

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held at the Conference Centre, Jakemans Community Stadium (Boston United), Pilgrim Way, Wyberton, Boston, PE21 7NE, on Monday, 27th September, 2021 at 6.30 pm

Present:

The Mayor (Councillor Frank Pickett), in the Chair
Councillors Tom Ashton, Tracey Abbott, Alison Austin, Richard Austin BEM, Peter Bedford, Katie Chalmers, Michael Cooper, Anton Dani, Deborah Evans, Paul Goodale, Martin Griggs, Jonathan Noble, Brian Rush, Judith Skinner, Paul Skinner, Aaron Spencer, Chelcei Trafford, Peter Watson, Judy Welbourn, Nigel Welton and Stephen Woodliffe

Officers – Chief Executive, Monitoring Officer, Section 151 Officer, Democratic Services Delivery Manager, Civic and Member Services Officer and Democratic Services Apprentice

16 MINUTES

The minutes of the meetings of the Council held on 15 February, 1 March, 26 May, 28 June and 2 August were taken as read and signed by the Mayor as a correct record.

17 APOLOGIES

Apologies for absence were received from Councillors Alan Bell, George Cornah, Viven Edge, Neill Hastie, Martin Howard, and Yvonne Stevens.

18 COMMUNICATIONS

There were no communications reported.

19 DEPUTATIONS AND PETITIONS

The Chief Executive reported there were no deputations or petitions.

20 QUESTIONS FROM ELECTED MEMBERS

The Chief Executive reported there was a question from Councillor Brian Rush.

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

“Councillor Abbott on the 15th of February, I asked a question of you regarding the whereabouts of a consignment of 25 pop up stalls, which I believe an Officer of this Administration was instructed to purchase, for use on Bargate Green. It is rumoured that these may have been loaned out for a Charitable Dragon Boat Race, and were not returned in good condition.

Forgive me if I have misunderstood your answer, but you directed me to, what you describe, as an answer I gave to a similar question, which you say, was asked at the last meeting of council. You also say this answer is clearly set out in the minutes of that meeting as part of this agenda.

For the avoidance of doubt, can I ask that you name the pages within the relative documents, were I might find these pages? However on page 5 of this Paper I presented you with a great deal of information and you promised, to look into this operational and assured me that you would see what could be done.

Do you agree that this Council, cannot afford to allow Boston's public money to be left unaccounted for, even for Charities Events such as this?"

Response by Councillor Tracey Abbott

"Thank you for your question. The previous question and response were set out in the minutes of the meeting of the Council held on 23 November 2020, and included in the agenda for the 15 February meeting, pages 2 and 3 which are also available on the Council's website. I would also refer you to my offer of a meeting with me, to which I have not received a response."

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

"You have asked to meet, but the current pandemic situation we find ourselves in has prevented this, however I appreciate what you have said and done.

Could you please confirm that you have asked Councillor Richard Austin about events that were held during his time as Leader of the Council as you have been unable to enlighten me."

Response by Councillor Abbott:

"I continue to look into this and ask again that you meet with me either virtually or physically, with covid-19 precautions in place."

21 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chief Executive reported there was a question from Mr. Darron Abbott.

Question asked by Mr. Darron Abbott pursuant to paragraph 10 of the Rules of Procedure as set out in the Constitution:-

"Councillor Noble as you are aware I have already emailed you about this matter but have yet to receive a reply.

At the Cabinet meeting on the 8th September you announced that Boston Borough Council had received an unexpected Grant of £30,000 to be used for community projects, you also mentioned that this money would be handed over to Transported for them to use as they see fit.

You are also aware that a Local Community Group are endeavouring to arrange an event in the Market Place on Sunday June 5th to celebrate her Majesty the Queens

Platinum Jubilee and the granting of City Status to Boston. Please could I ask if some of this unexpected grant could be donated to the Community Group to help with the cost of the event.

I can guarantee the group will report directly back to you on a regular basis as to how these funds are being spent and would be more than happy to supply a full copy of the Accounts once the event has been completed.”

Response by Councillor Jonathan Noble

“I’m very pleased to hear of your excitement for this celebration. Should the Council open any community based funding schemes, between now and the date of your event, then I’d be delighted to see your group submit a full business case and apply for funding.”

Supplemental question asked by Mr. Abbott pursuant to paragraph 10.8 of the Rules of Procedure as set out in the Constitution:-

“As you have not answered my question I will give you the opportunity to do so again. I apologise if my supplementary question does not arise from your answer to my question but at this point I am unaware of your answer.

You mention that you would require a copy of our business plan, you have already been supplied a copy of this in hope that the Council would be gracious enough to hand over part of the £30,000.

Would you be so kind as to supply us with copies of the business plans supplied by Transported regarding how they will use this funding and also the one from the recent funding given to another community group recently or would you advise a Freedom of information request to gain this information. Your answers are now demonstrating discrimination against me.

I now hand back to you to answer both my original question and the supplementary one.”

Mr. Abbott left the meeting before Councillor Noble could respond to the supplementary question.

22 DECLARATIONS OF INTEREST

Councillor Peter Watson declared an interest in the report relating to Inquorate Parish Council as a serving member of Kirton Parish Council and would abstain from the vote on that item.

23 AUDIT AND GOVERNANCE COMMITTEE MINUTES

It was moved by Councillor Peter Watson, seconded by Councillor Tom Ashton and

RESOLVED that the confirmed minutes of the meetings of the Audit and

**24 SOUTH & EAST LINCOLNSHIRE COUNCILS PARTNERSHIP -
EMPLOYMENT COMMITTEES AND OTHER CONSTITUTIONAL MATTERS**

The Monitoring Officer introduced a report setting out proposed amendments to the Constitution as a result of the Council's previous decision to form a strategic alliance with South Holland District Council and East Lindsey District Council.

The report stated that at the meeting of the Council on 2 August 2021, the business case for entry into the South and East Lincolnshire Councils Partnership was approved. As a result a number of initial constitutional changes were required to fully implement that decision.

The constitution changes proposed, together with the reasons for the proposed changes were set out in the report relating specifically to the Chief Officer Employment Panel and associated procedures; officer delegations and officer and member indemnities.

Full details of the procedures and terms of reference for the Chief Officer Employment Panel, the Chief Officer Employment Appeals Panel, and the Independent Panel were set out in the appendices to the report, together with provision for indemnities.

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

1. That the Joint Chief Officer Employment Panel be renamed the Chief Officer Employment Panel, the terms of reference be changed to those set out in section one of Appendix A to this report, the size of the Panel be set at three members and the membership be approved in accordance with paragraph 1.2.4 of this report;
2. That the Joint Appointment Appeals Committee be renamed the Chief Officer Employment Appeals Panel, the terms of reference be changed to those set out in section two of Appendix A to this report, the size of the Panel be set at three members and the membership be approved in accordance with paragraph 1.2.4 of this report;
3. That an Independent Panel be established as a standing committee of the Council, with the terms of reference set out in section three of Appendix A, and its membership be the Independent Person of this Council appointed under section 27 of the Localism Act 2011 together with the Independent Person appointed by South Holland District Council and East Lindsey District Council under the same statutory provision;
4. That, in respect of any complaint against a Chief Officer or Deputy Chief Officer which may potentially lead to any action for misconduct, capability, grievance or for some other substantial reason, each statutory officer be authorised to act as an initial 'filter' to determine whether such complaint should progress to the Chief Officer Employment Panel or instead be determined through another process, except in any matter that relates to their own conduct;

5. That the Council's Democratic Services Team, working with the Councillor Development Group, ensure that members (and Independent Persons) serving on the Chief Officer Employment Panel, Chief Officer Employment Appeals Panel and Independent Panel receive suitable training;
6. That all Officers employed by South Holland District Council, East Lindsey District Council or Boston Borough Council, who are shared pursuant to the s113 Agreement between those councils, be granted or re-granted delegated authority to act as officers of Boston Borough Council in accordance with the Constitution and the schedule of specific delegations and the Monitoring Officer be authorised to make such amendments to post titles and areas of responsibility set out in those documents as the Monitoring Officer considers appropriate;
7. That the Head of Paid Service be granted delegated authority, in consultation with the Leader of the Council, to place staff of this authority at the disposal of South Holland District Council and/or East Lindsey District Council or to agree the placing of staff of those authorities at the disposal of this authority;
8. That, subject to consultation with the Council's Insurers, an indemnity be provided to officers and members in accordance with (or materially in accordance with) Appendix B to this report; and
9. That the Monitoring Officer be authorised to amend the Constitution accordingly to reflect any of the matters referred to in recommendations 1-8 above.

An amendment was moved by Councillor Anton Dani and seconded by Councillor Michael Cooper that

Recommendation 9 be amended to read 'That the Monitoring Officer be authorised to amend the Constitution accordingly to reflect any of the matters referred to in recommendations 1-8 above, in consultation with the Chief Executive and Leader of the Council.'

The Monitoring Officer explained to Council that the proposed amendments to the Constitution were required to reflect the decisions being made in recommendations 1 to 8, not any additional changes.

On being put to the vote the amendment was lost.

The substantive motion was then put to the vote and it was

RESOLVED

1. **That the Joint Chief Officer Employment Panel be renamed the Chief Officer Employment Panel, the terms of reference be changed to those set out in section one of Appendix A to this report, the size of the Panel be set at three members and the membership be approved in accordance with paragraph 1.2.4 of this report;**
2. **That the Joint Appointment Appeals Committee be renamed the Chief**

Officer Employment Appeals Panel, the terms of reference be changed to those set out in section two of Appendix A to this report, the size of the Panel be set at three members and the membership be approved in accordance with paragraph 1.2.4 of this report;

- 3. That an Independent Panel be established as a standing committee of the Council, with the terms of reference set out in section three of Appendix A, and its membership be the Independent Person of this Council appointed under section 27 of the Localism Act 2011 together with the Independent Person appointed by South Holland District Council and East Lindsey District Council under the same statutory provision;**
- 4. That, in respect of any complaint against a Chief Officer or Deputy Chief Officer which may potentially lead to any action for misconduct, capability, grievance or for some other substantial reason, each statutory officer be authorised to act as an initial 'filter' to determine whether such complaint should progress to the Chief Officer Employment Panel or instead be determined through another process, except in any matter that relates to their own conduct;**
- 5. That the Council's Democratic Services Team, working with the Councillor Development Group, ensure that members (and Independent Persons) serving on the Chief Officer Employment Panel, Chief Officer Employment Appeals Panel and Independent Panel receive suitable training;**
- 6. That all Officers employed by South Holland District Council, East Lindsey District Council or Boston Borough Council, who are shared pursuant to the s113 Agreement between those councils, be granted or re-granted delegated authority to act as officers of Boston Borough Council in accordance with the Constitution and the schedule of specific delegations and the Monitoring Officer be authorised to make such amendments to post titles and areas of responsibility set out in those documents as the Monitoring Officer considers appropriate;**
- 7. That the Head of Paid Service be granted delegated authority, in consultation with the Leader of the Council, to place staff of this authority at the disposal of South Holland District Council and/or East Lindsey District Council or to agree the placing of staff of those authorities at the disposal of this authority;**
- 8. That, subject to consultation with the Council's Insurers, an indemnity be provided to officers and members in accordance with (or materially in accordance with) Appendix B to this report; and**
- 9. That the Monitoring Officer be authorised to amend the Constitution accordingly to reflect any of the matters referred to in recommendations 1-8 above.**

The Leader of the Council introduced a report by the Democratic Services Delivery Manager seeking authority to make an Order under Section 91 of the Local Government Act 1972, to appoint named persons to be Parish Councillors on an interim basis and to consider granting delegated authority to the Returning Officer, in consultation with local ward member(s) and Parish Clerk, to make such orders in the future should the need arise.

The report stated that on 4th August 2021 six of the current nine members of Kirton Parish Council tendered their resignations thereby rendering the Council inquorate and unable to carry out its normal business.

Section 91 of the Local Government Act 1972 gave principal councils the power to make temporary appointments to fill any or all of the vacancies until sufficient parish councillors were elected.

The quorum for Kirton Parish Council was for members, therefore at least one person would need to be appointed as a parish councillor on an interim basis and attend all meetings in order to conduct the required business.

The two Borough Councillors and two County Councillors for the Kirton Parish area had been approached and all agreed to act on a temporary basis until the parish council was once again quorate. It was recommended that all four Councillors be appointed to mitigate against non-attendance or conflict of interests which may render a meeting inquorate. A copy of the draft Section 91 Order to appoint persons to Kirton Parish Council was set out in Appendix A.

To ensure temporary appointments could be made to inquorate parish councils as quickly as possible in the future, it was recommended that the Returning Officer be granted delegated authority to appoint persons to inquorate parish councils, in consultation with the appropriate ward member(s) and Parish Clerk, in accordance with the procedure set out in Appendix B.

In response to comments from Members, the Monitoring Officer stated that the meeting was not the appropriate forum to discuss the history of the situation with Kirton Parish Council. The appointments would be short term as the Parish Council could co-opt new Members once quorate if an election was not held.

It was moved by Councillor Paul Skinner, seconded by Councillor Anton Dani and

RESOLVED

- 1. That the Order attached at Appendix A, to appoint temporary parish Councillors to Kirton Parish Council, be approved so that the Council was quorate and could continue to operate.**
- 2. That delegated authority be granted to the Returning Officer, in consultation with Borough Ward Member(s) for the parish affected and the Parish Clerk, to make such orders under Section 91 of the Local Government Act 1972, should a similar situation arise in the future in respect of any parish council**

in the Borough area, following the procedure set out in Appendix B.

26 EXCLUSION OF THE PUBLIC AND PRESS

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

RESOLVED that the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

27 HONORARY FREEDOM OF THE BOROUGH

This minute contains exempt information and has been lodged separately by the Council.

(The meeting ended at 7.25 p.m.)

(The meeting ended at 7.25 pm)