

**Unconfirmed**



Minutes of a Meeting of the **Cabinet** held in the Conference Room, Riverside, on **Tuesday, 05 July 2022 at 6:30 PM**

**Members of the Cabinet present:**

Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Maurice Cook, Councillor Steve Gallant, Councillor Richard Kerry, Councillor David Ritchie, Councillor Mary Rudd

**Other Members present:**

Councillor Paul Ashdown, Councillor Edward Back, Councillor David Beavan, Councillor Peter Byatt, Councillor Alison Cackett, Councillor Tony Cooper, Councillor Louise Gooch, Councillor Mark Jepson, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Steve Wiles

**Officers present:** Stephen Baker (Chief Executive), Kerry Blair (Head of Operations), Lewis Boudville (Transport, Infrastructure & Parking Services Manager), Karen Cook (Democratic Services Manager), Richard Jacobs (Port Health Manager), Andy Jarvis (Strategic Director), Nick Khan (Strategic Director), Sue Meeken (Political Group Support Officer (Labour)), Brian Mew (Chief Finance Officer & Section 151 Officer), Agnes Ogundiran (Conservative Political Group Support Officer), Fiona Quinn (Head of Environmental Services and Port Health), Lorraine Rogers (Deputy Chief Finance Officer), Sarah Shinnie (Active Communities Officer - Leisure), Tim Snook (Leisure Development Partnership Manager), Rob Stammers (Waste Strategy and Business Improvement Manager), Alli Stone (Democratic Services Officer), Karla Supple (Senior Communications and Marketing Officer)

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**1 Apologies for Absence**

Apologies for absence were received from the following Cabinet Members - Councillor Rivett, Councillor Mallinder and Councillor Smith.

Apologies for absence was also received from the following Assistant Cabinet Member - Councillor Cloke.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes - May 2022**

**RESOLVED**

That the Minutes of the Meeting held on 3 May 2022 be agreed as a correct record and signed by the Chairman.

#### **4 Minutes - June 2022**

##### **RESOLVED**

That the Minutes of the Meeting held on 7 June 2022 be agreed as a correct record and signed by the Chairman.

#### **5 Announcements**

The Leader announced that Councillor Mallinder had, due to other commitments, resigned as a member of the Southwold Harbour Management Committee (SHMC); Councillor Mallinder would, the Leader reported, with immediate effect, be replaced on the SHMC by Councillor Rudd, who had completed the required skills audit and that had confirmed that Councillor Rudd had the required skills.

The Cabinet Member with responsibility for Transport announced that, on 4 July 2022, he had attended the launch of a new community demand responsive bus service for the villages north of Lowestoft; the service had been launched to help people living in the villages to get out and about more easily; it was being operated by BACT and was funded by East Suffolk community partnerships. Councillor Brooks was pleased to report that since the launch several bookings had already been made and the service would be further promoted.

The Cabinet Member with responsibility for Transport also, referring to the car parks within the East Suffolk district, reported that 33 of the car parks had been awarded disabled certification. Referring to the PARK mark, Councillor Brooks reported that 55 car parks within East Suffolk had met the criteria in full in respect of safety.

#### **6 East Suffolk Leisure Strategy Adoption**

Cabinet received report ES/1193 by the Cabinet Member with responsibility for Communities, Leisure and Tourism, the purpose of which was to recommend the adoption of the East Suffolk Council (ESC) Leisure Strategy. This incorporated the Indoor and Built Sports Facilities Strategy; the Playing Pitch and Outdoor Sports Strategy; and the Open Space Report.

The Strategy, which was introduced by the Leader, in the absence of the Cabinet Member with responsibility for Communities, Leisure and Tourism, was intended to help inform and guide decision making processes relating to the Council's own leisure facilities and the requirements for such further provision required as the result of future housing and population growth.

Cabinet also received a presentation by officers, after which the Leader gave thanks for all of the work that had gone into producing the Strategy; he also commented that it set out an ambitious "story" for leisure provision going forward.

Cabinet gave its full support for the Strategy. The Cabinet Member with responsibility for Community Health welcomed that it would encourage people to get involved in sport, which was good for health and wellbeing. The Cabinet Member with responsibility for Customer Services, ICT and Commercial Partnerships welcomed that the Strategy would protect ESC's existing provision while also looking to future investment across the district; Councillor Burroughes commented on the importance of getting out into hard to reach communities.

Councillor Cackett referred to some village halls being owned by town and parish councils, and churches, and suggested that that needed to be taken into account. Officers reported that there may, going forward, be another Strategy for village halls.

Councillor Frank Mortimer emphasised the importance of the involvement of both disability forums across the district and officers confirmed that would take place.

Councillor Byatt referred to facilities at private schools and asked how they would be dealt with. Officers advised that they were looking at both public and private schools.

Councillor Byatt referred to water sports and commented that they were not referenced within the Strategy. Officers advised that they would look at water sports and that approach was very much supported by the Leader.

Councillor Gooch referred to swimming pools and referenced an improved perhaps integrated service, greater access to some of the smaller facilities and the link to water sports. Councillor Gooch referred to the aspiration to strengthen swimming pool provision and suggested that perhaps it could be incorporated into a Leisure / Water Strategy. Officers advised that swimming pools came under the built facilities part but they would certainly look at water sports etc on the coastline, as referenced earlier.

Councillor Gooch referred to the loss of some facilities in Lowestoft recently, and the card that used to be in place that gave access to several different swimming pools, and suggested that the card overcame the barriers that were referenced within the report relating to access. Councillor Gooch suggested that there was space for a separate Strategy that could incorporate both indoor and outdoor pools, and the facilities referenced by Councillor Byatt.

On the proposition of Councillor Gallant, seconded by Councillor Rudd, it was by unanimous vote

## **RESOLVED**

That the East Suffolk Leisure Strategy, attached as Appendix A to the report, be adopted and the Strategic Director, in consultation with the Cabinet Member with responsibility for Communities, Leisure and Tourism, be authorised to implement the Strategy and update the action plan, as necessary.

Cabinet received report ES/1194 by the Cabinet Members with responsibility for Customer Services, ICT and Commercial Partnerships, and the Environment.

The report was presented by the Cabinet Member with responsibility for Customer Services, ICT and Commercial Partnerships, who reported that as ESC moved closer to the date when East Suffolk Services would go 'live' the report before Cabinet marked another milestone in the transition away from the contract with Norse and the preparations for the commencement of the LATCo under the brand name of East Suffolk Services. The report set out the requirement for ESC to review the current state of the refuse collection vehicle fleet and to agree a replacement plan and process, both now and to be put in place for future arrangements.

Councillor Burroughes reported that ESC currently operated around 50 refuse collection vehicles and many were now reaching the end of their operating lives which was on average approximately seven years. Of these, 23 needed replacing soon and ESC needed to put in place a detailed plan for how this would be achieved together with a long-term commercial approach to constant vehicle replacement and renewal. Due to the mostly rural nature of East Suffolk, many refuse collection vehicles were subject to significant mileage and wear and tear which could result in increased maintenance, and associated pressures and costs, so it was clear that the need for a replacement programme was of high importance.

ESC currently had a blend of vehicles, 14 new Euro 6 vehicles under a long-term hire agreement, which enabled ESC to run these on its new environmentally friendly HVO fuel or Hydrotreated Vegetable Oil, a clean burn, fossil free sustainable alternative to diesel which was proving to be really successful and significantly contributing to reducing the CO2 emissions by approximately 2000 tonnes per year. These vehicles had replaced older versions that could not run on HVO fuel. Other vehicles which remained had in some cases been in service for over 10 years, so the time was right to review the overall operational fleet.

ESC had, Councillor Burroughes stated, two choices around its future vehicle replacement strategy together with two financial approaches to this, to lease or purchase.

For the 23 vehicles concerned, the purchase option equated to a capital spend of £4,370,000 (at c.£190k per vehicle) as opposed to moving to a lease arrangement of £1,070,420 per annum (£875 per week, per vehicle). Although the purchase approach seemed more expensive, however, in the long term, the purchase option did stand to deliver greater value for money, financial resilience and greater cost effectiveness. Clearly as leasing had been demonstrated to be more expensive overall than purchase, then vehicles would need replacing at the end of their specific hire term. Both approaches were quite different and came with their own financial and operational challenges and demands, but ESC needed to move things along.

Any changes ESC made needed to support its strategic objectives such as around financial sustainability, maximising the use of council assets, delivering value for money, caring for the environment and the emerging RAWs strategy. This paper, Councillor Burroughes stated, therefore cut across the two relevant portfolios, firstly his own covering East Suffolk's Commercial Partnerships, and secondly Councillor

Mallinder's portfolio covering the Environment. Although Councillor Mallinder could not be at Cabinet this evening, he was very much in support of the paper and its approach and that it supported the interests of ESC.

Cabinet gave its full support for the proposals within the report; both the Leader and the Cabinet Member with responsibility for Resources stated their clear preference for purchase rather than lease, referring to the purchase option providing better long term financial prudence and financial sustainability. Also, due to the mixed nature of the district, being rural and urban, the mileages in some cases would be quite substantial and in others no as substantial and that would provide the opportunity of creating a phased replacement programme in future years, and also being able to take advantage of any new technologies that might come along. There would also be a residual value for the vehicles, if not in this country, then abroad.

Councillor Byatt gave his support for the proposals within the report; he also asked, referring to the purchase of the fleet, whether ESC would consider working with other authorities that might be purchasing at the same time, in order to achieve economies of scale. Officers, in response, commented that other authorities in Suffolk were in the same position as ESC, running old fleets, however it was considered better for ESC to be slightly ahead of the game because the national production capabilities for refuse collection vehicles was in the region of 2000 per year; it was considered that ESC needed to place its orders earlier rather than later.

Councillor Beavan, referring to the future, suggested that a hybrid of electric with hydrogen backup would be sensible.

Councillor Beavan, referring to HVO, enquired about the supply situation; officers advised that there was a limited supply; the Council was currently out to tender and one of the key criteria would be about security of supply. It was understood that, due to the surge in demand at the moment, production was being increased.

On the proposition of Councillor Burroughes, seconded by Councillor Brooks, it was by unanimous vote

## **RESOLVED**

1. That a procurement process to purchase 23 vehicles be started.
2. That authority be given to the relevant Strategic Director, in consultation with both the Cabinet Member for Customer Services, ICT and Commercial Services and the Cabinet Member with responsibility for the Environment, to negotiate and award a contract on terms that best support the interests of East Suffolk Council.

## **8 Area Parking Reviews**

Cabinet received report ES/1196 by the Cabinet Member with responsibility for Transport, the purpose of which was to recommend approval for a review of the existing parking management regulations and the introduction of new parking management schemes within East Suffolk.

The Cabinet Member with responsibility for Transport reported that ESC was working to ensure that parking regulations, which included resident parking, short term parking bays, double yellow lines, and so on, met changing local demands, including shifting patterns of town centre use, and growth in housing. Current regulations may not meet those needs, instead, they may represent historic needs. This review and additional resource was necessary to support towns and residents in East Suffolk. The efficient and effective review of existing parking regulations and the development of proposals for new regulations would require additional specialist resource to deliver the necessary work in a timely manner.

The Leader emphasised the importance of this decision, stating that one of the key areas for ESC, across the whole district, was the provision of parking. The Leader drew members' attention to paragraph 3.4 of the report relating to the proposed key activities and milestones. By investing in this additional post, he emphasised, ESC would be in a position where it had a timeline relating to what was, at times, very difficult parking arrangements in the market towns. The Leader, together with Cabinet, welcomed the report.

Councillor Beavan hoped that the proposal would improve the situation, commenting that work with Suffolk County Council needed to move forward at speed.

Councillor Gooch welcomed the proposals within the report; she commented on verge parking and stated that any extra capacity that could be mustered, to try to look at smoothing residents' parking issues, was welcome. Councillor Brooks acknowledged the issue of verge parking but commented that it was not the responsibility of the district council.

On the proposition of Councillor Brooks, seconded by Councillor Gallant, it was by unanimous vote

## **RESOLVED**

1. That the Head of Operations be authorised to implement the review of existing parking management regulations within the district, in consultation with the Cabinet Member with responsibility for Transport.
2. That a Supplementary Budget of £21,000 for 2022/23 and £42,000 for future years be approved for the appointment of a Highways Technician/Engineer to provide the resource and capability necessary for undertaking the review and implement the consequent changes to parking management regulations within the district.

## **9 Draft Financial Outturn 2021/22 and Budget Monitoring Quarter 1 2022/23**

Cabinet received report ES/1195 by the Cabinet Member with responsibility for Resources which provided an overview of the Council's draft outturn position for 2021/22 in respect of the General Fund, Reserves, Housing Revenue Account (HRA), the Capital Programme and the Collection Fund.

Councillor Cook reported that the draft outturn position on the General Fund was a surplus of £1.17m, this was against an anticipated use of reserves to balance the budget by £1.38m. The main contributing factor to the surplus was the underspend on

direct staffing costs, due to unfilled vacancies, which was a combination of recruitment difficulties in some areas and the time lag between identifying a resourcing need and having a position filled. Income from fees and charges performed well within areas such as Building Control exceeding expectations post pandemic. Interest and investment income from the Property and Multi Asset Funds and Local Authority investments had also performed better than expected.

The Council continued, Councillor Cook reported, to be very active with Covid related grant administration, for businesses and for managing funding received by the Council for its own purposes. Any Covid related costs incurred by the Council had been fully funded from external funds. Savings on staff and Member travel costs had continued to materialise as forecast, with an annual saving in this area of over £250k compared to pre-pandemic levels.

The proposal was for the outturn surplus to be transferred to the Short Life Asset Reserve and the Transformation Reserve. This was to support the delivery of the Strategic Plan, in particular the transition of the Operations services to East Suffolk Services Limited.

As at 31 March 2022, the total on the Council's earmarked reserves stood at £61.8m. This was a decrease of £11.8m on March 2021, due to the release of Covid funding held in the Covid Reserve and use of the Capital Reserve to fund the capital programme.

The HRA reported a £3.6m surplus position. The most significant variances to report were due to re-phasing of the Housing Development Programme and a revision to planned transfers to Earmarked Reserves.

The General Fund Capital Programme reported a £1.2m underspend at the end of the year due to projects being re-phased to 2022/23.

In conclusion, Councillor Cook reported that the outturn position would feed into the 2022/23 review and update of the Medium Term Financial Strategy, the Capital Programme and the HRA. Appendix D of the report also began to draw attention to budget consideration for 2022/23 as at Quarter 1. Inflationary pressures on fuel, utilities and pay were going to be areas of much focus going forward and would have implications for both revenue and capital.

Cabinet gave its full support for the proposals within the report.

On the proposition of Councillor Cook, seconded by Councillor Rudd, it was by unanimous vote

## **RESOLVED**

1. That the Council's draft outturn position for 2021/22 together with reserves and balances as of 31 March 2022 be noted.
2. That the transfers to and from reserves shown in Appendix C of the report, including the transfer of the General Fund outturn surplus, to the Short Life Asset Reserve and

the Transformation Reserve, £0.585m to each reserve, be approved.

3. That the budget carry forward requests above £0.030m set out in paragraph 2.3 of the report be approved.

4. That the key financial considerations for 2022/23 as identified at Quarter 1 be noted.

## **10 Review of Strategic Management Team Capacity**

Cabinet received report ES/1197 by the Leader of the Council, who stated that the need for additional corporate capacity had been recognised by the Council's Strategic Management Team for a while. It was self-evident that the Council was engaged on a wide and detailed agenda of activity and that this was creating significant pressure on senior officers. A recent Corporate Peer Challenge carried out by the Local Government Association had confirmed this; they recommended that an additional Director post be created to provide that extra capacity. Furthermore, they recommended that this post should be focused on corporate activity in order to maintain a strong governance 'grip' on the Council's corporate activity. The report proposed that the Council allocated provision within its budget on an ongoing basis for a new Director post.

The Leader emphasised that the proposal was not just about ESC investing in a senior officer post; it was about investing in the capacity within ESC; he recalled other recent capacity investments and referred to the constant need to review capacity, ensuring that the ambitions of the Council could continue to be delivered.

Cabinet gave its full support for the proposals within the report; the Cabinet Member with responsibility for Resources referred to this being an investment of resources and not an additional expense; he referenced the Capital Programme, and the related projects, and highlighted the risks of non-completion of capital projects, many of which would bring in additional income. Councillor Cook stated that he was a firm believer that top class management led to top class leadership and that, he stated, was what ESC should be striving for.

In conclusion, the Leader highlighted the importance of duty of care for officers; he stressed that the heads of service, who reported to the strategic directors, deserved a more supportive senior management team than was currently in place, due to their current workloads. In turn, heads of service would be able to provide more support to their officers.

While accepting the comments regarding investment and capacity, Councillor Beavan referred to the number of current vacancies and questioned whether now was the right time to make such an investment; he also referred to the general workforce having a real terms pay cut.

Councillor Byatt echoed the words of Councillor Byatt, but he was reassured to read that there would be a review of all service areas; Councillor Byatt also questioned whether now was the right time to make such an investment; he referred to the Chief Executive's forthcoming retirement and suggested, as another option, that perhaps a new Director should be appointed after the appointment of the new Chief Executive.



The Leader emphasised that this was phase one of ensuring that ESC was in the best position that it could be.

On the proposition of Councillor Gallant, seconded by Councillor Kerry, it was by unanimous vote

**RESOLVED**

That a Supplementary Budget for 2022/23 and additional funding for future years be approved for the appointment of a new Strategic Director post to ensure that the Council has sufficient capacity at the most senior level to deliver its ambitious Strategic Plan, to maintain and strengthen its approach to corporate governance, and to enable greater senior officer support for service provision and project delivery.

**11 Flexible Use of Capital Receipts Strategy 2022/23 to 2024/25**

Cabinet received report ES/1198 by the Cabinet Member with responsibility for Resources, the purpose of which was to recommend to Full Council for approval of an updated Flexible Use of Capital Receipts Strategy for the period 2022/23 to 2024/25, in accordance with updated Guidance and Directions issued by the Secretary of State in April 2022. The Flexible Use of Capital Receipts Strategy would enable the Council to potentially take advantage of a valuable flexibility enabling funding of the revenue costs of a number of the Council's key projects in the medium term. The flexibility would enable the Council to optimise the use of capital receipts and conserve revenue budget resources.

Following a question by Councillor Byatt relating to the cost of living crisis and any predictions in respect of a possible shortfall that ESC might experience in terms of Council Tax non payments and rental income and whether the Council should be making provision for this possibility officers, referring to income, commented that at the moment it was difficult to ascertain trends on the Council's business rates, partly due to the current reliefs, ie the energy rebate etc.

On the proposition of Councillor Cook, seconded by Councillor Ritchie, it was by unanimous vote

**RESOLVED**

That the approval of the updated Flexible Use of Capital Receipts Strategy attached as Appendix C of the report be recommended to Full Council.

**12 Exempt/Confidential Items**

The Leader reported that, in exceptional circumstances, the Council may, by law, exclude members of the public from all, or part of, an executive decision-making meeting. The Council should, unless there were urgent circumstances, give notice of its intention to do so via the Forward Plan, which was updated and published on its website 28 clear days prior to the meeting.

There were various reasons, the Leader stated, that the Council, on occasions, had to do this and examples were because a report contained information relating to an

individual, information relating to the financial or business affairs of a particular person, or information relating to any consultations or negotiations.

Tonight, the Leader stated, Cabinet had just one substantive exempt matter to consider and it was as outlined on the published agenda at item 13; it related to Port Health following the Government's decision in April 2022 to further delay the introduction of post-Brexit border checks on EU food imports for the fourth time. As the new target date was now late 2023 he stated that he was disappointed that Cabinet was now having to consider doing anything other than what was planned for when establishing the increased capacity and capability to deliver the anticipated checks. The report before Cabinet informed it of the impact assessment and options generated to manage the implications on the Port Health service.

On the proposition of Councillor Gallant, seconded by Councillor Rudd, it was by 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 involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

#### **13 Exempt Minutes - May 2022**

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

#### **14 Exempt Minutes - June 2022**

- 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.

#### **15 Port Health and actions following the HM Government Brexit Written Statement of 28 April 2022**

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

The meeting concluded at 8.30 pm

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