

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held in the Council Chamber, Municipal Buildings, Boston, on Monday, 27th June 2022 at 6.30 pm

Present:

The Mayor (Councillor Anne Dorrian) in the Chair
Councillors Tracey Abbott, Tom Ashton, Alison Austin, Richard Austin BEM, Peter Bedford, David Brown, Katie Chalmers, George Cornah, Anton Dani, Deborah Evans, Paul Goodale, Martin Griggs, Jonathan Noble, Brian Rush, Judith Skinner, Paul Skinner, Yvonne Stevens, Peter Watson, Judith Welbourn, Nigel Welton and Stephen Woodliffe

Officers –

Chief Executive, Deputy Chief Executive – Growth, Deputy Chief Executive – Communities, Assistant Director Governance and Monitoring Officer, Assistant Director Planning and Strategic Infrastructure, Democratic Services Delivery Manager, and Civic and Member Services Officer.

11 MINUTES

The minutes of the meetings of the Council held on 29 March, 11 April and 16 May 2022 were taken as read and signed by the Mayor as a correct record.

12 APOLOGIES

Apologies for absence were received from Councillors Alan Bell, Neill Hastie, Martin Howard and Frank Pickett.

13 COMMUNICATIONS

The Mayor invited Members to stay at the end of the meeting to hear the history of the Monteith Punchbowl, an item in the Council's civic regalia collection.

14 DEPUTATIONS AND PETITIONS

The Chief Executive reported there were no deputations or petitions.

15 QUESTIONS FROM ELECTED MEMBERS

The Chief Executive reported there were a series of questions from Councillor Anton Dani.

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

1. Can you please give an update on the Council's current financial position?

Response by Councillor Jonathan Noble

It is too soon into this financial year to predict what the year-end position will be for 2023/23. However, there are a number of exceptional pressures which are being closely monitored and others more longer term which will need to be considered as part of the Councils MTFS this autumn.

Energy and fuel costs are being regularly considered with potential pressures such as central government funding, feeding into Q1 and onwards. If these look to become longer term features due to international influences then this will need to be considered as part of the 22/23 budget setting process. Reserves may need to assist if pressures continue and cannot be accommodated in the round during the year.

Income levels – post covid, these again are being monitored monthly and showing continued and steady increases, the issue here will be if they do not return to previous levels. We have a covid reserve to continue to smooth this funding pressure whilst income levels return.

Other key pressures include the potential for pay inflation which would be one of the most significant financial impacts the Council could face. This is currently being closely considered and modelled in terms of potential impacts and will need to be a feature of the MTFS modelling.

Regular updates will be provided to the finance PFH throughout the year. A new financial system is being implemented which will also assist in improving financial management data to service managers regarding their budgets.

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

At what level of increase in energy prices would impact on the Council's finances?

Response by Councillor Noble

A 30% increase has been allowed for. As you will recall at the Council meeting in April 2022 approval was given to the use of a covid smoothing reserve to off-set budget pressures.

2. What is the current value of the Council's assets and have any assets been disposed of in the last 3 financial years?

Response by Councillor Jonathan Noble

As at 31 March 2022, the Council's land and property assets were valued at £39,075,654; no land or property has been disposed of in the last three years.

3. Can you explain why the Council still refers to the PE21 project which was first instigated fifteen years ago?

Response by Councillor Nigel Welton

As was recently explained at Environment and Performance Committee, the re-development of this area has had numerous names over time. Ranging from the "Modus" proposals of circa 2007, to the more recent 'PE21' name which was adopted c2018.

The 'PE21' project in its more recent guise having been developed from a One Public Estate piece of work in 2017, and which was subject to public consultation in 2019 on the AR Urbanism proposals which were developed to support Future High Streets and Towns Fund bids.

As a consequence, 'PE21' is known locally and within Government, however, as with any masterplan proposal, there is the ability for this to change over-time and it may well come to pass that this applies in this case, particularly if it is possible to obtain funding to kick-start this important project for our town centre.

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

The PE21 project has previously caused damage of the confidence of Boston businesses. If the bid is not successful can you ensure another name is found.

Response by Councillor Welton

The project name of PE21 is well known in Government. The feedback received from round 1 of the LUF was positive and taken into account when preparing the round 2 bid, including retaining the name PE21. If it was decided to submit with another name it would not give a good impression. When the funding is received extensive consultation will be undertaken and at the appropriate time the name can be considered.

4. As we all know Boston's population is growing and a lots of EU members are still coming to our area, how does the increase in the population growth rate affect our economic growth?

Response by Councillor Nigel Welton

This is potentially quite a subjective matter and difficult to define without clear evidence. Economic growth can be affected by numerous factors including availability of jobs, skill levels and qualifications, and wider socio-economic factors (eg inflation, Government policy etc), as such it is difficult to draw a clear, tangible link between population growth and economic growth.

I am sure you will no doubt appreciate the make-up of our local labour market, which includes a large proportion of people employed locally in agriculture which is very labour intensive. Feedback we have received from some operators has identified that despite the rising population, there are challenges owing to Brexit, Covid-19 etc with insufficient labour for some activities and also other challenges around skills and language.

We will continue to liaise and work with businesses, investors, education providers and the wider community to ensure that the outlook in economic terms is positive for our town and area; including lobbying for future investment as required.

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

Population growth has a massive impact on infrastructure, what are the future plans to improve this?

Response by Councillor Welton

I have already answered this, it is a subjective question. Improvements in infrastructure will only be made when there is evidence that it is needed. We welcome people moving to the town to join the workforce, we need highly skilled people here.

5. Can you provide an update on the current performance of Boston Market?

Response by Councillor Tracey Abbott

The target occupancy rate for the Markets is to reach 70%, and in Quarter4, the Wednesday Market Place rate averaged at 67.18%, the Green at 66.66% and the Saturday Market at 57.81%.

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

Stickney is running a car boot sale every Wednesday, is this the reason our Market is declining?

Response by Councillor Abbott

I don't believe so. Stickney has been mentioned many times, it is a car boot sale rather than a market. There is nothing that can be done to prevent traders who would usually stand at Boston going to Stickney if they wish to do so.

6. What financial losses, if any, has the Geoff Moulder Leisure Centre incurred since 2019?

Response by Councillor Tracey Abbott

GMLC position for 2019/20 & 2020/21 is known and finalised.

- 2019/20 = a subsidy of £362,781 (combination of both lost income and extra expenditure)
- 2020/21 = a subsidy of £310,145 (combination of lost income and savings on expenditure)

GMLC position for 2021/22, end of year accounts are in the process of being finalised. The income budget target has been reduced by £314,000 in a COVID smoothing effect

as agreed by Council. Therefore, the full cost of service BUDGET (including recharges) increased in year from £897,100 to £1,211,100.

7. What costs are being incurred for the overnight closure of the Central Park gates?

Response by Councillor Tracey Abbott

BTAC fund the contract for the opening and closing of Central Park on a daily basis. The current contract ends on the 5th September 2022 and is at a value of £15,262. (6th Sept 2021 to 5th Sept 2022).

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

I understand that instead of two people locking the park, only one person is doing so, is this true?

Response by Councillor Abbott

I am not aware of this, I believe it is two but I wasn't involved in preparing the contract. I will find out and inform you.

8. Since the Government has announced that it would like to ease the bureaucracy regarding al fresco dining, what steps has the Council taken to help businesses in the town?

Response by Councillor Paul Skinner

At this stage, the Council has taken limited steps, principally because it is not a matter within our control. The Council delegated licensing of external seating areas to LCC as the lead body.

In addition, the Council has limited scope to influence the use of buildings, albeit we do where possible encourage new uses that would bring vibrancy, increase footfall and compliment the town centre generally. For example, in the market place, there are only a limited number of 'dining' related uses, and it is generally a commercial decision for them whether or not they wish to bring forward outside seating etc.

If more buildings in the market place were to come forward as 'dining' type establishments, they could likely to do so under permitted development. Government in 2020 widened the scope for changes of use in planning terms, but bringing together a new use Class (Class E) which sought to provide greater flexibility and support town centres.

As a council, we would be encouraging of such uses, as town centres diversify away from purely retail, however, our ability to influence and facilitate is limited.

We would however welcome the proposed steps to change licensing requirements and remove bureaucracy, and await the detail of the proposals which will no doubt be subject to consultation.

9. The Council has posted on its Instagram page that it has been granted £2.2 Million from Central Government for the communities, can you assure all of us today that grants will be used for that purpose and nothing else?

Response by Councillor Paul Skinner

Simply - Yes. All Grants we receive have to be used as the rules for the fund describe. We have to set out the purposes in our Investment Plan to Government. If approved, the funds will then be released to the Council to distribute.

Where monies are then subsequently distributed to project leads, there would be grant agreements and a clear process for ensuring the project aims are met. Full Council, the Cabinet and Scrutiny have a responsibility in the process if the monies are spent on Council projects. This is very similar to the way in which the Towns Fund has operated.

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

When the Council received grants from the migration fund it was used for something else, the community felt it wasn't used for them.

Response by Councillor Skinner

All funds received have prescribed lines on spend. The Council has a duty of care to spend efficiently and on a legitimate basis. Any changes in proposed spend are consulted on with Government. The Council has a good record in this area.

16 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chief Executive reported there was a question from Mr. Wayne Brewster.

Question asked by Mr. Wayne Brewster Dani pursuant to paragraph 10 of the Rules of Procedure as set out in the Constitution:-

"Fishing is one of the only heritage industries left in the town. Many local people and indeed many councillors seem to have limited knowledge of the fishing industry and the pressures that we face. What help can you give us which would enable us to promote our presence in the town and make people more aware of the risk of the fishery failing completely, and to ensure the continuation of this industry for future generations?"

Response by Councillor Nigel Welton

Firstly, I would like to thank Mr Brewster a seventh-generation fisherman for his question and for highlighting the issues Boston's fishing fleet industry faces today.

Mr Brewster, you describe the fishing industry as a heritage industry. Having done a little research, people have relied on the wash for their very existence for thousands of years. That in my mind is truly a heritage industry.

You are right that many people have limited knowledge of the fishing industry. Yes, we see the boats on the quay, we may have friends or neighbours who rely on fishing for their livelihood, but do we really know as much as we should.

As Cabinet Member with responsibility for the local economy, I will use every tool I have to promote your industry and highlight the difficulties you currently face.

Can I also thank you for the presentation you gave last Friday to myself our Member of Parliament and the wider council, which was extremely eye opening, who would have known that you are not only fishermen, but farmers, shepherds and custodians of the fishing grounds, without which there would be no wildlife on the wash.

During this meeting our MP Mr Matt Warman gave assurances that he would be speaking to the minister directly and will report back on progress.

So, to move this forward, I will be writing a letter directly to the Minister responsible for the fishing industry and request a meeting to discuss the following:-

- Current regulations, the regulation body, and the future plan for the wash fishing grounds.
- The concerns and difficulties the fishing fleet has.
- Quick and effective intervention to protect the fishing heritage on the wash.

And finally, I will invite the Minister to come to Boston and see first-hand the devastating effect and demise the current and proposed regulations have on the fishing industry.

Supplemental question asked by Mr. Brewster pursuant to paragraph 10.8 of the Rules of Procedure as set out in the Constitution:-

Thank you councillor Welton and thank you all for giving me the opportunity to speak,

I am pleased with your response and look forward to the fishing industry having a closer relationship with the council and councillors, and would welcome the opportunity for the local industry to speak directly to the fisheries minister if that could be arranged, and any other interventions the council can provide.

The fishing industry supports many individuals and businesses in Boston, the industry has been here for so long that it seems to have been taken for granted, but over recent years it has been dogged by poor management decisions from its regulators that has threatened the whole viability of the industry in Boston and the Wash as a whole.

Lincolnshire County Council are a sponsoring body of Eastern IFCA, along with Norfolk and Suffolk councils, and as such there are councillors sitting on the Eastern IFCA Authority making decisions that affect our daily lives and businesses. Could councillor Welton assure me that any councillors who are sitting on this Authority from Boston will not only be there for the benefit of Eastern IFCA and to sign off anything they wish, but also to represent the needs of the Boston fishing fleet and to make sure it has a viable and sustainable future,? As we feel some of the recent representation from Boston Council on the IFCA Authority has been inadequate and dismissive of the challenges the industry in Boston face

Response by Councillor Welton

I do not attend IFCA meetings so can't comment. However, the Council is supportive of the fishing industry, and will lobby the Minister on your behalf. I would also like the Cabinet to visit the quay and see the fishing industry in action. You can also make an application for the Mayor to officially visit. I look forward to working together and will meet in the next 7 to 10 days to write the letter to the Minister and copied to relevant parties.

17 DECLARATIONS OF INTEREST

None.

18 MODEL CODE OF CONDUCT

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, the Audit and Governance Committee on 28 March, and Cabinet on 4 May 2022 with all forums supporting the recommendations 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.

In response to comments regarding any subsequent amendments to the Member and Employee Relations Protocol, the Monitoring Officer confirmed that these would be reported to the Audit and Governance Committee and circulated to all Members.

Members welcomed the new Model Code particularly the provisions relating to respect and courtesy, and freedom of speech. It was confirmed that the Code would be binding on all Members irrespective of whether or not they chose to voluntarily sign a public declaration.

It was moved by Councillor Paul Skinner, seconded by Councillor Peter Watson and unanimously

RESOLVED

- 1. That the Model Code of Conduct, as set out at Appendix A of the report, be adopted, without amendment, as the Council's Code of Conduct (including those parts shown in square brackets and being relevant to the Cabinet model operated by this Council).**
- 2. That 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. That the Monitoring Officer be authorised to update the Council's Constitution accordingly.**
- 4. That 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.**

19 LEVELLING UP WAVE 2

Councillor Nigel Welton introduced a report by the Assistant Director – Planning and Strategic Infrastructure providing an overview of the direction of travel for the Council's proposed Levelling Up Fund (LUF) round 2 submission which focused on the re-development of 'PE21'.

The report stated that the Levelling Up Fund was part of the government's wider Levelling Up agenda. It was a capital fund designed to invest in infrastructure that improved everyday life across the UK. The £4.8 billion fund would support town centre and high street regeneration, local transport projects, and cultural and heritage assets. It was a competitive bid-process where authorities could seek to secure up to £20m from the fund.

The report contained the background to the Council's round 1 submission, which had been unsuccessful, and the feedback received from Government which had been positive with minor suggestions being made in respect of narrowing down the focus of the bid to PE21 only; revisiting values and costs; revisiting engagement with the community and seeking support from more partners and the MP.

Taking into account the response from Government to the round 1 bid, the submission had been reviewed by external advisors and discussions held with the Scarborough Group to consider working up a private/public sector proposal for the entire PE21 area to be delivered through a Joint Venture arrangement.

A re-working of the PE21 masterplan for the western end of the site had been commissioned, jointly with NHS colleagues and LCC (transport) to look at opportunities for a new health centre and how this could be brought forward as a deliverable proposal, working alongside neighbouring parcels. The work was being led by Wilmott Dixon in order to provide information to feed into a LUF 2 bid as well as future funding opportunities / scheme development.

As work was progressing on the LUF 2 bid it was not possible to provide Members with a precise picture of what would be included in the bid and what the financial model and 'ask' would be, but it was likely to be in the region of £15m. However, in all eventualities the 'match funding' (10%) requirement would not exceed the £2m previously indicated as being acceptable (within LUF 1 to come from land value and a top up if necessary from reserves) owing to the maximum £20m bid allowance that could be made.

The likely direction and key elements of the bid were set out in the report under the headings of:

- Delivery of a significant enhancement of the public realm (spanning the area between the river and the Len Medlock Centre);
- Crown House – as per round 1;
- B&M redevelopment – evolution of round 1

Those interventions would use the LUF funding as a catalyst to unlock the remainder of the PE21 area, including adjacent sites. Collectively this would then leverage the ability to bring forward other potential interventions in the future which could include:

- New health facilities with linkages to third sector organisations including those hosted by the Boston Volunteer Centre Charity;
- Housing, community / public sector and commercial uses;
- Improvements to the bus station;
- Improvements to the wider area including West Street.

It was noted that a number of key stakeholders had offered letters of support for the bid and support was also being sought from the MP (a bid gateway criterion). This was in addition to wider community engagement that had been undertaken through a range of social media activities.

Council was being consulted on the proposal to make a formal submission to the Levelling Up Fund, round 2, which had to be made by 6th July 2022. Cabinet would be considering the proposal and making a final decision at its meeting on 4 July 2022, as it was a function reserved for the Executive.

The bid had also been the subject of Member Briefings and consideration by the Environment and Performance committee at its meeting held on 21st June 2022. A supplementary paper setting out the comments from Members had been circulated for information.

Members welcomed the opportunity to submit a bid for LUF Wave 2 which if successful would provide the necessary resources to regenerate, redevelop and repurpose an area of the town which had been in decline for many years, for the benefit of the community and local businesses.

Comments were made that it was the duty of all Members to positively promote and support the bid, together with partner organisations who were already doing so. Not to submit a bid which had the potential to realise £60m of benefit across the Council partnership would be neglectful.

Council thanked the Deputy Chief Executive Growth and the Economic Development Team for all their hard work, efforts and enthusiasm in preparing the LUF Wave 2 submission.

It was moved by Councillor Nigel Welton, seconded by Councillor Paul Skinner and unanimously

RESOLVED

- 1. That the purpose of the Levelling Up Fund and its requirements be noted;**
- 2. That the engagement with Members in relation to the Levelling Up bid - including briefings, Scrutiny (Environment and Performance) and Full Council be noted and note that comments raised as outcomes from that engagement will be provided to Cabinet as part of the formal decision;**
- 3. That the information provided in respect of the round 2 LUF bid and its proposals be noted, and provide any feedback / comments as deemed relevant;**

4. That 'in principle' support be provided to the Round 2 bid, and its general direction of travel, in advance of detailed consideration by Cabinet;
5. That the set aside of provision for 10% match funding (through in kind land contribution to the scheme) plus additional funding required to be allocated from the Capital Investment Reserve to a total combined value of £2m, be approved, subject to an offer of Levelling Up Funding being made from Government.

20 EXTERNAL APPOINTMENT – DIRECTOR OF PUBLIC SECTOR PARTNERSHIP SERVICES LTD

The Monitoring Officer introduced a report to appoint a Council representative as a Director of the Public Sector Partnership Services Ltd Board.

The vacancy had arisen following the resignation of Councillor Alan Bell from the position. The appointment was reserved for opposition Members and expressions of interest had been sought. Councillor Peter Watson had responded offering his services to the Board.

Council asked for their thanks to be recorded to Councillor Alan Bell for his service to the PSPS Board.

It was moved by Councillor Paul Skinner, seconded by Councillor Nigel Welton and

RESOLVED that Councillor Peter Watson be appointed as a Council representative on the Public Sector Partnership Services Ltd Board of Directors, to hold office whilst he remains a Member of the Council, until the Annual Meeting of the Council in 2023 or until the appointment of their successor.

(The meeting ended at 8.10 p.m.)