

**Questions to Council Under Rule 11 of the Constitution –  
Council 13 December 2023**

**1 Councillor Hesketh to Councillor Leyland, Leader of the Council and  
Portfolio Holder for Corporate Affairs**

Reviewing your announcement “preferring” a Test of Public Support for storage of highest-level nuclear waste under the Lincolnshire coastline known as a GDF, to be held by 2027. Please explain the process that will trigger and deliver a Test of Public Support referendum?

**A** *Thank you Cllr Hesketh,*

*I understand a response to this question has been provided to you within an email from the Council’s Legal Manager.*

*As you know, the processes relating to engagement with communities and the Test of Public Support is set out within the Government Policy Framework – [“IMPLEMENTING GEOLOGICAL DISPOSAL – WORKING WITH COMMUNITIES”](#).*

*The decision over when to take the Test of Public Support will be a matter for the Relevant Local Authorities (both ELDC and LCC need to be in agreement), in co-operation and consultation with the Community Partnership.*

**2 Councillor Hesketh to Councillor Leyland, Leader of the Council and  
Portfolio Holder for Corporate Affairs**

In the statement “preferring” to hold a Test of Public Support by 2027 you say “This process is all about listening to local views, and that's exactly what we are doing”. As a member representing ELDC on the Community Partnership you know it's core of tenet of “a willing community”. After 2.5 years, how do you prove the community is willing, what evidence do you have?

**A** *Thank you Cllr Hesketh,*

*As a Relevant Local Authority, and a member of the Community Partnership, we are engaging in the process and continually learning about various factors that are relevant to understanding the impact of a GDF on our community.*

*In order to enable an informed view to be taken, by the Community Partnership, ourselves and LCC, we all need to understand the full picture.*

*There are a considerable number of technical factors relevant to the potential siting (including geology, ecology etc); and subsequent positive and negative impacts on matters such as transport, flood risk, skills, jobs etc; as well as potential infrastructure provision to support a GDF; all of which need to be properly understood. This information then needs to be presented in a way which can be relayed to the community to enable them to make an informed decision when the Test of Public Support is brought forward.*

*Through the Community Partnership, we also receive regular updates from NWS regarding the various engagement exercises which they are undertaking with the community.*

*I am committed to ensuring that the community as a whole, including Members of this Council, are provided with sufficient, accurate and robust information to ensure that they can make their views known at the right time. I hope that you will support me in achieving this aim.*

*Both myself and the Leader of LCC have set out our desire for this to be progressed efficiently, and effectively, to enable the Test of Public Support to be taken by 2027. This position has not changed, and I accept that there needs to be some certainty given, so that this process does not extend for a prolonged period with no end in sight. Through our representation on the Community Partnership, we will do all we can to move the process on, but, in the right way.*

*As you know, the process we have to follow is clearly laid out by a Government Framework; but I hope you will agree, that whilst speed is a factor, this should be appropriately balanced with having robust information upon which the community can consider and base its decision upon.*

### **3 Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

Thank you for representing this District Council and the coastline communities in the process of setting up a Greater Lincolnshire Authority. How can we help, to ensure that our concerns, growth opportunities and priorities are heard and acted upon?

- A** *The MCA will be driven by the Upper Tier authorities as they have led on the Devolution process with Government and are the signatories as outlined in the Government scheme.*

*District Councils have negotiated with the Upper Tiers that there will be 4 "non-constituent" seats allocated to District Councils. The voting rights of these seats will be fixed by a Memorandum of Understanding with the Upper Tiers to make sure that District Council interests are represented.*

*The make-up of those 4 seats is a matter for the District Councils to determine. We will work with our District Council colleagues to make sure the South & East Lincolnshire Councils Partnership is well represented.*

### **4 Councillor Bristow to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

I would like to ascertain the current procedure for communications originating from the public directly to an officer or member other than the requestor's elected member, outside of standard customer services queries.

(Going forward, I would like to ask that the individuals receiving these queries take time to copy in the elected member/s so that we are aware of those communications and are not reinventing the wheel and duplicating efforts.)

- A** *This is a very broad question covering how communications from the public are dealt with by members and officers.*

*Typically responses to communications will be given directly back to the person or body raising the matter by the officer/member receiving the communication or by the appropriate department.*

*Where communications are addressed to the incorrect Ward Member(s) out of courtesy these should be signposted to the relevant Ward Member(s).*

*The Council and Members must of course not disclose personal or confidential information received unless permission is provided. It would not be appropriate, nor practical, to have a policy whereby the significant quantity of communications received from the public by officers and members, and any subsequent responses given, are copied as standard to elected members.*

*It is appreciated that there are occasions when a member of the public contacts multiple officers/departments and members of the Council on the same matter and unfortunately this can lead to duplication of effort.*

**5 Councillor Horton to Councillor Foster, Portfolio Holder for Operational Services**

How much is the fine for litter and does this fine vary?

- A** *Part IV of the Environmental Protection Act 1990 makes dropping litter a criminal offence subject to a fine of up to £2,500 on summary conviction in a Magistrates court. The fine levied on conviction is at the discretion of the courts and takes into account factors such as means to pay and hence will vary case by case.*

*Where our enforcement officers witness an offence of littering, a fixed penalty notice of £150 is issued which must be paid within 14 days.*

**6 Councillor Horton to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

With the impending devolution, how much more finance will be available to district and parish councils?

- A** *The devolution deal for Greater Lincolnshire is an agreement between Upper tier Councils and Central Government. There is no new funding for District Councils however there is new funding for the Mayoral Combined Authority which will, I'd expect, be to benefit the residents and businesses of East Lindsey.*

**7 Councillor Horton to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

How many East Lindsey applicants have been promoted to work in a more senior role within the Alliance?

- A** *Thank you for the question. The question requires a review of over 100 staff contracts to pull this information together. It hasn't been possible in advance of Council. As such, the Head of HR will provide a written answer to you that we will share with all Councillors.*

**8 Councillor Horton to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

How many Section 116 officers do we have?

- A** *ELDC has 34 staff in permanent Section 113 Agreements and 7 staff in temporary Section 113 Agreements. These cover a range of roles in a variety of services.*

**9 Councillor Makinson-Sanders to Councillor Ashton, Portfolio Holder for Planning**

How many Section 106 agreements have been secured in East Lindsey over the past year and please could you itemise them and indicate if they have been paid in full?

- A** *Thank you for your question,*

*I will provide a formal answer to this in due course, as it is not possible to provide this information in such a short time frame.*

*We are in the process of compiling our latest Infrastructure Funding Statement which will be made publicly available as soon as we are able and reported to Planning Policy Committee as is usual practice. The team have undertaken considerable work over the last year to reconcile the S106 register.*

*Since April 2023, there have been 13 different agreements relating to S106 which have been agreed and completed. These include new agreements but also variations to existing agreements. Once the aforementioned report has been completed, I will be happy to provide you with the itemised list requested.*

*I would however remind you that S106 contributions are not an "up-front" requirement. They are only provided or paid once the development to which they relate has formally commenced, or in accordance with other terms as bespoke to that particular development and agreement. As such, it is likely that in the majority of cases pertaining to S106s signed during the last year, that the triggers for contributions have not yet been met.*

*The Council actively monitors sites as part of S106 Monitoring, and where necessary, takes action to secure any contributions that are due.*

**10 Councillor Makinson-Sanders to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

Does this council have a current WhatsApp usage policy?

**A** *The Council does not have a specific policy in respect to the use of WhatsApp.*

**11 Councillor Makinson-Sanders to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs**

Has the council got contingencies for the pending changes in EU Law in respect of workforce Law and policies and processes. What are the associated risks and how are they being addressed?

**A** *The 'retained EU law bill' or REUL, as far as employment regulation is concerned will produce some small imminent change, and further change throughout the coming years – which is likely to be as a result of issues tested in the courts, so as yet are unknown.*

*PSPS HR team attend legal briefings and horizon scan changes which will impact employment policies through various sources including the professional body - CIPD.*

**Changes on 1 January 2024:**

*Whilst there are changes on 1 January, most of the imminent changes will not impact, as they actually preserve the current EU protections and therefore there will be no material changes to consider or implement.*

*The only change that could apply - will make it lawful again to pay workers on irregular hours using rolled up holiday pay methods, or applying 12.07% uplift. The entitlement does not change, but the application does and reduces the burden on record keeping for employers. It should be noted that the type of workforce this applies to (e.g. casuals or part year workers) is minimal at ELDC.*

*The government has also announced several amendments to the Equality Act 2010, applicable from 1 Jan 2024; intended to preserve certain employment protections originally derived from EU law. The amendments make no substantive changes to existing equalities protections, so require little adjustment to policies or processes.*

*The definition of disability will be expanded to include a reference to a person's ability to fully participate in working life on an equal basis with other workers (rather than the current definition which only refers to a person's ability to carry out 'day to day activities'). ELDC is a disability confident employer and already makes commitments under this to the recruitment and employment of disabled individuals, the remit would not change, but scope may.*

*Longer Term:*

*The longer-term changes through the second part of the REUL may turn out to have more significant practical impact. This part sees UK law changing as result of legal cases defined by EU law, and existing rulings of the ECJ effectively become challengeable.*

*For regulations to change, it will require test cases to come before courts before any referral could be made to the Court of Appeal. It is anticipated that the most likely points of employment law to be adapted are those where EU courts previously overturned UK courts. Such processes take many months or even years to complete and are likely to be widely reported. Until these are contested and regulations change the policies and processes remain relevant.*

*The risks are that the changes around employment law could be unplanned and if so policies will need amending to reflect any areas that are not compliant with statutory provisions. Additionally, legal disputes may carry heightened risks until some of these areas are defined – these will be managed on case-by-case basis with legal guidance where appropriate.*

*ENDS*