

BOSTON BOROUGH COUNCIL

NOTICE OF DECISIONS TAKEN BY CABINET ON 23 FEBRUARY 2022

DATE OF PUBLICATION: FRIDAY, 25 FEBRUARY 2022

DEADLINE FOR CALL-IN: FRIDAY, 4 MARCH 2022

NOTES:

MINUTE XX, BEING A STARRED MINUTE, WILL BE REFERRED TO THE MEETING OF FULL COUNCIL ON 7 MARCH 2022.

A COPY OF THE CABINET AGENDA HAS BEEN PREVIOUSLY CIRCULATED TO ALL MEMBERS OF THE COUNCIL. IF YOU REQUIRE ANY FURTHER INFORMATION ON ANY ISSUE PLEASE CONTACT, IN THE FIRST INSTANCE, THE PORTFOLIO HOLDER OR OFFICER NAMED IN THE RIGHT HAND COLUMN.

MEETING OF THE CABINET

23 February 2022

Present:

Councillor Paul Skinner, in the Chair

Councillors Tracey Abbott, Richard Austin BEM, Deborah Evans, Martin Griggs, Jonathan Noble and Nigel Welton

Officers –

Deputy Chief Executive (Growth) and Democratic Services Delivery Manager

44 MINUTES

The minutes of the Cabinet meeting held on 8 December 2021 were agreed and signed by the Chairman.

45 APOLOGIES

Apologies for absence were received from the Chief Executive.

46 DECLARATIONS OF INTERESTS

None

47 QUESTIONS FROM MEMBERS OF THE PUBLIC

There was one question from a member of the public, Mr Darron Abbott:

“I attach 2 photographs of very similar occurrences of fly-tipping where garden waste was placed in a ditch.

One the council fined the culprit £300 for the offence. The other offence the Council turned a blind eye despite this being the perpetrators 5 reported offence with the previous ones being ignored as well.

Could Councillor Evans please explain the council's policy on this matter."

Response by Councillor Deborah Evans, Portfolio Holder for Environmental Services:

"The Council replied to your complaint on 5th June 2020. The Council takes proportionate action against those fly tipping where sufficient evidence is secured and where it is in the public interest."

Supplementary question asked by Mr. Darron Abbott:

"At this point I would normally thank the Councillor for the answer to my question. I am afraid I cannot do that as you have not answered the question, but I do have to compliment you on how quickly you have become a proper politician and have learnt how to treat the public with contempt.

Let us go through this, indeed Christian Allen did write to me on 5th June 2020, I am sure you have read the letter that you mention and have a copy in front of you, I will come back to that.

I assume you are relying on the evidence as an excuse for not prosecuting in this case, so I have made things easy for you by sending you several photographs earlier today.

On 3rd August 2021 (please accept all dates are 2021) there is a screen shot of a family answering the call from the culprit to help clear the football pitch of grass, this family dumped the grass behind the pavilion, then there is a photograph of the grass that had been dumped that was sent to you on 4th August. You replied to me at 13.25 on 4th August 'brought up at a meeting, it is getting moved'.

20th August yourself and Adrian Sibley met with the culprit at the site of the fly tipping. You assured me that grass would be cleared shortly. On 7th September the grass was then dumped in the dyke. I informed you of this fact and your response was that the culprit had had to put the grass in the dyke because they had found baby hedgehogs and could not move them. So you had an admission from someone, is that not enough evidence.

This is another case of what is going on within this building 'it's a case of who you know', are you not disappointed with yourself that you are actually condoning discrimination after all of your proclamations of no one is above the law? Finally perhaps you would like to refer to the last paragraph of Mr. Allen's letter at this point.

I hope you are taking notice of this Leader."

Response by Councillor Deborah Evans:

"I was confident in the decision taken at the time and remain so."

48 RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY (STANDING ITEM)*

Recommendations from the Scrutiny Committees were reported as part of the presentation of the reports.

49* RECOMMENDATIONS FROM THE BOSTON TOWN AREA COMMITTEE (BTAC) (STANDING ITEM)

None

50 BUDGET AND MEDIUM TERM FINANCIAL STATEMENT

DECISION	Portfolio Holders and Officer
Recommendation to Full Council that:	
1. The Revenue Estimates for the General Fund for 2022/23 (Appendix A) be approved.	JN / CM
2. That the Council Tax for a Band A property in 2022/23 be set at £135.24 (£3.30 per annum increase on 2021/22 levels) and Band D £202.86 for 2022/23 (a £4.95 per annum increase on 2021/22 levels).	
3. The Boston Town Area Committee (BTAC) special expenses for a Band A property be set at £50.91 (previously £50.23 in 2021/22) and Band D £76.36 for 2022/23, (previously £75.34 in 2021/22)	
4. The Medium Term Financial Strategy (at Appendices A,1 and 2) be approved.	
5. That the Capital Programme (Appendix A) be approved.	
6. The Fees and Charges for 2022/23 (at Appendix 4) be approved.	
7. The use of Reserves detailed at Appendix 5 be approved.	
8. That the Treasury Management Statement and Strategy, including the Minimum Revenue Provision policy and Investment Strategy be approved. (Appendix 6).	
9. That the South and East Lincolnshire Council's Annual Delivery Plan 2022/23 (Appendix 7) be approved.	
10. That delegated authority be given to the Deputy Chief Executive Corporate Development (S151) to use the Covid budget pressures smoothing reserve during the 2022/23 financial year, to smooth any fluctuations in income the Council may still be experiencing as a result of the consequences of the COVID-19 pandemic.	
11. That delegated authority be given to the Deputy Chief Executive Corporate Development (S151), in consultation with the Portfolio Holder	

for Finance, to make any necessary amendments to the budget prior to Council due to late notifications.	
---	--

REASON FOR DECISION

Councillor Jonathan Noble, Portfolio Holder for Finance, introduced a report by the Deputy Chief Executive (Corporate Development) and S151 Officer, setting out the Council's proposed Revenue and Capital Budgets for 2022/23 and onwards, the Medium Term Financial Strategy (MTFS) to 2026/27 and associated financial documentation for approval, including the Treasury Management Strategy and the setting of fees and charges.

The report stated that the draft Local Government Settlement announced on 16 December 2021 had been finalised and provided additional detail of continuing and additional one off support to councils, including confirmation of allocations of Revenue Support Grant, Rural Services Delivery Grant and New Homes Bonus (NHB).

An additional one year allocation of New homes Bonus would be received for 2022/23 due to delays in implementing a replacement scheme, however this was likely to be for one year only with no further legacy payments expected in future years. Some NHB (£414,000) was supporting the base in 2022/23 and plans would need to be taken forward to address the situation for future years, depending on what future schemes emerged.

A Fair Funding Review had been expected to set new baseline funding allocations for all local authorities, to simplify the existing system and to provide an up to date assessment of authorities relative needs and resources. Early consultation had been undertaken by the Department for Levelling Up, Housing and Communities, but there was insufficient information to date for informed estimates to be made. It was likely that any changes would be transitioned to mitigate the immediate impact on authorities (positive or negative). The proposed budget assumed no financial changes from the review and when details became available Members would be updated.

As part of its response to Government in response to the settlement, the Council had made further representations regarding the Drainage Board Levy. In particular its impact on the Councils ability to make use of the Council Tax that it raised through housing number increases and annual Council Tax rises to support services, rather than offset the annual levy charge increase.

The key elements of the final 2022/23 Budget and MTFS were summarised in the report and set out in detail in the appendices attached to the report.

- The 2022/23 revenue and capital estimates for the General Fund (Appendix A)
- The Medium Term Financial Strategy for the General Fund (Appendix A)
- A schedule of movements in Council reserves (Appendix 5)
- General Fund Capital Programme (Appendix A)
- Treasury Management Strategy (Appendix 6)
- Proposed Fees and Charges for 2022/23 (Appendix 4)

- Treasury Management Strategy, MRP Policy and Annual Investment Plan 2022/23 (Appendix 6)
- The South and East Lincolnshire Councils Partnership Annual Delivery Plan 2022/23 (Appendix 7)

Key assumptions made within the current 5 year MTFS included:-

- An annual increase in Council Tax of £4.95;
- Maximising income generation through investment and growth and looking at new opportunities into the medium term;
- Allowance for unavoidable growth on services (i.e. new statutory obligations and pay and contractual inflation) but no allowance for any increase in general inflation;
- Ongoing budget challenge to ensure that budgets were aligned with corporate priorities;
- An annual delivery plan as part of the new South and East Lincolnshire Councils Partnership to look at areas for future sharing and efficiency.

The budget showed an efficiency target requirement for 2022/23 of £282,000. Future years figures were highly volatile due to the level of uncertainty around future funding arrangements. During the development of the budget numerous savings and income generating opportunities had and were being explored in order to address the savings requirement. Many of the opportunities would be related to the South and East Lincolnshire Councils Partnership through partnership working and maximising the opportunities these arrangements presented.

The General Fund Specific Reserves were budgeted to reduce by £5.167m (net) in 2022/23, predominantly to fund the NNDR deficit through carried forward s31 grant. The figure could change as a result of the outturn for 2021/22.

The five year General Fund Capital Programme focused on the core principles of capital investment and included provision for investment and growth linked to the Council's strategic objectives. Final decisions on the individual projects would be subject to approval and detailed business cases. The main schemes included in the 2022/23 General Fund Programme related to Towns Fund Projects, capitalised enhancements and disabled facilities grants.

The Treasury Management Strategy had been presented to the Audit and Governance Committee on 7 February 2022, and updated to reflect the final budget accompanying the report.

The proposed budget had been subject to a public consultation process, and consideration by the Audit and Governance Committee and the Corporate and Community Committee.

Copies of the Consultation Report were circulated and Members expressed disappointment at the low number of responses received, 16 in total. It was commented that this represented a failure in the methods being utilised for consultation and for future years alternative channels should be considered e.g. radio or engaging with schools, to raise awareness and engage with the public, promotion through Local Democracy Week etc.

Of the 16 responses received 86% were opposed to any increase in the Council Tax levels, which raised questions on the weight placed on the consultation as part of the budget setting process as an increase was being proposed. There was a need to increase the public understanding of where the council tax was spent and the public bodies which received part of the funding from each bill issued.

The Portfolio Holder responded that the consultation was a legal requirement of the budget setting process. As only 16 responses had been received this was not reflective of the public view as a whole. However, information was being included in the council tax bills to show how little of the total amount the Council actually received and what it was spent on. It was hoped this would increase public appreciation that the Borough Council only received 48p in every £10 of council tax.

In summing up Cabinet thanked the s151 Officer and the Finance Team for all their hard work in preparing a prudent, cautious and balanced budget in challenging times and commended the proposed budget and MTFS to Council for approval.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

None.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

51 BENEFITS VERIFICATION POLICY

DECISION	Portfolio Holders and Officer
1. That the Benefits Verification Policy for implementation with effect from 1 April 2022 be approved, replacing the current Risk Based Verification Policy.	JN / SK
2. That subsequent reviews and revisions be delegated to the Section 151 Officer and Portfolio Holder for Finance.	

REASON FOR DECISION

Councillor Jonathan Noble, Portfolio Holder for Finance, introduced a report by the Assistant Director – Finance setting out proposals for the introduction of a Benefits Verification Policy from 1 April 2022, to replace the current Risk Based Verification Policy.

The report stated that since 2012 verification of evidence for new Housing Benefit claims and Council Tax Support applications made to Boston Borough Council had been administered under a Risk Based Verification Policy.

Risk Based Verification was extended to local authorities on a voluntary basis, with clear requirements and expectations set out by the Department for Works and Pensions for authorities that had chosen to adopt that approach. The adoption of RBV allowed for resources to be targeted towards those cases with greater risk of fraud and error.

The review of the approach to the verification process was timely as:-

- The changed profile of work type and claimant base, since the introduction of universal credit in 2018, had substantially reduced the earlier benefits of RBV.
- There were now fewer new claims for Housing Benefit as claimants moved to Universal Credit. The administration and governance required under a RBV policy was now disproportionate to the original benefits.
- Should the risk based approach to verification be continued the policy would need to be overhauled to ensure it was fit for purpose for the current times, and to ensure appropriate operational and governance processes and procedures were in place as necessary to satisfy the Department for Work and Pensions expectations in relation to Housing Benefit, which would be tested through the subsidy audit process.
- Currently, different standards of verification applied to new claims and changes in circumstances; new claims were subject to RBV but changes were not, which resulted in different evidence requirements. The review would simplify the requirements into a single policy and standardise the approach.
- The South and East Lincolnshire Councils Partnership (S&ELCP) provided the opportunity to align and standardise a single approach and policy for all three councils, delivered by the Public Sector Partnership Services Ltd (PSPS). South

Holland Dc and East Lindsey DC had replaced their risk-based approach to verification of HB claims and CTS applications in 2019.

- In line with the digital and transformational aspirations of the Council and PSPS, it was anticipated electronic forms would be introduced in the future that enabled customers to carry out their business online. A standard approach to evidence requirements would help simplify the administrative process for the customer experience.

The review had considered the type and nature of evidence that was acceptable and the verification that was required to ensure processes and controls remained robust to prevent fraud and error, but at the same time balanced the need for ease of access for the customer, and efficiency in the processing and decision making of claims.

For the reasons set out above, it was proposed that the current Risk Based Verification Policy should be replaced from 1 April 2022 with the Benefits Verification Policy attached at Appendix A of the report, which had been considered and endorsed by the Lincolnshire County Council Interim Principal Auditor.

An assurance was sought that claimants without access to technology would still have equal access to the benefit system and the opportunity to speak to Officers face to face. It was confirmed that claimants would not be required to use the electronic route and the system would not be live when the new policy was introduced from 1 April 2022.

Comments were also raised regarding the lack of implications identified in the report, which was becoming common place with reports to Cabinet and Committees. Whilst the implications may be set out in the body of the report it was important that they were also included in the implications section for the ease of the public who may read them. The Deputy Chief Executive – Corporate Development agreed to take this away as an officer action.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

Retain a risk based approach to verification.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

The Meeting ended at 7.20pm



Signed by the Chief Executive

FRIDAY, 25 FEBRUARY 2022

These decisions will come into force (and may then be implemented) on the expiry of five clear working days after the date of this notice UNLESS the decisions are subjected to the Call-In procedure or are starred minutes requiring Full Council approval.