

Unconfirmed



Minutes of a Meeting of the **Cabinet** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 6 June 2023 at 6.30pm.**

Members of the Cabinet present:

Councillor Paul Ashton, Councillor David Beavan, Councillor Tom Daly, Councillor Katie Graham, Councillor Toby Hammond, Councillor Vince Langdon-Morris, Councillor Mike Ninnmey, Councillor Rachel Smith-Lyte, Councillor Caroline Topping, Councillor Kay Yule

Other Members present:

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Julia Ewart, Councillor Craig Rivett

Officers present:

Chris Bally (Chief Executive), Chris Bing (Head of Legal and Democratic Services), Kerry Blair (Head of Operations), Kate Blakemore (Strategic Director), Andy Jarvis (Strategic Director), David Johnson (Asset and Investment Consultant), Phil Harris (Strategic Communications and Marketing Manager), Nick Khan (Strategic Director), Matt Makin (Democratic Services Officer (Regulatory)), Andrea McMillan (Planning Manager (Policy, Delivery and Specialist Services)), Adam Nicholls (Principal Planner (Policy and Delivery)), Philip Ridley (Head of Planning and Coastal Management), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure)), Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence

Apologies for absence were received from Councillor Sarah Plummer, Assistant Cabinet Member for the Environment.

2 Declarations of Interest

Councillor Ninnmey declared that he had a Non Registerable Interest in Item 9 - Community Infrastructure Levy (CIL) Charging Schedule, East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy, as he was a member of the Patient Participation Group at Grove Medical Centre in Felixstowe, which may be discussed during that item.

Councillor Topping also declared that she had a Non Registerable Interest in Item 9 - Community Infrastructure Levy (CIL) Charging Schedule, East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy, as she was the Elected Member for Beccles and Worlingham Ward, and Beccles Town Council was

strongly opposed to the proposed CIL rate for the Beccles and Worlingham Garden Neighbourhood.

3 Announcements

No announcements were made.

4 Minutes

On the proposition of Councillor Hammond, seconded by Councillor Daly, it was by a unanimous vote

RESOLVED

That the minutes of the meeting held on 7 March 2023 be agreed as a correct record and signed by the Chair.

5 Appointments to Outside Bodies for 2023/24 (Executive)

Cabinet received report **ES/1547** by the Leader of the Council, which sought the appointment of Councillors to Outside Bodies relating to Executive Functions, as outlined at Appendix A to the report.

It was noted that the Cabinet appointed annually to a wide range of diverse Outside Bodies; some appointments were made because of a statutory requirement to appoint one or more Cabinet Members to them, however, most appointments were discretionary, and took into consideration how representation added value. The appointment of Cabinet Members provided support to the organisation concerned and enabled Cabinet Members to fulfil their community leadership roles.

In response to a query from Councillor Byatt, the Leader reported that updates from Members regarding their Outside Body appointments were provided at Full Council meetings, to ensure all Members were kept apprised of developments. A schedule of future updates would be circulated to Members in due course.

The recommendations in the report were moved and seconded and it was

RESOLVED

1. That councillors be appointed to those outside bodies listed in Appendix A to the report for the 2023/24 municipal year.

2. That the Leader of the Council be authorised to fill any outstanding vacancies left unfilled by the Cabinet.

3. That the Leader of the Council be granted delegated authority to make any necessary changes to the members of the outside bodies for the remainder of the 2023/24 Municipal Year.

6 Appointments to the Shareholder Reference Group (SRG)

Cabinet received report **ES/1552** by the Leader of the Council, which sought to appoint Members of the Cabinet to the Shareholder Reference Group (SRG). The Leader reported that the Council had established a number of companies within a group structure, including East Suffolk Services Limited (ESSL), which would take over services from the current Norse joint ventures in July 2023.

In order to provide the appropriate control and governance role that the Council needed in relation to its group companies, a Committee of Cabinet, known as the Shareholder Reference Group (SRG), had been established in September 2022.

Following the election on 4 May 2023 and the appointment of a new Cabinet at the Full Council meeting on the 24 May 2023, Cabinet Members needed to be appointed to the SRG for a four-year term so that it could continue its work.

On the proposition of Councillor Yule, seconded by Councillor Ashton, it was by unanimous vote

RESOLVED

That the appointment of Councillor Caroline Topping, Leader of the Council, Councillor Paul Ashton, Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets, Councillor Toby Hammond, Cabinet Member with responsibility for Economic Development and Transport, Councillor Rachel Smith-Lyte, Cabinet Member with responsibility for the Environment and Councillor Vince Langdon-Morris, Cabinet Member with responsibility for Resources and Value for Money, to the Shareholder Reference Group be approved for a four-year term, until the Annual Full Council Meeting in May 2027.

7 Appointment of the Director and Alternate Director of Freeport East Limited

Cabinet received report **ES/1553** by the Leader of the Council, which sought to appoint a Director and an Alternate Director of Freeport East Limited. The Leader reported that Freeport East had been announced in March 2021 as one of eight Freeports in England and became a 'live' Freeport in December 2021. The anticipated sub-regional economic benefits from Freeport East were significant and included 13,500 new jobs, additional 1.3m tonnes of international trade and an uplift in sub-regional GVA of up to £16.6bn.

Councillor Topping reported that East Suffolk Council was the Lead Authority and Accountable Body for Freeport East. There was a requirement for each of the founding member authorities to appoint a Director to the Supervisory Board of Freeport East Limited. Councillor Steve Gallant, then Leader of the Council, was appointed as East Suffolk Councils Director of Freeport East Limited on 23 August 2022, and had resigned with effect from the 9 May 2023. In order for Freeport East Limited to continue to carry out its work, a new Director needed to be appointed by East Suffolk Council. It was therefore proposed that Councillor David Beavan be appointed as East Suffolk Councils Director of Freeport East Limited and that Chris Bally, Chief Executive of East Suffolk

Council, be appointed as East Suffolk Council's Alternate Director of Freeport East Limited.

Councillor Rivett asked why the Deputy Leader had been nominated for the role, when the role had previously been filled by the Leader, and he queried whether the Cabinet Member for Economic Development had been considered for the role? The Leader responded that she had been unable to undertake the role herself and she had offered it to the Deputy Leader instead. She stated that the Cabinet Member with responsibility for Economic Development had not been considered for the role, as they also worked full time and had a young family. Councillor Hammond commented that he would be liaising closely with the Councillor Beavan regarding Freeport East. Councillor Beavan reported that he was looking forward to taking on the role.

Councillor Smith-Lyte stated that she lamented the Council's involvement with Freeport East due to the risk of Freeports becoming tax havens, for the potential for workers rights to be compromised, that income may be kept from Councils and the Treasury by landowners and businesses sending profits offshore. She stated that the EU had clamped down on free zones within its jurisdiction over tax evasion, corruption and crime concerns. Freeports were predominantly supported by those who had voted to leave the EU and there were concerns they would primarily benefit the ultra-wealthy. Councillor Smith-Lyte recognised that Freeports were a national initiative and had been inherited from the last administration.

Councillor Beavan commented that he shared those concerns and had raised these issues with officers. Regarding the creation of jobs, it was clear in the documentation that these would genuinely be new jobs and not the re-allocation of staff for tax benefits. Councillor Beavan stated that Freeport East had to be used as an opportunity for green growth, including the exploration of green hydrogen fuels and that he would work to ensure the Freeport was run properly.

On the proposition of Councillor Topping, seconded by Councillor Daly, it was by unanimous vote

RESOLVED

1. That Councillor David Beavan be appointed as East Suffolk Council's Director of Freeport East Limited.
2. That Chris Bally, Chief Executive of East Suffolk Council, be appointed as East Suffolk Council's Alternate Director of Freeport East Limited to attend Board meetings in place of the Director when they are unable to attend.

8 Appointments to the Community Infrastructure Levy (CIL) Spending Working Group

Cabinet received report **ES/1554** by the Leader of the Council, which sought the appointment of Councillors to the Community Infrastructure Levy (CIL) Spending Working Group, as outlined within Appendix A to the report.

Councillor Topping reported that the CIL Spending Working Group was a cross party group, responsible for the review of CIL Funding bids and for making recommendations

to Cabinet for approval of the proposed CIL Funding allocations. Following the election held on 4 May 2023, the CIL Spending Working Group needed to have Members appointed to it, in order to carry out its work.

On the proposition of Councillor Topping, seconded by Councillor Langdon-Morris, it was

RESOLVED

That the appointment of the CIL Spending Working Group be approved, as outlined within Appendix A to the report.

9 Community Infrastructure Levy (CIL) Charging Schedule, East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy

Cabinet received report **ES/1548** by the Cabinet Member with responsibility for Planning and Coastal Management and the Cabinet Member with responsibility for Resources and Value for Money, which sought Cabinet's recommendation to the Council that it adopt the East Suffolk Community Infrastructure Levy (CIL) Charging Schedule, along with the East Suffolk CIL Instalment Policy and the East Suffolk CIL Discretionary Social Housing Relief Policy.

Councillor Yule introduced the report stating that the Council had two current CIL charging schedules, one for the former Waveney area (originally adopted in 2013) and one for the former Suffolk Coastal area (originally adopted in 2015). Each schedule was out of date and in need of review, therefore, following the creation of East Suffolk Council and the adoption of Local Plans for the District in 2019 (Waveney) and 2020 (Suffolk Coastal), it was considered appropriate to prepare a single CIL charging schedule for the whole of East Suffolk.

Councillor Ninnmey referred to concerns from local groups in his Ward and the wider Felixstowe Peninsula, that there had been no masterplanning and there was not adequate funding provision for an increase in population, who would all need access to NHS services. Councillor Ninnmey stated that when he had raised these issues prior to being elected, there had been no clear response to any of these concerns. Officers stated that this was an important question and needed to be addressed through Local Plan delivery and CIL spending. There was a considerable increase in the CIL rates, up to 35% in some areas, and this would go some way to helping to address these needs. Health care delivery was one of the most challenging areas, and officers stated that they meet with the Integrated Care Boards (ICBs) on a quarterly basis about this matter and CIL bids were coming in to increase the provision of healthcare infrastructure. Officers stated that an Infrastructure Delivery Plan for Felixstowe and the Trimleys was being prepared and would set out how infrastructure should be delivered over the next 20 years, alongside the developments planned for this area.

Councillor Ninnmey referred to the CIL charges for the Felixstowe area and asked why there was a discrepancy in CIL rates for the area of around £100. Councillor Ninnmey also asked why CIL charges for dwellings currently being built had been allocated to road changes but nothing had been allocated to health, which was concerning when a care home had been planned for this area. Officers stated that the District Council did

not engage directly with GP practices, this was done through the relevant Integrated Care Board (ICB), and that there had been exchanges with surgeries about accessing CIL funding to expand their provision. In relation to CIL charges for specific sites, these had been set based on land values, potential house values and the expected costs of infrastructure requirements for the sites. North Felixstowe had much higher infrastructure requirements, and therefore costs, than the other nearby strategic site in the Trimleys. The Council's proposed CIL rates had been tested by an Independent Examiner and he considered they struck an appropriate balance between costs of infrastructure and expected housing prices, with the exception of the Beccles and Worlingham Garden Neighbourhood, which he concluded should be set at a zero rate (£0) rather than the £30 rate the Council had proposed.

Councillor Ninnmey asked if there was a masterplan for the North Felixstowe Garden Neighbourhood and whether this could be expanded to the wider peninsula. Officers stated that the Council was in the process of preparing a Masterplan, and there would be community engagement on this later in the year. It was reported that a Masterplan would need to be prepared for all of the major allocated sites in the District. It was clear that there were multiple sites where careful planning was needed, and the infrastructure planning was part of this. Health facilities in the area were also being reviewed by the ICBs and this would be fed in.

Councillor Byatt asked whether the Council had sight of plans in adjoining areas which were not covered by existing plans. Officers confirmed that the majority of the District was covered by the Council's Local Plans; the only area which was not covered by these is the Broads Authority area, which was under its own planning jurisdiction.

Councillor Ewart requested that Saxmundham would not be overlooked in any of these discussions.

Councillor Langdon-Morris stated that the new Cabinet had reviewed the CIL documentation which had been inherited from the previous administration. Cabinet appreciated the work of officers in preparing this documentation. In the coming months there would be further review in order to fully understand the revenue generated and how this was to be used across East Suffolk.

Councillor Ashdown stated that he had been a Member of the Local Plan Working Group for sixteen years, and that the CIL schedule and sites had been very carefully considered, and that the zero rate for the Beccles and Worlingham Garden Village recommended by the Examiner was very disappointing. Communities were encouraged to have Neighbourhood Plans in part through the allocation of 25% of CIL to the community, and with a zero rate on this area the community would receive nothing. Likewise in Oulton Broad, the zero rate for that area meant that the Parish Council will not prepare a Neighbourhood Plan.

Councillor Topping commented on the Beccles and Worlingham Garden Neighbourhood, stating that there had been three years of work by officers, external consultation had taken place and an examination had been conducted. Councillor Topping registered her dismay, as the Ward Member for Beccles and Worlingham, that the Garden Neighbourhood had been given a zero rate. She stated that she understood that the developers would be delivering a school, village hall, sports fields, country park

and green corridors, in addition to 30% affordable housing, but that the site may not be viable for developers and therefore may not be delivered if the Council tried to challenge the zero rate that had been recommended. Historically, dwellings had been built in small areas of the Ward with no funding or changes to infrastructure. Councillor Topping stated that she would not be voting against this proposal and therefore having to take it back to a much earlier stage, but that she encouraged all communities who would be in a zero-rated area for CIL to engage with the CIL Spending Working Group – bids for funding from the district-wide CIL pot were not precluded.

Councillor Ninnmey stated that responses to Neighbourhood Plans in his Ward had been negative, despite the provision of CIL revenue, and that he was concerned communities would be missing out on a vital tool to shape their local area.

Councillor Topping stated that Masterplans were being drawn up for major sites and encouraged communities to get involved with the process.

On the proposition of Councillor Yule, seconded by Councillor Hammond, it was

RESOLVED

1. That it be recommended to Council that it resolves to approve:
 - a. the East Suffolk Community Infrastructure Levy Charging Schedule (allowing for the modifications recommended by the Examiner to address the areas of non-conformity with the legislative drafting requirements);
 - b. the East Suffolk Community Infrastructure Levy Instalment Policy; and
 - c. the East Suffolk Community Infrastructure Levy Discretionary Social Housing Relief Policy,and bring these three documents into effect on 1st August 2023.
2. That it be recommended to Council that it resolves to authorise the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, to make any relevant presentational and typographical amendments to the East Suffolk Community Infrastructure Levy Charging Schedule, East Suffolk Community Infrastructure Levy Instalment Policy and East Suffolk Community Infrastructure Levy Discretionary Social Housing Relief Policy prior to them coming into effect.
3. That it be recommended to Council that it resolves to authorise the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, to remedy any “correctable errors” to the East Suffolk Community Infrastructure Levy Charging (should any be discovered in the period up to six months after the Community Infrastructure Levy Charging Schedule has been approved).

10 Exempt/Confidential Items

On the proposition of Councillor Yule, seconded by Councillor Beavan, it was by a unanimous vote

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.

11 Exempt Minutes

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

12 Sale of Commercial/Residential Asset - Lowestoft

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

13 Acquisition of Commercial Asset - Lowestoft

- Information relating to any individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

14 Sale of Commercial/Residential Asset - Wickham Market

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting concluded at 7.45pm

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Chair