

Present: Councillor Judith Skinner (Chairman), Councillor Judy Welbourn (Vice-Chairman), Councillors Tom Ashton, Alison Austin, Katie Chalmers, Anton Dani, Paul Goodale, Neill Hastie and Yvonne Stevens

Portfolio Holders: Councillors Tracey Abbott, Deborah Evans and Nigel Welton.

In attendance:

Officers –

Assistant Director - Regulation, Deputy Chief Executive (Programme Delivery & SIRO), Deputy Chief Executive (Growth), Assistant Director - Operations, Assistant Director - Planning, Insights & Transformation Manager and Democratic Services Officer

## **10 APOLOGIES**

Apologies were received from Councillor Peter Bedford with Councillor Stephen Woodliffe substituting. Apologies were further tabled by Councillor Paul Skinner (Portfolio Holder).

## **11 MINUTES**

The Chairman signed the minutes of the previous meeting held on the 22 March 2022

## **12 DECLARATION OF INTERESTS**

None declared

## **13 PUBLIC QUESTIONS**

No questions tabled

## **14 INSTALLATION OF 4 NEW CHANGING PLACES TOILETS.**

The Deputy Chief Executive for Delivery presented the report confirming it set out to accept a government grant of £210k to support the introduction of 4 new Changing Places Toilets within the Town Centre. Each toilet costs around £75k to install with the total cost of the 4 toilets collectively being approximately £300k. The report also sought the approval of a capital contribution of £70k from our reserves to part fund the installation of 3 toilets under the Council's control. The fourth toilet would be installed within the Blenkin Memorial Hall and the additional £20k would be met from the St Botolph's Church Funds.

Changing Places toilets provided enhanced toilet facilities, more accessible by severely disabled people who required additional support. As such they were larger and more sophisticated facilities, requiring higher levels of technical enhancements and support. As part of its commitment towards improving the quality of life for everyone, the Government announced last Spring that it would be making £30m of funding available for the installation of new facilities to enable local authorities to bid on a competitive basis. Bids would be assessed on the quality of the submissions, the amount of match funding, partnership working and the end destinations.

Following a consultation exercise with key members and stakeholders, including Parish Councils, Boston bid for funding to support the installation of 5 changing places toilets in and around the Town Centre in late Summer.

The sites that were bid for were Central Park, Wide Bargate, Lincoln Lane and the Blenkin Memorial Hall. The site at Boston College had been deemed not to meet the criteria by being classed as a new build and as such, not eligible. The funding applications had been heavily oversubscribed and in March 2022 the Government announced that Boston would receive £210k of funding to support the installation of 4 toilets. That compared to a total of £660k for the provision of 15 toilets within the South East Lincolnshire partnership and £920k for the whole of Lincolnshire for the provision of 23 toilets.

Concluding the Deputy Chief Executive stated he felt it was a good news story for the town and confirmed that within the wider scrutiny process the report had been firmly supported by the Executive Board.

Committee deliberation and questioning followed which included:

Members voiced concerns as to who would be responsible for maintenance costs and how much they would increase the current maintenance costs provided by BTAC (Boston Town Area Committee). Concerns noted the probability of damage to the very expensive facilities (*with Boston having a history of vandalism at a number of its sites over the years with some residents being intent on damaging and vandalising everything the Council did with numerous incidents as evidence*) resulting in high costs to replace the high quality facilities, with the responsibility of such repairs falling onto the council tax payers within the town (BTAC residents).

The Deputy Chief Executive advised he could not quantify any costs at that point but felt most costs would be absorbed within existing budgets with the majority covering consumables like toilet rolls and soaps along with annual inspection costs and staffing costs.

Further concerns were tabled at the high cost of each unit questioning the actual need for four pods within the town, with members stating one or two would suffice as they expected volume of visitors would take time to establish and build. Should the town benefit greatly in a few years from such a large increase in disabled visitors, then a third pod could be looked at, at that point. Furthermore, members questioned the lack of increase in standard toilets for the public and market traders with the suggestion of the Council buying back the Fish Hill site.

The Deputy Chief Executive advised that it would be possible to submit a change request form to the Government should members so wish, however the funding would be reduced proportionately. He stressed the potential of the new pods to significantly increase tourism and improve the visitor economy to the town and noted in response that the costs were not envisaged to increase at that time with the tendering exercise still underway. Referencing the closed Fish Hill facility, members were advised that a number of approaches had been made with the owner to engage with the Council, but no approach had been accepted.

A number of members voiced strong concerns in respect of the security of the pods in keeping them vandalism free, referencing previous security schemes for facilities for the disabled with security by the use of a radar key which had failed and sites had been regularly vandalised. The radar keys were easily accessible on the web site and had not stopped sites being ransacked and vandalised.

The secondary measure of having an access number to key in alongside the key, provided a little reassurance but members still questioned how secure the pods would be without strict procedures on the provision of both the key and key code numbers.

Overall members recognised the significance of the opportunity for Boston Borough Council which could result in the town being a 1<sup>st</sup> class reputable visitor town for the severely disabled, with the costs being so high due to the produce being so good. Some members noted that it would be wrong to delay securing the funding as other partnership would be looking to do likewise and Boston needed to be competitive.

**RECOMMENDED:**

**That the Environment and Performance Committee recommend that Cabinet agree the following recommendations:**

- 1. To approve an addition of £300k to the Capital programme to support the installation of 4 new changing places toilets. £230k of this will be met from government grants and external funding so a use of reserves of £70k is requested.**

**To agree the installation of 4 new toilets within the Town, 3 of which will be under the control of the Council.**

**15 ANNUAL JOINT SCRUTINY TASK AND FINISH GROUP FOR THE SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP.**

The Assistant Director – Planning and Strategic Infrastructure presented the report on behalf of the Assistant Director – Corporate, confirming the report sought a third representative to join the Chairman and Vice Chairman of the Environment and Performance Committee as representatives in the next review, of the progress of the South and East Lincolnshire Councils Partnership and for the committee to agree the scope of the review within appendix A of the report.

Member comment noted:

Agreement with the scope and the need for a stronger voice locally and support of the career development of the workforce and of their retention within the Council. A further concern in respect of performance indicators of staff feeling valued to be referenced under the final item of business on the agenda.

**RECOMMENDATION:**

**That the Environment and Performance Committee agree:**

- 1. The scope for the review within appendix A of the report**
- 2. That Councillor Anton Dani be appointed to the Task Group**

## 16 LEVELLING UP FUND

The Assistant Director – Planning and Strategic Infrastructure provided committee with an overview of the report confirming that the purpose of the paper was to provide Members with an overview of the direction of travel for the Councils proposed Levelling Up Fund (LUF) round 2 submission –which related to the re-development of ‘PE21’.

The report and visual presentation would also provide an overview of the LUF fund itself, the round 1 submission and feedback from that round, as well as identifying a number of key / strategic partners and organisations that Officers have been working with both to formulate the bid, and also drive forward the PE21 proposals.

The Round 1 bid had been developed in conjunction with Rose Regeneration and Urban Edge; the aim was to focus on PE21 and show an overlapping of funding with the Towns Fund it focused on the following elements. Acquisition of Crown House for subsequent redevelopment (P3); Acquisition and demolition, of B&M, to facilitate redevelopment (P4); Urban greening and activation of the Market place (P6) and Moorings on South Square. The focus of the bid had been to utilise public sector investment from the LUF as a catalyst to deliver the PE21 project, starting at its eastern end through the re-development of Crown House and the B&M site (shown below) which would be brought together with a reinvigorated public space.

The total cost of all of the above was £22m, with 10% match funding, this left a funding ‘gap’ of c£20m which was the LUF ‘ask’. The Chief Executive confirmed the Councils commitment to the scheme through match-funding in the form of land, and any necessary ‘top-up’ to the 10% minimum (c£2m), this was to be further matched by commitments from the private sector as demonstrated by the letters of support. Although this bid had been unsuccessful, the feedback from Government (DLUHC) was largely good. Minor suggestions were made in respect of narrowing down the focus of the bid (removing the Market Place and Mooring element); focusing the bid down to PE21 only; revisiting values and costs; revisiting engagement with the community; and seeking support from more partners and the MP. On review, of those areas successful in Round 1, it would seem that the end decision by Government had been largely based around sharing funding around the UK, with those areas having already received funding through Towns Fund etc., having been overlooked. The feedback received had given Officers confidence that they were heading on the right track in terms of a future bid being an appropriate fit with the LUF and its objectives.

Following the Round 1 submission Officers had reviewed the LUF 1 bid and considered that the core aspects of PE21 remained relevant and workable. It had been reviewed by the external advisors (AMION – who had a track record of success with round 1 submissions). Also, the Scarborough Group (SG) had recently met with the Officers and the Leader/Deputy Leader and were keen to work up a private/public sector proposal for the entire PE21 area, to be delivered through a Joint Venture arrangement. Whilst still being under discussion it had provided Officers with confidence that there would be backing of private sector match for a LUF 2 bid. In addition, SG had revisited the Masterplan themselves. Officers have also continued dialogue with the owners of Crown House. The Council has also commissioned, jointly with NHS colleagues and LCC (transport) a reworking of the PE21 masterplan for the western end of the site, to look at the opportunities for a new health center (including defining its size, placement and potential costs) and how that could be brought forward as a deliverable proposal, and how it would work alongside neighboring parcels. It was being led by Wilmott Dixon and was underway, in order to provide information to feed in to a LUF 2 bid.

Officers continued to be in discussions with other potential partners who had expressed a considerable interest in being part of PE21 scheme.

The Round 2 prospectus was largely the same as that for round 1, with some minor additions. Officers were progressing at pace, working with AMION to put together a suitable bid. As this was still being worked up it was not possible to give Members a precise picture of what would be included in the bid and what the financial model and 'ask' would be.

It was however, possible to outline the likely direction and key elements including the delivery of a significant enhancement of the public realm (spanning the area between the river and the Len Medlock), seen as an impactful intervention, which could be delivered in the short-term and would create the conditions for unlocking the adjacent parcels. It would also provide confidence to other investment opportunities as well as making an immediate difference to the sense of place and would hit a number of the key LUF objectives around re-use of brownfield land, sense of place, cultural and environmental change etc. Furthermore, securing the potential to rejuvenate and reuse Crown House which would be likely to comprise of residential and commercial and community uses, alongside working in partnership with the current owners of the B M site to redevelop the site which would likely comprise of a hotel, commercial and community uses and possible residential use.

The interventions would use the LUF funding as a catalyst to unlock the remainder of the PE21 area, including adjacent sites. Collectively it would then leverage the ability to bring forward other potential interventions which may include, new health facilities with linkages to third sector organisations including Len Medlock, housing, community/public sector and commercial uses and improvements to the bus-station

The LUF was a competitive bid process, with submissions made via an online portal. Submissions closed at mid-day on 6<sup>th</sup> July 2022, with a decision due in the Autumn.

The decision to make a submission or not would be a Cabinet decision, however, in order to give confidence (to Government) with the bid, the Council needs to demonstrate a wider buy-in. To that end Officers had incorporated a series of briefings into the submission timetable.

Significant committee deliberation and questioning followed which included:

Responding to a number of question the Assistant Director advised as follows:

In relation to Crown House members were advised it was privately owned site which had planning permission on it but was at the time a stalled development. The owners had been supportive of round one of funding and support was being sought for round two.

The intent was to provide residential accommodation on the upper floor that could potentially be aimed at a specific market, potentially transitional housing for younger people. The ground floor would provide vibrancy to the space allowing for a mix of uses including retail and a variety of hospitality businesses offering options of space for businesses. The frontage would be open to allow sight of the uses.

The public toilet provision at Lincoln Lane was not within the Levelling Up Funding bid and as such, not subject to any consideration of change or demolition. That did mean the facility would not be considered for re provision in the future and re location of the disabled facility as identified within item one of the agenda, would be doable due to the nature of the unit.

Referencing a question in respect of the lack of any other proposals, members were advised that following on from two member briefings in round one, no additional proposals had been tabled which met the prospectus but should any future suitable proposals be tabled they could be captures and taken forward if relevant.

The B&M car park would be cleared and prepared for future development on that site. Addressing responsibility for the delivery of the project, members were advised that there were many models of delivery. Whilst the project was in principle a joint agreement with the Scarborough group, the Council was bringing other partners to the table. The Council could be the arbiter of the funding, allocating funds to partners for the various projects and as such, the Council may lead but partners may deliver.

There was overall support of the project from members. A request for a re-naming of the project was tabled as the PE21 name was historic with negative memories for many. A more positive and relevant name needed to be imagined. Appreciation of the flexibility of the uses of the sites was noted with agreement that retail alone would not be sufficient. Members recognised the need to start somewhere and provision of a connection between the market place and west street was required to encourage visitors into the town centre to visit west street, which a member requested be accorded conservation areas status. There was agreement that it was positive that the project had an end date to work towards, to ensure completion. Concerns were tabled at the possible demolition of buildings with no uptake of the site and no clearance of the residue. Further concerns noted the future maintenance of such a high quality development with a need to ensure all maintenance factors were to a high standard to reflect the regenerated area.

Summarising the Portfolio Holder thanked committee for their input and support and advised the name PE21 had been retained for the initial rounds, as it had been used previously and was familiar. If the bid was successful then a more fitting name would be agreed. The Council had taken on-board Government advice recognising the positives and negatives of the plan and the plan submitted was the best for the money available aligning with the Levelling Up Fund objectives.

Committee commended the team of officers on the project.

### **RECOMMENDATION:**

That the Environment and Performance Committee:

1. Consider the information provided to them in respect of the round 2 LUF bid and provide any feedback / comments as deemed relevant.
2. Agree to provide 'in principle' support to the round 2 bid, and its direction of travel, in advance of consideration by Cabinet on the 29<sup>th</sup> June.

## 17 BOSTON HOUSEHOLD WASTE RECYCLING CENTRE

The Assistant Director – Neighbourhoods presented the report confirming it was tabled in response to concerns that have been raised by members of the public to councillors and officers regarding the HWRC provided and managed by Lincolnshire County Council, over the last 12 months.

The Portfolio Holder for Environmental Services had organised two meetings to enable councillors to raise their concerns about the site with the Executive Member for Waste and Trading Standards at Lincolnshire County Council. This report presents actions being taken by the County Council to improve access to the site.

Since the HWRC opened after its closure during the lockdown, the borough council has received complaints regarding the management of the site which had included restrictions on materials able to be deposited at the site for residents. Materials most often prevented from being disposed of had been mattresses, hardcore, wood and garden waste. Further concerns included a lack of communication with the borough council when materials could not be accepted, opening days and times for the site and the potential to lead to fly-tipping if residents are turned away.

Boston Councillors met with Lincolnshire County Council's Executive Member for Waste and Trading Standards on 8 October 2021, and 27 January 2022 to discuss their concerns and identify areas for improvement.

The County Council was putting in mitigation measures to resolve these concerns and stated that there were several factors which had contributed to the disruption which would be highlighted and measures would be taken to mitigate the disruption.

The County Council further advised that the material collected at the HWRCs was collected by a commercial haulier and removed to separate disposal outlets located around the county and the haulage contract provided a fixed number of vehicles to service the whole of the county. In relation to the different disposal locations, they were also commercial facilities who would process, transfer or dispose of material under contract to LCC. Such

locations are required to have the relevant planning permission and Environmental Permit controlled by the Environment Agency to deal with waste and the haulage and disposal services had to be procured within strict procurement rules with due diligence to ensure that the commercial operator met the required standards.

There had been a number of issues affecting the service. The Waste Transfer Station on Boston Industrial Estate had closed down within the last 2 years and had been a location that had received a significant proportion of material from both the Boston and Spalding HWRCs.

The haulage operator Biffa sometimes faced driver shortages, and the full complement of trucks had not always been available which was reflected in the national trend.

The County Council had no control of when residents visited a site not on what type of material they presented. If spare containers were not available, then material would have to be rejected as material cannot be stored on the floor. Sites are restricted in size with a finite number of containers which need removal once they are full. Mitigation measures included alternative disposal outlets being secured to take material which should reduce turn-around times for trucks. An example was Bourne Skip Hire which now took material from Bourne HWRC which was previously hauled as far as Skegness, resulting in trucks being unavailable for several hours, the new system had saved 15 hours per week in haulage times: any reduction in turnaround time in one part of the county having an effect across the service.

Biffa would be providing an extra driver and vehicle capacity in July. Sid Dennis Ltd was now providing haulage to take material from Skegness HWRC direct to the Waste Transfer Station in Skegness resulting in a reduction of haulage miles as previously this operation had been performed by Biffa. Traffic count surveys would be carried out to show how busy the HWRCs were and that information could help to justify different opening hours. If it identified peaks and troughs that information could be communicated to the public to reduce waiting times. The County Council's website was being improved to include links to other live social media pages to enable details of any disruption.

Lengthy committee deliberation with significant repetition of concerns raised with the key comments summarised below:

Concerns at the attitude of the current operator of the Boston HWRC in respect of the lack of care by the operatives on site and a lack of consideration for the users. Ongoing issues of not accepting certain goods items due to a lack of capacity with little or no notification that they cannot receive and residents being turned away. Lack of communication with the public in respect of the inability to accept items with no prior notice even though the level of waste within the bins would indicate when they would be getting close to being full.

Closing two days in the middle of the week and restricted opening hours and if one of the four operators did not turn up, then the site was closed.

Overwhelming complaints about the continued lack of recognition of the problem by Lincolnshire County Council and ongoing frustration by Boston Borough members that they had to continually take the backlash from residents who believed they were responsible for the site.

Agreement that the site was not fit for purpose. Boston had on ongoing increases in its population with significant decreases in its provision for acceptance of waste. The imbalance grew year on year albeit there was a duty by the operator to be able to receive waste from all residents.

Strong concerns were also tabled at the safety of the site with residents having to climb dangerous steps to tip their rubbish with no consideration of the elderly or disabled residents. Lifting heavy items into a car on the flat was hard enough for many, without having to lift out of the car and carry up steps, especially if the steps were wet.

Frustration at the lack of a recycling point on the site with members citing the income streams available for items such as batteries and shredding tyres and timber.

Comments that hearsay would indicate that other authorities within the County were experiencing similar issues and if true, then liaison was required with all other authorities to strengthen the case for a need to address the situation with Lincolnshire County Council. Boston Borough Council's own County Councillor to be tasked with challenging the County.

Members recognised the frustration of residents being turned away and in anger fly tipping garden waste and other items.

General questions included the cost to the Borough in taking over the operation, re locating to the previous site which was larger and less dangerous and a request for attendance at a future meeting by the County Portfolio Holder for waste along with a representative of the site operator with information being provided on how many days each month residents were turned away for specific waste items due to the bins being full with identification of which bins were full.

All members voiced their support and gratitude at the ongoing excellent work of the Portfolio Holder and her endeavours to address the problems.

In response the Portfolio Holder agreed all the on-going concerns and frustrations of the members and the suggestions made, and advised that she had requested a Holding Licence for the site on several occasions to enable waste to be held but had been refused. In respect of non-acceptance of certain goods, members were advised that as soon they were advised via messenger by members of the public, then comms were contacted who acted very swiftly on putting the information on social media. Neither the County nor the operators advised the Borough Council direct and it was the norm for the operators to simply put a hand written note on the site which residents only saw when they arrived with their waste.

### **RECOMMENDATION:**

That due to the overwhelming concerns by all members of the Environment and Performance committee in respect of the operation of the HWRC at Boston:

1. An invitation by issued to the Portfolio Holder for Waste to attend the subsequent meeting of the committee to address the issues raised and to update on their future intentions for improvement of the current operation in line with the continued volume of complaints.

An additional request for the provision of data of the numbers of incidents of non-acceptance of waste materials on the site and the type of materials.

An invitation to be issued to a representative of the Operator for the site to attend the same meeting to provide a clear response to the concern raised.

## **18 TASK AND FINISH GROUP REVIEW. HOUSING STANDARDS.**

Councillor Paul Goodale Chairman of the review group provided a brief update on the activity of the group to date. Following agreement to convene this review a through scope was undertaken to ensure full representation is received and evidence gathered to allow the group to draw their conclusions.

At this time, two very successful evidence gathering meetings have taken place and further meetings are scheduled in both July and August.

The first meeting allowed the group to receive information in respect of selective licensing. The group heard from Andy Gray from West Lindsey District Council, who provided a very in-depth account of the process and outcomes of their experience in using selective licensing. The group also heard from Tom Amblin- Lightowler, who before joining Boston Borough Council worked for Stoke on Trent Council who too, had undertaken the use of selective licensing. Both Andy and Tom highlighted the pros and cons and variations available for using the licensing, which was extremely informative in providing us with two valuable pieces of evidence.

There are significant positives in using selective licensing, but the group did recognise that it would require support from across the Council to facilitate it to the level required. If anyone is interested we have two very interesting pieces of work about the selective licensing.

The second meeting aimed to gain a perspective from those *'on the ground'* in Boston, as to the current situation within the town. Representation was received from the Police and the Fire Service, both of whom were very supportive of the review and both of whom, provided detailed information.

Furthermore representation was received from the Council's own officers' including planning, crime and anti-social behaviour, waste and littering and noise and environmental issues all of whom confirmed the legislation currently available to them and advised of the ongoing and increasing problems they continued to deal with. All representatives had been asked initially what outcomes they would like to see, and, whilst being appreciative of the fact that selective licensing was not the single answer, there was support of it from the officers, if not across the town as a whole, but in the recognised areas, where it would enable the Council's own officers to access the premises. Further potential outcomes were discussed with the officers, one that was collectively agreed was the implementation of a central data base within the council, for private rented property, which would allow the officers to check on a property when an issues arose requiring their attention. At this time there is no such facility and it would provide any of them with advanced knowledge of any other ongoing issues at the property before attending. The suggestion would be considered in final determination. Both meetings had proved very productive.

A consultation questionnaire was sent to all the schools across the borough in respect of any impact observed by teachers of poor quality housing on the students and although we did not expect any response, we did get some. Moving forward the group would be speaking with social services, other support services and representatives from some of the community groups and migrant communities. Moving forward the group hoped to meet with lettering agents and Landlords forum and others to be firmed up.

Concluding, Councillor Goodale thanked the Portfolio Holder Councillor Martin Griggs for his support of the review and welcomed any further suggestion of consultation from members.

Committee noted the update.

## **19 WORK PROGRAMME INCLUDING QUARTER 3 REPORTING.**

The Transformation and Governance Manager presented the quarter 3 report advising that the overarching scheme of resilience was very good despite the circumstances post pandemic. Car parking income and rough sleepers continued to prove challenging. Referencing the staff feeling valued, the officer advised that end of year reflections would be undertaken with all staff by their line managers to reflect the last twelve months. Planning measure did not include the time extensions but if they had then all indicators would be green. The Council would revert back to National Indicators for the 2022/23 year.

Member comment included:

Praise of the fly tipping team in achieving 97.8% of clear ups within 3 days of notification with a request that the thanks of the committee be relayed to the team and some media coverage be provided.

Notification of issues in respect of rough sleeping with increased numbers on the street. Concern at the lack of parking enforcement with only on part time attendant resulting in a significant loss of income.

A request for an update on the current position in respect of the revision of rent for the Corporation Farm owned by the Council.

Referencing the work programme members were advised that there would be an addition report to the next schedule meeting for the single Use waste Policy, alongside the invitations to Cllr McNally and the operator of the HWRC.

An additional report was also requested in respect of the full cleansing routine for the town identifying the areas of responsibility of the Council.

The Meeting Closed at 9.55 pm