

Minutes of a meeting of the **SOUTH HOLLAND DISTRICT COUNCIL** held in the Function Room, South Holland Centre, Market Place, Spalding, Lincolnshire, PE11 1SS, on Wednesday, 22 September 2021 at 6.30 pm.

PRESENT

P A Redgate (Chairman)
A R Woolf (Vice-Chairman)

B Alcock	A C Cronin	G P Scalese
J R Astill	R Gambba-Jones	M D Seymour
J Avery	R A Gibson	E J Sneath
A C Beal	C J Lawton	G J Taylor
F Biggadike	A M Newton	A C Tennant
H J W Bingham	N H Pepper	J Tyrrell
C J T H Brewis	G A Porter	S C Walsh
A Casson	J L Reynolds	C N Worth
P E Coupland	G T D Rudkin	

Apologies for absence were received from or on behalf of Councillors M D Booth, T A Carter, R Grocock, M Hasan, J L King, S-A Slade and D J Wilkinson,

In Attendance: The Executive Director (Strategy and Resources) (S151), the Assistant Director - Communities and Operations, the Assistant Director - Governance (Monitoring Officer), the Head of Environmental and Operational Services, the Democratic Services Manager and the Democratic Services Team Leader.

35. MINUTES

Consideration was given to the minutes of the meeting of Full Council held on 29 July 2021.

DECISION:

That the minutes be signed as a correct record.

36. DECLARATION OF INTERESTS.

There were none.

37. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman made the following announcements:

- The Authority's new Joint Chief Executive, Rob Barlow was unable to attend his first meeting of Full Council as he was on annual leave.
- The Chairman advised members of a forthcoming event, to be

Action By

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held in aid of the Chairman's Charity, MIND. A Quiz Night would be held on Thursday 25 November 2021 at the Elizabethan Centre in Whaplode Drove. There would be a Fish and Chip Supper and tickets were £10 each.

38. ANNOUNCEMENTS BY LEADER AND MEMBERS OF THE CABINET.

The Leader made the following announcements:

- As reported at Cabinet, the Leader advised that Councillor Astill was replacing Councillor Drury as a Cabinet member. There were some changes to portfolios which would be circulated shortly.
- It was reported that the shared management structure was operating well, that the Memorandum of Understanding had been agreed from a legal standpoint and that this would shortly be signed allowing the partnership to formally take effect. The Leader thanked all those who had assisted in getting the new arrangements to this point.

There were no announcements from other members of the Cabinet.

39. QUESTIONS ASKED ON NOTICE UNDER STANDING ORDER 6

There were none.

40. QUESTIONS ASKED WITHOUT NOTICE UNDER STANDING ORDER 7

Question to: Councillor Gambba-Jones

Question From: Councillor Newton

Subject: Waste collection from private drives

Councillor Newton thanked Councillor Gambba-Jones for the information he had provided her regarding private drives and asked if there was anything further that members could do to assist with waste collection issues from private drives. Councillor Gambba-Jones responded that the Authority was experiencing high-volume development with some of these developments including private drives. The Authority had attempted to undertake a number of initiatives in order to achieve some improvements. Many had required the intervention of the Waste Services team, over and above their normal duties – this had taken up a significant resource and was unsustainable in the long term. Education by leafleting could be undertaken although it was

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often not legitimate users at the collection points who were creating the waste. He advised members to remain vigilant and report any problems on a regular basis, and the Enforcement team would attempt to deal with any issues.

Question to: Councillor Taylor
Question From: Councillor Gibson
Subject: Remembrance Day Parade

Councillor Gibson commented that there was some confusion over whether the Remembrance Day Parade could take place this year, and asked for confirmation that it would be going ahead. Councillor Porter commented that organisation of the event fell to Parish Councils and the Royal British Legion. However, Spalding did not have a Parish Council and the event was therefore organised by the Council's Communities Team. The Portfolio Holder for Communities and Facilities, Councillor Taylor responded that it was important that these events were held. He had attended a meeting during the week with a further one the following week, after which there would be more clarity on the issue. He confirmed that the Parade would be taking place this year, and that all involved would be in a better position with regard to organisation of the event next year.

Councillor Newton commented that some members had undertaken training with Lincolnshire County Council and were trained to their standards to hold organised parades. The experience of some members could therefore be used to assist with these events. Councillor Taylor advised that he would take this on board.

41. COMMITTEE MINUTES

The minutes of the following Committees and Panels were noted:

- Licensing Committee – 15 July 2021
- Planning Committee – 21 July 2021
- Joint Performance Monitoring Panel and Policy Development Panel – 22 July 2021
- Governance and Audit Committee – 29 July 2021
- Planning Committee – 1 September 2021

42. KEY DECISION PLAN

Consideration was given to the Key Decision Plan.

DECISION:

That the Key Decision Plan be received.

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43. REPORT FROM CABINET MEETING ON 7 SEPTEMBER 2021

Consideration was given to the report of Cabinet which sought approval for the Cabinet's recommendations in respect of the 2020/21 Financial Outturn. The report provided information on the outturn financial position of the Council as at 31 March 2021.

The report was presented to the Council by the Portfolio Holder for Finance, Strategy and Partnerships who advised that there had been many challenges for the Council during the period, due to the Covid 19 pandemic. A full explanation of information within the reports was provided. It was reported that Government grants, service departments monitoring their budgets and staffing being kept to a minimum had resulted in a better than expected year-end outcome, despite the pandemic.

DECISION:

- 1) That the General Fund Underspend be transferred to the Council Tax Reserve; and
- 2) That the General Fund Capital Programme and HRA Capital Programme be approved as set out in Section 4 of Appendix A.

44. ANNUAL TREASURY MANAGEMENT REVIEW 2020/21

Consideration was given to the report of the Executive Director (Strategy and Resources), which requested that members consider the Annual Treasury Management Review for 2020/21.

The following point was made:

- With regard to monies borrowed by the Authority in 2012 to retain its housing stock, members questioned whether the Government could be asked to reconsider the matter of the PWLB interest rate paid in relation to the current low interest rates
 - The Portfolio Holder for Finance, Strategy and Partnerships commented that the decision had been made by Council and he considered it had been a good decision. The Leader also stated that the decision made had been the best option at the time, and that tenants were better served as Council rather than RSL tenants.

DECISION:

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That the Council receive and approve the Annual Treasury Management Review 2020/21 as required by the Local Government Act 2003.

45. SHARED OFFICERS - SECTION 113 AGREEMENT

Consideration was given to the report of the Assistant Director – Governance and Monitoring Officer which asked members to consider entering into an Agreement with Breckland District Council under Section 113 of the Local Government Act 1972 to share Legal Services Officers, Procurement and Contracts Officers, and the Environmental Protection Business Support Officer.

The report was presented by the Assistant Director – Governance and Monitoring Officer, who provided further clarity to the report. When the Authority had separated amicably from Breckland Council earlier in the year, it had been agreed that a small number of services would continue to be provided by Breckland – these were service areas where SHDC did not have an in-house resource of its own to support the Council. These services were Legal, Procurement and Contracts, and an Environmental Protection Business Support Officer. These officers continued to support SHDC after it had split from Breckland, and this had been written into the separation agreement drawn up at the time. As part of the separation, it had been agreed to enter into a much shorter and simpler Memorandum of Agreement under Section 113 of the Local Government Act 1972, in respect of these residual services. These were interim arrangements with flexibility to allow for services to be removed from the arrangement at short notice should this be required, and the legal agreement itself could be terminated with six months' notice. With the new sharing arrangements with the South and East Lincolnshire Councils Partnership, any of these residual services could be considered for service review between the three new partners, and if an internal service was provided, the arrangements with Breckland could be terminated at short notice.

Members considered the report, and the following issues were raised:

- Members commented that the explanation provided by the Assistant Director – Governance and Monitoring Officer provided much clarity to the report.
- Members questioned whether, as part of discussions between the Authority and East Lindsey and Boston Councils, Legal

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- Services would be transferred to Legal Services Lincolnshire.
- The Assistant Director – Governance and Monitoring Officer responded that this had not been part of the conversation at the time. SHDC received external support from Legal Services Lincolnshire, and internally through the Legal team who had opted to transfer to Breckland. These arrangements could change in the future.
- Members questioned whether the positions detailed within the report were available through the Boston and East Lindsey arrangement, and was there a time limit to exit from the Breckland arrangement?
 - The Assistant Director – Governance and Monitoring Officer responded that the arrangement with Breckland could be terminated on a 6 month basis. There was no specific end date in order to provide an option on how the services should be provided and access to these services was therefore required until an alternative was proposed. With regard to Boston and East Lindsey, members were advised that both authorities used external lawyers, and the internal procurement support was relatively small – it was therefore important to retain access to the services of the staff, as detailed within the report, until alternative arrangements could be made.
 - Members questioned whether the cost involved would affect the predicted savings from joining with Boston and East Lindsey.
 - It was confirmed that the basis of the cost was the same as those under which SHDC had been operating under within the shared arrangements with Breckland.

The Leader stated that the number of questions raised was as a result of how this issue had been reported. He advised that he had been aware of what was being proposed but had not reviewed the report that members had seen, that had formed the basis of the Press report closely enough. He confirmed that the arrangements being proposed were what was agreed at the time of the separation from Breckland. The two side letters that both he and Breckland's Leader had signed provided for either authority to continue to use certain services from the other authority, should they be required. These services were still required until such point as members of SHDC decided to undertake a service review for the areas which they covered.

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There was no assumption that these services would join the partnership with Boston and East Lindsey as this decision had not been made. Currently, services would be provided in exactly the same way as they had been previously. No changes were being proposed – the purpose of the report was purely to formalise and ratify the current arrangements under a S113 agreement. If members of SHDC, Boston and East Lindsey wished to undertake a review of how the legal service was provided, with services being provided by Legal Services Lincolnshire, the private sector and Breckland, and SHDC members felt this was not the best way forward and there was a case to rationalise the services provided by Breckland, notice could then be served on the S113 agreement. The assurances provided by the Leaders of SHDC and Breckland at the time of the separation to provide support to each other where required, detailed within the side letters were not formal enough and the agreement being sought was to formalise this agreement. There were no additional changes to what had originally been agreed at the separation. No further services would be moved into the new partnership with Boston and East Lindsey unless members of the Council agreed this, and if this was the case there would be a service by service review. At the start of the partnership, the only shared arrangements are in relation to the shared senior officers.

DECISION:

- a) That the Council agree to enter into a Section 113 Agreement with Breckland District Council in relation to the sharing of the Legal Services Team Officers, the Procurement and Contracts Team Officers and the Environmental Protection Business Support Officer; and
- b) That delegated authority be given to the Monitoring Officer to approve the final terms of the Agreement.

**46. SOUTH AND EAST LINCOLNSHIRE COUNCILS
PARTNERSHIP - JOINT COMMITTEES AND OTHER
CONSTITUTIONAL MATTERS**

Consideration was given to the report of the Assistant Director for Governance and Monitoring Officer, which asked members to consider proposed amendments to the Constitution as a result of the Council's previous decision to form a Strategic Alliance with Boston Borough Council and East Lindsey District Council.

Members were advised that within Appendix A, Section 1, under the heading Monitoring Officer and Section 151 Officer the wording 'approved by Full Council' should have been inserted.

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The sentence should read 'No offer of appointment may be made until approved by Full Council and notice of the proposed appointment.....'

DECISION:

- a) That the Appointments and Disciplinary Committee be renamed the Chief Officer Employment Panel, the terms of reference be changed to those set out in section one of Appendix A to this report, but the membership be unchanged;
- b) That the Appointments and Disciplinary Appeals Committee be renamed the Chief Officer Employment Appeals Panel, the terms of reference be changed to those set out in section two of Appendix A to this report, and the size of the Panel be reduced from four to three members;
- c) That an Independent Panel be established as a standing committee of the Council, with the terms of reference set out in section three of Appendix A, and its membership be the Independent Person of this Council appointed under section 27 of the Localism Act 2011 together with the Independent Person appointed by Boston Borough Council and East Lindsey District Council under the same statutory provision;
- d) That, in respect of any complaint against a Chief Officer or Deputy Chief Officer which may potentially lead to any action for misconduct, capability, or for some other substantial reason, each statutory officer be authorised to act as an initial 'filter' to determine whether such complaint should progress to the Chief Officer Employment Panel or instead be determined through another process, except in any matter that relates to their own conduct;
- e) That the Council's Democratic Services Team, working with the Councillor Development Working Group, ensure that members (and Independent Persons) serving on the Chief Officer Employment Panel, Chief Officer Employment Appeals Panel and Independent Panel receive suitable training;
- f) That all Officers employed by South Holland District Council, East Lindsey District Council or Boston Borough Council, who are shared pursuant to the s113 Agreement between those

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Councils, be granted or re-granted delegated authority to act as officers of South Holland District Council in accordance with the Constitution and the schedule of specific delegations and the Monitoring Officer be authorised to make such amendments to post titles and areas of responsibility set out in those documents as the Monitoring Officer considers appropriate;

- g) That the Head of the Paid Service be granted delegated authority to approve temporary short-term arrangements, in consultation with the Leader of the Council, to place staff of this authority at the disposal Boston Borough Council and/or East Lindsey District or to agree the placing of staff of those authorities at the disposal of this authority pending a Full Council decision on permanent arrangements;
- h) That, subject to consultation with the Council's Insurers, an indemnity be provided to officers and members in accordance with (or materially in accordance with) Appendix B to this report; and
- i) That the Monitoring Officer be authorised to amend the Constitution accordingly to reflect any of the matters referred to in recommendations 1-8 above.

47. NOMINATIONS FOR COMMITTEES AND OTHER SEATS AND PROPOSED CHANGES TO THE CONSTITUTION.

Following the resignation of Councillor Drury from the Cabinet, and the appointment of Councillor Astill to the Cabinet, the following changes were reported to Council:

- Councillor Drury to replace Councillor Astill on the Performance Monitoring Panel
- Councillor Drury to replace Councillor Astill on the Policy Development Panel
- A replacement for Councillor Astill on the Governance and Audit Committee was still to be decided

Councillor Newton confirmed that she would have some Committee alterations once she had heard from Councillor Bingham.

DECISION:

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That Councillor Drury's appointment to both the Performance Monitoring Panel and the Policy Development Panel be approved.

48. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

49. EXCLUSION OF THE PRESS AND PUBLIC

DECISION:

Under section 100A (4) of the Local Government Act 1972, the press and public were 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 4 of part 1 of Schedule 12A of the Act.

50. REPORT FROM CABINET MEETING ON 7 SEPTEMBER 2021 (EXEMPT ITEM)

Consideration was given to the report of Cabinet which provided an update on the current staffing situation for waste collections, including the HGV driver shortage, and sought approval to implement new working arrangements to support ongoing service delivery.

Consideration was given to proposed improvements to terms and conditions, and changes to working arrangements, training and associated matters.

DECISION:

That the recommendations, as detailed in the report be agreed.

(The meeting ended at 7.41 pm)

(End of minutes)