

BOSTON BOROUGH COUNCIL

NOTICE OF DECISIONS TAKEN BY CABINET ON 4 MAY 2022

DATE OF PUBLICATION: FRIDAY, 6 MAY 2022

DEADLINE FOR CALL-IN: FRIDAY, 13 MAY 2022

NOTES:

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

4 May 2022

Present:

Councillor Paul Skinner, in the Chair

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

Officers –

Chief Executive, Deputy Chief Executive (Growth), Monitoring Officer, Democratic Services Delivery Manager and Head of Revenues and Benefits

66 MINUTES

The minutes of the Cabinet meeting held on 30 March 2022 were agreed and signed by the Chairman

67 APOLOGIES

No apologies for absence were received.

68 DECLARATIONS OF INTERESTS

None.

69 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from the public.

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

Councillor Nigel Welton introduced a recommendation from the Boston Town Area Committee relating to a previous request for a Community Governance Review (CGR) to be undertaken for the Boston town wards.

That request had then been subsequently considered by the Corporate and Community Committee on 17 August 2021, when a recommendation was put forward to extend a CGR to the whole of the Borough area.

At the meeting of the Cabinet held on 20 October it was agreed to refer the matter back to BTAC, proposing that an informal public consultation process be undertaken prior to the request for a CGR being re-considered by Cabinet, to allow Members to gauge the public appetite and interest in such a review, prior to the Council committing further resources.

BTAC considered four options set out in the report:

- That an informal consultation exercise be undertaken on the proposal for a Community Governance Review for the town centre area.
- That prior to an informal consultation exercise be undertaken on the proposal for a Community Governance Review for the town centre area, Parish Councils be contacted to inform them of the proposed consultation and asked to consider if there were any issues within their particular parishes which they felt would necessitate a CGR and any issues identified be incorporated into the informal consultation exercise.
- That a Community Governance Review not be undertaken at this time.
- That a Community Governance Review be re-considered when the direction of local government reorganisation for Lincolnshire was known.
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During deliberation it was noted that the potential for changes in local government structures and the resources required to undertake a CGR made the proposal impractical at the current time.

Therefore BTAC recommended that a Community Governance Review be reconsidered when the direction of local government reorganisation for Lincolnshire was known.

Cabinet endorsed the recommendation.

71 MODEL CODE OF CONDUCT

DECISION Recommendation to Full Council that:	Portfolio Holders and Officer
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<ol style="list-style-type: none">1. The Model Code of Conduct at Appendix A be adopted, without amendment, as this Council's Code of Conduct (including those parts shown in square brackets and being relevant to the Cabinet model operated by this Council).2. Delegated authority be granted to the Monitoring Officer to make amendments to the Protocol on Member and Employee Relations so far as is necessary to ensure consistency with the Model Code of Conduct.3. The Monitoring Officer be authorised to update the Council's Constitution accordingly.4. The Council introduces a voluntary process for Members to sign up to the new Model Code of Conduct to demonstrate their understanding, acceptance and compliance with the Code, with signatory details published on the Council's website.	NW / MS
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REASON FOR DECISION

The Assistant Director – Governance and Monitoring Officer introduced a report presenting the Local Government Association (LGA) Model Code of Conduct and associated guidance for consideration and comment.

The report stated that in accordance with section 27(2) of the Localism Act 2011, every local authority was required to adopt a Code of Conduct which dealt with 'the conduct that was expected of members and co-opted members of the authority when acting in that capacity.'

It was noted that in July 2012 the Council adopted its current Code of Conduct, subsequently amending and re-affirming in June 2013; and again in January 2019 when certain Council policies were linked to the Code of Conduct which made any breaches of those policies a breach of the Code of Conduct.

In January 2019 the House of Lords Committee on Standards in Public Life issued a report on Local Government Ethical Standards which made a number of recommendations in respect of the Code of Conduct. In particular, the Committee noted significant variance between the Codes adopted by different local authorities and recommended the creation of a Model Code of Conduct by the LGA. The Committee also noted some key matters were omitted from some local authority codes, such as social media use, bullying and harassment and recommended that they should be included in any Model Code.

In December 2020 the LGA published a Model Code of Conduct, attached at Appendix A to the report, and associated Guidance, attached at Appendix B to the report. The Model Code was subject to wide consultation with the local authority sector, including consultation with elected members and Monitoring Officers.

The LGA Model Code of Conduct was designed to protect the democratic role of members, encourage good conduct, and safeguard the public's trust and confidence in the role of the councillor in local government. Whilst it could be adapted to local circumstances, a key

benefit was in bringing consistency across the local government sector and this would be especially helpful where members served on different tiers of local authority.

The Model Code was relatively short and easy to read, and was therefore more accessible to members, officers and the public. The LGA would review the Model Code on an annual basis to ensure it reflected developing legislation and case law, and to ensure that it incorporated advances in technology and social media.

Boston Borough Council's current Code of Conduct was very short, and largely restricted to the seven Nolan principles. It did not include a number of obligations that were present in the Model Code and provided no assistance or guidance in the use of modern technology and social media. Such a limited version of the Code of Conduct was not conducive to the aim of upholding good standards of ethical behaviour.

The Code of Conduct applied when a Councillor acted in that capacity and the New Model Code provided much more detail on that point than the current Code, supported by additional information within the Guidance including worked examples. Both the Model Code and the Guidance reflected current case law to assist in determining when a councillor acted in that capacity, as opposed to their personal capacity. It was noted that Boston's current Code did not contain reference to misuse of position or giving the impression of acting as a councillor.

The Model Code of Conduct contained a number of key obligations which were summarised in the report under the headings:-

- Respect
- Bullying, harassment and discrimination
- Impartiality of officers
- Confidentiality and Access to Information
- Disrepute
- Use of Position
- Use of local authority resources and facilities
- Complying with the Code of Conduct
- Interests
- Gifts and Hospitality

It was highlighted that many of the key obligations were not specifically referenced in the current Code of Conduct for Boston members.

In August/September 2021 the Council had commissioned the LGA to deliver two workshops on ethical behaviours and training sessions on the implications of the Model Code of Conduct. These workshops and training sessions had been open to all members to attend. Many strands of good ethical behaviour had been identified by members during the workshops, all of which were supported by the Model Code of Conduct.

The Monitoring Officer concluded that the Model Code represented a robust Code of Conduct which was more comprehensive than the current Boston Code of Conduct, was written in such a way as to be accessible and understandable to all, and supported all of the key points raised by members in the Ethical Behaviours Workshops. Taken together with the supporting Guidance, it was much easier for members, officers and the public to understand

what was expected in terms of standards of member conduct.

It was considered that adoption of the Model Code of Conduct would negate the need to link to other policies such as the Protocol on Member and Employee Relations, as the Model Code was sufficiently robust and detailed. However, it was recommended that a review of the Protocol on Member and Employee Relations should be undertaken to ensure it was consistent with the Model Code.

The Model Code of Conduct had been considered by the Standards Sub-Committee on 9 March 2022 and by the Audit and Governance Committee on 28 March, both forums supporting the recommendation for adoption.

During consideration by the Standards Sub Committee an additional recommendation had been proposed that a voluntary process should be introduced to encourage Members to sign up to the new Model Code given that the old Code was in force when members signed their declarations of acceptance of office.

Signing up voluntarily would help to demonstrate their understanding, acceptance and compliance with the Model Code of Conduct, and details of those signing up voluntarily could then be published on the Council's website.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

To retain the existing code.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

72 HOUSING BENEFIT LOCAL DISCRETIONARY MODIFIED SCHEME

DECISION	Portfolio Holders and Officer
That the continuation of the disregard from the calculation of Housing Benefit of all income prescribed in the Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007, and subsequent amendments, be approved.	JN / SK

REASON FOR DECISION

Councillor Jonathan Noble introduced a report by the Head of Revenues and Benefits (PSPS) seeking approval for the continuation of the Housing Benefit Local Discretionary Modified scheme, which would continue to disregard in full war pensions from the calculation of Housing Benefit.

The report stated that legislation provided for certain income to be disregarded when calculating entitlement to Housing Benefit, including the first £10 per week of any War Disablement or War Widows Pension received by claimants.

Under Section 134(8) of the Social Security Administration Act 1992, Councils had the discretion to increase the amount disregarded of such income. Regulations prescribed which Pensions could be disregarded and a full list was set out in Appendix A.

The Council had used its powers for a number of years and as part of the audit process for 2021/22 a confirmation of the Council's previous decision was required. As the original decision was over 10 years old, it was timely for the decision to be brought back to Cabinet for formal approval of continuation of the scheme in current and future years.

The full disregard of War Disablement Pension and War Widows Pension, which was in accordance with the principle of the Armed Forces Covenant, was funded up to 75% of the total cost by Government. In respect of 2020/21 the cost to Boston Borough Council was £1561.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

As set out in the report.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

73 HISTORIC PLACES PANEL REPORT

DECISION That the response to the Historic Places Panel review paper recommendations, as set out in the body of the report, be noted.	Portfolio Holders and Officer RA / MS
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REASON FOR DECISION

The Deputy Chief Executive – Growth presented a report which set out responses to the recommendations contained in the Historic Places Panel review paper.

The report stated that the Historic Places Panel, formally known as the Urban Panel, had visited Boston in September 2021 to provide independent expertise to help the Council and others engage in suggesting ideas and supporting the regeneration of the historic place of Boston.

As a result of the visit the Panel produced a review paper listing a number of recommendations which were contained in the body of the report together with Officer responses. A copy of the review paper was attached at Appendix A.

Representatives from the Historic Places Panel made a return visit to the town in April 2022 to discuss the recommendations and how the Panel could support the Council's current initiatives including:

- Towns Fund
- Levelling Up wave 2
- UK Shared Prosperity Funding
- NPO submission (National Portfolio Organisations)

The review paper was very positive for Boston and reaffirmed the importance that the town held nationally with the quality of its historical and heritage sphere of influence.

Cabinet welcomed the positive comments put forward by the Historic Places Panel and their offer of support to the Council with projects to enhance the cultural offer of the town including the submission of bids for external funding such as the National Portfolio Organisations which was designed to support arts and culture for the community and could achieve funding of £1m over 3 years for each authority across the alliance. The Panel had also expressed a keenness to work with the Council on transport issues.

In response to comments regarding the need to increase budget allocation to expand the visitor economy, the Assistant Director – Growth confirmed that the visitor economy was a regular topic of discussion at Portfolio Holder meetings and that it was important to work with partner organisations to support the sector.

The Panel's comments relating to car parking provision in the town was also discussed and the Assistant Director – Growth gave an assurance that the issue was not diluting or impacting the PE21 project, the Panel had not appreciated the resources already in place which showed the ample provision of car parking in various ownerships across the town.

During debate a request was made for Cabinet Members to visit Shodfriars Hall to view the improvement works being undertaken, which had greatly impressed the Historic Places Panel representatives on their return visit in April 2022.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

None.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

The Meeting ended at 7.22 pm

Signed by the Chief Executive



FRIDAY, 6 MAY 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.