

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held in the Council Chamber, Municipal Buildings, West Street, Boston, PE21 8QR, on Thursday, 28th February, 2019 at 6.30 pm

Present:

The Mayor (Councillor Judith Skinner), in the Chair
Councillors Tom Ashton, Alison Austin, Richard Austin, Peter Bedford, Michael Brookes, Colin Brotherton, David Brown, Michael Cooper, Anton Dani, James Edwards, Ben Evans, Paul Gleeson, Martin Griggs, Jonathan Noble, Barrie Pierpoint, Felicity Ransome, Sue Ransome, Stephen Raven, Brian Rush, Claire Rylott, Paul Skinner, Aaron Spencer, Yvonne Stevens, Nigel Welton and Stephen Woodliffe

Officers –

Chief Executive, Deputy Chief Executive (Monitoring Officer), Chief Finance Officer and S151 Officer, Accountancy Manager (Revenues and Systems), Council Tax and Benefits Manager and Democratic Services Manager

39 MINUTES

The minutes of the meeting of the Council held on 21 January 2019 were taken as read and signed by the Mayor as a correct record.

40 APOLOGIES

Apologies for absence were received from Councillors Viven Edge and Elizabeth Ransome

41 COMMUNICATIONS

The Chief Executive reminded Members that, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, all votes on the council tax and budget setting report would be taken as recorded votes.

The Mayor announced that, in accordance with present arrangements for the selection of Mayor, Councillor Anton Dani had agreed to serve as Mayor for the municipal year 2019/20, subject to being re-elected in May 2019.

42 DEPUTATIONS AND PETITIONS

The Chief Executive reported there were no deputations or petitions.

43 QUESTIONS FROM ELECTED MEMBERS

The Chief Executive reported there were questions from Councillor Sue Ransome and Councillor Alison Austin.

Question asked by Councillor Sue Ransome pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

“Councillor Cooper,

I would like to ask you a question relevant to your portfolio of Development Control.

At the time of the sale of the Boston Assembly Rooms by the Boston Borough Council to a private buyer in November 2012, were any conditions applied to the sale agreement regarding the upkeep and appearance of the building which can be enforced, or can any enforcement action be taken in respect of listed building requirements to oblige the current owners to improve the appalling state of the exterior decoration of this iconic town centre building?”

Response by Councillor Michael Cooper

“I thank Councillor Ransome for notice of her question.

Like me I’m sure that many Councillors will share some of your concerns about the appearance of this prestigious Grade 2* listed building.

Officers of the Council have over the years been in regular communication with the owners regarding the general appearance. In fairness there has been some minor progress on occasion.

In so far as regulatory or enforcement powers are concerned, the point at which the council can intervene has to be made on a judgement in considering the potential for success in any legal or enforcement action that we may choose to take.

We do seek professional opinion balanced as is necessary with the likelihood of successful action. In this particular case where it involves a heritage asset (a listed building) we can progress if the building is in disrepair. Unfortunately disrepair is a subjective matter and we have to be confident that there is real harm to the asset.

However the degree of 'harm' caused to the building itself and the detriment to the amenity of the area generally must be considered as to their significance. Following inspection we have determined that there are small amounts of vegetation emanating from the fabric of the building and the general decor of the building shows signs of ageing and there is also a broken window.

Overall however, it is not considered that the building is so poorly maintained or of such poor appearance that could warrant formal enforcement action by the Council. The state of this building is similar to other large buildings in the town where there is a need for minor investment but not to the extent that the Council can seek to enforce the owners to carry out works.

All of this said the information retained on completion of the sale of the Assembly Rooms includes a reference to *paint all external parts of the property including windows frames and door frames and fascia boards in good quality paint and thereafter to paint the same as often as is considered necessarybut in any event not less than every five (5) years*. The first redecoration completed after the sale took place so far as the council can ascertain was shortly before September 2014.

We will continue to liaise with the owners in the hope that redecoration in accordance with the positive covenant can be arranged without the need for formal enforcement action at the 5 year anniversary.”

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

“Thank you for your response. I am sure you are aware the building has been closed for the past 2 months and I am concerned that the inside will also deteriorate. I note that later in the year action may be able to taken but am saddened that the listed building conditions are not enforceable. I ask that you please ensure this remains on the Council’s radar to prevent further deterioration and the building becoming an eyesore in the town centre. Would there be any advantages in asking Heritage England for advice.”

Response by Councillor Cooper

“The Council shares your concern and we have been watching closely for some time. The current owners have not maintained the building as we would have hoped, which is disappointing. However, enforcement action will be taken at the five year anniversary if necessary. It is unlikely that Heritage England would become involved in this issue.”

Question asked by Councillor Alison Austin pursuant to paragraph 11 of the Rules of Procedure as set out in the Constitution.

“We have recently learnt that the company delivering environmental enforcement across the Borough has terminated its contract, what steps are being taken to improve the littering problem and do you consider with hindsight that the Council had adopted the right approach to that particular problem or will you be considering a quite different strategy?”

Response by Councillor David Brown

“I thank Councillor Austin for notice of her question.

Since 3GS terminated their contract with the Council, Officers have been seeking a replacement service, on a like for like basis, from commercial providers, on a nil cost basis. Discussion is currently on going with a provider which we hope to conclude shortly.

We have reflected on our position and consider our current strategy for dealing with littering and environmental crime is the right one. Indeed the Council has recently been nominated for a national award in recognition of our innovative approach to tackling enviro-crime across the borough.

Since the contract with 3GS started 1253 Fixed Penalty Notices have been issue which indicates we adopted the right policy and we are not currently considering a different strategy.”

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

“Congratulations to all involved on the nomination for the national award. Have you considered dispensing all together with enforcement as people respond better to reward, not punishment. People are inspired when they see others doing something positive. What further steps are being taken to encourage people to take ownership and pride in where they live and to prevent fly-tipping.”

Response by Councillor Brown

“I don’t agree with dispensing of enforcement, there has to be some form of punishment. Campaigns on social media has seen volunteer groups being formed to tackle littering and fly-tipping as a community orientated activity in their areas. The Council is supporting this by equipping the groups with equipment such as litter pickers, gloves, bags etc. If people give up their time to join volunteer groups they want the Council to take enforcement action against those who commit environmental crime.”

44 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chief Executive reported there was a question from Mr. Neill Hastie.

Question from Mr. Neill Hastie pursuant to paragraph 10 of the Rules of Procedure as set out in the Constitution.

“As portfolio holder for Boston can you tell me if Boston Borough Council has a realistic plan to revitalise the town centre and market with the intention to attract more businesses to the area, and what that plan would involve please?”

Response by Councillor Nigel Welton

“I thank Mr. Hastie for notice of his question.

Mr. Hastie will be aware that the Council, with the support of BTAC and our partners, continues to work hard to invest and support our wonderful town.

Despite the challenging financial circumstances there has been increased investment in events, additional town centre officers to support cleaning and improvement works as well as sustaining and retaining the facilities we enjoy.

Our partners such as the Boston in Bloom committee year on year achieve excellent standards, there is the recently announced multi-million Townscape Heritage Initiative attracting huge investment in the town, the continued freeze on parking charges remains despite the growing requirement to maximise fees income to maintain services, there is new street furniture and litter bins, a greater focus on tourism and support to our friends at St Botolphs and others.

Being shortlisted for a national award for our innovative ground breaking environmental and enforcement practices is a huge national recognition of Boston’s achievements and commitment. I could go on and on and on.

All of this said we all know and recognise that the retail environment is a challenging one and I'm sure Mr Hastie will recall my detailed response to Councillor Dani at the previous Council meeting following his question, which was very similar to this.

Boston town centre is the hub of enterprise where small businesses grow and local jobs are created, but as consumer patterns change as spending increasingly moves online, our expectations of high streets are changing too.

At the last meeting I called upon all of Boston to support our collective desire for a successful application to the Government's High Streets fund to enhance Boston's ability to bring about that transformative change. I am determined that Boston unites with a collective and constructive commitment to make our town as good as it can be within the statutory and financial parameters within which we all have to operate."

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

"Thank you for the in depth response, most of which I agree with. It is difficult to challenge the internet, but why doesn't Boston go the other way and attract retailers whose products aren't suitable for the internet to set up in Boston. The town centre needs to be revitalised, how are you going to promote the town to attract visitors and retailers and address their concerns?

Response by Councillor Nigel Welton

"Yesterday we held a Future of the High Street Stakeholder event was held, with 24 representatives from various organisations attending, including business, voluntary sector, public sector, housing associations, college etc. Last year we engaged consultants to work on a masterplan design before the government's announcement on high street funding, we have been working hard behind the scenes and are ahead of the game.

I invited market traders to attend a meeting to hear their concerns, only 3 turned up and you didn't respond. Everyone needs to be involved, talking on a daily basis, Officers are working hard on innovative ideas for the town. Hiding behind social media and not engaging is not helpful.

We could all say things could be better, but the council has to work within its financial constraints and balance its budget, we can't promise what we can't pay for. Boston is a small market town, ideas have been identified to improve the situation and we will be talking again next month. We all need to keep on working together for the town."

45 DECLARATIONS OF INTEREST

No declarations of interest were made.

46 AUDIT AND GOVERNANCE COMMITTEE MINUTES

Councillor Jonathan Noble introduced the confirmed minutes of the Audit and Governance Committee held on 10 December 2018 highlighting the key matters considered by the Committee.

It was moved by Councillor Jonathan Noble, seconded by Councillor James Edwards and

RESOLVED that the confirmed minutes of the meeting of the Audit and Governance Committee held on 10 December 2018 be received.

47 COUNCIL TAX AND BUDGET SETTING AND MEDIUM TERM FINANCIAL STRATEGY

Councillor Aaron Spencer introduced a report by the Chief Finance Officer which outlined the 2019/20 revenue and capital position for the General Fund and the proposals for the setting of discretionary fees and charges.

The Local Government Act 2003 introduced a requirement for the Chief Financial Officer to report on the robustness of the budget. The estimates had been prepared in a prudent manner, although it was highlighted that there were a number of elements outside of the Council's control. These had been identified within the report and would be mitigated through the budget monitoring and risk management processes of the Council.

Having taken advantage of the Government's four-year settlement announcement, the final year of which was 2019/20, the Council was entering the period beyond that in a reasonable position taking into account the new financial regime from 2020/21 following the upcoming Fairer Funding Review, the proposed introduction of 75% localisation of business rates and the revised funding formula, although the recent closure of one of the largest local businesses highlighted the difficulties facing the economy.

Whilst the recent Budget had set out the Government's overall public sector spending figure for the coming years, the 2019 Spending Review would allocate resources between government departments, providing councils with a better understanding of the likely resources available in the medium term. The changes meant that there would be additional risks to future funding levels which would require careful management. Therefore, the financial position modelled in the report on a current basis, could result in a rather different position by the end of the forecast period. The new Council to be elected in May 2019 would need to be clear about its priorities and make resource allocation decisions accordingly.

It was noted that there were significant areas of uncertainty in the coming years, including the impacts of the Brexit process, local government funding changes, and the 2017 Business Rate revaluation outcomes locally. The Council had robust risk management processes in place and, alongside the quarterly performance reporting, would update the likely future impacts as the situation became clearer.

In developing the Council's budget proposals for 2019/20, it had managed inflationary pressures on operational costs and pressures on some areas of income collection. Areas where net budget reductions had been delivered to produce a balanced budget included Leisure Services and Planning.

In order to deliver a balanced budget beyond 2019/20 and develop proposals for a secure medium term financial position the Council would seek innovative opportunities to achieve the annual budget reductions required without adversely affecting service delivery or compromising on its priorities. Reports would be presented for deliberation and approval as projects were worked up, which would mean a refresh of the Transformation Programme once the future funding position became clearer.

The following key proposals contained within the budget report were noted by Council as part of the introduction: -

- A rise in Council Tax of just below 3% with Band D council tax being £189.09;
- A balanced budget for 2019/20 after a reduction in Revenue Support Grant of almost £400,000, incorporating on-going savings of £312,000 from the Transformation Programme and an increase in expected fees from planning income and leisure;
- Minor changes to the figures in the draft budget as a result of more information becoming available, including £17,500 Brexit funding for the current year and next year;
- Projected budget gap of £0.9m by 2023/24 representing a significant challenge for the Council in maintaining service provision to the most vulnerable;
- The government's plan to localise 75% of business rates by 2020 would result in the council's resources coming solely from council tax, business rates and fees and charges. This would have significant risks attached to it and there remained numerous uncertainties on the details within the proposal;
- Movement of business rates appeal provision of £1.5m from the collection fund to the general fund to help support future years. This had been identified as part of the annual review of the amount of provision required;
- In 2019/20 the Council would be part of a business rates pool across Lincolnshire following the unsuccessful bid for 75% localisation pilot status;
- New Homes Bonus tapering down from 2020 to nil in 2023/24;
- Boston Town Area Committee had met on 9 January and recommended the requirements for the Special Expense Account for 2019/20, being a precept of £680,303 and a Band D council tax for the BTAC area of £74.07;
- A sustainable and affordable capital programme had been formulated and the revenue consequences built into the revenue budget;
- The capital programme showed a diminishing programme in future years as resources became scarcer, although the Controlling Migration Fund monies had enabled investment in leisure facilities. The programme recognised that funds would be required to renew the refuse fleet, the exact timing would be incorporated into future reports;
- Majority of fees and charges were not proposed to be increased for 2019/20;

The draft budget had been subject to a public consultation exercise, forty five formal responses had been received and some comments via social media. All responses were set out in appendix 11 of the report.

The report had been considered by the Audit and Governance Committee and the Corporate and Community Committee and the proposals supported.

The proposed budget had been commended to full Council by Cabinet at its meeting on 20 February.

During debate a number of issues were raised:-

- Objections were raised to the level of increase imposed on council tax payers by Lincolnshire County Council (4.95%) and the Police and Crime Commissioner (11%) which would impact on the poorest and most vulnerable in the community. It was recognised that the increases were necessary for the bodies to continue to provide essential services, and the situation had been created by central Government's unfair funding mechanism. The Police and Crime Commissioner should be invited to meet with Members to explain the rationale behind the seemingly excessive increase in precept requirement.
- The levies from the Internal Drainage Boards accounted for 51% of the Borough Council's element of council tax revenue.
- The growing population in the Borough was not acknowledged in the settlement from central government.
- Despite the relatively small increase in the Borough Council's element, the council tax levels for Boston were still amongst the lowest in the county. Boston's requirements compared well against other authorities, particularly Lincoln where the lowest band paid as much as the highest band in Boston.
- No alternative budget had been proposed by opposition groups despite officer time being set aside to assist.

In summing up the Portfolio Holder commented that if there had been an alternative to increasing the council tax levels it would have been taken. However, following the freeze in council tax increases for four years as part of central government policy, the Council was now suffering from lack of inflation increases. Difficult decisions had to be taken to ensure essential services could be delivered to residents.

Boston was well managed and other authorities could learn from its experiences, particularly the results of the transformation programme which had achieved significant savings over the eight year period.

Councillor Spencer thanked Councillors and Officers for their continued support over the four year term of office, which had resulted in the people and the town being served well during that time.

It was moved by Councillor Aaron Spencer, seconded by Councillor Michael Cooper and

RESOLVED

1. **The Boston Borough Council Medium Term Financial Strategy for 2019/20 to 2023/24, and associated financial strategies appended at Appendix C be approved.**

2. The formal 2019/20 Council Tax resolutions at Appendix A (Parishes, BTAC special expense, the County Council and Police and Crime Commissioner for Lincolnshire are also dealt with as part of this resolution), be agreed and that Borough element of Council Tax for a Band D property be increased by 2.99% and set at £189.09.

For	Against	Abstain
Ashton	Gleeson	
A. Austin	Pierpoint	
R. Austin	Raven	
Bedford	Rush	
Brookes		
Brotherton		
Brown		
Cooper		
Dani		
Edwards		
Evans		
Griggs		
Noble		
F. Ransome		
S. Ransome		
Rylott		
J. Skinner		
P. Skinner		
Spencer		
Stevens		
Welton		
Woodliffe		

The meeting ended at 7.40 p.m.

COUNCIL TAX RESOLUTIONS**Council is recommended to resolve as follows:**

1. it be noted that on 28 February 2019 the Council calculated the Council Tax Base 2019/20.
 - (a) for the whole Council area as 19,133.90; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the table below:

Parts of the Council's Area: Parishes of	2018/2019			2019/2020			C/Tax Increase/ (Decr) (£)	C/Tax Increase/ (Decr) (%)
	Tax Base	Precepts (£)	Council Tax Band D (£)	Tax Base	Precepts (£)	Council Tax Band D (£)		
Algarkirk	104.84	6,992.00	66.69	104.00	6,848.00	65.85	(0.84)	(1.26)
Amber Hill	88.01	3,000.00	34.09	89.90	3,369.00	37.47	3.38	9.91
Benington	164.04	13,000.00	79.25	161.00	15,000.00	93.17	13.92	17.56
Bicker	279.67	18,000.00	64.36	278.80	21,000.00	75.32	10.96	17.03
Butterwick	403.62	15,000.00	37.16	399.00	21,000.00	52.63	15.47	41.63
Fishtoft	2,138.00	30,511.51	14.27	2,122.20	32,019.80	15.09	0.82	5.75
Fosdyke	145.73	11,000.00	75.48	148.20	11,400.00	76.92	1.44	1.91
Frampton	448.97	14,100.00	31.41	448.10	21,585.00	48.17	16.76	53.36
Freiston	322.15	23,000.00	71.40	323.40	24,000.00	74.21	2.81	3.94
Holland Fen with Brothertoft	198.30	2,750.00	13.87	199.70	3,250.00	16.27	2.40	17.30
Kirton	1,524.40	131,586.08	86.32	1,619.70	67,275.00	41.54	(44.78)	(51.88)
Leverton	192.75	15,000.00	77.82	193.60	15,000.00	77.48	(0.34)	(0.44)
Old Leake	606.77	34,605.00	57.03	687.30	35,200.00	51.21	(5.82)	(10.21)
Suttoner	507.38	25,750.00	50.75	519.00	27,000.00	52.02	1.27	2.50
Swineshead	860.90	27,343.00	31.76	944.50	30,783.00	32.59	0.83	2.61
Wigtoft	145.43	6,898.00	47.43	145.80	9,249.00	63.44	16.01	33.76
Wrangle	431.05	21,000.00	48.72	433.20	21,000.00	48.48	(0.24)	(0.49)
Wyberton	1,056.03	38,000.00	35.98	1,131.90	39,140.00	34.58	(1.40)	(3.89)
Sub-Total: Parishes	9,618.04	437,535.59	45.49	9,949.30	404,118.80	40.62	(4.87)	(10.69)
Boston Special Expense Area	9,095.53	654,694.09	71.98	9,184.60	680,303.00	74.07	2.09	2.90
Total	18,713.57	1,092,229.68	58.37	19,133.90	1,084,421.80	56.68	(1.69)	(2.90)

2. Calculate that the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) is £3,618,029.
3. That the following amounts be calculated for the year 2019/20 in accordance with Sections 30 to 36 of the Act:
 - (a) £43,046,852 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act (including Special Expense and Parish Precepts).
 - (b) (£38,344,401) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £4,702,451 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
 - (d) £245.77 being the amount at 3(c) above, all divided by 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts and Special Expenses).
 - (e) £1,084,422 being the aggregate amount of all special items (Parish precepts and Special Expenses) referred to in Section 34(1) of the Act (as per **1(b) above**).
 - (f) £189.09 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
4. To note that the County Council and the Police and Crime Commissioner have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below.
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2019/20 for each part of its area and for each of the categories of dwellings.

VALUATION BANDS									
	A £	B £	C £	D £	E £	F £	G £	H £	
Lincolnshire County Council	861.60	1,005.20	1,148.80	1,292.40	1,579.60	1,866.80	2,154.00	2,584.80	
Lincolnshire Police and Crime Commissioner	160.92	187.74	214.56	241.38	295.02	348.66	402.30	482.76	
Boston Borough Council	126.06	147.07	168.08	189.09	231.11	273.13	315.15	378.18	
Average Parish including Special Expense	37.78	44.08	50.38	56.68	69.27	81.86	94.46	113.36	
Aggregate of Council Tax Requirements	1,186.36	1,384.09	1,581.82	1,779.55	2,175.00	2,570.45	2,965.91	3,559.10	

6. The Council has determined that its relevant basic amount of Council Tax for 2019/20 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major Precepting authority that its relevant basic amount of Council Tax for 2019/20 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.