

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held in the Council Chamber, Municipal Buildings, Boston, on Monday, 26th September 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, Katie Chalmers, Michael Cooper, Anton Dani, Deborah Evans, Paul Goodale, Martin Griggs, Neill Hastie, Jonathan Noble, Frank Pickett, Brian Rush, Judith Skinner, Paul Skinner, Yvonne Stevens, Peter Watson, Judith Welbourn, Nigel Welton and Stephen Woodliffe

Officers –

Chief Executive, Deputy Chief Executive – Growth, Assistant Director – Governance and Monitoring Officer, Senior Licensing Officer, and Democratic Services Delivery Manager.

Also in attendance –

Mr. Simon Sperring, Chairman of the Independent Remuneration Panel

SILENCE FOR HM QUEEN ELIZABETH II

Prior to the start of the meeting Council held a minute silence in memory of Her Majesty Queen Elizabeth II who passed away on 8 September 2022.

29 MINUTES

The minutes of the meeting of the Council held on 25 July 2022 were taken as read and signed by the Mayor as a correct record.

30 APOLOGIES

Apologies for absence were received from Councillors Alan Bell, George Cornah and Martin Howard.

31 COMMUNICATIONS

The Chief Executive expressed the Council's thanks to everyone involved with the arrangements following the death of Her Majesty Queen Elizabeth II.

The Mayor referred to the letters of condolence received from the Mayor of Laval and the Mayor of Hakusan following the death of HM The Queen, copies of which had been circulated for Members information.

The Chief Executive reported on the sad passing of Councillor Angela Newton of South Holland District Council, who had served the Council and community of South Holland for over 50 years.

32 DEPUTATIONS AND PETITIONS

The Chief Executive reported there were no deputations or petitions.

33 QUESTIONS FROM ELECTED MEMBERS

The Chief Executive reported there were no questions from Elected Members.

34 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chief Executive reported there was a question from Mr. Darron Abbott.

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

“The subject of fly tipping enforcement at the Tesco and Asda sites was discussed at scrutiny this time last year. The contract with Enfortis was up for renewal at the time, but it was agreed the renewal of the said contract would be delayed until November to allow proper scrutiny and approval by full Council.

We find ourselves a year further down the line and I can find very little on the progress of this new contract.

Councillor Evans please could you update us on the position of this contract for the enforcement at the Tesco and Asda sites and give us all a time scale for the Councils approval of this new agreement.”

Response by Councillor Deborah Evans

“The enviro-crime contract is currently being procured, with a tender submission deadline of 30 September 2022. The submission will then be evaluated and tender awarded following the council’s contract procedure rules.

Please note that this contract is for enviro-crime in its entirety, so encompasses littering, dog fouling, fly tipping and waste duty of care offences. Once the tender has been evaluated, any award will follow the decision making processes of the council.”

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

“I specifically asked about the Enfortis contract that caused so many problems, if I remember correctly this was one of the reasons the Leader sacked Councillor Stevens from the Cabinet and appointed you.

The Enfortis contract allegedly expired in the autumn of last year, I say allegedly as on the list of contracts very kindly supplied by Councillor Noble, there is no mention of a contract with Enfortis Limited or its predecessor Optimal Risk Limited.

There is also no mention of the agreements with Tesco and Asda to enforce their private land. I therefore have to question whether to believe any formal agreement was in place. So it is blatantly obvious that you have just simply read out what some officer has written for you without checking the contents which I find disrespectful. If you cannot be bothered please go see the Leader, resign and let someone who can be bothered do the job.”

Response by Councillor Evans.

“I did answer the question and the information was correct.

On the 24th August 2021 the pilot project for use of surveillance was extended to November 2021. Due to delays in the procurement process, and the introduction of South and East Lincolnshire Councils Partnership in October 2021, I signed a decision notice to extend the pilot to October 2022 to enable the procurement of a cross SELCP enviro-crime enforcement contract. The new cross SELCP enviro-crime enforcement contract is an agreed project within the Partnership’s Annual Delivery Plan.

I am frustrated by the delays, but want to have tender process in place across the three authorities which will provide an opportunity for a high quality procurement offer. Scrutiny will be involved in the contract process. I will not be resigning.”

35 DECLARATIONS OF INTEREST

None.

36 INDEPENDENT REMUNERATION PANEL REVIEW OF MEMBERS ALLOWANCES

Mr. Simon Sperring, Chairman of the Independent Remuneration Panel (IRP) introduced a report setting out recommendations of the Panel following a review of the Members’ Allowance Scheme.

The report stated that in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003, Councils had a duty to consider the findings of an Independent Remuneration Panel prior to determining any councillors’ allowances scheme.

Councils were required to have regard to the recommendations of an IRP but there was no specific requirement to approve the recommendations. However, if the Council wished to make an alternative scheme reasoning would need to be provided.

The IRP met on 8 July 2022 to commence a review of the members’ allowances for 2022-23. It was noted that in 2018 the Panel had undertaken a comprehensive review with the aim of establishing a remuneration framework that would hold good for at least four years.

Having considered the current benchmarking information with other Lincolnshire authorities and those in the CIPFA ‘family group’ the Panel were of the opinion that it had largely achieved its aims and that a light touch review was all that was required for the financial year 2022-23.

The Panel invited Members to submit comments on the current scheme of allowances which were taken into account during the Panel’s deliberations.

The Panel considered the key elements of the Members Allowances Scheme:-

- Basic Allowance
- Special Responsibility Allowances
- Dependant Carers' Allowance
- Travel and Subsistence

The Panel's recommendations were to not increase any of the allowances, but to introduce a Special Responsibility Allowance for the position of Chairman of the Boston Town Area Committee in recognition of the workload, frequency of meetings and responsibility in exercising executive functions delegated from the Cabinet.

It was also recommended to amend the wording of the Special Responsibility Allowance for attendance at Licensing Hearings, to include attendance at Standards Hearings.

Having considered various options for linkage to an annual adjustment including the Retail Price Index and Consumer Price Index, the Panel expressed a preference to continue to link with staff pay awards for a four year period from April 2022.

It was noted that the published Members Allowance Scheme did not make reference to the travel costs of the Mayor and Deputy Mayor being an approved duty under Schedule 2 of the scheme.

Since 2018 the Mayor and Deputy Mayor had been expected to drive themselves to Mayoral engagements and claim travel costs via the Members Allowance Scheme. Therefore the Panel recommended that the published Scheme be amended to include Mayoral travel costs as an approved duty.

In concluding, Mr. Sperring stated that the key focus of the Panel when considering revisions to the scheme was to achieve allowances that would not deter an average working person from standing for Council, or result in Councillors being financially disadvantaged if they had to take unpaid leave from their employment to undertake Council duties.

The Panel were of the view that the Members Allowance Scheme as proposed achieved that aim and commended it to Council.

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

- 1. That the basic allowance be retained at its current level of £4,692.**
- 2. That the special responsibility allowances be retained at current levels as set out in Appendix A.**
- 3. That the wording for the Special Responsibility Allowance for Licensing Hearing Panels be amended to Hearing Panels to include attendance at Standards Hearings.**

4. **That a Special Responsibility Allowance be introduced for the position of Chairman of the Boston Town Area Committee in the sum of £1280, backdated to 1 April 2022.**
5. **That the Dependant Carers' Allowance be retained at current levels.**
6. **That the travel and subsistence rates be retained at current levels.**
7. **That the basic allowance and special responsibility allowances be linked to staff pay awards for a four year period from 1 April 2022.**
8. **That the published Members Allowance Scheme be updated to include Mayoral travel costs as an approved duty for the Mayor and Deputy Mayor within Schedule 2 of the Scheme.**

Members expressed concern that they were expected to set their own allowances, which was a distasteful situation, but accepted this was a requirement under current legislation.

Some Members were of the opinion that the basic allowance should be increased to maintain value as the current cost of living crisis and high inflation was impacting everyone, including Councillors. Allowances which did not recompense people fairly may deter some from putting themselves forward for election.

Comments were made that the IRP had completed their review in a fair and equitable process and the recommendations should be supported. There was never a good time to increase remuneration and with the current economic crisis affecting everyone in the community this would be the worst time.

A suggestion was put forward that the allowances of Members across the SELCP should be considered as a whole to ensure equality as all Members had the same role to carry out. Currently there were disparities in the amounts paid for basic allowances and SRAs across the authorities.

An amendment was moved by Councillor Peter Bedford and seconded by Councillor Peter Watson that the basic allowance be increased by 10% from 1 April 2022.

On being put to the vote the amendment was lost.

The substantive motion was then put to the vote and it was:

RESOLVED

1. **That the basic allowance be retained at its current level of £4,692.**
2. **That the special responsibility allowances be retained at current levels as set out in Appendix A.**

- 3. That the wording for the Special Responsibility Allowance for Licensing Hearing Panels be amended to Hearing Panels to include attendance at Standards Hearings.**
- 4. That a Special Responsibility Allowance be introduced for the position of Chairman of the Boston Town Area Committee in the sum of £1280, backdated to 1 April 2022.**
- 5. That the Dependant Carers' Allowance be retained at current levels.**
- 6. That the travel and subsistence rates be retained at current levels.**
- 7. That the basic allowance and special responsibility allowances be linked to staff pay awards for a four year period from 1 April 2022.**
- 8. That the published Members Allowance Scheme be updated to include Mayoral travel costs as an approved duty for the Mayor and Deputy Mayor within Schedule 2 of the Scheme.**

37 AUDIT AND GOVERNANCE COMMITTEE MINUTES

It was moved by Councillor Peter Watson, seconded by Councillor Stephen Woodliffe that the confirmed minutes of the meeting of the Audit and Governance Committee held on 28 March 2022 be received.

38 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES

Councillor Paul Skinner introduced a report by the Senior Licensing Officer on proposed amendments to the policy documents for private hire and hackney carriage vehicles, proprietors, operators and drivers.

The report stated that on 21 July 2020, the Department for Transport published the Statutory Taxi & Private Hire Vehicle Standards which had come into force with immediate effect. Licensing Authorities had a legal duty to have regard to the standards and must provide clear reasoning for any departure from them.

In response to the publication of the Standards, the Licensing Section proposed amendments to the current policies and guidance in respect of Hackney Carriage and Private Hire licences.

The revised policies and guidance was considered by two working groups of the Licensing Committee on 10 December 2021 and 25 January 2022. The documents were then updated to reflect Member comments and presented to the meeting of the Licensing committee on 15 March 2022, when it was agreed to publish the draft policies for consultation purposes.

The consultation period ran for four weeks commencing on 1 April 2022. On closure of the consultation no comments had been received from the public or taxi / private hire trade.

The policies and guidance were considered by the Licensing Committee on 2 August 2022 and referred to Council for approval. A copy of the proposed policies and guidance was attached at Appendix 1 of the report.

Concern was expressed that there was no requirement for a drivers to undertake a driving ability test as part of the application process, which was in place in other local authority areas.

Council welcomed the revised policies noting that the Licensing Committee and Hearing Panel took driver standards very seriously and there were strict requirements in the policies relating to drivers responsibilities.

In summing up Councillor Skinner thanked the Licensing Team for their hard work and diligence in preparing the updated documents.

It was moved by Councillor Paul Skinner, seconded by Councillor Frank Pickett and

RESOLVED that the policy and guidance documents as set out at Appendix 1 of the report be adopted and published.

39 PARTNERSHIP PERFORMANCE

Councillor Paul Skinner introduced a report by the Assistant Director – Corporate setting out the further progress of the South and East Lincolnshire Councils Partnership since the last update to Council on 11 April 2022.

The report set out the progress of Phase 2 of the Partnership Business Case – Accelerate, under the headings of:-

- Transformation Plan – service reviews
- Targeted service growth into areas of priority
- Developed shared service policy through shared Member working
- Explore opportunities for constitutional alignment

An update was also provided in respect of the LGA Peer Review scheduled to take place between 10th to 14th October, the key themes of which would be:-

- Priorities and outcomes
- Organisational and place leadership
- Governance and culture
- Financial planning and management
- Capacity for improvement

The Peers' findings and feedback would be reported to Council and fed into the Partnership's development plans for 2023/24 and beyond.

Progress of the Annual Delivery Plan activity was set out in section 4 of the report, and it was noted that three priorities from the Strategic Programme were complete and embedded and the remaining seven were in progress.

A number of key partnerships had been or were to be established as mechanisms for delivering the strategic priorities of the Partnership and were set out in Table 2 of the report, under the headings:

- Growth and Prosperity
- Healthy Lives
- Safer Communities
- Enhancing the Living

Details of each of the partnership priorities were set out in section 5 of the report.

It had been agreed to establish a joint scrutiny function to consider matters which had a common strategic interest across the Partnership. An initial meeting had been held with the Chairman of the scrutiny committees' across the authorities and general support had been expressed for a Task and Finish Group to be convened to consider Transport.

In addition two joint scrutiny task groups were soon to commence on the topics of annual scrutiny of the partnership and ICT and Digital strategy.

Council welcomed the report and noted the tangible achievements of the Partnership since it was first formed, the results of which were filtering through to Government.

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

RESOLVED

- 1. That the progress of Phase 2 of the Partnership (section 2) be noted.**
- 2. That the peer review update (section 3) be noted.**
- 3. That the Annual Delivery Plan (ADP) update (section 4) be noted.**
- 4. That the updates from the Priority Partnerships (section 5) be noted.**
- 5. That the update on the joint Scrutiny work (section 6) be noted.**

40 GENERAL FUND REVENUE AND CAPITAL OUTTURN 2021/22

Councillor Jonathan Noble introduced a report by the Strategic Finance Manager (PSPS) setting out the draft financial position for the Council at the end of the 2021/22 financial year, and seeking approval for the transfer and drawdown of reserve funds and carry forward of capital budget in the sum of £3.55m.

It was moved by Councillor Johnathan Noble, and seconded by Councillor Paul Skinner

1. That the provisional year end position, variations to the 2021/22 approved budget and resulting effect on the Council's balances and reserves as shown in Appendix A be noted.
2. That the transfer of £1,830,999 to the Funding Volatility Reserve to fund the 2022/23 budget, this being the Section 31 grant allocated to the Council in 2021/22 but required in 2022/23, be approved.
3. That the use of reserves as set out in Table 3 at Appendix A be noted and approved.
4. That the drawdown of £1,864,887 from the Funding Volatility Reserve, the Section 31 grant set aside in 2020/21 to cover the reduced Business Rates received in 2021/22, be approved.
5. That the final revenue surplus (currently estimated to be £165,024) be transferred to the Transformation Reserve to fund future projects to help realise future revenue savings and service improvements.

The Chairman of the Audit and Governance Committee expressed concern that the recommendations proposed in report had not been referred to his committee for scrutiny prior to Council being asked to approve.

An amendment was moved by Councillor Peter Watson and seconded by Councillor Brian Rush that the report be deferred until considered by the Audit and Governance Committee.

On being put to the vote the amendment was lost.

Debate continued regarding the high values Council was being asked to approve without scrutiny and that the appropriate forum would be the Audit and Governance Committee where in depth questions could be asked, which was not possible at Council.

In response, the Chief Executive confirmed that there would be no detriment to the Council if the decisions were delayed to allow for consideration by the Audit and Governance Committee

Councillor Paul Skinner withdrew his seconding of the proposition.

The proposition was then seconded by Councillor Anton Dani.

The substantive motion was then put to the vote and was lost.

(The report was then scheduled for the Audit and Governance Committee to be held on Monday 3 October).

41 EXCLUSION OF THE PUBLIC AND PRESS

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

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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A of the Order.

(Councillor Deborah Evans left the meeting at 9.15 p.m.)

42 MEETING TO CONTINUE

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

RESOLVED that the meeting continue past the 3 hour guillotine.

43 DISPENSATION FOR NON-ATTENDANCE

The report was considered in private session as it contained exempt information. However, in the public interest a redacted version of the resolution is set out below:

RESOLVED

- 1. That a dispensation for non-attendance be granted to Councillor Viven Edge**
- 2. That delegated authority be granted to the Chief Executive, in consultation with Political Group Leaders, to consider future requests for dispensations where a timely meeting of full Council was not scheduled to be held.**

A copy of the exempt full minute and resolution has been lodged separately by the Council.

(The meeting ended at 9.28 p.m.)