

Present: Councillor Judith Skinner (Chairman), Councillor Judith Welbourn (Vice-Chairman), Councillors Tom Ashton, Peter Bedford, David Brown, Anton Dani, Deborah Evans, Paul Goodale, Martin Howard MSc. PCGM, Cert Ed, Neill Hastie

Portfolio Holder: Councillor Paul Skinner

In attendance:

Officers –

Assistant Director - Assets and Democratic Services Officer

1 APOLOGIES

Prior to seeking apologies for absence, the Chairman welcomed the new vice Chairman of the committee, Councillor Judith Welbourn.

The Chairman further welcomed the following new members onto the committee, Councillors Tom Ashton, David Brown, Martin Howard and Chelcie Trafford.

Apologies for absence were tabled by Councillor Chelcie Trafford with no substitute member.

Apologies were further tabled by the Assistant Director – Regulation (Lead Officer for the committee) and the I.T and Performance Manager.

2 MINUTES

With the agreement of the committee, the Chairman signed the minutes of the previous meeting held on 8 September 2020.

3 DECLARATION OF INTERESTS

Councillor Paul Goodale sought clarification of his ability to vote on the second item of the agenda within which were two recommendations to the BTAC committee, of which Councillor Goodale was the Chairman.

Councillor Goodale was advised that he would be voting in his role as a member of the Environment and Performance Scrutiny Committee and was therefore able to vote on the item.

4 PUBLIC QUESTIONS

No public questions were tabled.

5 WORK PROGRAMME AND QUARTER 1 PERFORMANCE MONITORING

The Assistant Director – Assets presented a brief overview of the Quarter 1 performance reporting on behalf of the I.T and Transformation Manager.

Highlighting the severe impact on a number of services due to Covid-19 and the subsequent lockdown period, the Assistant Director – Assets confirmed that the performance data had clearly been impacted, resulting in very differing outcomes against the same period in previous years.

The closure of the leisure facilities and the Guildhall, in accordance with Government guidance, along with the suspension of car parking charges had resulted in a significant loss of revenue. Other service areas including Environmental Health and Anti-Social Behaviour had refocused their resources to ensure the safety of the public

On a positive note both Planning Performance and Commercial Waste Collections remained as high performing services.

The Chairman referenced the work programme and advised that the next scheduled meeting of the committee would be on 5 January 2021 and had a busy agenda, but the subsequent meeting in February had no confirmed reporting.

Committee deliberation followed which included:

Addressing the high performance of the planning service, members voiced their appreciation of the work of the Assistant Director-Planning and their team in Boston, and offered congratulations at the consistency of performance. A member noted that following good performance on Q3/Q4 in the previous year, Q1 had reassuringly continued the trend putting Boston Planning service on a level with some of the best in the Country. The member confirmed that having spoken with Councillors in other authorities across the Country he had found that many struggled to maintain a minimum performance level. Further acknowledgment noted the effectiveness of the recently adopted new Local Plan. However, a member did question why month on month planning committee meetings continued to be cancelled yet there was clear construction activity throughout the borough.

The Chairman of the Planning Committee confirmed he had asked the same question and whilst agreeing that the Local Plan had impacted significantly within the decision making process, he did have concerns that applications were not being challenged by Councillors, Parish Councils' nor members of the public. The Chairman of Planning then stated that whilst he recognised that the experienced planning committee members were all aware of the call-in procedure and how it worked, he did want to ensure newer members were also confident in the process. As such, he had tentatively raised a need for refresher training for any members who may wish to attend, possibly in the new year.

Referencing the recycling figures a member stated it would be interesting to see how they developed throughout the year with Boston becoming one of the first Councils to change to waste and recycling. The member requested close monitoring of the new service to ensure its effectiveness.

A number of members voiced very strong concerns at the continual increase in Fly Tipping incidents across the Borough, with some attributing the ongoing rises to the changes in the opening hours of the Waste Recycling Centre in the Borough. Addressing the steep rise of incidents within certain roads within the borough which were subject to continual high volumes of black bags containing food and other waste materials, strewn across pavements and piling up in gardens, members voiced very serious concern that the situation was becoming a health hazard.

There was reference to the recent Member Briefing held with Cllr Poll of Lincolnshire County Council, but some members felt that the opinion of the County Council that the waste recycling centre was doing well as it was under-subscribed, was incorrect.

Members felt the site to be under-subscribed due to the public not choosing to use it, due to the reduction in opening times and the need to schedule a timed slot, which from residents' feedback identified problems on arrival at a time slot and subsequent refusals to accept certain goods. Further comments noted that the centre should not be closed mid-week; that it should be open 7 days a week to accommodate people who worked long days during the week and that it should revert to working as it had historically, accepting goods as they arrived and not specifying what product could be delivered on what day.

Members asked if the Centre would remain open during the scheduled lockdown for one month from 5 November 2020 and the Assistant Director-Assets confirmed he would source the information and relay to members after the meeting.

Members who did not attribute all increases in fly tipping to the restricted hours at the Recycling Centre, also cited concerns of continual fly tipping in certain areas of the town, which once cleared were subject to further tipping almost immediately. There was ongoing incidents of continual tipping of items at a number of HMOs (houses in multiple occupancy) where the turnover of residents was constant.

When such a residence changed hands the outgoing occupants left many large items of furniture and the incoming residents simply tipped them either down the side of the house or out onto the street, making them somebody else's responsibility. There was no actual evidence of the tipping taking place and members did recognise such evidence would be required to take action. A member asked if it was possible to inform Landlords of such properties of the correct procedure for new residents, in the disposal of any items left by their predecessors and to ensure they were aware of the penalty for not disposing the items in the correct manner and that it was against the law to do so.

In response the Assistant Director – Assets advised that logistically the only address information the Council held was that of HMOs that were statutorily licensable. He further advised members that should they ever witness such an incident then they should report it to himself or the Assistant Director- Regulation and they would take a section 9. Witness Statement and do their best to bring the perpetrators to justice. He stressed that they needed an evidential link before they could take any action forward.

Recognising the ever-increasing workload of the existing fly tipping team for the Borough, a member questioned how much longer they could continue to maintain the level of service they were currently providing, as incidents would clearly continue to rise for the near future in line with additional lockdown(s). The team went over and above in its endeavours to rid the Borough of the increasing incidents, on top of which the Council had lost the support service from HMP North Sea Camp. Members noted real concern that escalating demand on the team would overwhelm them, and suggested a recommendation that a review of the current Fly Tipping Team in Boston Borough be undertaken by the Joint Chief Executive to ensure they were adequately resourced, taking the increasing demand on the team forward.

A member requested an update report on the existing toilet provision within the town, in light of both Covid-19 and the permanent closure of Oldrids who had formed part of the community scheme providing free facilities.

The Assistant Director – Assets confirmed the closure of the facilities had been due to the Council not being able to guarantee they would be Covid compliant and they had to comply with the HSE assessment.

A request for an update report to a future meeting of the committee would be requested, on the provision of public conveniences, both Council owned and private owned but available for public use,

Voicing strong concern at the increase in stealing dogs, which had risen by 65% over the previous 6 months, a member enquired if the subject was suitable for consideration by the committee.

The Assistant Director-Assets advised that theft or attempted theft was a police matter and that he was aware that the Police had been actively promoting information on the subject and were aware of the escalating number of attempts and thefts. He further confirmed he would raise the concerns with the local Inspector and revert on any follow through response.

Concluding the deliberation of the item the Chairman stated that whilst she was aware of a delay in the installation of CCTV Cameras in well know fly tipping hot spots, due to Covid, she wondered if it would be possible to get an update on the position.

RECOMMENDATION:

It was moved by Councillor Paul Goodale and seconded by Councillor Anton Dani that:

The Environment and Performance Committee request that the Joint Chief Executive be requested to undertake an urgent review of the current staffing level of the Fly Tipping Team for Boston Borough to ensure that the team is adequately resourced to undertake the level of service required to maintain clearance of continually rising incidents of fly tipping across the Borough and that the outcomes of the review be made available to the committee.

The recommendation carried unanimously.

TO DO:

1. The Assistant Director – Assets to provide members with details of the opening hours and procedures for the Household Waste Recycling Centre in Boston throughout the forthcoming lockdown period one month from 5th November 2020.
2. The Assistant Director – Assets to relay the concerns tabled in respect of the increase in attempted theft / theft of dogs within the Borough, to the local Police Inspector.
3. That a request be made for a future update report on the provision of public conveniences within Boston to include those provided by private organisations permitting public use.
4. That an update be provided at the next meeting on the delay in installation of the CCTV cameras in well-known fly tipping spots.

6. TASK AND FINISH GROUP REVIEW. REGULATING AND SAFEGUARDING BOSTONS ECOMONY

The Chairman presented the report, confirming it had been a very productive review albeit, being suspended due to Covid-19 and lockdown, which had resulted in the initial scope being amended reflecting the impact of Covid.

The initial public consultation had returned in excess of 150 responses and that response used to identify key areas of concern. The two key areas of concern from all the consultation identified being, Alcohol Licensing matters at the Council and public perception of what the Council could do under Licensing Law, and the second item being all round anti-social behaviour and the publics lack of faith in policing and enforcement within the Borough.

A meeting had taken place with a number of the support services within the town who gave their own insight into issues arising from licensed premises and their own opinions on anti-social activity and the support of the Police / Council.

Two further meetings followed.

The first with the Police and the Councils' Licencing and Land Charges Manager in respect of issues relating to Alcohol Licensing. This enabled the group to identify recommendations to try to address many of the concerns raised in respect of Licensing Law and the public perception of the Council's role in granting Alcohol Licences.

The second meeting was with the Police and the Councils' Community Safety Manager. The group had requested a report to detail comparative Police activity for both Boston and Horncastle and Skegness. The activity reported was pre-covid, during lockdown and post-covid and the Chairman recommended that members read the report as it allayed many of the concerns raised. Following lengthy questioning of the Police and Community Safety Officer, the group were able to gain their opinions and insights into how issues could be addressed, resulting in a number of recommendations to address the areas of overall concern both onto Cabinet and directly onto BTAC.

Referring the committee to the final recommendations of the group, the Chairman advised that they included some requiring legislative changes and the group was asking Cabinet to mandate the local Member of Parliament to take forward the recommendations requiring Government consideration and to champion them on behalf of the community.

Prior to moving into committee deliberation the Chairman invited both the Portfolio Holder for Regulatory Services who had supported the review throughout, to address the committee, and the Lead Officer for the Review to also comment on the review overall.

The Portfolio Holder for Regulatory Services stated he felt the review had been a thorough piece of work and although it had changed in scope slightly due to Covid-19, there was the possibility of the group re-visiting the review in the future. Stating he felt that the review had highlighted quite a few issues, the Portfolio Holder acknowledged the various agencies / support services out at night on the streets taking care into the community and concluded by saying he fully supported the recommendations.

The Lead Officer for the review (*the Assistant Director – Assets - formerly the Head of Regulatory Services at the onset of the review*) stated he felt the review had been insightful and robust with in-depth consultation and that he was reassured to see how the outcomes would be taken forward. Referencing the detailed report by the Community Safety Manager, the Lead Officer noted how it had provided a clear understanding of the level of partnership working in ensuring safeguarding within Boston Borough.

Committee deliberation followed which included the following:

A member asked if a business subject to a fine for selling illegal goods, was allowed to remain open for business or not, and if so what follow up action was taken to ensure they no longer continued to trade in the illegal goods. The member stated he had noted ongoing activity at such a shop that been fined for selling illegal goods products and appeared to continue to trade the following day after being fined.

The Lead Officer of the review responded, advising that it would depend on the goods as illegal cigarettes were subject to Trading Standards monitoring whilst illegal alcohol sales were the responsibility of the Police.

It would further depend on the sanction and whether or not the fine had been charged. If the shop had its' alcohol licence revoked then it could no longer trade. If a fine had been charged and paid then the business could continue to trade but not sell the illegal goods. When concerns were identified that ongoing trading of illegal goods was continuing, then monitoring of the business would take place by either Trading Standards or the Police and further action would be taken if a business was found to be in breach.

Referencing the day and night time economy which had been within the initial scope of the review, prior to Covid-19 and lockdown, concerns were noted at the future of the businesses across the borough in light of the pandemic and what the Council were doing looking forward to help businesses.

In response, the Lead Officer of the review advised that the Council was awaiting further Government guidance. New business support models would be coming forward for all businesses operating across all hours and the Council had been pro-active in securing first round funding.

Noting the recommendation to provide a platform for public questioning of the Police a member suggested that akin to the Parish Councils who had a standing item for police business at their meetings, the BTAC could possibly facilitate such an idea for the town area. The Chairman of BTAC confirmed that the committee did provide a standing item on its agenda, for the Police, it had been the Police who had sought to provide an improved public forum. Such a platform would allow a dedicated meeting without the need for consideration of any other business on the agenda.

Addressing the recommendations within the report in respect of changes to Licencing legislation a member noted that the need for improvements within the licensing regime stemmed from inadequacies within the 2003 Act when responsibility had passed from magisterial to local authority. The review had addressed the failings and the member fully supported any lobbying for the changes in primary legislation to give local authorities the tools to regulate.

Referencing the recommendation to BTAC to look at a trial period of closure of Central Park overnight, a member stated they hoped that the committee would be seriously consider it. Long-term residents within the vicinity of the park continued to be subject to loud music late at night and through into the early hours, along with having to witness ongoing acts of anti-social behaviour including drinking alcohol.

The Chairman of BTAC advised that whilst the committee had considered closure of the park gates a year previously, but the gates had remained open. As a point of clarification, the Chairman further noted that whilst BTAC had no right to employ personnel, should the committee agree their recommendation then any final decision would be by Council.

A further concern noted the lack of late night street lighting within the Market Place, around Wide Bargate and down West Street and along Bridge Street. The areas surrounding the town centre did appear well lit, but with all the issues of ASB identified within the review, it was wrong to have no street lighting in the public areas for not only the safety for the public walking through, but also for the businesses therein which included Jewellers and Banks. Further concern was raised in respect of any turning-off of the street lighting within the town centre, with members agreeing that the lights within the town should not be on a timed system at all and should be on throughout the night.

The Lead Officer of the review confirmed that a colleague had reported the situation to the County Council who had advised they were unaware that the system was turning off prior to any agreed cut-off time, if indeed there was any cut-off time. The Police had also reported the lights going off at random times.

General concluding comments noted that the review had been a good piece of Scrutiny with in-depth consultation and a productive scheduling of meetings to arrive at the recommendations. Members agreed that due to the seriousness of the review and the level of focus and consideration necessary, that it had been quite intensive at times. However, that was testament to the motivation of the group and its' determination to carry out such an in-depth review.

The Chairman of the review group thanked everyone who had taken part, stating she felt it had been a thorough review.

RECOMMENDATION

It was moved by Councillor Anton Dani and seconded by Councillor Neill Hastie

- 1. That the Environment and Performance Committee agree the recommendations 1 through to and including 13 within appendix F of the attached report**
- 2. That the Environment and Performance Committee agree to forward recommendations 12 and 13 within appendix F of the attached report to the Boston Town Area Committee for their consideration.**
- 3. That the Environment and Performance Committee recommend to Cabinet that it agree the recommendations 1 through to and including 11 within appendix F of the attached report and implement the recommendations as necessary.**

4. That the Environment and Performance Committee charge Cabinet to give a mandate to local Member for Parliament to take forward recommendations requiring Government consideration and champion the recommendations on behalf of Boston.

The recommendation carried unanimously.

To Do An update in respect of the issues of street lighting to be provided once a response is received from the County Council.

7 ANNUAL SCRUTINY REPORT

The Chairman presented the report and noted that despite the loss of meetings due to lockdown, it has been a very productive year for Scrutiny across both committees. The Corporate and Community had agreed the report at their recent meeting.

Alongside busy committee meetings, all strands of scrutiny had been undertaken allowing providing members with a wide variety of involvement and input into the Scrutiny process.

A number of Member Briefings and Inquiry Evenings had been held, all of which had proved very beneficial for members.

A productive Member Working Group and a productive Task and Finish Group Review had been convened and both successfully concluded. Scrutiny had also acted as a consultee, held a public meeting at the Guildhall and facilitated a Call-in. All in all the Scrutiny process had a very busy year.

The Assistant Director–Assets (Lead Officer for the Corporate and Community Committees) advised that despite it having been a challenging year with the loss of meetings, a significant amount of informative scrutiny had taken place, with the audit of scrutiny supporting the findings. No member comment was tabled in respect of the item. However, a member did table their thanks not only to the officers who supported the Scrutiny process, but also to all members of staff working behind scenes across the Council who had worked so hard during the difficult times.

The Chairman echoed the comments made and tabled her own gratitude to all the staff for the continued efforts.

It was moved by Councillor Anton Dani and seconded by Councillor Judith Welbourn that:

RECOMMENDATION:

The Environment and Performance committee recommend to full Council that the Overview and Scrutiny Annual Report for 2019/20 be approved for publication.

The recommendation carried unanimously.