

Minutes of a meeting of the **CABINET** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Tuesday, 14 December 2021 at 10.00 am.

PRESENT

C N Worth (Deputy Leader)

P E Coupland (Deputy
Leader)
J R Astill

A Casson
R Gambba-Jones
R Grocock

C J Lawton
E J Sneath
G J Taylor

The Joint Chief Executive, the Deputy Chief Executive – Corporate Development (S151), the Interim Deputy Chief Executive (Communities), the Democratic Services Manager and the Democratic Services Team Leader.

Apologies for absence were received from Councillors G A Porter, A C Beal, H Drury, N H Pepper, J L Reynolds, A M Newton, A R Woolf, T A Carter and J Tyrrell.

In Attendance: Councillor B Alcock (Chairman, Performance Monitoring Panel), and Councillor C J T H Brewis.

22. **MINUTES**

The minutes of the meeting held on 26 October 2021 were signed by the Deputy Leader as a correct record.

23. **DECLARATIONS OF INTEREST.**

There were none.

24. **QUESTIONS RAISED BY THE PUBLIC UNDER THE COUNCIL'S CONSTITUTION (STANDING ORDERS).**

There were none.

25. **TO CONSIDER ANY MATTERS WHICH HAVE BEEN SUBJECT TO CALL-IN.**

Market Consultation Outcome

Consideration was given to the report of the Deputy Chief Executive (Corporate Development) and S151, which requested that, in accordance with the decision of the Performance Monitoring Panel, the issues around Market Consultation Outcome be referred back to the Cabinet for further consideration.

The decision of the Cabinet, made on 26 October 2021, had been called in and the Performance Monitoring Panel had discussed a number of issues – the following alternative proposals were submitted to the Cabinet for consideration:

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- That a parity of charges apply across all markets in the district; and
- That additional costs for the road closure in Long Sutton be met by the Council's general expenditure.

Members debated the issues that had been raised, and the main points arising were:

The Portfolio Holder for Environmental Services made the following points:

- He felt that the reasons for call-in were very narrow – with regard to parity, Spalding market had been the biggest beneficiary of the changes, getting a significant reduction in charges whilst Long Sutton and other markets had increased charges;
- The percentage increase figure stated within the call-in amounted to only £1.50 per trader – this did not even equate to the full £1.50 charge for a road closure;
- An explanation was provided of the process for the original review of market charges, and it was stated that the opposition group had been successful in campaigning for parity of charges at the time. However, there had been a resultant requirement that the road closure was part of the charge made in Long Sutton (but not a full charge, which resulted in the contribution of £1.50). The £7 charge for all market stalls, in addition to the £1.50 partial cost for the road closure in Long Sutton had therefore been proposed and accepted by the Cabinet;
- The Portfolio Holder did not feel that the charges to market stall holders were unreasonable;
- It was important to encourage and promote markets, and a source of revenue was required to achieve this. The amount of £7 was not sustainable in the long term. SHDC had been generous during the Covid period by not charging stall holders (not all authorities had done this), but it was now important to consider future investment in the markets, and the costs of running them.

Councillor Brewis (who had called the decision in, along with Councillor Tyrrell) responded:

- He did not believe that the reasons for the call in were narrow, and that it had been done this way for a reason. Residents and stall holders were critical of the extra charge for Long Sutton market, and he felt that the decision was damaging to the Authority. The closing off of the road had been at the instigation of the Council;
- Any decision that discouraged opportunity to have extra stalls should be resisted;
- The vote at Performance Monitoring Panel had been unanimous in favour of encouraging the Cabinet to be fair and charge the same across the district;
- He felt that the charge of £7 was fair, however the issue was parity.

The following additional points were raised by Cabinet members:

Members questioned whether a more cost-effective traffic management company was available, and how long the current contract lasted.

Concern was raised with regard to the on-line payment system and it was questioned why a trader would wish to book so long in advance when attendance was often

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weather-dependent. It was also important that any IT based system worked well. The Portfolio Holder advised that the Book and Pay system was well understood and used across many councils. He accepted that there had been some teething problems but stated that it was a process accepted by most market traders. The purpose of booking ahead was to benefit the customer by giving some certainty, and also to ensure that the market was run effectively – it provided information on who would be turning up, and by not allowing traders to pay on the day, would avoid markets being empty.

Cabinet considered all of the issues and concerns raised as part of the call-in process, together with the views presented to it by members attending the Cabinet meeting. However, the Cabinet considered that its original decision had been based on proper analysis and therefore remained appropriate.

DECISION:

That, following reconsideration of its decision on 26 October 2021 in respect of the Market Consultation Outcome, and having regards to the concerns of the Performance Monitoring Panel, as detailed in the report:

- 1) The decision of the Cabinet, made on 26 October 2021 be affirmed – the Cabinet considered that its original decision had been based on proper analysis and therefore remained appropriate; and
- 2) That these decisions became implemental with immediate effect.

(Other options considered:

- *The Cabinet must reconsider the matter and must take into account the concerns of the Panel before adopting a final decision, which may or may not amend the original decision. The final decision shall not be subject to call-in and may be implemented immediately, but in making the final decision the Cabinet must explain the decision in relation to the concerns raised by the Panel and such explanation must be included on the notice of the decision.*

Reasons for decision:

- *To comply with the legal and constitutional requirements of call-in*
- *To address issues raised by Councillors).*

(Councillor Brewis left the meeting following consideration of the above item).

26. **TO CONSIDER MATTERS ARISING FROM THE POLICY DEVELOPMENT AND PERFORMANCE MONITORING PANELS**

There were none.

27. **GARDEN WASTE SCHEME UPDATE**

Consideration was given to the report of the Portfolio Holder for Environmental and Operational Services, and the Assistant Director – Neighbourhoods, which provided an update on the garden waste scheme and considered future options.

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DECISION:

That, subject to Council approval of recommendations 7 to 9:

- 1) The contents of the report and the update on the garden waste scheme so far be noted;
- 2) That approval be given for the Garden Waste Collection Scheme to be further extended to incorporate more areas of South Holland by way of three collection vehicles;
- 3) That approval be given to procure route optimisation software to ensure the most efficient and effective routes and for it to be added to Capital and Revenue budgets;
- 4) That delegated authority be given to the Head of Environmental and Operational Services, in consultation with the Portfolio Holder for Environmental Services, to amend the terms and conditions for subscribers as necessary, including start times;
- 5) That in accordance with the legal requirement of the Environment Act 2021, the purple sack garden waste collection service be removed to ensure that SHDC are compliant with the requirement for separate collection of garden waste, which must be recycled or composted;
- 6) That approval be given to purchase an additional 5,040 bins for the expansion being a £29,000 capital investment in 2021/22, funded from the Investment and Growth reserve. The remaining costs to be built into the capital budget for 2022/23 and paid back over 15 years through contributions to reserves;

RECOMMENDED TO COUNCIL:

- 7) That the current establishment be increased by 3 full time posts, a full-time supervisor, full-time garden waste HGV driver and full-time garden waste loader and that the costs for these posts be funded from the income generated by the scheme;
- 8) That, should the review of terms and conditions of the garden waste scheme prove it necessary, a consultation with staff commence to consider changing start times for garden waste crews to 6am; and
- 9) That delegated authority be given to the Head of Environmental and Operational Services, in consultation with the Portfolio Holder for Environmental Services, to implement the outcome of that consultation.

(Other options considered:

- *Do nothing – This would mean that the scheme remained at capacity and no further residents would be able to join, resulting in continued growth of the*

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register of interest and potentially increased frustration from those seeking to access the service.

Reasons for decision:

- *The service could be provided to more residents of SHDC. The service was well liked and often challenged as to why it was not available to more residents - this would enable that additional capacity;*
- *This growth would provide an improved customer satisfaction and reduce the list of people on the Register of Interest, waiting for a subscription;*
- *The service was discretionary, and its growth would ensure it remained cost effective and commercially viable and would continue to be developed with this in mind;*
- *Increased household recycling rate and reduction of garden waste sent for residual disposal. Therefore, improved opportunity to dispose of waste in a more environmentally beneficial way, as set out in the waste hierarchy;*
- *Compliance with the Environment Act 2021 regarding disposal of garden waste;*
- *Improved consistency for the garden waste collection service that could be offered to residents;*
- *Additional job opportunities for the local economy; and*
- *More efficient and cost-effective routing to ensure no service disruption and economical collections as the seasons change).*

28. DRAFT CLIMATE CHANGE STRATEGY

Consideration was given to the report of the Climate Change and Environment Manager which was presented to gain member input into the Draft Strategy, together with approval to undertake wider public/stakeholder consultation.

Members commented that presentation of the Strategy was very timely, in view of the recent COP26 Conference. SHDC currently had no policy regarding Climate Change – this would be the first joint policy between SHDC and its partners at East Lindsey District Council and Boston Council, with all three authorities sharing similar issues around flooding.

DECISION:

- 1) That the report be noted, and that officers take account of the Cabinet's feedback; and
- 2) That the draft strategy be agreed and issued for public consultation in South Holland.

(Other options considered:

- *Do nothing.*

Reasons for decision:

- *By taking the lead on developing a Climate Change Strategy for South and East Lincolnshire, the Councils of South Holland, Boston and East Lindsey are sending a clear message both locally, and nationally, that they are committed*

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to playing their part in tackling the challenges Climate Change presents, and also embracing the opportunities that exist;

- *Success cannot be achieved in isolation and in fostering new relationships and strengthening existing ones, the three councils will promote a coordinated and collaborative approach to addressing a global issue; and*
- *Successful delivery of the Strategy will ultimately lead to more vibrant, cohesive and healthier communities which understand the importance of a balanced, sustainable future in delivering multiple benefits for everyone).*

29. LINCOLNSHIRE WOMEN'S CONCORDAT

Consideration was given to the report of the Portfolio Holder for People, Places and Economy, which requested support of the recommendation made in response to an invitation from Lincolnshire's Police and Crime Commissioner to join the Lincolnshire Women's Concordat.

DECISION:

That the Lincolnshire Women's Concordat be signed up to, and that the requirements set out within it be committed to.

(Other options considered:

- *To acknowledge the hard work undertaken by the Reducing Offending Core Priority Group (ROCPG), but decline to sign up to the Women's Concordat.*

Reasons for decision:

- *This is a key piece of work to support both national and local strategies to improve outcomes for women and girls at risk of entering, or those who have already entered, the criminal justice system. As a member of the Safer Lincolnshire Partnership, SHDC's participation in the Lincolnshire Concordat would maximise the outcomes that could be achieved in Lincolnshire).*

30. CORPORATE ENFORCEMENT POLICY

Consideration was given to the report of the Assistant Director – Regulatory, which sought approval of a revised corporate Enforcement Policy.

DECISION:

- 1) That the revised Corporate Enforcement Policy be approved;
- 2) That the Head of Public Protection and the Assistant Director Regulatory be given delegated authority to make such amendments to this policy as may from time to time be required in order to (i) reference any links or amended links to other documents as may be required; and (ii) reflect any issues over which the Council has no discretion including, but not limited to, references to any legislative changes and amended guidance. Any material amendments to the policy will be subject to the usual approval process in line with the Constitution; and

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- 3) That all Service Managers responsible for enforcement action under this policy be given delegated authority to take, in exceptional circumstances, such action in departure from any part of this policy as they consider appropriate subject to (i) the reasons for such departure being documented; and (ii) consultation with the relevant portfolio holder or Committee Chairman.

(Other options considered:

- *Approve the revised Enforcement Policy without the recommended delegations;*
- *Do nothing and retain the previous 2018 version of the policy.*

Reasons for decision:

- *To ensure legal compliance and best practice).*

31. Q2 PERFORMANCE REPORT 21/22

Consideration was given to the report of the Assistant Director – Corporate, and the Portfolio Holder Corporate and Communications which provided an update on how the Council was performing for the period 1 July 2021 to 30 September 2021.

The Portfolio Holder provided response to issues raised at Cabinet on 26 October 2021, when the Q1 Performance Report had been considered:

- How many calls answered by Customer Services were dealt with at first point of contact? - Cabinet was advised that this could not currently be measured however, upon implementation of a new system, it was hoped that this would be possible in the future.
- Issues around the separate recording of sickness and Covid-related sickness - The Q2 report had been produced before the information requested could be added however, Covid-related sickness was currently at 5% which was below the current average.

DECISION:

That the contents of the report be noted.

(Other options considered:

- *Do nothing.*

Reasons for decision:

- *To ensure that the Council's performance is properly scrutinised).*

32. LOCAL COUNCIL TAX SUPPORT SCHEME 2022/23

- Consideration was given to the report of the Portfolio Holder for Finance, Commercialisation and Partnerships, and the Deputy Chief Executive (Corporate Development) and S151 Officer, which sought a Cabinet decision on the final proposals for the 2022/23 scheme, to be presented to Council for approval on 19 January 2022.

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RECOMMENDED TO COUNCIL:

- 1) That the current Local Council Tax Support scheme, including uprating in line with DWP's annual update of allowances and premiums for housing benefit for 2022/23, be continued;
- 2) That a provision in the scheme be introduced for discretion to disregard national schemes introduced during a financial year in the calculation of Council Tax Support; and
- 3) That delegation be given to the Deputy Chief Executive (Corporate Development) and S151 Officer, in consultation with the Portfolio Holder for Finance, Partnership and Commercialisation to approve the 2022/23 final scheme, in line with this report, and any administrative and minor changes.

(Other options considered:

- *No alternative options were proposed. Any other changes to the scheme would require consultation.*

Reasons for decision:

- *To provide continuity for working age claimants, maintaining current levels of support).*

33. 2021/22 FINANCIAL REPORT QUARTER 2

Consideration was given to the report of the Portfolio Holder for Finance, Commercialisation and Partnerships and the Deputy Chief Executive (Corporate Development) and S151 Officer, which provided information on the Quarter 2 (to 30 September 2021) financial position of the Council.

The following issues were raised:

- In relation to savings targets, members questioned whether there were any other savings that could be made. Officers responded that this information was currently being drawn together for the Q3 Financial Report, and that there would be one very large saving that would contribute to anticipated savings.
- The pandemic had affected the Authority quite substantially and assumptions were therefore being made very carefully.
- Members questioned whether VAT had to be paid on Public Conveniences – this issue had been raised some time ago but there had not been clarity at the time. Officer responded that legislation had been passed earlier in the year with regard to business rates being paid on Public Conveniences – VAT was no longer payable on them however, it was from a specific date and there was therefore no rebate.

DECISION:

- 1) That the report and Appendix A be noted;

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- 2) That the estimated position with regard to the approved contributions to and use of reserves be noted; and
- 3) That the General Fund and Housing Revenue Account Capital programme be noted as set out in table 5 and 7 of Appendix A;

RECOMMENDED TO COUNCIL:

- 4) To approve adjustments to the General Fund and Housing Revenue Account Capital programme as set out in table 5 and 7 of Appendix A.

(Other options considered:

- *Do nothing.*

Reasons for decision:

- *To provide timely information to members on the overall financial position of the Council).*

34. **ACQUISITION OF S106 AFFORDABLE HOUSING FOR THE HOUSING REVENUE ACCOUNT**

Consideration was given to the report of the Portfolio Holder for Assets and Planning, which set out details of the potential for the authority to acquire three S106 homes for Affordable Rent tenure, on a development site in the district.

DECISION:

- 1) That the business case and the acquisition of three homes for the HRA be approved; and
- 2) That the Deputy Chief Executive (Corporate Development) and S151 Officer be delegated to agree the contractual matters (including any variation to the terms and conditions which may represent a minor departure from the scheme approved in the business case) including signing the contract/transfer document, the apportionment/use of RTB receipts to be utilised and other incidental actions that may be required and approving the associated due diligence and valuation required to purchase the properties.

(Other options considered:

- *Do nothing – Under this option, the authority would not proceed to purchase the properties. As a consequence, the expected benefits detailed within the report would not be realised. Officers would seek to identify alternative appropriate schemes for consideration by the Executive.*

Reasons for decision:

- *The following benefits would be realised: a return on investment; the delivery of three additional dwellings into the HRA; meeting housing need; the replacement of homes sold through Right to Buy; the new homes could be part-funded from the time limited RTB receipts; and market confidence).*

35. **ANY OTHER ITEMS WHICH THE LEADER DECIDES ARE URGENT.**

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There were none.

(The meeting ended at 11.06 am)

(End of minutes)

Any RECOMMENDATIONS TO COUNCIL detailed above will be submitted for consideration to the meeting of the full Council on 19 January 2022.