

Unconfirmed



Minutes of a Meeting of the **Full Council** held in the Conference Room, Riverside, on **Wednesday, 15 March 2023 at 6.30 pm**

Members present:

Councillor Edward Back, Councillor David Beavan, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Peter Byatt, Councillor Alison Cackett, Councillor Jenny Ceresa, Councillor Judy Cloke, Councillor Maurice Cook, Councillor Linda Coulam, Councillor Janet Craig, Councillor Tom Daly, Councillor John Fisher, Councillor Steve Gallant, Councillor Andree Gee, Councillor Tony Goldson, Councillor Louise Gooch, Councillor Tracey Green, Councillor Colin Hedgley, Councillor James Mallinder, Councillor Keith Patience, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor Carol Poulter, Councillor Mick Richardson, Councillor David Ritchie, Councillor Craig Rivett, Councillor Keith Robinson, Councillor Mary Rudd, Councillor Letitia Smith, Councillor Rachel Smith-Lyte, Councillor Ed Thompson, Councillor Caroline Topping, Councillor Steve Wiles, Councillor Kay Yule

Officers present:

Chris Bally (Chief Executive), Chris Bing (Head of Legal and Democratic Services and Monitoring Officer), Kate Blakemore (Strategic Director), Andy Jarvis (Strategic Director), Nick Khan (Strategic Director), Paul Mackie (Lead Officer for the Environment and Climate Change), Matt Makin (Democratic Services Officer, Regulatory), Siobhan Martin (Head of Internal Audit Services), Sue Meeken (Political Group Support Officer), Brian Mew (Chief Finance Officer), Agnes Ogundiran (Political Group Support Officer), Isabel Rolfe (Political Group Support Officer), Jon Stockwin (Lowestoft Flood Risk Management Project Delivery Manager), Karen Thomas (Head of Coastal Partnership East) and Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence

Apologies for absence were received from Councillors Paul Ashdown, Elfrede Brambley-Crawshaw, Tony Cooper, Mike Deacon, Tess Gandy, Ray Herring, Mark Jepson, Richard Kerry, Geoff Lynch, Frank Mortimer, Trish Mortimer, Mark Newton and Russ Rainger.

2 Declarations of Interest

Councillor Craig Rivett declared an Other Registerable Interest in Item 9 - Lowestoft Flood Risk Management Project, as he was one of the Suffolk County Council Members on the Lowestoft Flood Risk Management Project Board.

3 Announcements

Chairman of the Council

Urgent Item of Business

The Chairman reported that in accordance with Section 100B (4) (b) of the Local Government Act 1972, she had agreed, as Chairman of the Council, to accept an urgent item of Exempt business for the meeting this evening.

The matter related to a Report on the Outcome of an Investigation of a Complaint, which was considered by the Audit and Governance Committee meeting on 13 March 2023.

The special circumstances for considering this item as a matter of urgency were that the Audit and Governance Committee, at its meeting on 13 March 2023, resolved that Full Council receive a report at the meeting on 15 March 2023. The report was exempt under Paragraph 1 – Information relating to any individual and Paragraph 2 – Information that was likely to reveal the identity of an individual.

The Chairman advised that, in order to consider this Exempt matter, the Council would need to vote to go into closed session and exclude the public at Item 13, the report would then be considered in closed session at Item 14 on the agenda. A copy of the report was published on the Council's website on 14 March 2023.

Civic Events:

Since the last meeting, the Chairman had attended:

- The Quality of Place Awards at East Suffolk House on 8 March 2023.
- The ESC Chairman's Reception, which took place at East Point Pavilion in Lowestoft last night. The Chairman thanked everyone who had attended and she was delighted to report that £365 had been raised for Lowestoft and Waveney Breastfeeding Support, to help them in their important work.

It was reported that the Vice Chairman had attended:

- The Memorial Service for Councillor Graham Newman in Felixstowe on 25 February 2023.
- The East Suffolk Awards at Snape Maltings on 28 February 2023.

Leader of the Council

Councillor Gallant, Leader of the Council, invited Members to reflect on what East Suffolk Council and the Conservative Administration had achieved over the last 4 years. He stated that it had been an eventful time, set against the backdrop of

external challenges - the pandemic, cost of living crisis and Russia's brutal war of aggression against Ukraine.

Four years ago, at the first meeting of East Suffolk Council, the Leader had spoken of the many ambitions for this Administration and he was delighted to report that, despite the many challenges, this Council had not only met those ambitions, it had surpassed them, and following May's elections, those successes would be built upon further. He then provided a summary of those achievements:

Housing

- 113 affordable homes had been built since 2019, with more to come including our ESC's development at Deben Fields in Felixstowe. This would provide a further 41 Council Houses and utilise green 'PassivHaus' technologies.
- A further 125 homes were in the development pipeline, with 29 due to be completed in this financial year.
- £2.3million spent on retrofitting energy efficiency measures for low-income households.
- £4.9 million worth of funding had been secured via bids for Housing Needs spend since 2019.
- 2,148 cases of homelessness had been relieved or prevented.

Jobs and Economic development

- £24.9 million of external funding had been secured via the Town's Fund to deliver 5 transformative regeneration projects in Lowestoft.
- Over £700,000 secured for the High Street Heritage Action Zone in Lowestoft.
- £8.3 million seed funding for Freeport East.
- £150,000 secured for @Inc Coworking Space Felixstowe
- £995,000 to deliver the award-winning Felixstowe Seafront Café.

Enabling communities to thrive

- The Council had invested heavily in the Community Partnerships initiative, with a total delivery budget of £1.73 million across all eight partnerships and the Community Partnership Board. This funding had been used to tackle priority issues that had been identified as important to people and places in East Suffolk.
- To date, the Board had allocated over £916,000 to fund 19 initiatives, and the eight partnerships, combined, had funded 196 projects including those funded through small grants totalling over half a million pounds.
- Despite the obvious challenges presented initially by COVID, and now by the cost-of-living crisis, the Community Partnerships had placed themselves at the heart of the action and delivered tangible benefits for their communities.

Digital Transformation

- The Council had successfully delivered free Wi-Fi to 12 market towns across East Suffolk.
- The Council had established 'Digital Champions' across libraries in the district, to help get people online and access our services.

- There was still more to do, and we plan to provide full fibre in community spaces and village halls across the district.

Leisure and culture

- The Council had invested £4 million into Waveney Valley Leisure Centre, as part of the leisure redevelopment programme. It was now a state of art facility for the community.
- The Council had also refurbished Waterlane Leisure Centre, which was completed in 2021.
- There were now two leisure operators - Everyone Active in the North and Places Leisure in the South, who were providing a superb offering across the district.
- Master Planning for the North Felixstowe Garden Neighbourhood development was underway, which would include the new Felixstowe Leisure Centre. In the meantime, improvements to the customer experience at the seafront facility were planned for this year.
- Felixstowe hosted the last stage finish of the 2021 Women's Tour cycle race. Attached to this was a three-day "Felix Fest" which included open cinema and the town's first triathlon. These events were a phenomenal success for local businesses and our district.
- In Lowestoft, the First Light Festival, with funding from East Suffolk Council, had also been a huge success attracting thousands of people to East Suffolk – many for the first time – to enjoy a huge cultural celebration on the east coast.

The Environment

- Caring for the environment was one of the key priorities of the Strategic Plan and it had been woven into everything that we have done as a Council – from our new-build housing stock to our vehicle fleets.
- In 2021, Cabinet unanimously agreed to stop using diesel and switch the fuel used in the 246 East Suffolk Norse vehicles to HVO. Once the entire fleet was migrated to HVO, the carbon emissions would be reduced by over 90%.
- The Council was taking a considered approach to the building of new housing stock by ensuring that they achieve 'passivhaus' certification where possible.

Managing our coastline

- The Council was awarded £43 million from the Green Recovery Fund towards the Lowestoft Flood Risk Management Scheme to protect Lowestoft from flooding. We have nearly completed the tidal flood walls, with work on the design of the tidal barrier continuing.
- The award of £8.4 million, from the Flood and Coast Innovation Programme, would help in developing a resilient coast all the way from North of Lowestoft down to Felixstowe.
- Southwold Harbour, which was a Local Authority Port, and with the help of the Town Council, we have established a Harbour Management Committee and a Stakeholder Advisory Group for the harbour. We have worked hard so that serious improvements can be made to both the campsite and the harbour itself, whilst retaining the unique qualities that make Southwold special – and the reason why the harbour was so loved by the town and by all its visitors.

Finance and value for money

- The Council was, once again, delivering a balanced budget for this year and next, and this Council would always place the Council Taxpayer at the heart of its financial decisions.
- Since inception, East Suffolk Council had strived to keep its Council Tax increases to an absolute minimum, either freezing it or increasing it by less than 3%.
- Additionally, over £288 million had been raised from external grants and contributions towards the cost of our project programme.
- This administration had an aim to continue improving efficiency and reducing costs, which involves embracing new ways to become even more business-like in its approach. This has led to the creation of 'East Suffolk Services' a trading company that will deliver operational services with a commitment to provide the best possible value for money for residents and businesses.
- From July 2023, East Suffolk Services Ltd will manage waste collection and other operations currently undertaken by Norse, which will significantly benefit the Council and residents.
- In the 5 years up to and including 2026/27, ESC will spend £410m on major projects and an additional £83m on housing schemes.
- It was also likely that in 2024/25 the district will see valuable increases in Council Tax income from the introduction of a 100% Council Tax premium for second homes and a shorter time for which homes can be left empty without paying a 100% premium.
- This Council was making the best possible use of its assets - investing to develop schemes at Moor Business Park, the business hubs in Lowestoft and Leiston and investment in beach hut projects in Felixstowe and Lowestoft. These completed projects were contributing to the income of the Council.

The Leader stated that he could talk extensively about the successes of this Conservative administration, there were a lot of good news stories and achievements to share. The latest edition of the East Suffolk Magazine provided tangible examples of this Council's achievements for the people of East Suffolk. With that being said, there was still much to do, with an ambitious agenda and a robust Strategic Plan to navigate the way: this included Freeport East, Sizewell C, East Suffolk Services, Lowestoft Flood Risk Management Scheme, and the goal for carbon neutrality by 2030 were just a handful of the plans on the agenda.

The Leader wished to recognise and thank a range of people who have played such an important role in the first four years of East Suffolk Council. He thanked Councillor Ceresa and Councillor Blundell for the way in which they have carried out their respective roles as Chairman and Vice Chairman of the Council. The Leader then formally recognised the work and commitment of the officers of the Council, CMT and SMT. They had all worked hard to ensure the success of this Council's first cycle as the biggest district council in the country and embraced changes and had risen to the many challenges as part of the success of this organisation.

The Leader then thanked the opposition Group Members and Leaders. He appreciated and recognised the importance of strong opposition. Special thanks were given to Councillor Byatt, for his scrutiny, valuable contributions and attendance at Cabinet

meetings, the number of questions and comments delivered had certainly helped to focus minds.

His heartfelt thanks went to his fellow Conservative Colleagues and Cabinet Members for their support, hard work and diligence. The Leader also paid special tribute to colleagues who, after having served in the parent authorities previously, would be retiring as Councillors this year. Thank you for your commitment and your tireless work towards the success of East Suffolk Council.

The Leader stated that it had been a huge honour and privilege to be the first Leader of East Suffolk, and he would depart, knowing that Council had been set on the right course to deliver success and prosperity for the district. These were difficult times, however, without the achievements of the past four years, the picture would be far more worrying. Thank you.

Cabinet Members

Councillor Burroughes Cabinet Member with responsibility for Customer Experience, ICT and Commercial Partnerships

Councillor Burroughes reported that over the past year, sets of Key Performance Indicators (KPI's) had been developed in association with the Council's Strategic Plan. Five dashboards had been developed for each theme within the Strategic Plan, which were regularly discussed at the Strategic Plan Delivery Board meetings.

The dashboards were created using 'Power BI' which used dynamic data, directly from the source of the Council's business systems and gave real-time insight into how the Council was performing against its corporate priorities.

The KPI's had now been published on the East Suffolk website.

Councillor Brooks, Cabinet Member with responsibility for Transport

Councillor Brooks reported that East Suffolk Council had assumed the responsibility for the management of parking service enforcement in 2019. Since then, the Council had focused on developing an effective civil parking enforcement service.

Residents and members of the public had been asked for feedback regarding where parking regulations needed to be changed to meet new patterns of use. The process would now be followed by a town-by-town review from April – September 2023.

People and Places had been commissioned to work with the Council to implement a series of face-to-face events to better understand where on-street parking regulations need to change. The planned face-to-face events would be held in each market town and would be accessible to the public, town and parish councils and business groups. People and Places know East Suffolk well, and they will be building on existing data. The planned sessions would aim to:

- a) understand local needs
- b) identify hotspot areas and
- c) review parking regulations that can help East Suffolk Council to address the issues

caused by changing parking patterns.

People and Places would commence its desktop research from April to May, followed by workshops from June to September 2023. Outcomes of this work were expected in November 2023. The overall aim was to complete a comprehensive strategic review of parking arrangements to ensure they were fit for the future.

Councillor Ritchie, Cabinet Member with responsibility for Planning and Coastal Management

Councillor Ritchie reported that the coast had taken a battering over recent months and the latest storm, Larissa, had caused particular damage to nearby Hemsby, leading to the loss of 20 metres of the cliffs. Coastal Partnership East (CPE) was a shared team across North Norfolk, Great Yarmouth Borough and East Suffolk and wherever there was a crisis, be it in Cromer or Pakefield, the team were able to provide support and advice.

For the last few days, the CPE team had been in Hemsby, overseeing the installation of rock protection, to protect base of the cliffs and the remaining chalets within the danger zone. CPE was led by Karen Thomas and her team of highly qualified and experienced officers were making a significant difference to those people affected by coastal erosion. Those Members present showed their appreciation of the work of the CPE team by giving them a round of applause.

Councillor Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development

Councillor Rivett reported that the Council had found out earlier today that it had been granted £4.3m to help regenerate Jubilee Parade on the seafront, next to the Eastern Edge beach huts, in Lowestoft. The funding would enable the Council to realise its vision for rejuvenating that part of the seafront, to drive the visitor economy and improve the quality of life for local people. The Jubilee Parade development would include a new two-storey building with a first-floor café, offering uninterrupted views of the sea and the award-winning South Beach, along with improved showers, toilets and facilities. Councillor Rivett took the opportunity to thank all those officers who were involved with the successful funding bid.

Significant investment had been received for the district, including grant funding, which led to the completion of a number of exciting projects. Planning was well underway for the First Light Festival 2023, which now received national recognition. Free wifi had been brought to the Market Towns in the district, as well as Felixstowe. ESC was the Lead Authority for Freeport East and significant work had been completed in this respect. A number of ESC assets had been successfully re-developed, whilst other assets had been divested, to regenerate local areas, and the Martello Café in Felixstowe was a good example of this work.

Councillor Mallinder, Cabinet Member with responsibility for the Environment

Councillor Mallinder stated that the Council was supporting biodiversity in the district, with 135 sites involved in the 'Pardon the weeds, we are feeding the bees'

initiative. Work was ongoing regarding waste and recycling and a pilot for the recycling of electrical equipment would be undertaken in parts of the district shortly. A number of litter picks had been arranged and he thanked all those who had taken part in them.

Councillor Smith, Cabinet Member with responsibility for Communities, Leisure and Tourism

Councillor Smith reported that the high cost of energy was having a terrible impact upon the sustainability of leisure centres and in response, Councillor Smith had written to the Prime Minister to express her concerns. She thanked those MPs who had supported this cause and she was delighted that additional funding had been provided by the Government to support leisure centres during this difficult time.

The Community Partnerships had been very successful and had made a significant difference to the local communities. She thanked all those who had contributed to the meetings and their success, she was very proud of what had been achieved.

Councillor Rudd, Cabinet Member with responsibility for Community Safety

Councillor Rudd took the opportunity to thank all of the officers who worked within her Portfolio, which included Environmental Health, Port Health, Emergency Planning and Licensing. Those officers kept local residents and visitors to the district safe, in a variety of ways.

Chief Executive

The Chief Executive thanked Members for their warm welcome since he had joined the Council in January 2023 and for sharing knowledge about their casework, constituents and Wards. It was evident that all Members were extremely proud of the Wards that they represented. It was noted that the Community Partnerships and the Enabling Communities Budgets were supporting much needed projects in local areas, based upon the needs of local residents.

He wished all Members well for the future.

4 Questions from the Public

No questions were submitted by the electorate as provided by Council Procedure Rule 8.

5 Questions from Members

a) Question submitted by Councillor Ed Thompson to Councillor Letitia Smith, Cabinet Member with responsibility for Communities, Leisure and Tourism

We have been made aware that between 1/4/2022 and 30/09/22 CAES dealt with 237 Ipswich clients using core funding, but that Ipswich CAB looked after 841 East Suffolk Residents over an annual period (16.8% of their overall service). Considering that even tripling the six-month figure does not even the playing field, the strain put upon the Ipswich CAB is increased by East Suffolk Residents. Taking these figures into

consideration, would the Cabinet Member for Communities review the possibility of providing funding to the Ipswich CAB for the services they provide to East Suffolk residents?

Response from Councillor Smith, Cabinet Member with responsibility for Communities, Leisure and Tourism

As highlighted in the question, the figures provided are not comparable because the figures for Citizens Advice East Suffolk (CAES) are for 6 months from 1/4/22 to 30/9/22 and the figures for Citizens Advice Ipswich (CAI) are for a whole year.

It is important to note that the client figures for Ipswich include not just core funded clients, but also East Suffolk clients accessing CAI in relation to countywide projects such as Surviving Winter that CAI are funded separately to deliver across the County. It may be helpful, if Citizens Advice Ipswich is struggling to deal with demand generated by non-core funded clients from East Suffolk, for them to share the project funding (and thus demand) with Citizens Advice East Suffolk.

If figures are produced for the same period and include only 'core' funded clients, then for this financial year to date Ipswich has dealt with 559 East Suffolk clients and East Suffolk has dealt with 333 Ipswich clients. It is also relevant to note that 'looking after a client' may mean that CAI answer the phone to them and then signpost on to Citizens Advice East Suffolk – the headline figures do not provide a sense of the extent of the support that was provided.

Citizens Advice Ipswich received £5,000 funding through the Cost of Living grant for working with customers from the area adjacent to Ipswich this winter, so some funding has been provided to reflect additional demand on CAI. However, CAES recently opened a monthly outreach in Martlesham and are looking at further presence in the area. This should further reduce the flow of clients, given that a proportion of the clients that CAI previously looked after will live in this area (Kesgrave and Martlesham) which adjoins Ipswich, and therefore are likely to access the new, more local, provision.

There was no supplementary question on this occasion.

b) Question submitted by Councillor Caroline Topping for Councillor James Mallinder, Cabinet Member with responsibility for The Environment

On November 24th 2021, I submitted a motion to Full Council about reducing unnecessary car journeys, which was seconded by Councillor Mallinder; this was approved. Would it be possible to get an update as to the Council's progress on the outcome of this motion, particularly in relation to car-sharing and using public transport for work purposes?

Response from Councillor Mallinder, Cabinet Member with responsibility for The Environment

Thank you for your question. I want you to be reassured that East Suffolk Council continues to encourage alternatives to car travel for staff and Members and have not seen a return to pre-pandemic business miles. It is really important and we have

introduced different ways of working, eg by using Zoom, Teams and hybrid meetings. The days of working 9 to 5 in the office are gone and we now work differently, making sure that it fits the more rounded view of life and with a nod to the environment.

Since we have emerged from the Covid restrictions. and we have seen an increase in staff car mileage but car use during 2021/22 remained significantly lower than it was before the pandemic (a reduction of 61.3% from the baseline year of 2013/14). This is largely driven by flexible hybrid working now being fully embedded in our working practices.

Due to the proximity of our main offices to train stations in Melton and Lowestoft, we are seeing ongoing regular use of rail travel. The staff electric vehicle (EV) based at Melton is extremely well used and officers are checking the potential case for a similar vehicle at Riverside. Pool bikes continue to be available at both Melton and Lowestoft and are promoted on the staff intranet.

The majority of internal meetings are held via Teams / Zoom. Where larger meetings or conferences are organised, we promote sustainable travel options and the location is considered. An example is the recent East Suffolk Community Partnership Annual Forum, where car sharing was promoted and delegates were shuttled to train stations in an EV.

As a largely rural District, non-car options can often be challenging, so it is important to get the balance right. I know that in our Group meetings we discuss travel needs and offer lifts to each other. I would encourage the Opposition Groups to do the same, if they are not already.

Councillor Topping, we are encouraging and providing alternatives where we can. As you would expect from East Suffolk, we are emphasising caring for the environment and this is not political, it is the right thing to do.

Supplementary Question from Councillor Topping

Thank you for your response, I would expect nothing less. Why has it been so difficult for some in this Administration to be accommodating and inclusive for those Members that do not drive, either through health or socio economic reasons or by choice due to the climate emergency commitment and wish travel in a more sustainable and less damaging way? Deeds, not words.

Response from Councillor Mallinder, Cabinet Member with responsibility for The Environment

This is an inclusive Council. We will continue to schedule meetings at different times and where possible, hold meetings by Zoom and Teams, if allowed by the Constitution. We must be mindful of the environment but I personally, would not tell anyone else how to travel to Council meetings, we should not demonise those who choose to travel by car or be a hero for choosing to travel by train. The individual should do what is right for them. Within our Group, we offer lifts to those Members who do not drive, I know that other Groups do the same and it also works cross-

party. I would encourage anyone who wished to stand as a Councillor, if they meet the criteria, to represent their communities and we welcome diversity of Councillors to the Council and also the diversity in how we travel.

c) Question submitted by Councillor Janet Craig for Councillor Norman Brooks, Cabinet Member with responsibility for Transport

Great Yarmouth Borough Council has already provided at least 16 Electrical Vehicle charging points in its Town Centre car parks, as an incentive for tourists to stay longer locally.

How many EV charge points will be available in East Suffolk Council's car parks for visitors to our resort towns by this summer season?

Response from Councillor Brooks, Cabinet Member with responsibility for Transport

The council has two EV charge-points in its demand managed car parks, and a third at Bungay Leisure Centre, and this will remain the situation for this coming summer.

- Deben, Woodbridge: 1 x 22kW
- Martello North, Felixstowe: 1 x 50kW
- Bungay Leisure Centre: 1 x 22kW

There was no supplementary question on this occasion.

d) Question submitted by Councillor Tess Gandy to Councillor Steve Gallant, Leader of the Council

Are you able to provide me with the number of times external Counsel have been instructed by ESC in relation to housing and other issues, and at what cost, in the last 12 months?

As Councillor Gandy had given apologies for this meeting and in accordance with the Constitution, an answer was not provided at the meeting.

e) Question submitted by Councillor Peter Byatt to Councillor Gallant, Leader of the Council

A Labour Motion to Full Council in January 2022 proposed that our suppliers declare responsible tax conduct as part of our new high-standard procurement process, but this was referred to Audit and Governance for in-depth consideration.

The Chair acknowledged that this was an urgent matter, and in March added it to the Work Programme for discussion in September 2022. However, this did not happen and the topic remains outstanding.

Will this be an Agenda item in March 2023, 14 months after the motion, and when will this Council fully embrace Social Value, including consideration of the ethics of our suppliers, and where they pay their tax?

Response from Councillor Gallant, Leader of the Council

The Audit and Governance Committee have the item as a topic for discussion, although to date the item has not been scheduled by the Chairman of the Committee. As Councillor Byatt knows, it is for the Chairman of the Audit and Governance Committee to schedule it's work programme.

As Councillor Byatt will be aware, having been a part of the working group on the Procurement Strategy, the focus of our activity in this area has been to work on increasing the social value of our procurement process, to ensure that every pound we spend delivers maximum value to our local economy.

The specific issue of requiring suppliers to sign up to an agreement on Tax Justice was not part of the procurement strategy that was approved in 2022.

All suppliers are required to demonstrate that they are compliant with taxation legislation and HMRC requirements before we will contract with them

Social value is considered in all procurements above the Public Procurement Threshold and in most procurements under the threshold where applicable.

If applicable, Social Value is included as a quality question in tender documents, typically weighted between 5-15%. Embracing Social Value is a key part of the Procurement Strategy 2022-2025 and we encourage all officers to consider the Social Value impact when planning their procurements.

Supplementary Question from Councillor Byatt

Thank you for your answer. I know we cannot dictate to the new Council but can we leave a note and ask the Chairman of the Audit and Governance Committee in the next administration, to consider this matter for inclusion on their work programme?

Response from Councillor Gallant, Leader of the Council

This Council is on a journey to improve social value and practices, working with Suffolk County Council. A balance needs to be struck between supporting local suppliers to work with the Council easily and openly and potentially introducing criteria that prohibit them from winning contracts. I am sure there will be enough Members who will be re-elected, for them to take this message forward to the new Council.

6 Petitions

No petitions have been received as provided by Council Procedure Rule 10.

7 Notices of Motion

The Chairman reported that 1 Notice of Motion had been accepted for this meeting. In accordance with Council Procedure Rule 11.4, the Leader of the Council and the Leaders of the Opposition Groups had met to discuss the Motion and agree a way forward. The recommendation from this meeting was that the Motion would be discussed this evening. The Chairman therefore proposed that the Motion be

discussed this evening, which was seconded by the Leader and upon being put to the vote the proposal was **CARRIED**.

The Chairman invited Councillor Beavan to read out his Motion and move it.

Proportional Representation for the Electorate of East Suffolk

This Council Notes:

- *That recent, peer-reviewed studies revealed that adopting proportional representation allows policy to respond strongly to changes in public opinion, whereas the current UK system can cause 'policy [to] move in the opposite direction to public opinion for a considerable length of time'[1].*
- *As of January 18th 2023, 21 councils have passed motions for proportional representation at different levels including City, District and Town[2].*
- *That 'the effectiveness of the party system... depends on the relationship between the Government and the Opposition parties [such as by] the creation of policy and legislation through constructive criticism'[3].*
- *There is innately a significant disparity in representation – e.g., the Conservative Party had 71% of the councillors with 38% of the vote[4].*

This Council resolves to:

- *Based on academic and political precedent, call a meeting between the party leaders to discuss how ESC can promote proportional representation and ensure that all voters across the district are fairly heard.*
- *To advise the council incumbent after May 4th 2023 to elect a member of the opposition as chair of the scrutiny committee, and that the committee itself should reflect the vote shares of the election.*

The Chairman invited Councillor Beavan to speak to this Motion.

Councillor Beavan reported that, the philosopher John Rawls argued in his "Justice as Fairness" theory, that "only under a "veil of ignorance" could human beings reach a fair and impartial agreement, as true equals not biased by their place in society. They would have to rely only on the human powers of reason to choose principles of social justice for their society."

He reported that we stand on the eve of our elections in such a "veil of ignorance". Nobody knows who would be running this council on 5 May 2023. Now was a perfect time to set some fair ground rules for the running of this Council, as nobody knew if they would be in the Administration or Opposition.

The Conservative party won the last election with 38% of the vote, but this gave them an overwhelming majority, with 71% of the councillors. We were not allowed to debate the unfair first past the post system but we could debate ways to mitigate it so that the silent majority of non-Conservative voters were represented.

Councillor Beavan stated that this administration had used its majority as a sledge hammer to close down debate in this Council and to pack every Committee and Outside Body with their own. He believed in a better way to run the Council, where all

Members of every party had an opportunity to work for East Suffolk. Where debate was open and considered, not predetermined by a party-political whip, where Opposition Members were given a fair chance to make their point in meetings and where officers were not dragged into petty party politics. Above all, there needed to be a Scrutiny Committee that was not directed by the Administration and having an Opposition Chair would ensure this independence.

In closing, Councillor Beavan stated that East Suffolk today faced big challenges. Members need to work together as a community and a Council. Party politics needed to be set aside after the election and Members must knuckle down to govern fairly for all of East Suffolk.

He urged Members to support this Motion but feared that many had already been ordered to oppose it.

Councillor Beavan then proposed the Motion which was seconded by Councillor Daly, who reserved his right to speak.

The Chairman invited Members to debate.

Councillor Gallant, Leader of the Council, stated that behind all the political rhetoric, there were 2 resolutions that this Council was being asked to consider. Firstly, Members were being asked to call a meeting between the party leaders to discuss how ESC could promote proportional representation and ensure that all voters across the district were fairly heard. The Leader stated that he assumed that the mover and seconder of the Motion do not really that because the party leaders, namely the Prime Minister Rishi Sunak, Kier Starmer, Ed Davey, Carla Denure and Adrian Ramsey, and it was highly unlikely that they were going to agree to sit round a table to discuss proportional representation, at the behest of Cllr Beavan. As the Council was about to move into the Pre-Election Period and May would see at least one new Political Group Leader and a new Leader of the Council itself, it seemed a pointless exercise to call such a meeting now. The new Leaders would be able to decide for themselves what they want to discuss, and when, at their regular meetings and it was not for Councillor Beavan or this Council to direct the agenda of those private meetings. Matters such as this needed to be taken through the correct route, such as the Scrutiny Committee or the Audit and Governance Committee.

Secondly, this Council was being asked to advise the new Council to elect a Member of the Opposition as the Chairman of the Scrutiny Committee and that the Committee itself should reflect the vote shares of the election. The Leader stated that the appointments to committees was covered by Section 15 of the Local Government & Housing Act 1989, which required that the overall political balance of the Council be reflected, where possible, in the appointment of Members to Committees and Sub-Committees of the Council. Fortunately, the Monitoring Officer would ensure that this happens. The appointment of Chairman of the Committees was covered in paragraph 5.2 of the Constitution and was responsibility of the Annual Full Council meeting. To do anything else that was not provided for in the Constitution or to hamper the wishes of the future Full Council was not something that should be undertaken.

The Leader reported that he also had evidence to support that Proportional

Representation (PR) was a flawed system. Neither resolution, as proposed, was within the gift of this council to deliver and he called for Members across the Council to vote against this Motion.

Councillor Bird stated that a referendum had taken place on Proportional Representation and the public gave their opinion on the matter at the ballot box and had soundly rejected it. Councillor Bird also stated that he was a Member of the Administration and as the current Chairman of the Scrutiny Committee, he felt that the contents of the Motion implied that he had not been an independent Chairman. Whilst he accepted that he may have faults, he had always been effective, impartial or non-partisan whilst Chairman, as Members of the Scrutiny Committee could attest to. The Scrutiny Committee was not political and as such had undertaken many rigorous and detailed reviews of various topics. He stated that he worked well with Councillor Deacon, the current Vice Chairman, and whilst they did not agree on many political matters, they had developed an excellent working relationship, under the principles of independent scrutiny. He stated that the same would have been true if their roles had been reversed. Councillor Bird stated that the Motion cynically politicised the role of the Scrutiny Committee, by demanding that the Chairman was an Opposition Member and he sought reassurance that should Councillor Beavan become Leader of the Council, he would let Councillor Bird retain the role of Scrutiny Chairman?

Councillor Byatt supported the Leader's earlier comments and he then took the opportunity to list 8 Proportional Representation voting options, which could also be explored. These included: Single Transferable Vote, Additional Member System, Two Round System, Alternative Vote, Supplementary Vote, Borda Count, Party List Proportional Representation and Alternative Vote Plus System. He asked which version ought to be recommended to the next Council? He stated that there was merit in a full discussion on the matter by the newly-elected Council and any recommendations could then be taken forward to the relevant MPs. He commented that the current system in operation did marginalise some small groups, however, he could not support the Motion this evening.

Councillor Smith-Lyte asked if Councillor Byatt was aware that at the Labour Party Autumn Conference, around 80% of the delegation were in favour of Proportional Representation. Kier Starmer, rather undemocratically, had said 'No'. She then stated that if Proportional Representation was not within the gift of this Council in any way, it would not have been accepted as a Motion for Full Council, in accordance with the Constitution.

Councillor Ritchie stated that 35 years ago, he had been a member of the Social Democratic Party (SDP). At that time, he had promoted Proportional Representation but since then, he had learned the error of his ways. He gave then some examples to support his view that PR was not beneficial for the independence of Members.

Councillor Daly, as the seconder of the Motion, took the opportunity to speak. He stated that the behaviour in the Council meeting was typical by the parties; the Conservatives were in denial and Labour were mired in the detail. Councillor Daly stated that 71% of the Councillors in the Chamber were elected on 31% of the votes, which was a strange form of democracy, as the result should reflect the votes that

were cast. This Council was not a chattel of the West Minister Government, as 21 local authorities had realised how undemocratic PR was and had done something about it. All those present were supposed to be democrats and having twice the number of seats that people voted for and then not accepting Motions or reasonable concerns being raised, was not right. He suggested that ESC should follow the example of the 21 democratically minded councils and try to mitigate the issue in some way, to represent the unrepresented constituents in the district.

The Chairman invited Councillor Beavan to have his right of reply.

Councillor Beavan thanked Members for having the debate this evening. He stated that the first resolution in his Motion was asking the new Council to appoint an Opposition Chairman of the Scrutiny Committee, it was not dictating. He agreed that Councillor Bird would make an excellent Chairman of the Scrutiny Committee, if he was in Opposition. To Councillor Byatt, he stated that the Motion was not about debating PR, as this Council was not allowed to, in accordance with the Monitoring Officer's guidance. He then explained that like Councillor Ritchie, he had also been a Member of the SDP 35 years ago and had been the candidate for Waveney. At the time, they favoured the Single Transferrable Vote option, which removed the problem with party lists, and gave greater choice and flexibility. Although he felt he knew what the result would be, he hoped that this matter would be revisited by the new Council in due course

There being no further debate, the Motion was put to the vote and it was **NOT CARRIED**.

8 Climate Action Framework

Full Council received a presentation from Councillor Mallinder, Cabinet Member with responsibility for the Environment, and Paul Mackie, Lead Officer for Environment and Climate Change. Councillor Mallinder introduced the presentation and stated that the Climate Action Framework was the culmination of all the actions and processes that had been put in place over the course of the Council. By introducing the Framework at the end of the Council this would help ensure that the focus and actions in the document were realistic and that changes were already being embedded into the Council's processes rather than merely an aspirational document.

Paul Mackie, Lead Officer for Environment and Climate Change, presented the Climate Action Framework. The Climate Action Framework detailed the actions that had been taken since declaring a climate change emergency in 2019, and in working toward net zero by 2030, and demonstrated how this area connected to the other priorities in the strategic plan. Mr Mackie explained that work so far had focussed on implementation, and the Climate Action Framework was the final stage in this process.

Mr Mackie summarised the four priority areas under the Environment Theme in the Council's Strategic Plan and updated Full Council on progress to reduce emissions across the Council's assets and operations. Since 2016 overall emissions had reduced by 35%, and work was now being done to look at how to reduce emissions from leisure centres and other buildings and assets.

Mr Mackie detailed areas within the Council's 'sphere of influence' where the Council was not directly responsible for emissions but could encourage change in areas such as transport and in domestic or industrial settings. The Council's own footprint was only 0.5% of this sphere of influence and so partnership working would be key to reducing emissions across the board.

Mr Mackie summarised how work was prioritised. Areas where the Council had powers or duties or where the Council delivered services were key, and this included services such as planning and coastal protection. As well as targets on emissions, the Climate Action Framework also included actions to restore nature and ensure the appropriate use of natural resources, which were both crucial to addressing the Climate Emergency.

Mr Mackie detailed the 116 projects in the Strategic Plan relating to the environment, 63 of which specifically related to climate change adaptation and mitigation. The Climate Action Framework provided a structure for these projects. Projects were split into areas where the Council led work, through its own powers, duties and services, and areas where the Council could enable wider actions through its sphere of influence.

With regards to measuring progress, the Environment Theme KPI dashboard was available online for all to monitor progress against agreed KPIs. A cross party Environment Task Group also met regularly to discuss work, as well as an officer led Environment Group. The Climate Action Framework document would be updated every 12 weeks for people to follow along with progress.

The Chairman thanked Councillor Mallinder and Mr Mackie for the presentation. She reminded Members that questions could be submitted regarding the presentation outside of the meeting.

9 Lowestoft Flood Risk Management Project

Full Council received report **ES/1504** of Councillor Ritchie, Cabinet Member with responsibility for Planning and Coastal Management. Councillor Ritchie presented the report and summarised the current position of the Flood Risk Management Project. Over one hundred houses have had property level resilience installed and a flood wall had been installed along the Kirkley Stream, along with a pumping station. The next stage was the tidal element to protect the town from tidal flooding. The first stage of this was a major engineering project to install flood walls along the outer harbour and this would be completed by autumn 2023. The final step was a 40 metre wide tidal barrier which would require additional permissions due to its location in a working harbour, and the Transport Works Order (TWAO) detailed in this report would enable this final part of the project. Members were therefore asked to support the application to get the permission and powers to go ahead with this tidal barrier.

Karen Thomas, Head of Coastal Partnership East, gave a presentation summarising the design and function of the tidal barrier and how it would work with all the other flood protections in Lowestoft. The barrier offered a 1 in 200 year standard of protection and together with the tidal walls, would provide protection to 1500 homes and 850 businesses which were at risk from flooding. The barrier would also make Lowestoft's

position as a national and international green energy hub more resilient. Ms Thomas provided additional information on the powers and process for a TWAO, which was a statutory instrument, and reassured Full Council that all key stakeholders were on board with the process, and that the Council would not need to resort to using the more significant powers available, such as compulsory purchase. Ms Thomas confirmed that Full Council was being asked for permission to enter into the TWAO process and Members would be updated when the application had been made.

The Chairman invited questions.

Councillor Byatt referred to Appendix A, where some figures were still to be filled in and where other figures had been highlighted. Councillor Ritchie apologised that this was a typographical error from an earlier draft of the report and that it had since been updated.

Councillor Topping asked if the election process would affect this project or if it could continue in the meantime. She also took the opportunity to thank Councillor Ritchie and officers for their work on this project. Councillor Ritchie confirmed that the election would not affect the project, it was vital infrastructure which had cross party support and would continue.

Councillor Ritchie moved the recommendations in the report, which was seconded by Councillor Rivett, who reserved his right to speak.

The Chairman invited Members to debate.

Councillor Patience referred to the previous flooding events in Lowestoft and expressed his support for these measures on behalf of residents in the Harbour and Normanston Ward. Councillor Patience also thanked the Regional Flood and Coastal Committee members for their support.

Councillor Byatt expressed his support for this project and thanked the Coastal Partnership East team for their hard work on this project, and he mentioned some of the history of flooding in Lowestoft which showed the damage the sea could do in this District. Councillor Byatt emphasised the importance of the barrier in ensuring the continued development and protection of Lowestoft and surrounding areas.

Councillor Gooch commented that the project was a significant piece of work, and that she especially supported the links between this project and the engagement with young people in the town. It was important to culturally encode the new bridge into the local community. Councillor Gooch also emphasised the link between flooding and climate change, and the need for parties to work together on these issues.

Councillor Wiles stated that the impact of previous flood events needed to be remembered and that all future authorities should continue this work.

Councillor Rivett thanked Councillor Ritchie and Coastal Partnership East for their hard work on this project to ensure that flood defences were installed and that the work of the port could continue. Councillor Rivett supported other Members' comments to ensure good links between this project and young people, and the need to work across

parties to ensure Lowestoft and other areas were resilient in the future.

Councillor Ritchie thanked Members and officers for their support in this project.

There being no further debate, the recommendations were then put to a vote and it was unanimously

RESOLVED

1. That Full Council promotes an application to the Secretary of State for the Environment, Food and Rural Affairs for an Order under the 10Transport and Works Act 1992 to authorise the proposed construction, operation and maintenance of a new tidal barrier with a moveable gate across the channel entrance to Lake Lothing on the seaward side of the Bascule Bridge in Lowestoft, East Suffolk. The Order (if made) would, amongst other things, confer powers on the Council to compulsorily acquire and temporarily use land and to carry out other works and include provisions necessary for the purposes of, or for purposes ancillary to, the construction, operation and maintenance of the proposed tidal barrier;
2. That subject to resolution 1 above, that the Head of Planning and Coastal Management, in consultation with a Cabinet Member who has responsibility of the coast, take all such steps as may be necessary or expedient to carry the above recommendations into effect, including the legal process required for the Council to apply for and thereafter to promote its application for the Orde, please see appendix E for the TWAO legal process/programme required; and
3. That the corporate seal of the Council is affixed to any documents required to be sealed in connection with the application for and subsequent promotion of the Order.
4. That the Head of Planning and Coastal Management, in consultation with a Cabinet Member who has responsibility of the coast Executive Board, comply and deal with any public local inquiry processes and procedures arising or resulting from the submission of the Application.

10 Review of Code of Corporate Governance

Full Council received report **ES/1460** of Councillor Cook, Cabinet Member with responsibility for Resources, and Councillor Back, Assistant Cabinet Member for Resources. Councillor Back introduced the report which provided details of the refreshed Code of Corporate Governance which had been considered by the Audit and Governance Committee. Councillor Back summarised the discussion of the Audit and Governance Committee on this report and noted that reference had been made to the Nolan Principles in the report following their feedback. Full Council was asked to adopt the refreshed Code of Corporate Governance.

The Leader thanked officers for work on this report and members for their input into the document.

Councillor Back moved the recommendations in the report and was seconded by Councillor Cook. Upon being put to the vote it was unanimously

RESOLVED

That the refreshed Code of Corporate Governance attached at Appendix A of this report be adopted.

11 Scrutiny Committee Annual Report 2022/23

Full Council received report **ES/1503** of Councillor Stuart Bird, Chairman of the Scrutiny Committee. Councillor Bird introduced the report which outlined the activities of the Scrutiny Committee in the last year. Councillor Bird explained the purpose of a Scrutiny Committee in acting as a 'critical friend' and providing accountability to the Council.

Councillor Bird took the opportunity to thank Councillor Deacon, Vice Chairman of the Scrutiny Committee and Mr Bix, who had supported the Committee for several months. He particularly wished to thank Ms Davis, for all of her ongoing support, which had been invaluable to him. He then thanked all Members of the Scrutiny Committee and officers, for their involvement in the scrutiny process.

The Chairman invited debate.

Councillor Byatt thanked the Scrutiny Committee for their work, which undertook an essential function of the Council and he hoped that the good work would continue into the next administration.

Councillor Topping thanked the Scrutiny Committee for their work and commented on the success of the committee, particularly noting the comments by Peter Aldous MP on the recommendations made at one meeting.

Councillor Gooch also thanked the Scrutiny Committee, which had scrutinised a wide range of topics, and the Chairman and Vice Chairman for their hard work.

The Leader thanked the Scrutiny Committee for their work and complemented Councillor Bird on his hard work on this Committee in ensuring it performed its function.

Councillor Bird thanked Members for their comments and moved the recommendation in the report, which was seconded by Councillor Gallant. Upon being put to the vote it was unanimously

RESOLVED

That Full Council the Scrutiny Committee's Annual Report be received.

12 Cabinet Members Report and Outside Bodies Representatives Reports to Council

Full Council received report **ES/1508**, which was presented by Councillor Gallant, Leader of the Council, and provided individual Cabinet Members' reports on their areas of responsibility, as well as reports from those Members appointed to represent East Suffolk Council on Outside Bodies. The Leader stated that the written reports could be taken as read and there had also been lengthy updates from the Cabinet during the

Announcements, earlier in the meeting. He invited relevant questions on the contents of the report.

Councillor Gooch thanked Councillor Cackett for her update and ongoing work in relation to the East Suffolk Travel Association (ESTA). She stated that this was an excellent example of three Members working well together, cross-party.

Councillor Byatt stated that he had a comment for Councillor Brooks, Cabinet Member with responsibility for Transport. He stated that every time that he used RINGO to pay for parking, he appeared to be charged an additional 20p. However, apart from that, he felt that the public were getting used to the new system.

13 Exempt/Confidential Items

The Chairman reminded those present that she had made an announcement earlier in the meeting about an urgent item of Exempt/Confidential business that needed to be considered, at this stage in the proceedings. The Chairman then read out the following proposal:

It was recommended 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 2 of Part 1 of Schedule 12A of the Act. Councillor Ceresa, Chairman, moved the proposal and it was seconded by Councillor Blundell, Vice Chairman.

The Leader stated that he would like to take the opportunity to discuss the proposal which had just been moved and seconded, to go into confidential session. He stated that the 7 Principles of Public Life, also known as the Nolan Principles, outlined the ethical standards that those working in the public sector should adhere to. They applied to all those who work in the public sector at all levels, including Ministers, Civil Servants, Councillors and local authority officers. 2 of the 7 principles were: Accountability and Openness. It was important, therefore, to consider the 7 categories of exemption in Schedule 12(A) of the Local Government Act 1972 (as amended).

The Leader explained that, in this instance, the categories of exemption for the report were 1) Information relating to any individual and 2) Information which was likely to reveal the identity of an individual. The schedule made it clear that Members have a duty to consider not only the presence of such information but also the level of public interest in withholding or disclosing that information. Such information, as covered by the 7 categories of exemption, would remain exempt if it was considered that the public interest in not disclosing the exempt information outweighed the public interest in disclosing the information.

The Leader stated that the urgent report to be considered this evening, related to a non-confidential email, which was sent both internally and externally and, as such, was already in the public domain. The email was sent by the individual whose identity Members were being asked to protect, as a result, they had already waived their right to protection. The Leader, therefore, asserted that the level of public interest in

disclosing the information outweighed the need for confidentiality. The Leader asked that Members across the Chamber vote against the proposal just made, to go into exempt session. He felt that the recommendations of the Audit and Governance Committee should be open for public scrutiny.

N.B. Councillor Beavan left the meeting at this point in the proceedings, at 8.37pm.

The Chairman invited Mr Bing, Monitoring Officer, to provide some legal advice to Members regarding this matter. Mr Bing stated that when considering a matter for closed session, Members needed to consider whether maintaining the exemptions outweighed the public interest in disclosing the information. This matter had been considered in a closed session by the Audit and Governance Committee and they had recommended that Full Council consider it as an exempt item, but it was for Members to decide how the item should be considered at this meeting.

The Chairman asked Members to consider whether they wished to hear this item in public.

Councillor Byatt commented that there were times when transparency was necessary and he felt that this was one of those times.

Councillor Daly stated that he felt very uncomfortable about this matter. The Audit and Governance Committee had recommended that the matter be held in exempt session and he believed that if the report were another Councillor, rather than Councillor Beavan, then the issue would be heard in private. He felt that if another Councillor had made those remarks, the matter would have been dealt with very differently.

Councillor Richardson, who would be presenting the urgent report on behalf of the Audit and Governance Committee, stated that he had argued for this matter to be held in an exempt session at this meeting, but as the Councillors name had now been disclosed in public, it was no longer necessary to hear the report in exempt session.

The Chairman stated that a proposal to discuss the matter in exempt session had been proposed and seconded earlier. Therefore, there needed to be a vote to formally decide if the report would be considered in exempt session. Upon being put to the vote, the proposal was **NOT CARRIED**.

The Chairman clarified that the report would now be heard in open session.

Councillor Patience stated that he had not had time to read the report and he asked if he should leave the meeting at this point. The Leader advised that the purpose of the urgent report was to receive a report from the Audit and Governance Committee, following their consideration of an investigation of a complaint, he did not need to leave the meeting.

14 Urgent Item of Business - report on the outcome of an investigation of a complaint

Full Council received report **ES/1515** of Councillor Geoff Lynch, Chairman of Audit and Governance Committee. In the absence of Councillor Lynch and Councillor Cooper, the

Vice Chairman, Councillor Richardson presented the report on behalf of the Audit and Governance Committee.

The Audit and Governance Committee had received a report from the Monitoring Officer on the outcome of an investigation into a complaint against Councillor Beavan. The complaint alleged that Councillor Beavan had breached the Code of Conduct by his email of 30 May 2022, which accused an officer in the Housing Team of 'fiddling the figures' in relation to the banding of an applicant in the Southwold and Reydon Ward, who was seeking accommodation.

The Monitoring Officer had consulted the Council's Independent Person and had determined that paragraphs 1.2 and 3.1 of the Code of Conduct had potentially been engaged and Councillor Beavan was asked to retract and/or apologise to the relevant officers. As the initial decision was not complied with, the Monitoring Officer had consulted the Independent Person and decided to have the complaint independently investigated by an external lawyer to determine whether the Code of Conduct had been breached. The investigation concluded that Councillor Beavan had failed to comply with three provisions of the Code of Conduct: Section 1 concerning respect, Section 3 concerning impartiality of officers of the council and Section 8 concerning complying with the Code of Conduct.

The Audit and Governance Committee, at its meeting on 13 March 2023, resolved by a majority vote that:

- i) the way the complaint had been handled and investigated had been fair and thorough;
- ii) the investigation findings of fact and the breaches of the Code of Conduct were agreed; and

At its meeting on 13 March 2023, Audit and Governance Committee resolved by a unanimous vote that:

- iiia) Councillor Beavan be required to provide a written apology to the Housing Needs Services Manager, the Housing Needs and Homelessness Advice Team Leader and the Housing Needs Monitoring Officer within two weeks of receipt of Audit and Governance Committee's decision of 13 March 2023.
- iiib) Councillor Beavan be required to undertake training on the new LGA Model Code of Conduct, if he is re-elected.
- iiic) Audit and Governance Committee's decision that Councillor Beavan be required to apologise to the three officers and undertake training be reported to Full Council on 15 March 2023 as an exempt matter but that if the Councillor does not comply with their decision in due course that the matter be reported in open session to a meeting of Full Council after the elections in May 2023.

Councillor Richardson stated that the report had been brought before Members, to comply with resolution iiic) of the Audit and Governance Committee.

The Chairman invited questions.

Councillor Thompson asked whether by asking for the report to be heard in open session, the Leader had ignored the proposals of the Audit and Governance Committee? Councillor Richardson stated that he had intended for this paper to be held in closed session, however, as the Councillors name had been mentioned in open session, this was no longer appropriate. A vote had been undertaken and the majority of Members had agreed that the matter should be considered in open session.

Councillor Byatt asked whether bringing the matter to Full Council was the right way to resolve this issue? Alternatively, could this matter have been brought to the next Full Council meeting in May 2023? Councillor Richardson responded that the matter could have been resolved much earlier by an apology at the outset. It was noted that the elections were taking place on 4 May 2023 and bringing the report to the May meeting may not be appropriate, as the results of the election could not be pre-empted.

Councillor Richardson moved the recommendations in the report and was seconded by Councillor Gallant.

The Chairman invited debate on the item.

Councillor Smith-Lyte stated that it was disappointing that the item had come to Full Council, and she had understood that the item would not go into the public domain, and she felt that by hearing this item in open session, it amounted to bullying.

Councillor Daly commented that this was a decision made by the Leader and Members had duly voted in support.

Councillor Byatt commented that the original email and comments had been received by a member of the public and therefore were already in the public domain. Councillor Byatt stated that Members should never attack a Council officer, they should always discuss issues with Cabinet Members. Mistakes did get made, but Councillors should always be willing to apologise. He added that there were processes in place and that mutual respect was key to the relationships between Councillors and officers. The accusation that officers fiddled the figures was serious and had been appropriately dealt with by an Independent Person. He concluded that Councillors should always be mindful of the Nolan Principles and behave with respect to one another and officers.

Councillor Rivett commented that the matter was not before Full Council for a 'public flogging' but was being presented in the open so that all current and prospective Councillors and members of staff could clearly see the seriousness with which such issues were dealt with. The matter could have easily been resolved at the outset by an apology, which would have avoided extra cost to the taxpayer.

Councillor Ritchie agreed that the matter should have been resolved at a much earlier stage by Councillor Beavan but as he had not done so, it had resulted in much more a drawn out process.

Councillor Thompson stated that Councillor Beavan would not make such a comment in a serious manner, but that this was a figure of speech. An apology was needed, but he

stated the original offence was not a serious accusation.

Councillor Cackett stated that as a former council officer, she would have been upset by such an email and would have expected a quick apology. She commented that the fact it had taken a year for an apology to be sent to officers was not appropriate, and more consideration should be given to the impact such a comment would have on the officers.

Councillor Bird commented that this was a regretful matter, but Full Council was in this situation due to the individuals actions. If this was a throwaway remark, there should not have been an issue in apologising at the outset, rather than having to go through a drawn out and costly process. Councillor Bird added that transparency was important, and the public should be aware of complaints against Councillors.

Councillor Topping asked why the investigation had taken such a long time and she commented that it was unfortunate that the complaint had come to the last Council meeting of the administration. She also asked why other Members of the GLI Group had not been asked to deal with this complaint and sort it out at an earlier stage. The Monitoring Officer confirmed the timeline for the complaint process and stated that decisions at each stage could only be made once all parties had been consulted, to ensure a balanced view of the issue. Councillor Beavan had been given several opportunities to comply with the initial decision but after months of not doing so, the decision was made in November by the Monitoring Officer and Independent Person to refer the complaint for external investigation, in order to maintain the integrity of the complaints process. The report on this investigation had been received in February 2023 and was taken to the following Audit and Governance Committee on 13 March.

Councillor Goldson commented that if Councillor Beavan did not intend the comment he should either be here to make an apology or have apologised in the first place, to avoid the drawn-out process. Councillor Gee added that these comments had justifiably upset officers.

Councillor Gooch agreed that this was an unfortunate end to the Councils final meeting, however, it was important to remember the good that had been done by Councillors in their communities, rather than focus on one mistake made by a Councillor.

The Leader commented that it was disappointing that this was the last matter the Council was considering, however, there would have been the same report and discussion, whether it was held in closed or public session. This was already a public matter and it needed to be made clear that Councillors stood behind officers. There had been many opportunities for an apology to be made regarding this matter. In response to comments that the matter should have been discussed with the GLI Group in order to be resolved, that would not be an appropriate way to deal with issues and was not a part of the process. The Leader concluded that he respected the decision of the Audit and Governance Committee to hear this matter in a closed decision at their meeting, however, it was not within their ability to determine how matters were heard at Full Council. The Leader concluded that this was an issue of a single Councillor making a comment which had required an apology.

Upon being put to the vote it was

RESOLVED

That the Audit and Governance Committee's decision on this matter be noted.

The meeting concluded at 9.20 pm

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Chairman