

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held at the Council Chamber, Municipal Buildings, West Street, Boston PE21 8QR, on Monday, 25th July, 2022 at 6.30 pm

Present:

The Mayor (Councillor Anne Dorrian), in the Chair
Councillors Brian Rush, Frank Pickett, Tom Ashton, Tracey Abbott, Alison Austin, Richard Austin BEM, Peter Bedford, David Brown, Katie Chalmers, Michael Cooper, Viven Edge, Deborah Evans, Paul Goodale, Martin Griggs, Neill Hastie, Jonathan Noble, Aaron Spencer, Yvonne Stevens, Peter Watson, Judy Welbourn, Nigel Welton and Stephen Woodliffe

Officers – Deputy Chief Executive – Growth, and Democratic Services Delivery Manager

21 MINUTES

The minutes of the meeting of the Council held on 27 June 2022 were taken as read and signed by the Mayor as a correct record.

22 APOLOGIES

Apologies for absence were received from Councillors Alan Bell, George Cornah, Anton Dani, Martin Howard, Judith Skinner, Paul Skinner and Chelcei Trafford and the Chief Executive.

23 COMMUNICATIONS

The Deputy Chief Executive reported that the South and East Lincolnshire Councils Partnership had been successful at the Local Government Chronicle Awards held on 20 July 2022, being announced as the winner of the Public / Public Partnership category.

Judges commented that despite it being a relatively new partnership, they were impressed by the ability to demonstrate tangible improvements to local communities with a clearly articulated ambition for the future. The significant work that had gone into getting the partnership to this stage was also acknowledged.

24 DEPUTATIONS AND PETITIONS

The Deputy Chief Executive reported there were no deputations or petitions.

25 QUESTIONS FROM ELECTED MEMBERS

The Deputy Chief Executive reported there was one question from Councillor Peter Bedford and three questions from Councillor Stephen Woodliffe.

Question asked by Councillor Peter Bedford pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution:-

Could the finance portfolio holder please answer a question which has been banded around on Facebook about Boston Borough Council giving discounted business rates to European Shops Trading in Boston.

Response by Councillor Jonathan Noble

Whilst being unable to comment on the Facebook posts as copies haven't been provided, this response provides general information on the rate relief available to retail businesses.

The Retail, Hospitality and Leisure Relief scheme, which is administered by local authorities on behalf of central government, provides up to 50% relief for eligible businesses, up to a cash limit of £110,000 per business. This is a temporary scheme, and as such the government has not changed legislation but funds local authorities to use their discretionary powers to administer a local scheme in line with guidance. In the Boston Borough Council area, 278 businesses are currently in receipt of this relief.

Small Business Rate Relief (SBRR) of up to 100% is also available where the businesses property and ratepayer meet qualifying criteria. Eligible businesses can get the retail discount alongside SBRR where they get less than 100% SBRR.

Rate relief schemes are open to all eligible businesses that meet scheme criteria.

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

The answer doesn't get to the bottom of the problem. The article on Facebook raised concerns and made Members and the Council look pathetic, to which I took exception and promised to raise the question at Council. Do you agree the matter needs an urgent scrutiny meeting to ask questions in depth and receive evidence that nobody is getting preferential treatment.

Response by Councillor Noble

The key point is in the last sentence of my response, the scheme is open to all, there is no differential between EU and UK businesses. I will raise your request with the Leader.

Questions asked by Councillor Stephen Woodliffe pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution:-

1. With reference to the properties owned by Boston Borough Council, when agreeing a tenancy does the Borough include a clause in the agreement that no sub-letting may occur without the prior agreement of the Borough Council?

Response by Councillor Jonathan Noble:

I thank Councillor Woodliffe for notification of his question.

When agreeing any lease, licence or other form of property letting, 'sub-letting' is a normal clause that is included; limits on sub-letting are case specific; where the concept of sub-letting is acceptable in the negotiation phase, it would be normal to caveat the resulting clause with 'subject to written consent from the landlord'; in other cases, for example where a Tenancy at Will were an appropriate form of agreement, sub-letting may be explicitly prohibited.

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

Thank you for your response. Does the tenancy agreement clause invoke a rent review if sub-letting occurs?

Response by Councillor Noble

I will provide a written response to the supplementary question.

2. With reference to the properties owned by Boston Borough Council and rented out, are you satisfied that each of the rents for those tenancies represents a fair return for the Council Taxpayer?

Response by Councillor Jonathan Noble:

I thank Councillor Woodliffe for notification of his question.

I am satisfied that the rents associated with the Council's portfolio are set appropriately and that the Council is a good landlord that will always negotiate firmly but fairly with the interests of the taxpayer and wider community always being integral to such negotiation and agreement.

For assurance, where an agreement allows for a rent review, they are carried out in accordance with the review terms set out within the contractual agreement in place; for example, through the application of RPI at certain points.

Where an agreement allows a review of the 'market rent', the Council would appoint a suitably qualified Chartered Surveyor to assess that market rent, as would happen in respect of any lease renewal. Specialist legal advice is always sought for the preparation of leases with any other technical input required to inform any specific clauses taken as necessary.

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

Thank you for your response. Some Councillors are of the opinion that some rents are not providing a reasonable return for the Council. What steps have been taken to ensure the Council and tax payers are not being ripped off?

Response by Councillor Noble

A review process is available and each tenancy is looked at on a case by case basis.

3. It is clear that organic farm products sell at premium prices, so would you agree with me that it would be a failure of management if a farm rent were to be lowered to a tenant intending to grow organic products?

Response by Councillor Jonathan Noble:

I thank Councillor Woodliffe for notification of his question.

Firstly I can confirm that the Council does own a farm, Corporation Farm at Midville. The Principal Lease for the farm was entered into on 2 February 1945 with a protected tenancy under the Agricultural Holdings Act of 1986 remaining in place today. The rent payable under the tenancy is currently subject to a Demand for Rent Arbitration that is due for determination by 6 April 2023; that Notice of Demand having been served on 20 January 2022.

The process of rent review for the farm is prescribed in law and set out at Schedule 2 of the Act; the Council has appointed a specialist agricultural surveyor to lead the rent negotiation on its behalf in accordance with the law and to propose, and hopefully agree, in consultation with the Council, a new rent. If a new rent cannot be agreed by both parties then there will be a need for arbitration or referral to a third party to determine the rent payable.

Demands for Rent Arbitration under the Act can be served by a landlord or by a tenant; a landlord would normally serve Notice if they felt that there was scope to secure a rent increase, and a tenant if they thought they could secure a rent decrease; the Council is confident that there is scope to increase the rent from 6 April 2023, however, until due process has been followed and agreement reached or arbitration or referral to a third party concluded, it is not possible to suggest what that increase may be.

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

Thank you for your response. Has such an occurrence occurred and if so when did it occur and which portfolio holder was responsible?

Response by Councillor Noble

Not to the best of my knowledge, I will provide a written response.

The Deputy Chief Executive reported there was a question from Mr. Darron Abbott. However, as Mr. Abbott was not present at the meeting the question would not be asked. A copy of the question and response had been circulated to Members for information.

27 DECLARATIONS OF INTEREST

None.

28 UK SHARED PROSPERITY FUND

Councillor Nigel Welton introduced a report by the Deputy Chief Executive – Growth setting out the UK Shared Prosperity Fund draft submission, the background on the consultation process, and seeking views of Full Council prior to decision by Cabinet on 27 July 2022.

The report stated that the UK Shared Prosperity Fund (UKSPF) had opened to provide funding for economic development across the whole of the UK. The focus of the fund was in part the replacement for the previous European Social Fund, with an emphasis on skills based training and development, but was wider and more flexible than its EU forerunners.

The South and East Lincolnshire Councils Partnership (SELCP) had been allocated £9.3 million over the next three years. The fund was a key part in the government's 'Levelling Up' agenda, providing money for councils to invest in:

- Local communities and places
- Support for local businesses
- People and skills

Full details of the theme objectives were set out in the UKSPF Prospectus document and replicated in the report.

The breakdown of funding between the SELCP was:-

- Boston Borough Council – £2.2 million
- East Lindsey District Council - £4.4 million
- South Holland District Council - £2.7 million

It was noted that the funding element for the people and skills theme would not commence until 2023. The funding may be spent on activities or buildings and equipment, but was predominantly for revenue projects and there was a suggested split between revenue and capital each year.

The Investment Plan, appended to the report, was a strategy document that detailed how the allocation of the funding would deliver outcomes for people under the three themes set out above.

In considering which projects would be selected to be funded through UKSPF, the Prospectus had been clear that there must have been significant public consultation to

ensure the investment plan met the needs of the community and stakeholders to fully maximise the benefits of the fund.

Consultation was held in June and July 2022 and numerous stakeholders were identified and encouraged to submit ideas and share further. There had also been many engagement events held with the public and Councillors.

The Corporate and Community Committee had considered the UKSPF at its meeting on 14 July and were supportive of the plan. The report to Council was for consultation purposes and comments from the meeting would be reported to Cabinet on 27 July 2022.

It was noted there had been a very positive response to the consultation which had been used to form the basis of the investment strategy.

The Draft Investment Plan, attached as an appendix to the report, set out:-

- Local Challenges for each theme
- Local Opportunities for each theme
- What outcomes were to be delivered for each theme
- Approach to delivery and governance
- Examples of some ideas from the consultation responses (for indicative purposes only)
- Examples of collaboration
- Capacity and capability

It was proposed that 6-8 lead bodies would be identified through a competitive process to manage the projects. This would commence once the Investment Plan had been submitted to enable allocation of funding, thereby allowing the lead delivery partners to be in place once the Investment Plan was confirmed.

The lead bodies would be responsible for a theme within the delivery arrangements for the UKSPF and report to the local authority and a governance board.

The strategy for managing the UKSPF was to link the approach across the three authority areas in the SELCP. Each Shared Prosperity Fund area had to have an independent governance group, and for Boston this was proposed to be the Town Fund Board. The role of the governance group was to overview and advise on the evolution and subsequent implementation of the UKSPF strategy.

The Investment Plan would be submitted to Government by 1 August 2022. The competitive exercise would commence thereafter, with a final proposition being presented to Full Council once notification of the Investment Plan being approved had been received.

There was a consensus expressed by Members that although the UKSPF Investment Plan was welcomed, the amount being offered was insufficient for the needs of the Borough area. More pressure should be put on central Government to increase investment for east coast communities which had been ignored by successive Governments for many years.

In summing up Councillor Welton addressed the points raised during debate and agreed that the funding available did not meet the current requirements. However, it was an opportunity to show Government what could be achieved and build on that success when future funding opportunities became available.

It was moved by Councillor Nigel Welton, seconded by Councillor Martin Griggs and unanimously

RESOLVED

- 1. That the draft UK Shared Prosperity Fund Investment Plan be noted.**
- 2. That the draft UK Shared Prosperity Fund Investment Plan be recommended to Cabinet for approval to enable the document to be submitted to the Department of Levelling Up, Communities and Housing by 1st August 2022.**

(The meeting ended at 7.40 pm)