoring Officer in dealing with allegations of Member misconduct.

It was moved by Councillor Jonathan Noble, seconded by Councillor George Cornah and

RESOLVED

- 1. That Mr. Alan Pickering be reappointed to the Audit and Governance Committee as its non-elected representative for a further four year period to May 2023.**
- 2. That Mrs. Alison Fairman be reappointed as the Council's Independent Person to assist the Monitoring Officer in dealing with complaints of alleged Member misconduct for a further four year period to May 2023, subject to the provisions of any new legislation being enacted.**

19 ANNUAL COMMITTEE REPORTS 2018/19

The Chief Executive introduced a report setting out that it was good practice for local authorities to develop and publish an annual report on work undertaken by its committees throughout the previous municipal year.

Draft annual reports for 2018/19 had been produced for the Council's Scrutiny Committees, Planning Committee and Boston Town Area Committee which were appended to the report.

It was moved by Councillor Judith Skinner, seconded by Councillor Tom Ashton and

RESOLVED that the Annual Committee Reports for 2018/19 be approved for publication.

20 APPPOINTMENTS TO EXTERNAL ORGANISATIONS

The Monitoring Officer introduced a report seeking expressions of interest to serve as the Council's representatives on NACRO Services in Lincolnshire and the St. Leonards Hospital Trust.

It was moved by Councillor Paul Skinner, seconded by Councillor Martin Griggs and

RESOLVED that Councillor Jonathan Noble be appointed to serve as the Council's representative on the St. Leonard's Hospital Trust, to hold office until the Annual Meeting of the Council in 2023 whilst he remains a Member of the Council, or until the appointment of a successor.

It was moved by Councillor Anne Dorrian, seconded by Councillor Aaron Spencer and

RESOLVED that Councillor Judith Welbourn be appointed to serve as the Council's representative on NACRO Services in Lincolnshire to hold office until the next Annual Meeting of the Council, whilst she remains a Member of the Council, or until the appointment of a successor.

21 MOTIONS ON NOTICE

Two Motions on Notice had been received in respect of climate change, and the Council's response to those issues.

The Monitoring Officer issued procedural advice on the decision making process for two similar motions on the same subject.

A Procedural Motion in accordance with Rule 16(D) was moved by Councillor Nigel Welton and seconded by Councillor Anne Dorrian that:

Noting the many impacts on the Council and our partners, it is proposed all aspects and issues referred to in both Motions on the agenda be referred to the next available meeting of the Environment and Performance Committee for detailed consideration and an action plan. An interim report to be submitted to full Council in November 2019 and a final report to Council in January 2020.

There was a consensus amongst Member for the proposed referral to scrutiny to identify the issues, actions and limitations, resources required and achievable timescales, subject to the work being completed in the current municipal year.

A Procedural Motion in accordance with Rule 16(J) was moved by Councillor Nigel Welton, and seconded by Councillor Aaron Spencer, that the question be now put.

On being put to the vote the Procedural Motion that the question be now put was carried.

The Procedural Motion under Rule 16(D) was then put to the vote and it was

RESOLVED that noting the many impacts on the Council and our partners, it is proposed all aspects and issues referred to in both Motions on the agenda be referred to the next available meeting of the Environment and Performance Committee for detailed consideration and an action plan. An interim report to be submitted to full Council in November 2019 and a final report to Council in January 2020.

(The meeting ended at 8.15 pm)