

**Unconfirmed**



Minutes of a Meeting of the **Cabinet** held in the Conference Room, Riverside, on **Tuesday 3 September 2019 at 6:30 pm.**

**Members of the Committee present:**

Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Steve Gallant, Councillor James Mallinder, Councillor David Ritchie, Councillor Craig Rivett, Councillor Letitia Smith

**Other Members present:**

Councillor David Beavan, Councillor Peter Byatt, Councillor Alison Cackett, Councillor Maurice Cook, Councillor Linda Coulam, Councillor Graham Elliott, Councillor John Fisher, Councillor Mark Jepson

**Officers present:**

Stephen Baker (Chief Executive), Kerry Blair (Head of Operations), Julia Catterwell (Communities Officer), Karen Cook (Democratic Services Manager), Phil Gore (Head of Environmental Services and Port Health), Rupert Grass (Asset Management Consultant), Nick Khan (Strategic Director), Nicole Rickard (Head of Communities), Lorraine Rogers (Finance Manager), Tim Snook (Commercial Contracts Manager (Leisure)), Paul Wood (Head of Economic Development and Regeneration), Ben Woolnough (Major Sites and Infrastructure Manager)

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**1 Apologies for Absence**

Apologies for absence were received from Councillor Kerry and Councillor Rudd.

**2 Declarations of Interest**

Councillor Smith declared a Disclosable Pecuniary Interest, as an employee of the Property Estate Agency in Oulton Broad, which was owned by Stephen George, who was also the owner of Badger Builders. Councillor Smith left the meeting for this item.

Councillor Brooks declared a Disclosable Pecuniary Interest, as a Trustee of Worlingham Community Facility, and left the meeting for this item.

**3 Announcements**

The Leader announced the recent passing of two former District Councillors; Simon Woods, a former Waveney District Councillor, and Jim Bidwell, a former Suffolk Coastal

District Councillor. The Leader stated that both were highly respected and active Members. Councillor Gallant, on behalf of Cabinet, sent best wishes to the respective families.

Cabinet stood in silence in memory of Simon Woods and Jim Bidwell.

The Cabinet Member with responsibility for Customer Services and Operational Partnerships announced that Emma Bloom, Head of Customer Services, Communications and Marketing, had commenced employment with East Suffolk Council on 2 September 2019. He wished her well in her new role.

#### **4 Corporate Health & Safety Resource**

Cabinet received report **ES/0127** by the Cabinet Member with responsibility for Community Health which, in her absence, was introduced by the Assistant Cabinet Member with responsibility for Community Health.

Cabinet was advised that the Council had a statutory obligation to comply with health and safety requirements and this extended to the monitoring of services being delivered on behalf of the Council by its contractors and service delivery partners. At present there were capacity issues within the Corporate Health and Safety Team and the Contracts Management Team in Operations to fully satisfy these requirements.

The Corporate Health and Safety Team delivered an essential role for the Council. With an evolving Council, such as East Suffolk, there were challenges to ensure that health and safety was considered when changes were made and departments diversified to meet the needs of the Council. The Health and Safety Advisor's role involved the monitoring and review of essential policies, auditing practices and collating and reviewing incident data to learn from any incidents that occurred, and ensure that the Council could meet its statutory requirements.

There remained a significant area of risk for the Council in the way in which it managed the health and safety compliance of its key service providers and its leisure providers as well as gaps in its approach to event management and some health and safety aspects of estate management.

Existing resource within the Corporate Health and Safety Team was very limited and the new post proposed would be dedicated to duties within the Operations Service Area including the landlord's duties in relation to events and activities on Council owned land. The post holder would be part of the Corporate Health and Safety Team. The additional cost of this post was £38,118 to £41,673, including on-costs.

The Chief Executive advised Cabinet that Health and Safety was his responsibility; he very much supported the proposed post and he appreciated the Member support for it.

#### **RESOLVED**

That the establishment of an additional Band 6 Health and Safety Advisor post within the Corporate Health and Safety Team be approved.

## 5 Grass Cutting - A Conservation Approach

Cabinet received report **ES/0126** by the Cabinet Member with responsibility for the Environment, who firstly highlighted that the Environment was one of the Council's top priorities and, as such, the Council needed to identify where meaningful responses could be made to the Climate Emergency, the Council's Environment Policy and general public opinion.

Cabinet was advised that grounds maintenance services for the Council were provided by the Council's partner, Norse. The remainder was managed by a combination of Parish Councils, Town Councils, Suffolk County Council, Coastal Management and private landowners.

Public opinion, the recent declaration of the Climate Emergency, the Business Plan and the Council's Environment Policy all suggested reviewing in greater detail the grounds maintenance programme. Specifically, concerns had been raised in some localities regarding the environmental impact of a regular cutting regime, for example, in terms of carbon emissions, and dialogue had commenced between the District and some parish councils to explore alternatives to the current regime.

A number of trials were therefore proposed for 2020, identifying where it may be possible to reduce the need to spray herbicides, promote wildlife diversity, and support insect populations. Reducing the carbon footprint, increasing bio-diversity and promoting a greener environment were the key outputs of a revised grounds maintenance programme if successfully delivered.

The Cabinet Member with responsibility for the Environment highlighted that he was seeking Cabinet's approval for a small number of pilots, where alternatives to the current cut / strim / spray programme could be evaluated, in conjunction with Norse, expert bodies, residents, and parish and town councils to promote a greener and more environmentally friendly grounds maintenance programme. This would initially be trialled over the course of a year to 18 months in a few test locations, the results of which would determine the overall District wide strategy that would be employed.

The Cabinet Member with responsibility for the Environment stated that a pilot would begin through the 2020 growing season in Saxmundham and Southwold, where the Council would ask locals to feed back which areas of Council-owned land they would like the grass cut less. There would be fewer cuts, and the use of herbicides and other chemicals reduced. Key areas where growing would be inappropriate, such as roadside verges, would continue to be maintained as normal. Councillor Mallinder emphasised that if the grass was cut less it did not mean that there would be no maintenance; he reiterated that he wished to do this because it would increase biodiversity, that would increase insects and, visually, it would look amazing. Councillor Mallinder went on to state that this was a really good step for the Council; East Suffolk Council was a Council that walked the walk and talked the talk. He added that this was not a cost cutting exercise and it would be important to explain the proposal to residents. In conclusion, Councillor Mallinder stated that it was hoped that a group of volunteers in each of the two towns would monitor the areas where wildlife was being encouraged to

flourish. Councillor Mallinder gave his thanks to the ward Members, Councillor Beavan and Councillor Fisher, for their support.

During debate Cabinet gave its full support for the proposal, but emphasised the need for full engagement with the public / local residents. Cabinet emphasised the need for safety maintenance to be undertaken, as appropriate. Cabinet also suggested that it would be appropriate to approach Suffolk County Council in respect of working together to ensure a consistent approach to environmental initiatives.

Councillor Beavan commended Councillor Mallinder for his approach and he gave thanks for the opportunity in Southwold.

Councillor Byatt endorsed the proposals and reiterated the need for good communications to ensure understanding by the the public / residents. Councillor Byatt made a plea for the weeds in gutters to be dealt with.

Councillor Fisher advised Cabinet that the initiative had already been applauded by the residents of Saxmundham.

## **RESOLVED**

1. That East Suffolk Council runs pilot schemes through the 2020 growing season in Southwold and Saxmundham, where a less intensive cutting approach is trialled, and results monitored by the ecology team.
2. That consultation is carried out with Town and Parish Councils to identify areas where local residents may support a less intensive cutting schedule.
3. That these pilots are cost neutral – with neither an increase or decrease in the grounds maintenance budget.
4. That the ecology team at East Suffolk is engaged in these pilots to monitor and report on any positive effect of reduced cutting on wildlife populations.
5. That East Suffolk explores how to move towards a “no spraying” policy as standard across the District, and further identifies ways in which this change can be made cost neutral
6. That work is carried out through the Green Print Forum to identify volunteer groups that may be prepared to take on the work of monitoring and maintaining areas of natural space on behalf of their local community.

## **6 First Light Festival**

Cabinet received report **ES/0124** by the Deputy Leader and Cabinet Member with responsibility for Economic Development which set out a review of the impact of the First Light Festival, which was held at the midsummer solstice in 2019 on Lowestoft's South Beach. The festival, called First Light, originated as part of a strategy set out in the Seafront Vision. That Strategy aimed to double the number of tourists visiting Lowestoft by developing an exciting and contemporary offer around arts, events, entertainment and places to eat, drink, shop and stay.

Cabinet was reminded that, in January 2019, it approved the festival and ring-fenced £120k to support the festival over three years. This money came via the Business Rates

Retention Pilot. Approval was granted subject to a business case, which set out several projected outcomes for the festival and the report before Cabinet reviewed the extent to which those aspirations were achieved.

Cabinet was advised that amongst other outcomes the data showed that the festival was successful in terms of generating income for local businesses. Specifically, an investment of £90,000 of business rates retained by East Suffolk Council was converted into between £700-£900k of direct spend at the festival. This was in addition to wider benefits to the local economy.

The report sought approval for the Council to support the delivery of a second festival, in June 2020, funded by the 2019/20 Business Rates Retention programme.

The Deputy Leader highlighted the financial implications contained within the report, referring to the proposal that the Council supported the 'gap', to a maximum of £200k. This would, he stated, enable organisers to start planning the event.

The Deputy Leader, in conclusion, highlighted the many reasons for supporting the festival for 2020: potentially 40-50,000 visitors, with a focus on people from outside Lowestoft's traditional visitor base; brand Lowestoft as a desirable and attractive tourist destination; extend the area from which people travel to Lowestoft to include the growing populations of Norwich and Ipswich; contribute directly to the local economy during the course of the festival including increased hotel stays; position Lowestoft as a venue for contemporary arts and events, with the potential for significant financial support from the Arts Council; identify Lowestoft as, uniquely in the UK, the first place to see the sunrise, allowing the town to trade on its geographical position.

The Cabinet Member with responsibility for Planning and Coastal Management stated that the Festival that had recently taken place had been a wonderful event.

Councillor Byatt stated that he had participated, as a volunteer, in the event; he said it had been tremendously exciting. Going forward, Councillor Byatt stated, and he hoped that this would become an annual event, he suggested that park and ride should be utilised.

## **RESOLVED**

1. That the impact of the First Light Festival to the local economy be noted.
2. That support for the Festival to a maximum of £200k in 2020 be agreed.
3. That the impact of the Festival be reviewed by the Cabinet.
4. That this funding comes from the 2019/20 Business Rates Retention Scheme; and the relevant allowances have been made.

## **7 Public Space Protection Orders**

Cabinet received report **ES/0119** by the Cabinet Member and Assistant Cabinet Member with responsibility for Community Health, which was introduced by the Assistant Cabinet Member. The report was presented to Cabinet to provide

information relating to Public Space Protection Orders (PSPOs). The Anti-Social Behaviour, Crime and Policing Act 2014 replaced Alcohol Consumption in Designated Public Place Orders (DPPOs) on 20 October 2017.

DPPOs (now PSPOs) were introduced in Suffolk Coastal between 2007 and 2008 following extensive research and consultation which supported these orders in Woodbridge, Martlesham, Rushmere, Kesgrave, Leiston, Saxmundham, Kelsale, Felixstowe, Wickham Market and Framlingham.

Following consultation with the Council's Legal Team and Police and parish / town councils, there was not enough evidence to support the continuation of the PSPOs. Partners supported discontinuation of the PSPOs and making use of the new legislative powers such as community protection notice and dispersal powers.

Alongside the new ASB legislation there were other pieces of legislation that could be used to deal with issues covered by the PSPOs, including the Confiscation of Alcohol (Young Persons) Act 1997. Communities would not be disadvantaged by the removal of PSPOs.

The Assistant Cabinet Member drew Cabinet's attention to paragraphs 1.5 and 1.6 of the report, which he said outlined the powers that could be used.

In debating the report Cabinet acknowledged the legislation that was in place that could be used by the Police.

## **RESOLVED**

That all of the 10 Public Space Protection Orders, as detailed in Appendix A to report ES/0119, be discharged and that all 155 signs be removed.

## **8 Felixstowe Leisure Centre Redevelopment Options**

Cabinet received report **ES/0120** by the Cabinet Members with responsibility for Communities, Leisure and Tourism and Customer Services and Operational Partnerships, respectively, which outlined the options appraisal undertaken by The Sports Consultancy (TSC) for the redevelopment of Felixstowe's leisure centres. This was the fourth project of the overarching programme of works to redevelop the former Suffolk Coastal District Council's six ageing leisure facilities. There were two facilities in Felixstowe, Felixstowe Leisure Centre and Brackenbury Leisure Centre.

Cabinet was asked to endorse the option to pursue and explore a new destination Felixstowe Leisure Centre in North Felixstowe to replace the existing two facilities.

Pulse Design and Build (Rock Merchanting Limited), were procured in 2014 as the Council's development partner for the leisure centre redevelopment programme. Cabinet was requested to authorise officers to provide a New Project Notice to Pulse Design and Build for a new Felixstowe Leisure Centre to replace the two ageing facilities.

Cabinet was requested to ask officers to complete a business plan for a new 'destination' Felixstowe Leisure Centre, including a full build programme and a 20 year business case to support the project.

The Cabinet Member with responsibility for the Environment requested that consideration be given to facilities that would have the least negative impact on the environment.

Cabinet stressed that it wished to see the best facilities possible for the residents of East Suffolk.

In conclusion, and following debate, it was concluded that the recommendations should be amended to reflect that appropriate consultation should take place with the relevant Cabinet Members.

## **RESOLVED**

1. That the option to pursue and explore a new destination Felixstowe Leisure Centre in North Felixstowe to replace the existing two facilities be endorsed.
2. That delegated authority be given to the Strategic Director to provide a New Project Notice to Pulse Design and Build to provide designs and costs to RIBA Stage 2 for a new Felixstowe Leisure Centre to replace the two ageing facilities.
3. That a budget of up to £250,000 for production of the design and planning of the new Centre through to RIBA Stage 2 be allocated.
4. That Officers complete a business plan for a new "destination" Felixstowe Leisure Centre, including a full build programme and 20- year business case to support the project and aim to present to Cabinet in March 2020.
5. That the amount of £25,000 for Officers to procure the updating of the Built Facility and Playing Pitch Strategies and production of an overall East Suffolk Strategy for each to be agreed.
6. That officers liaise with relevant Cabinet Members, as appropriate, throughout the process.

## **9 East Suffolk Environment Task Group**

Cabinet received report **ES/0129** by the Cabinet Member with responsibility for the Environment, which sought approval to establish an East Suffolk Environment Task Group, with cross party representation, on agreed terms of reference, which would report to Cabinet.

It was proposed that the Task Group be comprised of nine elected members, being seven from the Conservative Group, one from the GLI Group and one Labour member. The Task Group would meet at least every quarter but potentially more frequently than that in the early stages of its work. The meetings of the Task Group would be internal to the Council, would be chaired by the Cabinet Member for the Environment and, at the Chairman's discretion, some of the meetings would be open to all members of the Council to attend, particularly those to which outside speakers had been invited, to ensure wide engagement across the organisation. The meetings would be an opportunity to hear from external experts on a wide range of

environmental matters including climate change, to allow discussion and debate around the Council's response. From this information, research and review, the Task Group would formulate recommendations which would be presented to Cabinet for consideration. The Cabinet Member with responsibility for the Environment drew Cabinet's attention to the proposed terms of reference for the Task Group, set out in Appendix A and, in conclusion, he stated that he had big ambitions for the Task Group.

Councillor Elliott stated that he fully supported the setting up of the Task Group; he referred to the need to ensure genuine cross party working and he stated the need to inform the public of this.

Councillor Byatt stated that he very much welcomed the setting up of the Task Group.

## **RESOLVED**

1. That the establishment of a cross party East Suffolk Environment Task Group of nine members, being seven from the Conservative Group, one from the Green, Liberal Democrat and Independent (GLI) Group and one from the Labour Group, be approved.
2. That the Terms of Reference for the East Suffolk Environment Task Group, as set out in Appendix A to report ES/0129, be approved.

## **10 East Suffolk Food and Health and Safety Service Plan 2019/20**

Cabinet received report **ES/0130** by the Cabinet Member with responsibility for Community Health, which was introduced by the Assistant Cabinet Member with responsibility for Community Health.

Cabinet was advised that the Council was required to produce a Food and Health and Safety Service Plan in the format prescribed by the Food Standards Agency (FSA) in its Framework Agreement on Local Authority Law Enforcement and as required by the Health and Safety Executive (HSE), as set out in the National Local Authority Enforcement Code- Health and Safety at Work England, Scotland and Wales. The Service Plan must be submitted for Member approval and must be reviewed to identify the Council's performance against the Service Plan, any variance from the Plan and areas for improvement in the service. This year's Service Plan included information on the Council's performance in meeting targets, set out in the Service Plan for 2018/19, and recommended to Council the approval of a Food and Health and Safety Service Plan for 2019/20.

The Leader commented on the excellent results within the report and stated that they were an indication of the work and commitment of staff. Their work was, he stated, exceptional in its quality and he gave thanks to the Head of Environmental Services and Port Health and his team.

In response to a question regarding food sampling, the Head of Environmental Services and Port Health responded that this was the only area where performance



had dropped a little; members of the team had been lost and it had been difficult to recruit. However, at this point, the team was almost up to full strength again. There was, he added, a plan in place to address this.

## **RESOLVED**

1. That the Food and Health and Safety performance against the Service Plan for 2018/19 be noted.
2. That the Service Plan for 2019/20 be recommended to Full Council.

### **11 Establishment of Community Partnerships**

Cabinet received report **ES/0123** by the Leader of the Council and the Cabinet Member with responsibility for Communities, Leisure and Tourism, the purpose of which was to explain what Community Partnerships (CPs) were, and to outline their purpose, structure, governance and funding.

The Leader explained that during the consultation process regarding the creation of the Council, concerns were expressed regarding the larger wards which were proposed, and the increased populations in each, averaging 3,670 residents per councillor. There was also concern regarding the size of the geographical areas of each ward to be covered by the 55 newly elected councillors of the East Suffolk Council. It was anticipated that it might be a challenge for councillors to develop and maintain good working relationships with the town and parish councils in their wards, as some would have more than 40 parish councils and meetings to attend. Therefore, the Constitution and Governance Working Group of the Shadow Authority for the East Suffolk Council, at its meeting on 22 October 2019, endorsed the concept of Community Partnerships, as a means to address these concerns.

The Leader explained that it was proposed to create eight Community Partnerships, based on logical, geographical groupings of communities, using the Council's ward boundaries as the building blocks. Each of the Community Partnerships would include between two and six wards and the proposed CPs were shown on the map be Appendix A to the report.

It was explained that the CPs would provide a positive way for councillors to reach into their communities and bring them together, with other stakeholders, at regular meetings, workshops and events; discuss, analyse and understand local needs based on facts, figures and local insight provided by the Suffolk Observatory and the Suffolk Office of Data Analytics, and develop collaborative solutions to meet those needs; facilitate partnership working and collaboration at a much more local level; enable the Council to pool and devolve funding, and involvement in decision making, to its communities; be innovative, informal and develop to suit the needs of each CP area.

In conclusion, the Leader stated that he wanted the CPs to be responsive to the needs of the communities; he felt that this was a huge opportunity to really make a difference. The Leader thanked the Head of Communities and her team for all of the

work that had been undertaken; he stated that the final outcome was a credit to the team.

Councillor Byatt stated that not everybody was able to access social media and he stated the importance of councillors reaching out and connecting with those people / communities too.

The Cabinet Member with responsibility for the Environment stated that East Suffolk Council was dynamic and forward thinking; this, he stated, presented an opportunity to bring stakeholders together.

## **RESOLVED**

That Cabinet recommends to Full Council:

1. The establishment of eight Community Partnerships, one for each of the areas shown on the map at Appendix A to the report;
2. The proposed purpose, remit, governance, structure and funding for Community Partnerships in East Suffolk, as set out in report ES/0123;
3. The proposed budget for the Community Partnerships, as set at in the table at paragraph 6.7 of report ES/0123;
4. To use its best endeavours to ensure that the East Suffolk Community Partnerships are a success; and
5. To review the establishment, workings and success of the Community Partnership in three years.

## **12 Worlingham Community Facility - CIL Funding Updated Bid**

At this point, having declared Disclosable Pecuniary Interests, Councillor Brooks and Councillor Smith left the meeting.

Cabinet received report **ES/0118** by the Cabinet Member with responsibility for Planning and Coastal Management, who reported that in September 2018 Waveney District Council Cabinet authorised the award of Community Infrastructure Levy (CIL) funding for six projects within the former Waveney District Council area. This included £70,000 toward the Worlingham Community Facility Project, a partial award of funding from an original £346,000 bid for funding made by the charitable community organisation also known as Worlingham Community Facility. The project had now progressed further towards establishing a clear way forward for the delivery of this facility alongside an enabling housing development led by a regional housebuilder. As a result of up to date information the costs of the facility and the ability to deliver it had been established.

A shortfall in funding was recognised by the Council and under current circumstances this essential community infrastructure could only be completed if increased CIL funding was made available. Worlingham Community Facility and their selected developer, Badger Building, required certainty of fully funded delivery before concluding on arrangements with the County Council and pursuing a new planning application. Reliance on other sources of funding was therefore very limited. The original CIL funding award was provided to cover consultancy costs incurred by the Worlingham Community Facility Trust.

The additional funding of £149,478 now sought and recommended to be approved would contribute directly to the capital cost of delivering the facility. It would supplement the commitment the developer could make to build the majority of the facility at a cost to them alongside the housing development. This extraordinary consideration of CIL funding was being made separate from wider CIL funding considerations as a result of this being an update to an existing award of funding and due to the urgency of this long standing commitment to redevelop this former primary school site.

The Cabinet Member with responsibility for Planning and Coastal Management congratulated Councillor Brooks and members of the Team for bringing the project to this stage.

Councillor Elliott stated that he fully supported this facility, which was within his ward; he congratulated Councillor Brooks who, he said, had been a driving force behind the project. Councillor Elliott, however, expressed concern regarding the method of CIL allocation; he referred to both former councils having agreed, through their Full Council Meetings, that decisions on what to spend CIL on should be made through an annual programming process. Councillor Elliott stated that he had been advised that CIL monies were not being distributed at the moment and he highlighted apparent inconsistencies. Councillor Elliott highlighted Beccles Lido who had worked exceptionally hard and he stated that they needed the Council's support. The Cabinet Member with responsibility for Planning and Coastal Management stated that he would look at this.

## **RESOLVED**

1. That this exceptional case for an increased award of Community Infrastructure Levy funding of £149,478 for the construction of the Worlingham Community Facility be agreed.
2. That the Community Infrastructure Levy funding be released to Worlingham Community Facility at a later stage in its build to ensure that its construction is predominantly led by the developer's own direct delivery (consistent with the planning expectations and County Council landowner expectations).
3. That the existing award of Community Infrastructure Levy funds (£70,000) be maintained and paid in accordance with the current deed.

At this point Councillor Brooks and Councillor Smith returned to the meeting.

## **13 East Suffolk Performance Report - Quarterly Performance Quarter 1 (2019-20)**

Cabinet received report **ES/0122** by the Leader of the Council which provided a summarised overview of the performance of the Council and was aligned to the strategic deliverables within the East Suffolk Business Plan. This Quarterly Report covered Quarter 1, the period from 1 April to 30 June 2019.

It was highlighted that where there were any instances where performance was not adequately meeting targets, these were highlighted in the report detailing the actions being taken.

The Leader stated that he was pleased with the results within the report; he commented on a significant number of targets being set and met. He also commented on the vast improvement to the report structure and he gave thanks for this.

**RESOLVED**

That the East Suffolk Performance Report for Quarter 1 be received.

**14 Exempt/Confidential Items**

**RESOLVED**

That, under Section 100(a)(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 Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.

**15 Proposals relating to the clearance and development of Land at Barnards Way, Lowestoft**

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

**16 Land Transactions East Suffolk**

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

The meeting concluded at 8.00 pm.

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Chairman