

Minutes of a meeting of the **SOUTH HOLLAND DISTRICT COUNCIL** held in line with the Local Authorities & Police & Crime Panels (Coronavirus) (Flexibility of Local Authority & Police & Crime Panel Meetings) (England & Wales) Regulations 2020., on Wednesday, 25 November 2020 at 6.30 pm.

PRESENT

P A Redgate (Vice-Chairman)

B Alcock	R A Gibson	M D Seymour
J R Astill	R Grocock	S-A Slade
J Avery	M Hasan	E J Sneath
A C Beal	J L King	G J Taylor
M D Booth	C J Lawton	A C Tennant
C J T H Brewis	J D McLean	J Tyrrell
P E Coupland	A M Newton	S C Walsh
A C Cronin	N H Pepper	D J Wilkinson
T A Carter	G A Porter	A R Woolf
A Casson	J L Reynolds	C N Worth
H Drury	G T D Rudkin	
R Gambba-Jones	G P Scalese	

In Attendance: Strategic Advisor/Head of Paid Service, Shared Executive Director Commercialisation (S151), Executive Manager Governance (Deputy Monitoring Officer), Place Manager, Executive Manager Delivery, Executive Manager Growth, Strategic Housing Manager, Communities Manager, Democratic Services Manager

43. APOLOGIES FOR ABSENCE.

Apologies were received from or on behalf of F Biggadike and H Bingham.

44. MINUTES

45. MINUTES OF ANNUAL COUNCIL MEETING HELD ON 23 SEPTEMBER 2020

That the minutes of the meeting held on 23 September 2020 be signed as a correct record as soon as reasonably practicable after the meeting.

46. MINUTES OF SPECIAL COUNCIL MEETING HELD ON 8 OCTOBER 2020

That the minutes of the meeting held on October 2020 be signed

Action By

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as a correct record as soon as reasonably practicable after the meeting.

47. DECLARATION OF INTERESTS.

There were none.

48. CHAIRMAN'S ANNOUNCEMENTS.

There were none.

49. ANNOUNCEMENTS BY LEADER AND MEMBERS OF THE CABINET.

There were no announcements by the Leader.

There was an announcement by a Member of the Cabinet:

Councillor Coupland commented on the difficult task ahead for the Council in relation to the report that day by the Chancellor of the Exchequer. Councillor Coupland commented that there will be service reviews and opportunities for efficiency in order to provide the best value for money for residents and was optimistic for the continuation of Government grants.

50. QUESTIONS ASKED ON NOTICE UNDER STANDING ORDER 6

There were none.

51. QUESTIONS ASKED WITHOUT NOTICE UNDER STANDING ORDER 7

Question to: Leader of the Council

Question from: Councillor Newton

Subject: Announcement by the Chancellor of the Exchequer

Referring to Councillor Coupland's comments at agenda item 5 (minute 47above), Councillor Newton agreed that all Members should pull together and support all efforts to ensure value for money but asked that all Members be consulted on any proposals. The Leader reassured Councillor Newton that all Members would be consulted.

Question to: Leader of the Council

Question from: Councillor Brewis

Subject: Fly Tipping

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Due to the cost to the authority of clearing fly tipping from remote areas and dealing with backlogs in collection areas, Councillor Brewis asked whether it be a sensible compromise to restore arrangements with other districts like the West Norfolk collections service.

The Leader agreed that reciprocal arrangements across borders could be useful for areas close to those borders and that conversations should happen in suitable areas such as those closest to Peterborough and West Norfolk.

The Leader also suggested that the Communications team could provide support regarding engaging with the public to report incidents and that although recent fines to individuals should be applauded, increased fines would be a better deterrent.

Councillor Booth also commented that fining of individuals should be applauded.

Question to: Leader of the Council
Question from: Councillor Newton
Subject: Minor injuries unit at Johnson Hospital

Councillor Newton commented on the Johnson Hospital being closed and staff redeployed during the COVID crisis. Residents in the district were clearly minimising visits to the hospital in order to reduce strain on the NHS. This was useful at the time but the situation now needed to be reviewed and the hospital reopened as residents are now travelling to Boston, Peterborough and Kings Lynn for treatment. Funding spent in those areas means money leaving the district.

Councillor Brewis also commented that the residents in the district are still unable to access a local minor injuries unit.

The Leader agreed that letters should be written to the health authority with a request to reopen the hospital. The Leader agreed to raise the matter at the next Leaders meeting in Lincolnshire and to gain support from the MP.

Question to: Portfolio Holder Environmental Services
Question from: Councillor Gibson
Subject: Fly tipping – tracking of vehicles

Councillor Gibson commented that he had supported ward members during the process for registering a complaint for fly tipping and asked whether there were facilities to track

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registration numbers – such as a laptop with software to track vehicle registrations.

Councillor Gambba-Jones advised that the enforcement side sits with Councillor Taylor in Communities and Facilities.

Councillor Taylor thanked Councillor Gibson for assisting with reporting the incident and agreed that if officers need more support this can be provided in order to encourage more people to report fly tipping.

52. REPORT FROM CABINET MEETING HELD ON 27 OCTOBER 2020

Consideration was given to the recommendation of the Cabinet in respect of the Quarter 2 (to 30 September 2020) financial position of the Council.

DECISION:

That the General Fund Capital programme be approved as set out in table 5 and 6 of Appendix A to the report.

53. KEY DECISION PLAN

The current Key Decision Plan was received.

Councillor Newton had submitted a question to the Environmental Services Manager regarding the County Council improvement plans to work along the same route as the daffodil route. Councillor Newton was concerned that there would not be any conflicts of costs or labour.

The Portfolio Holder for Environmental Services commented that this was related to a cycle route/footpath improvement being funded by a section 106 contribution (from the power station budget) and that the Council was aware of the route and would not be conflicting with the daffodil route.

54. CHIEF EXECUTIVE PROPER OFFICER APPOINTMENTS

Consideration was given to the report of the Deputy Leader of the Council, and the Executive Manager - Governance (Deputy Monitoring Officer) to consider the appointment of Proper Officers where the Chief Executive is currently the sole appointed Proper Officer, including associated amendments to the constitution;

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together with amendments to the Financial Procedure Rules relating to virements and grants.

In respect of the amendment to the Financial Procedure Rules, the Executive Manager Governance (Deputy Monitoring Officer) reported that there was a current requirement for Council to agree acceptance of grants in excess £100k along with approving the terms of the grant and the spend of the same. However, the Council's role was actually to approve any necessary budget amendment. Approving the terms of the grant and its spend was an executive function. In addition, some grants (such as those issued under s31 Local Government Act 2003) were non-discretionary and would not require a budget amendment as funding was received for a specific purpose and had to be paid on (such as recent Covid business grants). It was therefore proposed that, in cases where the s151 Officer considered that there was no material impact on the budget, she would be authorised to certify that this was the case and that Council approval of the grant would therefore be unnecessary. The Executive Manager – Governance (Deputy Monitoring Officer) suggested that members may wish to incorporate into the Financial Procedure Rules the reference to s31 payments as an example.

DECISION:

- (a)(i) Proper Officers - that all Directors, including any Directors employed on a temporary basis, be appointed, in addition to the Chief Executive, as Proper Officers for the following functions which come under the Local Government Act 1972:

Section 13(3) (Acting, along with the Chairman of the parish meeting, as Parish Trustee for any parish where there is no parish council)

Section 83(1)-(4) (Witness and receipt of declaration of acceptance of office)

Section 84 (Receipt of declaration of resignation)

Section 88 (Convening of meeting of the Council to fill vacancy in the office of Chairman of the Council)

Section 210(6) and (7) (Charity functions of holders of offices with previous authorities transferred to Proper Officer, if no equivalent officer)

Any reference to any enactment passed before or during

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the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October, 1972 to the Clerk of the Council which, by virtue of any provisions of the said Act, is to be construed as a reference to the Proper Officer of the Council.

- (a)(ii) Proper Officers - that paragraph 3 of Part 3 Section F2 (Delegations to Chief Executive) of the Constitution be amended to read as follows:

"3.0 to be (along with any other officers duly appointed to act as Proper Officer, which appointments are detailed in the list of Proper Officers maintained by the Senior Legal Officer) the Proper Officer of the Council in relation to:"

- (b) Terms of reference of the Joint Appointments and Disciplinary Committee - that, arising from the resignation of the Chief Executive, the proposed amendments shown in Appendix A to the report be approved, and the Constitution be amended accordingly;
- (c) Other amendments arising from the resignation of the Chief Executive - that the Constitution be amended as shown in Appendix B to the report to deal with any periods during which there is no Chief Executive in post; and
- (d) Virements and Grants - that the Financial Procedure Rules contained within the Constitution be amended as shown in Appendix C to the report insofar as they relate to virements and grants and that an example be added in respect of payments under s31 Local Government Act 2003.

55. PLACE BASED MANAGEMENT

Consideration was given to the report of Nathan Elvery, Head of Paid Service and Strategic Advisor, to update Members on the current place-based management arrangements and to agree a number of changes following the retirement of the Chief Executive and the appointment of a Head of Paid Service/Strategic Advisor. The Head of Paid Service/Strategic Advisor was undertaking a review of the strategic relationship between Breckland and South Holland and the same report was being considered by both councils.

DECISION:

That the Council

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- a) Notes the content of this report;
- b) Supports the extension of the current place-based management arrangements at both councils until the conclusion of the strategic review in March 2021 and the preferred option has been approved by both councils; and
- c) Notes Rob Walker's (Executive Director) resignation as a Company Director of PSPS and agrees to the appointment of Richard Hodgson (Executive Manager) as a replacement;

56. CORONAVIRUS - CONTINUATION OF EMERGENCY GOVERNANCE MEASURES FOR PLANNING

Consideration was given to the report of the Executive Director – Commercialisation and Growth (S151 Officer) which proposed extending the current temporary governance measures in relation to the determination of planning applications.

The Executive Manager Governance pointed out an error in the report regarding the proposed amendments to the constitution; paragraph 3.1.1 on page 87, the report referred to a 6 month period commencing on 14 May 2020 but should in fact refer to “the period commencing on 25 November 2020 and concluding on the date of the AGM of Full Council in May 2021”.

Members commented on the overall success of measures, however, comments have been received regarding pre-consultation which has taken longer than usual, particularly regarding conservation matters. Members requested whether measures could be taken to improve these processes. The Planning and Building Control Manager agreed to discuss improvements with the Planning team.

DECISION:

- a) That the protocol/delegation for determination of planning applications, as set out in Appendix A to the report, be approved until such time as the report referred to in paragraph 1.2 of the report is considered by the Council at its AGM in May 2021, at which point the current temporary planning delegations will expire and the Council will either adopt new permanent planning delegations or the planning delegations will revert to those contained in the Constitution immediately prior to 13 May 2020
- b) That the Constitution remains amended as shown in

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Appendix B (but subject to further amendment as set out in (c) below), all such amendments to apply until such time as the report referred to in paragraph 1.2 of the report is considered by the Council at its AGM in May 2021, at which point the amendments will expire.

- c) That the wording of the proposed amendments to the constitution set out in Appendix B to the report, be changed at Part 3 Section F3 Paragraph 3.1.1 as follows: deletion of the words “six month period commencing 14 May 2020” and insertion of the words “period commencing on 25 November 2020”.

57. REVISED LICENSING ACT STATEMENT OF PRINCIPLES

Consideration was given to the report of the Portfolio Holder - Public Protection to consider the proposed draft Statement of Licensing Policy (2021 to 2026).

The Statement had been fully re-written and had been subject to statutory consultation. A consultation response from the police had resulted in an amendment to the Statement at section 4.2 (matters an applicant is expected to consider as part of their operating schedule). Further consideration would be given, the following year, to whether the suggested amendment should be mandatory.

The Statement had since been endorsed by the Policy Development Panel and the Committee of the Licensing Authority and the Chairman thanked the Licensing team for their continued hard work.

DECISION:

That the Statement of Licensing Policy be approved.

58. MHCLG NEXT STEPS ACCOMMODATION PROGRAMME

Consideration was given to the report of the Leader of the Council and the Executive Director Commercialisation (S151 Officer) to consider the offer of £399,255 in time limited grant funding from MHCLG/Homes England.

The Executive Manager Governance clarified that at 5.6.1 the latest date or properties to be in SHDC ownership was 31 March 2021.

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Members commented that council tax payers would be subsidising the occupants of the proposed units and should be made aware. Concerns were raised regarding the sourcing of properties across the district and whether Ward Members would be consulted based on their knowledge of their local areas. Members also commented on the importance of ensuring that units will be made available to local homeless people.

The Strategic Housing Manager advised:

- The subsidising of the units will be subject to financial modelling once properties have been identified and could potentially make a return on investment for the council.
- No properties had been selected yet and Ward Members would be consulted where possible (not on every property or suggestion due to timeframes of completing purchases).
- No firm decisions on the expected location of properties had yet been made. The Council was looking at property criteria in Spalding as one of the best areas due to proximity of services.

The Leader of the Council confirmed that Ward Members will be engaged in meaningful discussion when properties are submitted for consideration.

Councillor Gibson commented on the deadline date of 31 March 2021 not allowing officers a lot of time to deliver the outcome and Councillor Lawton clarified that the units must be available for occupation (not occupied) by that deadline.

Members asked:

- Would there be any consultation with residents of neighbouring properties to units selected and how would any anti-social behaviour or noise complaints be handled should they be forthcoming?
- How would external areas around the units be maintained?
- Would provision be made to support occupants of the units specifically surrounding issues with mental health/drug or alcohol abuse?
- Do the units have to be individual or could they be a collective unit?
- If an occupant is housed in a unit who then chooses to leave, what is the responsibility of the Council regarding a duty of care to that individual?

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The Strategic Housing Manager responded:

- It is not intended that there will be any consultation with neighbours to units selected and that nuisance reports will be handled by a dedicated officer funded through the grant.
- The maintenance of outside areas will be the responsibility of the Council and will be factored into the financial business case.
- Support would be provided to residents but we are unable to comment on whether it would be specific to those issues.
- The Council was advised that upon submitting the bid it would be preferable to have disparate units across the district rather than one unit.
- The criteria for occupants moving in and moving on had yet to be devised. This was not accommodation provided under a statutory homelessness duty so if an individual chooses not to stay that will be their choice.

Members commented that other local authorities are doing the same and we should use them as examples and officers advised that they are happy to work with other local agencies and take advice and information on how the model works in other areas.

DECISION:

- a) That the authority approves the receipt and spend of the MHCLG grant of £399,255, comprising £289,190 capital and £110,075 revenue, in time-limited funding in accordance with Financial Procedure Rule 3.8(h) and the necessary amendments to the budget required for this project.
- b) That Council notes the requirement for additional funding of approximately £400,000 to support this programme of activity and that this will be funded from the Growth and Commercialisation – Acquisitions Fund on a case by case basis.

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

The Leader of the Council apologised for an error in the

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nominated substitute members for Joint Appointments and Disciplinary Committee which should read Councillor Sneath and Councillor Redgate instead of Lord Porter and Councillor Drury.

Joint Appointments and Disciplinary Committee

Substitute members (currently all vacant seats)

Councillor Newton
Councillor Redgate
Councillor Sneath

South East Lincolnshire Joint Strategic Planning Committee

Councillor Grocock to replace Councillor Gambba-Jones

PSPS

Councillor Grocock to replace Councillor Coupland
Richard Hodgson to replace Rob Walker

Welland Homes Board Directors/Shareholder Representative

Councillor Tyrrell to replace Councillor Drury
Councillor Seymour appointed to Conservative Group vacancy
Councillor Grocock to replace Councillor Lawton as Shareholder Representative.

South Holland Local Housing CIC (South Holland Homes)

Councillors Casson, Coupland, Drury and Redgate to replace Councillors Biggadike and Porter, Matthew Hogan and former Councillor Paul Przyzslak (in the case of the latter, a formal resignation is awaited and until Mr Przyzslak retires from the Board this will result in one additional director).

Members confirmed they are content with the changes set out in the agenda (including the above amendment).

60. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

61. EXCLUSION OF THE PRESS AND PUBLIC

Councillor Newton expressed concern at taking this matter in

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exempt session as she felt that many members of the public would be keen to hear the discussion about a public building.

The Executive Manager for Governance explained that the report was exempt as the proposals set out throughout the report had an impact on staff. The Council always sought, where possible, to have open debate with confidential appendices but the nature of the report made that difficult. A summary minute would be made available to the public.

Councillor Newton indicated a desire to ask a question on the report, in open session, even if a full answer could not be given until the meeting entered exempt session. She was confident that her question would not divulge any exempt information.

Councillor Newton therefore asked why, at a time when the building is closed and we hoped to be ready to reopen at first opportunity following lockdown, repairs and maintenance issues had only just come to light. Councillor Newton had asked, in April or May, if repairs could be undertaken during lockdown in readiness for reopening. The Council appeared to have been reactive, when it could have been be proactive. Councillor Newton also questioned why the building was not ready to reopen and reported that Boston was ready to open the following week.

It was then moved and seconded that the Council excludes the press and public.

DECISION:

That, under section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 & 3 of Schedule 12A of the Act.

62. COVID IMPLICATIONS ON THE SOUTH HOLLAND CENTRE OPERATIONS

Consideration was given to the report of the Leader of the Council and Executive Director – Commercialisation (S151 Officer) to set out the current position and potential options for the South Holland Centre.

Officers had made a bid for Government funding the purpose of which was to maintain the viability of arts, culture and heritage industries and could be used either (i) to fully or partially reopen such facilities; or (ii) to ensure that such facilities were in a

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position to reopen at a future date.

The Council's bid was for the latter purpose and a sum of £170,860 had been awarded – which the Council was now asked accept.

Councillor Newton and other opposition group members raised concerns about the assumptions that appeared to have been made in submitting an application for future reopening rather than immediate reopening or partial reopening. One example was the assumption of a lack of customer confidence – and cited the number of other reopened cinemas. Similarly, pro-active opportunities appeared to have been missed – such as utilising the Function Hall for catering at a time when the Beales and Hills cafés were closing.

Concern was also raised that officers were estimating a period of eight weeks to get the Centre ready for reopening.

The Portfolio Holder for Communities and Facilities responded that officers and members had a 'can do' attitude but reminded members that the Council also had an overarching duty to keep people safe, especially during the Covid emergency, and that it should not encourage mass gatherings. The Portfolio Holder also reported that, during closure, the Council had undertaken a thorough survey to identify necessary repairs.

Councillor Alcock opined that, as the grant application had been made on the basis of future rather than immediate reopening, debating the options now was somewhat academic. He considered that there would have been merit in re-opening for wider social and cultural need in district, especially with Covid affecting mental health. He felt that the building did lend itself to being used in responsible way. Consideration could have been given to things like tea dances or cinema use for a reduced audience, with appropriate safety measures implemented. Older films could be shown for so long as new films were not being released.

The Portfolio Holder agreed that cultural/social needs and mental wellbeing were very important, but this had to be balanced against health risks as well as the level of uncertainty in forecasting potential income in such challenging circumstances.

The Communities Manager reiterated that the bid was to support the Centre to be open, sustainably, when viable and cost effective. There was a great deal of uncertainty in the cinema industry, with films delayed and others going straight to streaming

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with audiences watching from home. When cinemas were able to reopen on 4 July only 80 opened out of 840 nationally. In terms of the best option to protect the Centre and its services for the future, the application to arts council had focussed on ensuring the Council was able to open at a later date when confidence had improved.

Safeguarding older residents who are currently shielding was a key priority, and nationally it appeared that many people were not confident in leaving their homes. As a result, some cinemas that had opened were now closing again. Live shows in particular needed to have a significant size of audience to be economically viable. Function Hall and catering events also needed a lot of people to make them financially viable. In addition, when applying for arts council funding, all budgets, costs, predictive income and anticipated shortfall figures were required. If the Council didn't then meet its projected income during that period, a bigger shortfall would have resulted than if the Centre had been closed.

Councillor Newton reported that she had read the bid and that Arts Council money was available to enable such facilities to open and stay open. She was also concerned that, when April arrives, the Council would still not be ready to reopen. Councillor Walsh opined that it came down to attitude to risk, and that private enterprise would be concerned to maximise assets and increase both footfall and income.

The Communities Manager reminded Council that Arts Council funding had been made available either to reopen (fully or partially) now or to enable future reopening. The Portfolio Holder added that, as set out in paragraph 1.4 of the report, many private cinemas had not reopened immediately.

Councillor Astill considered that it was unfortunate that the Centre was closed, particularly given footfall in town centre. He didn't, however, believe confidence in attending cinemas had returned. After the previous lockdown had been lifted he had visited the cinema in Peterborough and it had been all but empty. He agreed with the Communities Manager that people were choosing to watch streaming services because they felt safer at home. It was, however, important that the Centre be ready to reopen and this funding was necessary for that purpose.

The Portfolio Holder for Environmental Services agreed that the Council needed to be proactive in preparing to reopen when it was safe for the right number of people to attend. It was not wise to encourage people to gather in groups and the Council's approach to this pandemic was why South Holland had such a

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low infection rate. He criticised certain members who appeared to be so encouraging and who should, he felt, be setting an example when they themselves should be shielding but were not doing so. The member concerned responded that she had been working to support her community during Covid.

The Portfolio Holder for Environmental Services supported the report to ensure that the Centre would be ready to reopen at the right time. He did not believe that people were pushing for early reopening. The Portfolio Holder for Assets and Planning agreed; he and his family and friends were regular users of the Centre but they were not confident to return yet – that may not be until a vaccine is released.

Councillor Tennant felt that a more robust and detailed report would have assisted the Council in considering the matter. He also felt that there should have been engagement with members prior to submitting the grant application.

The Portfolio Holder for Commercialisation and Growth had, as part of his portfolio, responsibility for the town centre. He was very concerned about the impact on the town centre but he agreed indoor gatherings were unsafe. The safe and sensible thing to do was to be ready for future reopening.

The Leader of the Council felt that the Centre was a drain on the Council's resources at the best of times. That was now compounded by the fact that the Centre was unable to generate income due to the pandemic. The Government had offered a lifeline and it was up to members to decide whether they wanted to accept it. A great many people would not have the confidence to visit an arts venue when that action put their lives at risk. The Leader was also aware that a great many commercial venues had either closed to the public, or the public had insufficient confidence to attend, from concerts to football matches.

Councillor Brewis supported the point made by the Leader of the Council and he did not consider it appropriate to encourage people to congregate, particularly given the Government's announcement around relaxing restrictions over the Christmas period.

Councillor Seymour also agreed with the Leader's comments, and expressed his own concerns about visiting indoor spaces – even visiting hospital.

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DECISION:

1. That (in accordance with Financial Procedure Rule 3.8(h)) the £170,860 awarded by Arts Council England as part of the DCMS Culture Recovery Fund for the South Holland Centre be received and spent in accordance with the bid.
2. That Full Council recommend to the Leader to approve the extended closure of the South Holland Centre for the remainder of the current financial year.

(The meeting ended at 9.24 pm)

(End of minutes)