

# BOSTON BOROUGH COUNCIL

## NOTICE OF DECISIONS TAKEN BY CABINET ON 13 DECEMBER 2023

DATE OF PUBLICATION: FRIDAY, 15 DECEMBER 2023

DEADLINE FOR CALL-IN: FRIDAY, 22 DECEMBER 2023

### 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

13 December 2023

### Present:

Councillor Anne Dorrian, in the Chair

Councillors John Baxter, Dale Broughton, Callum Butler, Emma Cresswell, Sandeep Ghosh, Andy Izard and Sarah Sharpe

### Officers –

Strategic Finance Manager, Operations Manager, Community Safety Manager, Deputy Chief Executive - Communities, Section 151 Officer and Assistant Director - Wellbeing and Community Leadership

## 105 APOLOGIES

There were no apologies of absence received.

## 106 DECLARATIONS OF INTERESTS

There were none.

## 107 MINUTES

The minutes of the last meeting held, 25 October 2023 were agreed.

## 108 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions received.

## 109 RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY (STANDING ITEM)\*

None

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

None

## **111 REVIEW OF BOSTON'S PUBLIC SPACES PROTECTION ORDER**

The Leader presented the review of Boston's Public Spaces Protection Order (PSPO) restricting the consumption of alcohol within the town centre. The purpose of the Order was to reduce and where possible remove street drinkers from the town centre.

Following new legislation in Autumn 2014, Boston Borough Council was the first in the country to make the Order in January 2015 and since has seen a decrease in anti-social drunken behaviour. It was reported that enforcement action showed in the past three years, up to 19<sup>th</sup> September 2023, 246 individuals had been dealt with under enforcement action for anti-social drunken behaviour and 43 individuals for anti-social street drinking.

Only two people had breached the Public Spaces Protection Order since it had first commenced – the two individuals had failed to comply with either a police officer or police community support officer when they failed to leave the controlled area or stop consuming alcohol with immediate effect.

Following questions from Members the Leader, with support from the Community Safety Manager confirmed that;

- It was the Chief Constable's gift to grant anyone with the power to enforce the PSPO.
- The Council's enforcement team did not currently have the power to enforce the Order – all enforcements were made by the Police. However, it was the Council's intention to introduce a 'Town Ranger' with the hopes of them supporting the police in instances such as these.

Members expressed their support for the order extension.

**RESOLVED: That Cabinet agreed the extension of the Order for a further three-year period, commencing on 12<sup>th</sup> January 2024.**

## **112 LINCOLNSHIRE DISCRETIONARY HOUSING FINANCIAL ASSISTANCE POLICY**

The Portfolio Holder – Housing and Planning presented the Lincolnshire Discretionary Housing Financial Assistance Policy report which was being considered for approval across all three partnering Councils.

The policy had been developed by all seven Lincolnshire District Councils working collaboratively with Lincolnshire County Council. The aims of the policy was to; create a level of consistency and maximise the contributions that Disabled Facilities Grants / Better Care Fund could make; enable vulnerable people to live independently in a home of their own; and reduce the need for more expensive health and social care service interventions.

It was confirmed that relevant officers had the authority to award funding and that grants had been awarded in situations where work had already begun but was unable to be finished due to changes in financial circumstances.

**RESOLVED:**

**That Cabinet:**

- 1) Approves the Policy and Explanatory Notes to be adopted with effect from 1<sup>st</sup> April 2024.
- 2) Delegated authority to the relevant Assistant Director to make minor and inconsequential variations to the Policy in consultation with the Portfolio Holder - Housing, if agreed on a countywide basis. This delegation will not be used to make changes to the Policy that substantively change the purpose of the Policy.
- 3) Delegated authority to the Chief Executive Officer to suspend the awarding of new discretionary assistance under this policy in consultation with the relevant Assistant Director and Portfolio Holder - Housing.
- 4) In addition to the minor and inconsequential variations permitted within the Policy, authority was delegated to the relevant Assistant Director to make initial amendments to the Policy in consultation with the Portfolio Holder – Housing to enable any appropriate recommendations from other Lincolnshire district councils’ scrutiny of the Policy to be considered and incorporated, if agreed on a countywide basis.

Approved the Boston Borough Council delegations to officers as set of in the Explanatory Notes.

**113 REVIEW OF FIXED PENALTY NOTICES FOR ENVIRONMENTAL CRIME OFFENCES**

The Portfolio Holder – Environmental presented the report which provided information regarding the new Environmental Offences (Fixed Penalties) (Amendments) (England) Regulations 2023 and set out a recommendation for increasing Fixed Penalty Notice fines for enviro-crime offences as permitted by the Regulations.

An early payment scheme was to be introduced to encourage payment. The proposed increases were as follows;

OFFENCE	CURRENT FPN BOSTON BOROUGH COUNCIL	RECOMMENDATION FOR FPNS
<b>Graffiti</b>	£150 or £100 if paid within 10 days	£300 or £200 if paid within 10 days
<b>Flyposting</b>	£150 or £100 if paid within 10 days	£300 or £200 if paid within 10 days
<b>Littering</b>	£150 or £100 if paid within 10 days	£250 or £150 if paid within 10 days
<b>Fly tipping</b>	£400	£1000 or £550 if paid within 10 days

	No early payment reduction	
<b>Household waste duty of care</b>	£400 No early payment reduction	£600 or £400 if paid within 10 days

The Portfolio Holder – Environmental confirmed the fee for fly-tipping would be increased from £800 to £1000 in row 6 of the above table.

It was agreed that the Communications teams would promote that if the conviction ended in a court order, it could result in a criminal conviction.

The Leader commended the Portfolio Holder for their work carried out in bringing this report to the Committee.

**RESOLVED:**

**That Cabinet approved the increase of the fixed penalty rates for specific environmental offences as set out above.**

**114 GARDEN WASTE FEES AND CHARGES**

The Portfolio Holder – Environmental presented the report which explained that the operating costs of waste service had increased significantly within the last 3 years, including fuel, employees and the cost of vehicle maintenance/replacement, which meant the service was not currently recovering its costs.

Members commented on the importance of recovering the cost of the service rather than it being subsidised from other areas.

It was confirmed that contracts of staff meant that the season for brown bin collection could not be extended however this was currently being reviewed.

**Resolved: That Cabinet approve the increase in garden waste fees to £50 for the first bin and £30 for subsequent bins, with effect from 1 January 2024.**

**115 QUARTER 2 REPORT - PERFORMANCE AND RISK**

The Leader presented the Quarter 2 Risk Management Report which set out the strategic risks as at the end of September 2023.

A revised Risk Management Framework was also presented which had been drafted for the Partnership. The Framework provided the South & East Lincolnshire Councils Partnership with a common approach to risk management across the three Councils and was based on good practice, including input from Internal Auditors.

It was noted that;

- Homelessness prevention – 65% of cases resulted in the customer not becoming homeless against a target of 70%. This was an improvement on 54% in the previous quarter and significantly higher than the East Midlands average.

- Customer Contact calls – performance had improved in Quarter 2 compared to the previous quarter, both for percentage of calls answered (from 83% to 89%) and speed of answering calls (from an average of 235 seconds to 124 seconds)
- Housing Benefit and Council Tax Support changes – processed in an average of 13.47 days against a target of 12 days. There had been a slight improvement between Quarter 1 and Quarter 2 and September itself was better than target at 11.19 days.
- In relation to Car Parking, the income received against agreed annual budget was 39% as at the end of September; this was forecast to miss the 100% target at year end; however, a full staffing compliment was now in place and new ticket machines had been installed.

It was confirmed that the performance and risk was regularly monitored and reported on.

**RESOLVED: That Cabinet;**

- 1. Noted the information.**
- 2. Recommended the Risk Management Framework to Council for approval, with delegation to the Assistant Director – Governance to make any small amendments to the Framework in future in consultation with the Leader as Portfolio Holder.**

## **116 2023/24 QUARTER TWO FINANCE UPDATE**

The Portfolio Holder – Finance presented the Quarter two finance update which provided information on the forecast full year financial performance as at 30 September 2023. Throughout the year quarterly monitoring reports are completed forecasting the expected year end outturn compared to the approved budget.

It was noted that;

- The revenue outturn forecast a deficit position of £511k at the year-end
- Corporate Services were currently forecasting a £65k underspend against its ICT hardware and software budget as a result of improvement to procurement processes and the buying power of the SELCP partnership.
- Housing Benefits had a £393k movement relating to £238k rent allowances, £83k rent rebates and £71k in relation to Housing Benefit subsidy LA error.
- General Fund Assets had a reduced income of £67k relating to Bereavement. Car parking had seen an improvement of £34k, and following the installation of new Parking Machines more improvements to the shortfall were predicted.
- Planning and Strategic Infrastructure were projected a £145k overspend. Planning fee income was down £250k due to wider economic pressures. An announcement had been made on 14 November 2023 with regards to increasing these charges that would impact on the figure and be reflected in Quarter three.
- Investment income continued to over-perform due to better than anticipated interest rates and higher balances than expected.
- At Quarter two a review of budgets had taken place and a forecast of £130k had been provided in relation to court costs for Council Tax which had been omitted at the Budget setting stage.
- The 2023/24 budget included a savings efficiency target of £664k.
- The revised capital budget at Quarter two was £35.817 million, composed of the 2023/24 budget of £33.330 million, 2022/23 slippage or accelerated spend of £2.385 million and recent net changes to approved budget of £0.102 million.

- The Towns Fund project represented the largest area of spend being £19.442 million and 54% of the total revised capital budget followed by Levelling Up Fund at £11.357 million which represented 32% of the programme.
- The overall expenditure forecast was showing the potential slippage of £12.226 million, however the position could change substantially as projects develop.
- The Council's cash continues to perform as intended with regards to revenue yields. Capital values were still dropping but had slowed substantially and, with interest levels plateauing it was hoped that some of the capital value would start to return from 2024/25 onwards.

The Cabinet were informed of a delegated decision on 9<sup>th</sup> October 2023 taken by the Deputy Chief Executive – Corporate Development and Section 151 Officer, in consultation with the Portfolio Holder – Finance to prematurely repay all of the Public Works Loan Boards (PWLB) borrowing. The early repayment meant £9.032 million of the original £15.449 million had been repaid with a discount of £6.417 million. The discount would result in annual reserve savings of between £569k and £717k a year for the next 10 years. The financial implications of this would be reflected in Quarter 3.

Following questions from Members the Deputy Chief Executive – Corporate & Section 151 Officer confirmed that, should an overspend occur money would be taken from the reserves, similarly if an underspend was to occur the money would be released to the reserved.

Members confirmed they were actively working with their relevant departments to achieve savings where possible.

**RESOLVED: That Cabinet;**

1. **Noted the report.**
2. **Recommended to Full Council to amend the Capital programme to take into account the changes set out in this report.**
3. **Noted the Debt Redemption that had been undertaken.**

**117 FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY**

The Portfolio Holder – Finance presented the Draft Freedom of Information (FOI) and Environmental Information Regulation (EIR) Policy for the Council. The report had previously been considered by Overview & Scrutiny – Corporate & Community Committee where it had received feedback and approval for referral to Cabinet.

Boston Borough Council was responsible for ensuring it met its statutory requirements in relation to FOI and EIR. The FOI Act 2000 and EIR 2004 required Councils to follow certain procedures in relation to public access to information. Previously the Council had a 'Freedom of Information Commitment' on the Council's website which enclosed a link detailing how to request information. Whilst this was deemed an acceptable way of presenting the information, it was felt that alignment across the partnership would provide clarity and consistency for residents, Councillors and Officers.

The Security & Policy Officer confirmed that there had not been an increase in Environmental Information requests following an increase in general knowledge relating to Environmental issues.

**RESOLVED: That Cabinet approved the draft FOI/EIR Policy.**

The Meeting ended at 7.45 pm

Signed by the Chief Executive



**FRIDAY, 15 DECEMBER 2023**

**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.**