

BOSTON BOROUGH COUNCIL

NOTICE OF DECISIONS TAKEN BY CABINET ON 9 SEPTEMBER 2020

DATE OF PUBLICATION: FRIDAY, 11 SEPTEMBER 2020

DEADLINE FOR CALL-IN: FRIDAY, 18 SEPTEMBER 2020

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

9 September 2020

Present:

Councillor Paul Skinner, in the Chair

Councillors Tracey Abbott, Richard Austin BEM, Nigel Welton, David Brown, Martin Griggs, Jonathan Noble and Yvonne Stevens

In attendance: Councillor Paul Goodale, Chairman of the Boston Town Area Committee

Officers –

Chief Executive, Deputy Chief Executive (Place) & Monitoring Officer, Deputy Chief Executive (Strategy), Deputy Chief Executive (People), Section 151 Officer, Assistant Director - Regulatory, Assistant Director - Support Services & Partnership, Assistant Director - Assets, Transformation & Governance Manager and Senior Democratic Services Officer

84 MINUTES

The minutes of the Cabinet meeting held on 24 June 2020 were received and signed by the Chairman.

85 APOLOGIES

Apologies for absence were received from James Gilbert, Assistant Director – Organisation and Corporate Services.

86 DECLARATIONS OF INTERESTS

When considering the recommendations from the Boston Town Area Committee (BTAC) - Minute 89 refers - Councillors Martin Griggs and Yvonne Stevens declared that they were Members of BTAC and had taken part in that Committee's consideration of the events budgets, but they were now acting in the role of Cabinet Members and had open minds in this matter.

87 QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions had been received from members of the public.

88 RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY (STANDING ITEM)*

The draft Corporate Strategy had been considered by the Corporate and Community Committee on 27 August 2020, and the recommendations were set out in Appendix B of the report.

The Boston Alternative Energy Facility Phase 4 Consultation had been considered by the Environment and Performance Committee the previous evening and a verbal update would be provided.

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

<p>DECISION</p> <p>1. That the recommendations of the Boston Town Area Committee be approved as follows:</p> <ul style="list-style-type: none">a. The reallocation of £13,500 of the existing budget to an Illuminate Fire Garden for the Christmas 2020 event;b. Option 1 within the planned programme of events for 2021/22 of an increase in budget of £22,000. <p>2. That the requirement for BTAC to seek Cabinet approval for expenditure over £10,000 be removed.</p>	<p>Portfolio Holders and Officer</p> <p>TA/PP/MS</p>
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REASON FOR DECISION

Councillor Paul Goodale, Chairman of BTAC, presented recommendations from the Boston Town Area Committee (BTAC) relating to expenditure from the events budgets for 2020/21 and 2021/22, which were set out in the draft minute of the Committee's meeting of 5th August 2020, included in the agenda pack.

The recommendations were for to Cabinet to approve:

1. The reallocation of £13,500 of the existing budget to an Illuminate Fire Garden for the Christmas 2020 event;
2. Option 1 within the planned programme of events for 2021/22 of an increase in budget of £22,000.

BTAC Members had unanimously agreed to Option 1, proposing an increase in budget to £22,000 for the programme of events in 2021/22.

Support for the extended Christmas Event had also been unanimous, with all agreeing the four-day event would be a boost for residents following the impact and restrictions of the pandemic. The Committee had acknowledged that the event could not be in line with 2019, but agreed that the benefit to businesses and residents of an event could not be underestimated. In particular, the extension of the Fire Garden event had been considered positive, having proved extremely popular at the 2019 event.

Cabinet Members welcomed the proposals, describing them as exciting, and it was proposed and seconded that the recommendations be approved.

In addition, it was also proposed and seconded that the £10,000 expenditure threshold, whereby BTAC had to secure Cabinet approval, be removed. It was felt that it was not appropriate for the Committee's decisions to require permission from another body before they were implemented, as the Committee raised its own precept. The Committee should be able to decide how the precept was spent for the benefit of the residents that its Members represented. The Monitoring Officer confirmed that, as delegations for the threshold had derived from Cabinet, it was within Cabinet's gift to vary them and a Full Council decision would not be required on this proposal.

In response to concerns about whether it would be possible to hold Christmas events in the light of current restrictions due to the pandemic, it was noted that it would be the responsibility of the Safety Advisory Group (SAG) to decide if the event should go ahead.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

None.

RECORD OF ANY CONFLICT OF INTEREST

Councillors Martin Greggs and Yvonne Stevens declared that they were Members of BTAC and had taken part in that Committee's consideration of the events budgets, but they were now acting in the role of Cabinet Members and had open minds in this matter.

RECORD OF ANY DISPENSATION GRANTED

None.

90 QUARTER 1 - PERFORMANCE, RISK AND FINANCE

DECISION

**Portfolio
Holders and
Officer**

<p>1. That the quarterly monitoring information for Q1 be noted</p> <p>2. That the specific finance recommendations, summarised below, be approved:</p> <ul style="list-style-type: none"> • F1: The reserve movements detailed in Table 6 of the report; • F2: The updated capital programme as detailed in Table 8; • F3: The supplementary estimates in respect of the Rough Sleeper Initiative and Verify Earnings & Pension, as set out in Table 11; • F4: The supplementary estimates in respect of COVID-19, as set out in Table 12. 	<p>JN/AS</p>
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REASON FOR DECISION

The Leader introduced the quarterly report, which set out performance, risk and finance monitoring information for Quarter 1 of 2020/21 (April to June 2020).

Cabinet Members presented the headlines of the monitoring information in relation to their own portfolios.

With respect to performance, the areas of success and improvement were:

- Sickness absence (Cllr Skinner)
- Planning applications (Cllr Welton)
- Switchboard (Cllr Welton)
- Benefit and Council Tax Support processing times (Cllr Noble)
- Information requests (Cllr Noble)
- Broadly compliant food businesses (Cllr Stevens)
- Fly tip response times (Cllr Stevens)
- Number of non-local authority owned empty properties returned into occupation (Cllr Griggs)

Areas of concern/watching brief were:

- Impacted by Covid-19:
 - Supporting business growth and promoting the Borough (Cllr Welton)
 - Business rates and council tax collection rates (Cllr Noble)
 - Car parking income (Cllr Noble)
 - Swim sessions (Cllr Brown)
 - Gym memberships (Cllr Brown)
 - Commercial waste income (Cllr Stevens)
 - Market income (Cllr Abbott)
 - Housing completions and housing standards (Cllr Griggs)

The report also listed other items of note:

- The Food Standards Agency suspended the food safety inspection programme towards the end of March 2020 in light of Covid-19. The Environmental Health team had been dealing with a high number of Covid related service requests – 1,659 in the quarter.
- Increase in fly tipping incidents

Councillor Noble presented the quarterly risk information. The strategic risks had been reviewed by the Corporate Management Team, particularly with regard to the impact of Covid-19 and the Strategic Alliance with East Lindsey District Council. They would be reviewed again in light of the new Corporate Strategy and change in management structure in Quarter 2. A summary of strategic risks was set out the report and full details were contained in Appendix B.

Operational risks had been reviewed in Quarter 1 as agreed, with exception reporting of high operational/project risks and any changes to management assurance levels as set out below:

- Cremator maintenance and repair – day to day arrangements in place but overall risk still high
- Financial risks – controls in place and overall strategic risk above
- Fraud risk – controls in place
- Housing Register – project underway to review options to replace IT system currently provided by a third party
- Loss / theft / corruption of data – controls in place; cyber security arrangements strengthened in light of increased risk
- Loss of key staff in People Services – management assurance changed from green to amber in light of temporary posts. This would be addressed as part of the Strategic Alliance review.

Councillor Noble then outlined the key headlines of the financial management information and proposed that the recommendations contained in the report be approved, which were:

- Movements with respect to earmarked reserves;
- Updated Capital Programme;
- Supplementary estimates in respect of Rough Sleeper Initiative and Verify Earnings & Pension; and
- Supplementary estimates in respect of COVID-19.

Councillor Noble stated that during Quarter 1 and the temporary closure of many high street businesses during lockdown, free car parking in off street car parks was implemented from 27th March to 15th June and a corresponding record of the officer delegated decisions notice to this effect was posted on the website. Following a return to a normal service on 15th June, a further 2.5 hour free parking offer to encourage shopping and dining in the town was reintroduced from 29th June and again a record of the officer delegated decisions notice was posted on the website.

Members acknowledged the significant impact of the pandemic on performance and paid credit to all staff for extremely hard work in such difficult circumstances.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

Alternative reporting arrangements.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

91 DRAFT CORPORATE STRATEGY / PRIORITIES FOR CONSULTATION

DECISION

That the draft Corporate Strategy, attached at Appendix A to the report, be published for consultation.

**Portfolio
Holder
and
Officer**

NW/JG

REASON FOR DECISION

Councillor Nigel Welton presented a draft Corporate Strategy and priorities for consideration before being published for consultation.

Cabinet had been working to develop a vision for Boston for their current term and beyond and the proposed draft was attached to the report at Appendix A.

The Corporate and Community Committee had considered the draft Strategy at its meeting on 27th August. The Committee had put forward a number of recommendations and suggestions, set out in Appendix B, and these had been included in the draft.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

Cabinet considered a range of options for the priorities.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

92 BOSTON ALTERNATIVE ENERGY FACILITY (BAEF) PHASE 4
CONSULTATION SUBMISSION

DECISION That the Assistant Director Regulation be delegated, in consultation with the Leader and Portfolio Holders for Economic Development, Planning and Environment, to finalise the Council's submission in response to the BAEF Phase 4 consultation.	Portfolio Holder and Officer YS/NW/CA
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REASON FOR DECISION

Councillor Yvonne Stevens introduced a report, which set out the details of the Phase 4 consultation relating to the Boston Alternative Energy Facility proposals. The Council was a consultee in the planning process to determine if the proposed Boston Alternative Energy Facility should be approved. As a National Significant Infrastructure Project, the application would be determined by the Secretary of State following a Planning Inquiry headed up by a Planning Inspector.

The BAEF proposal was a significant in scale, state-of-the-art power-generation plant, which the developers presented as leading the way in land-based renewable power in the UK. The facility would generate 102MW of renewable energy from the thermal processing of refuse derived fuel (RDF), of which 80MW will be exported to the National Grid.

This development created the potential for significant economic development opportunities linked to the supply chain to support the plant and potential end users of the ancillary products produced during the thermal processing of waste. In addition, the proposals created opportunities for the Council to work with the County Council through the Lincolnshire Waste Partnership to consider alternative ways to manage waste in the county. However, there were many planning and environmental health factors to consider first, having regard to the nature of the proposals.

In July 2019, Cabinet received a report concerning proposals for BAEF as Phase 3 of the statutory formal consultation on the development and the Preliminary Environmental Impact Report. Cabinet agreed a recommendation to delegate authority to the Deputy Chief Executive, in consultation with the Leader and Portfolio Holders for Economic Development, Planning and Environment, to finalise the consultation submission, taking into account the feedback recorded at Environment and Performance Committee meeting and Cabinet.

Since the Phase 3 consultation was concluded in August last year, BAEF had made some fundamental design changes to the proposed project following a project review and ongoing iterative design work, the feedback received during earlier consultations, and input from specialist bodies. Due to the nature of these changes, BAEF had determined that an additional round of public consultation (Phase 4) was appropriate.

This report set out the details of the BAEF proposal as they stood for Phase 4 consultation, whilst the appendices set out in more detail the context behind the changes and highlighted

the differences between the Phase 3 proposal and the Phase 4 proposal. The current Phase 4 consultation was concerned only with the changes made to the proposal since the Phase 3 consultation concluded last year. This and all prior consultation rounds were a precursor to the formal submission of the proposal for consideration through the NSIP regime, at which stage the Council would be formally invited to provide comments to the Inspector and take part in the examination process.

The Facility remains an Energy from Waste (EfW) facility, although the technology used to convert waste to energy had switched from gasification to traditional EfW thermal technology. BAEF also report that the changes were anticipated to have only minor and net positive effects, resulting in an overall reduction in potential negative impacts from the development.

The Borough Council continued to liaise with the agent of the applicant to seek further clarification and understanding of the proposals, whilst officers continued to work with the County Council and other stakeholders to consider the impact of the proposed development balanced with opportunity that the scheme would bring to the Borough.

Members of the Environment and Performance Committee had debated the proposals in-depth the previous night and recommended that Cabinet resolved to delegate to the Assistant Director - Regulation, in consultation with the Leader and Portfolio Holders for Economic Development, Planning and Environment, to finalise the Council's submission in response to the Phase 4 consultation.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

None.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

93 PE21: THE NEXT STEPS

<p>DECISION</p> <p>1. That the Deputy Chief Executive (Strategy) be instructed to report back to the next Cabinet on the budget cost of the steps specified under paragraph 9 of the report, which are required to advance this proposal with pace. The report should identify the approach to procurement, which should reflect the particular priority and urgency</p>	<p>Portfolio Holder and Officer</p> <p>NW/TL</p>
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that is to be accorded to this project.

2. That the Deputy Chief Executive (Strategy) shall consult with the Deputy Chief Executive (Place) and the Assistant Director – Towns Fund to identify and procure those works that are needed to maximise the prospects of a successful Towns Fund bid, and shall take all necessary steps.
3. That the Deputy Chief Executive (Strategy) be authorised to communicate to the Principal of Boston College that the Council is minded to enter into an agreement to lease and a lease for the Geoff Moulder Centre in order to facilitate the development of the College's Mayflower Centre project.

REASON FOR DECISION

The Deputy Leader introduced a report, which described the steps that needed to be taken to deliver PE21, an initiative that was the primary focus of Boston's Towns Fund bid. The Council had identified a 10-acre site in the vicinity of West Street, Lawrence Lane and Lincoln Lane for the initiative. It had the potential to boost the economic performance and prosperity of Boston town centre, make it a more vibrant and attractive place for residents and visitors, give them access to better educational facilities and help them live healthier lives.

The project had taken shape slowly. It was authorised in 2017 and a masterplan was produced early in 2018. COVID19 had caused it to stall. Critical design work, technical and viability studies had not been carried out. If it was to deliver what was promised, pace and resources needed to be injected, the concept needed to be validated by the market (or developed, so far as possible, to ensure that it did "stack up") and partners fully engaged.

The project also had to be managed professionally and be subject to rigorous performance management. Primarily, the technical studies that needed to be carried out to support the Towns Fund bid would need to be procured under the Council's urgency arrangements. Other work needed to be commissioned quickly and progress made, otherwise there was a real risk that the energy that had been generated would dissipate and threaten any prospect of delivery in the short term or at all.

The report set out the work that should be commissioned in paragraph 9, as follows:

- (1) Comprehensive cataloguing of interests in land.
- (2) Plotting of infrastructure within and across the site and assessment of the extent to which it will constrain development by dint of its location, condition and capacity.
- (3) Cataloguing of individual land uses and businesses, including an assessment of the extent to which they are consistent with the objectives of regeneration.
- (4) Systematic and comprehensive cataloguing of vacant and under-used land and land uses and businesses judged to be inconsistent with regeneration.
- (5) Specification of public sector development proposals. These must define precisely what is to be provided, by whom, where, when, at what cost and with what funds. If such clarity and commitment is not forthcoming, alternative proposals for public

sector land should be defined and incorporated into a revised (alternative) masterplan(s).

- (6) There should be a rigorous assessment of the demand for alternative uses across the site as a whole and for individual parcels of land. The market must be understood.
- (7) Based on (1) – (6) development opportunities across the site should be identified. Development parcels should be identified and alternative uses specified.
- (8) Infrastructure costs must be identified. This will include the cost of strategic landscaping.
- (9) The viability of alternative uses of individual parcels of land must be rigorously assessed.
- (10) The masterplan should be iterated on the basis of (1) to (9). It should be subject to a final viability assessment.
- (11) A site acquisition and development strategy must be prepared, together with a budget cost and funding strategy.
- (12) A delivery plan must be produced. This might, but will not necessarily require, the preparation of design briefs.

Councillor Welton gave credit to the Deputy Chief Executive (Place) and the Towns Fund team for the huge amount of work they had carried out in order to lay the crucial foundations for this project, which would bring great benefits to the town centre. The Deputy Chief Executive (Strategy) was now moving the project on at pace.

The Deputy Chief Executive (Strategy) addressed Cabinet and explained that one of the two flagship projects of PE 21 would be the development of the Mayflower Centre by Boston College, which would be a showcase for architecture and education and the gateway to the whole project. The centre would be located on the site of the Geoff Moulder Leisure Centre (GMLC). At a meeting that day, the Principal of Boston College had reported that the college needed confidence to go ahead to spend the significant amount of money it would take to work up the project.

The GMLC was valued as the leisure centre, but the centre for healthy living was a fantastic concept, combining leisure and doctors' surgery facilities. The NHS and the Council had drafted a clear specification of how it would look.

The Deputy Chief Executive (Strategy) then recommended Cabinet to give a firm indication, though not a binding final agreement, that the Council was prepared to enter into negotiations for agreement to lease the GMLC to enable Boston College to work up this flagship project to form part of PE 21.

In response to questions, the Deputy Chief Executive (Strategy) confirmed that the land would remain within the ownership of the Council and would return to the Council at the end of life of the centre. It was estimated that to develop the master plan would cost approximately £60,000, which was the going rate and the funding was there to be spent for this purpose. Accelerated funding for the two flagship projects was separate and additional to that previously reported on 23rd of September. The masterplan was excellent but needed developing and resourcing. Accelerated Funding of £90,000 was expected, some of which could be used to instruct consultants to consider how to devise a development proposal with viability for private companies to lever in money and business to turn the masterplan into a reality.

OTHER OPTIONS OR ALTERNATIVES CONSIDERED

None.

RECORD OF ANY CONFLICT OF INTEREST

None.

RECORD OF ANY DISPENSATION GRANTED

None.

94 EXCLUSION OF THE PUBLIC AND PRESS

IT WAS RESOLVED that under Section 100 (A) (iv) of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006, the public and press be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Order.

95 FLEET MAINTENANCE ARRANGEMENTS AWARD OF CONTRACT

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

The Meeting ended at 7.50 pm

Signed by the Chief Executive



FRIDAY, 11 SEPTEMBER 2020

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.