

BOSTON BOROUGH COUNCIL

At the meeting of Boston Borough Council held in the Council Chamber, Municipal Buildings, West Street, Boston, PE21 8QR, on Monday, 21st January, 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, Paul Gleeson, Martin Griggs, Jonathan Noble, Barrie Pierpoint, Felicity Ransome, Sue Ransome, Brian Rush, Paul Skinner, Aaron Spencer, Yvonne Stevens, Nigel Welton and Stephen Woodliffe

Officers –

Chief Executive, Deputy Chief Executive and Monitoring Officer, Chief Finance Officer and S151 Officer, Council Tax and Benefits Manager and Democratic Services Manager

28 MINUTES

The minutes of the meeting of the Council held on 26 November 2018 were taken as read and signed by the Mayor as a correct record.

29 APOLOGIES

Apologies for absence were received from Councillors Viven Edge, Ben Evans, Elizabeth Ransome, Stephen Raven and Claire Rylott.

30 COMMUNICATIONS

The Chief Executive confirmed that in accordance with Part 3(a) paragraph 4.2 of the Constitution, he had exercised powers to take decisions to re-allocate committee seats for political proportionality purposes, as a result of recent changes within memberships. The revised allocation had been circulated to all Members.

The Mayor informed Council of the death of Mr. John Wright, Past Mayor 1980/81, and expressed the Council's condolences to his family.

31 DEPUTATIONS AND PETITIONS

The Chief Executive reported there were no deputations or petitions.

32 QUESTIONS FROM ELECTED MEMBERS

The Chief Executive reported that there were two questions from Councillor Jonathan Noble, one question from Councillor Anton Dani and one question from Councillor Brian Rush.

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

“Given that the Council is anxious to promote economic development within the Borough of Boston, how many potential new job opportunities have been announced by various companies in the last six weeks?”

Response by Councillor Michael Cooper

“Taking in to account job opportunities presented by several local businesses, including Bakkavor, Freshtime, MetsaWood to support ‘at risk’ colleagues post announcement of the closure of Fogarty’s, data received by the Department for Work & Pensions and local intelligence over the period in question is just over 200. However, over and above that, new positions as part of business expansion and growth again over the same period is 65”.

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

“Could you please elaborate on how the Council is working with Parkinson Harness Technology to expand their business in Boston?”

Response by Councillor Cooper

“Parkinson Harness has recently become part of the Dhoot Transmission Group of companies and is looking to expand its operation in Boston. The Council is actively involved in talks with the company to support this.”

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

“The Council seeks to advertise Boston as an attractive tourist destination, so in the light of this, what discussions have taken place between it and the local constabulary with a view to removing sturdy beggars, using the provisions contained within the Vagrancy Act 1824, from their sedentary positions in public places on Boston's streets from which the aforesaid persons beg for money, intimidate and disquiet both tourists and local citizens?”

Response by Councillor Michael Cooper on behalf of Councillor Claire Rylott

“The provisions of the Vagrancy Act of 1824 in respect of begging have been raised by a number of different Council staff and members with Lincolnshire Police over a number of years who have consistently remind us that begging under the Act is a summary offence ONLY punishable by way of prosecution; the Act does NOT provide the Police with a power of arrest nor does it provide the Courts with the option to impose a custodial sentence.

Seeking prosecution under the Act is not often considered by the lead enforcer to be in the public interest as it is not able to stop begging directly; rather, the Police and the Council try to work with people, as far as is reasonably possible, to help them access housing, support and specialist services from which they may benefit.

Where anyone engages in any activity that gives rise to a public order offence, Lincolnshire Police have and frequently do use their power of arrest and charge.

In addition to the role of the Police, where the Council is able to secure 'evidence' that anyone asking for money in a public place is causing or attracting anti-social behaviour such that their general conduct is having a 'detrimental effect of a persistent nature that affects the quality of life of those in the locality' then the Council will consider issuing a Community Protection Warning. Failure to comply with a Community Protection Warning can then result in service of a Community Protection Notice; failure to comply with such Notice is a **criminal offence** that is liable to a fine, upon summary conviction, of **£2,500 for an individual or £20,000 as a business**.

On the back of pursuing a summary conviction for breach of a Community Protection Notice, the Council can apply for a Criminal Behaviour Order in which the Courts may specify both restrictions and positive requirements on recipients. In this Council's experience to date, Community Protection Warnings have been very effective in addressing a wide range of antisocial behaviours."

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

"I refer to paragraph 2 of the response, liaison with other bodies to provide support, I assume the Council is working with organisations such as P3 and Centrepoint etc. to provide help to the homeless?"

Councillor Cooper responded to the supplementary question in the absence of Councillor Rylott.

"Unfortunately, homelessness is often a result of social and economic problems. I can confirm that the Council is working with various organisations to help, but it is a difficult subject for many people."

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

"Would the BBC take advantage of the Government £672 million allocated for Town Centres and apply for a grant so we can be able to bring some development to our Town centre?"

Response by Councillor Nigel Welton

"The simple answer is yes the Council will be submitting an Expression of Interest in response to the Government's prospectus.

High streets are where commerce and the community meet. They have always been a hub of enterprise where small businesses grow and local jobs are created. They are heartbeat of the places we call home. Boston is a prime example of this.

However as consumer patterns change as spending increasingly moves online, our expectations of high streets are changing too. This could not be more evident following the sad national announcements by Marks and Spencer last week. I have committed the Council's support to the Company and we will help them and their staff in any way we can.

I have no doubt that this Council is united in its desire to helping our Town to adapt and meet the modern day changes and expectations; not just to survive, but to thrive.

A successful application to the fund would greatly enhance Boston's ability to bring about that transformative change. The process is a competitive one. I am aware that every district in Lincolnshire will be applying and I can't imagine a town or High Street anywhere in the Country where there isn't a passionate desire to adapt to modern day shopping and leisure habits. But I am confident that Boston with our partners will put forward a compelling case and I'm sure all members will join me in hoping for the best and supporting our desire to get through to the next stage of the process."

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

"Councillor Cooper, this week the people of Britain dealt a political death blow to Theresa May's clearly incompetent handling of last week's EU presentation to Parliament.

As the current Leader of Boston Borough Council, how do you think this might impact upon the future prosperity of our town and borough, what is your position on this?"

Response by Councillor Michael Cooper

"I thank Councillor Rush for notice of his question

He is entitled to his opinion of the Prime Minister, but would he rather see Mr. Corbyn hand power to the EU, and give us no chance of releasing ourselves and our country from the clutches of Europe.

As I do not possess a crystal ball, I like everyone else in this chamber will not have a clear view of how the exit from the EU will look, or when it will happen, until it actually happens. At this point we will be in a better position to assess the impact on this town. But, rest assured, we as a Council along with the County Council and the Government, have all been working on our forward strategies for all outcomes of BREXIT and we are confident that we can take steps to mitigate any negative impact on the Borough."

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

"I thank you for the response, but what are you going to do about the impact on Boston?"

Response by Councillor Cooper

"Unfortunately, I am not in the House of Commons to have a real effect, but I can in Boston. This Council is working to ensure the best for the town, and are already working with LEP and other Councils. Things are starting to look clearer and we will continue to work to mitigate any impact when we know what is happening."

33 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.

“Can you tell me whose decision it was to stop locking central parks gates and why this decision was taken please?”

Response by Councillor Michael Cooper on behalf of Councillor Claire Rylott

“The decision to cease locking the Central Park gates was an operational decision made by the Head of Service in consultation with the Portfolio Holder at that time (May 2016).

The decision was driven by achievement of operational efficiency and financial savings and was supported by a commitment to monitor anti-social behaviour /crime trends”

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

“What system monitors anti-social behaviour and crime in the park area, is it the CCTV system which has proved to be inadequate and are there any plans to change it? There have been serious incidents of anti-social behaviour and a murder recently, the Council is cutting costs, how much is a resident of Boston worth?”

In the absence of Councillor Rylott a written response would be forwarded as soon as possible after the meeting.

34 DECLARATIONS OF INTEREST

No declarations of interest were made.

35 LOCAL COUNCIL TAX SUPPORT SCHEME 2019/20

The Portfolio Holder for Finance introduced a report by the Council Tax and Benefits Manager on the operation of the Council Tax Support scheme to date and the outcome of the consultation process for the 2019/20 scheme.

The report set out the background to the Council Tax Support (CTS) scheme which had been in operation since 2013/14 under the provisions of the Welfare Reform Act.

When approving the CTS scheme for 2018/19 it had been proposed that a fundamental review would not be undertaken for at least two years due to the delay in the roll out of Universal Credit. This would allow sufficient evidence to determine the ongoing impact of the introduction of Universal Credit.

The delays had had a knock on effect for the pensioner caseload and it was not envisaged that any changes to their housing costs would be paid from Housing Benefit until after March 2022.

It was accepted that the outturn performance of the adopted schemes from 2013/14 onwards were broadly in line with original assumptions. The full service for Universal Credit was rolled out for the Boston area on 12 September 2018, although this was currently only for new claims. The migration of existing claims was not due for completion until 2023.

Whilst the new regulations provided councils with flexibility to set up their own local arrangements, the Government expressed clear intentions in relation to certain aspects of a local scheme, including:-

- For pensioners there should be no change in the level of awards as a result of the reform. This included both existing and new claimants.
- Councils were required to also consider ensuring support for other vulnerable groups.
- Local schemes should support work incentives and in particular avoid disincentives to move into work.

The 2019/20 council tax support scheme was consulted on the following options:-

Option 1

Continuation of the current scheme, as it was, with a 'no change' approach, uprating the amounts used in the calculation of Council Tax Support for working age claimants in line with Department for Work and Pensions uprating for working age social security benefits and non-dependent deductions.

This option would maintain a consistent approach to Boston's CTS scheme since its introduction in 2013/14. It would continue to recognise the additional needs of the vulnerable through the approach to its calculation.

Any further reduction in grant funding or increase in CTS awards would need to be found from other budgets areas or service cuts. Any consultation process would include this as an option with views on how or what services would be affected.

Option 2

Continuation of the 2018/19 scheme, but not apply any up-ratings. This would marginally reduce the cost of the scheme, but result in the up-rating adjustments not aligning with those used nationally.

The Council was required to consult with major preceptors and the public in terms of any scheme changes and the responses were made available as part of the decision making process. The consultation exercise with major preceptors and other interested parties had run between October and November 2018.

The consultation focused on whether the Council should continue with its current scheme for 2019/20, and asked respondents if they felt this was a fair scheme. Twenty three public replies had been received with 55% of those in agreement with the proposal to continue with the current scheme. The responses from major preceptors also confirmed their agreement to support a scheme that did not increase the financial burden and continued to help balance budgets.

The report had been considered by the Corporate and Community Committee on 1 November 2018 and Cabinet on 28 November 2018 and recommended that option one, a continuation of the current scheme, should be referred to Council for final approval.

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

RESOLVED

- 1. That the Council Tax Support Scheme be continued for 2019/20 on the basis of the 2018/19 scheme with no change to the core areas of the scheme of protection for pensioners; cap of 75% entitlement for working age claimants; and protection for working age claimants in receipt of a war pension, but that the following changes be made to all those in receipt of Council Tax Support (CTS):-**
 - Social security benefits are up-rated in-line with the Department for Work and Pensions up-rating for working age claimants and with the Ministry for Housing, Communities and Local Government for pension age claimants;**
 - Working age non-dependant deductions are up-rated using the Ministry for Housing, Communities and Local Government up-rating for pensioners to ensure consistency between the two groups.**
- 2. That authority for final wording of the scheme be delegated to the Section 151 Officer.**

36 AUDIT AND GOVERNANCE COMMITTEE MINUTES

Councillor Jonathan Noble introduced the confirmed minutes of the Audit and Governance Committee held on 12 November 2018 highlighting the key matters considered by the Committee.

Members recognised the importance of receiving the minutes of the Audit and Governance Committee to ensure good governance, probity, and financial management, and refuted that it was a 'rubber stamping' exercise as had been commented in the local media.

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 12 November 2018 be received.

37 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Councillor Michael Cooper introduced a report by the Returning Officer setting out proposals following a review of polling districts and polling stations.

The report stated that Under the Representation of the People Act 1983, the Council had a duty to divide the Borough area into polling districts and designate a polling place for each of those districts.

The Electoral Registration and Administration Act 2013 requires a review of polling districts and polling places to be undertaken every five years. The last review was completed in December 2014 and it was considered timely to complete the review in advance of the scheduled Borough and Parish Council elections in May 2019.

A review commenced in November 2018, based on the warding arrangements introduced by the Local Government Boundary Commission for England (LGBCE) in May 2015. The only proposed change was to the polling place in the parish of Benington, due to the previous location no longer being available.

In determining where polling places should be located the Council should seek to ensure that all electors have such reasonable facilities for voting that were practical in the circumstances, and that so far as was reasonable and practical, all polling places were accessible to all electors, including those who were disabled. However, whilst convenience and practicality for electors was important when allocating to polling stations, this had to be balanced against the impact on the wider community.

Full details of the review were circulated to Borough Councillors, Parish Councils, local political parties, the Boston Disability Forum, published on the Council's website and comments invited on the Returning Officer's proposals. Very few responses were received to the consultation, and where comments had been made they were set out in the proposals attached at Appendix 1 to the report.

Objections had been submitted to the proposal to allocate electors in the OF polling district of the Wyberton Ward to the polling station at the Parish Hall, London Road, Wyberton, and the comments were set out in section 3 of the report. The Returning Officer's response and rationale for the recommendation were set out in section 4.

The area in question formerly sat within the South Ward, but had been moved to the Wyberton ward following the LGBCE review in 2014. However, as the area was outside of the Wyberton Parish boundary those electors would not be eligible to vote in parish council elections.

The principal reason for the proposal was that it would be necessary to at least partially close St. Thomas' School to accommodate polling stations for the two different wards of St. Thomas' and Wyberton. Under the current arrangements it was possible for the school to remain fully open as access to the room used for the polling station for the St. Thomas Ward did not require entry into the main building, which maintained security for the school and kept safeguarding risks to a minimum.

Research had been undertaken into the number of electors in the polling district who voted in the Parliamentary election held in June 2017, the last major election in the area. The figures for the polling district compared favourably at 43.2% of people voting in person at the polling station and an overall turnout of 57% when taking into account returned postal votes, against a constituency turnout of 62.7%

Taking into account historical turnout figures, disruption to pupil's education and inconvenience to parents if the school was required to close on polling day, no representation being received from residents in the area, and the availability of postal voting on demand, it was recommended that the Returning Officer's proposals be accepted.

There were occasions when designated polling places may become unavailable for use during the elections. The Returning Officer required approval by the Council in order to change polling places at relatively short notice. It was therefore recommended that delegated authority be granted to the Returning Officer following consultation with the relevant Ward Member(s) to approve any such changes during an election period.

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

RESOLVED

- 1. That the proposals for the polling districts, polling places and polling stations, in the Borough area, as set out in Appendix 1 of the report, be approved.**
- 2. That the Returning Officer be granted delegated authority for keeping polling districts and polling places under review and amending any such arrangements (following consultation with local Ward Member(s) where there is an operational need, prior to the next compulsory Borough wide review**

38 MEMBER CODE OF CONDUCT ARRANGEMENTS

Councillor Jonathan Noble introduced a report by the Deputy Chief Executive and Monitoring Officer setting out proposed revisions to the current arrangements for dealing with Member Code of Conduct issues.

The report stated that in March 2018 the Audit and Governance Committee had considered a report reviewing the Member Code of Conduct and associated policies, which were recommended to full Council for approval.

However, the report to Council had been withdrawn prior to the meeting following comments from Members and it was agreed to convene a cross party Code of Conduct Working Group to review the policies in detail and address concerns raised by Members.

The Group had met on several occasions and its recommendations were set out in the report.

During deliberations on the current arrangements for dealing with Code of Conduct complaints the Group had expressed the view that a separate sub-committee of the Audit and Governance Committee should be established for the governance and conduct aspects of the work of the Committee, rather than being within the remit of the full Committee.

The proposed arrangements included appointing parish councillors and a parish clerk to the sub-committee on a non-voting status, to recognise the responsibility for conduct of parish councillors, and a Cabinet Member, but not the Leader, as an ex officio member (non-voting).

The main changes in the process for dealing with standards complaints involved having an Assessment Panel of Members to determine if investigations should take place. Following receipt of a complaint the Monitoring Officer, in consultation with the Independent Person, would determine if the action or behaviour of the Member had potentially breached the Code of Conduct, based on knowledge, case law and experience. If it was considered that an alleged breach had occurred an Assessment Panel would be convened to decide whether or not the complaint should be investigated or local resolution sought.

The process for investigating complaints and the conduct of Hearing Panels, if required, would remain unchanged. The proposed Terms of Reference for a Standards Sub-Committee and the revised arrangements for dealing with standards complaints were attached as appendices to the report.

If the introduction of a Standards Sub-Committee were approved its first piece of work would be to review the Member Code of Conduct to ensure it was fit for purpose, robust and promoted the high standard of behaviour expected of Members. The review would include the requirement to treat others with respect, equality and diversity including the Public Sector Equality duty, data protection and provide clarification of the circumstances when the code applied to Members' behaviour.

Until such time as a review had been completed it was recommended that Council reaffirm its adoption of the current Member Code of Conduct, subject to referencing all supporting policies e.g. Member Employee Protocol, Data Protection Protocol, Whistleblowing Policy etc. and noting that any action or behaviour which constituted a breach of any of the supporting policies would also be a breach of the Member Code of Conduct.

The Member Code of Conduct, Member Employee Protocol and Members Data Protection Protocol were appended to the report and recommended for approval.

Under the Localism Act 2011 the Council was required to appoint at least one Independent Person who must be consulted by the authority before it made a finding as to whether or not a Member had failed to comply with the Code of Conduct.

The Council currently had one Independent Person appointed for standards purposes and it was recommended that a recruitment exercise be undertaken to appoint an

additional two suitably qualified Independent Persons to provide more resilience to the role to cover for absences or circumstances where there was a conflict of interest in a complaint.

The Audit and Governance Committee had considered the report on 10 December 2018 and were supportive of the proposals.

The involvement of parish council representatives on the proposed Standards Sub-Committee was welcomed as they were governed by the Code of Conduct as an accountable public body and should have responsibility for its development and operation.

It was noted that the Government was consulting on the current standards arrangements and it was hoped that this would result in some changes, particularly in respect of sanctions that could be imposed if a Member was found to have breached the code, as this aspect had been weakened under the provisions of the Localism Act 2011.

The proposal to reference supporting policies such as the Member Employee Protocol, Data Protection Protocol, Whistleblowing Policy etc. to the Code of Conduct, with any breach consequently being a breach of the Code, was supported to mitigate risks to the Council.

As Chairman of the cross party working group, Councillor Noble thanked fellow members and Officers for their detailed and comprehensive work on the proposed arrangements.

It was moved by Councillor Jonathan Noble, seconded by Councillor Paul Gleeson and

RESOLVED

- 1. That a Standards Sub Committee of the Audit and Governance Committee be established from the AGM in May 2019 and the Terms of Reference as set out in Appendix 1 be adopted.**
- 2. That the Arrangements for Dealing with Member Complaints as set out at Appendix 2, be adopted.**
- 3. That the adoption of the Members' Code of Conduct, as set out at Appendix 3, be reaffirmed, subject to it referencing all supporting policies e.g. Member Employee Protocol, Data Protection Protocol, Whistleblowing Policy. Any behaviour which constituted a breach of any of the supporting policies would consequently be a breach of the Member Code of Conduct.**
- 4. That the revised Member Employee Protocol, as set out at Appendix 4, be adopted.**
- 5. That the Members' Data Protection Protocol, as set out at Appendix 5, be adopted.**

- 6. That a recruitment exercise be undertaken to appoint two additional Independent Persons to support the Standards Sub Committee and participate in the Code of Conduct complaints process.**

The meeting ended at 7.35 p.m.