

**Unconfirmed**



Minutes of a Meeting of the **Full Council** held in the Conference Room, Riverside, on **Wednesday, 24 November 2021 at 6.30pm**

**Members present:**

Councillor Paul Ashdown, Councillor Edward Back, Councillor David Beavan, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Elfrede Brambley-Crawshaw, Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Peter Byatt, Councillor Alison Cackett, Councillor Jenny Ceresa, Councillor Judy Cloke, Councillor Maurice Cook, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Janet Craig, Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Lydia Freeman, Councillor Steve Gallant, Councillor Andree Gee, Councillor Tony Goldson, Councillor Louise Gooch, Councillor Colin Hedgley, Councillor Mark Jepson, Councillor Stuart Lawson, Councillor Geoff Lynch, Councillor James Mallinder, Councillor Chris Mapey, Councillor Keith Patience, Councillor Malcolm Pitchers, Councillor Sarah Plummer, 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:** Stephen Baker (Chief Executive), Chris Bing (Head of Legal and Democratic Services), Sharon Bleese (Coastal Manager (South)), Guy Butler (Programme Manager (Towns Fund Bid)), Martin Clarke (Acting Legal and Licensing Services Manager), Kathryn Hurlock (Asset and Investment Manager), Andy Jarvis (Strategic Director), Nick Khan (Strategic Director), Matt Makin (Democratic Services Officer), Sue Meeken (Political Group Support Officer (Labour)), Brian Mew (Chief Finance Officer & Section 151 Officer), Agnes Ogundiran (Conservative Political Group Support Officer), Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Manager)

---

**1 Apologies for Absence**

Apologies were received from Councillors T Fryatt, T Gandy, T Green, R Kerry, D McCallum, F Mortimer, T Mortimer, M Newton, C Poulter, R Rainger and D Ritchie.

**2 Declarations of Interest**

There were no Declarations of Interest.

**3 Announcements**

**The Chairman of the Council**

The Chairman announced that he had attended a number of engagements since the

last Full Council meeting. They included:

Fishermen's Mission - Harvest of the Sea & Unveiling of Sculpture  
Mayor of Great Yarmouth - Civic Reception  
Women's Tour Stage 6 Finish  
Mayor of Beccles Civic Service  
Matilda the Musical  
Lowestoft Town Council Remembrance Service  
Remembrance Day Wreath Laying Ceremony

### **The Leader of the Council**

As this was the last Full Council meeting before Christmas, Councillor Gallant took the opportunity to wish all of Members that celebrate it, a very joyous and peaceful time. He commented that the Council would be extremely proud of all that had been achieved during the last year, in what had been a very challenging environment.

Councillor Gallant stated that many of our small businesses were still feeling the impact of the COVID-19 pandemic. This Christmas, East Suffolk Council was asking everyone to "Think Local - Shop Local". By shopping local ourselves, and encouraging our communities to do so, we could help keep businesses open, create jobs, boost the local economy, and help our communities to thrive. He requested Members to share this request on social media, and via parish magazines and newsletters. He felt it was important to both showcase and highlight local shops, restaurants and pubs and support all our local businesses over this festive period.

### **Cabinet Members**

#### Councillor Rudd, Cabinet Member with responsibility for Community Health

Councillor Rudd reported that, although there were no Covid travel restrictions, Suffolk had been categorised as an Enhanced Response Area, which required people to be extra careful and aware of their actions. The guidance had also been amended lately, regarding Lateral Flow Tests (LFTs), and people were asked to take a risk based approach and take additional tests before going into crowded areas. Councillor Rudd also encouraged everyone to have a Flu Jab and Covid Booster Jab, when they became available.

#### Councillor Mallinder, Cabinet Member with responsibility for the Environment

Councillor Mallinder reported that East Suffolk Council was supporting 'Treebilee', a project launched by HRH Prince Charles to encourage the planting of trees during a year-long celebration of the Queen's 70-year reign, in 2022. As part of its involvement in the project, the Council had purchased 200 oak trees, which would be donated to every town and parish council in East Suffolk. Not only would this mark the very special occasion, it would also help tackle climate change and contribute towards East Suffolk Council's vision to create environmentally sustainable communities.

## **Chief Executive**

Mr Baker reported that a review had been undertaken of all the Council logos in the England, 399 in total. He was pleased to report that East Suffolk Council's logo had been ranked in 8th place out of 399. The logo's colour scheme and modern design had received very positive comments.

### **4a Minutes - March 2021**

#### **RESOLVED**

That the minutes of the meeting held on 24 March 2021 be agreed as a correct record and signed by the Chairman.

### **4b Minutes - July 2021**

#### **RESOLVED**

That the minutes of the meeting held on 28 July 2021 be agreed as a correct record and signed by the Chairman.

### **4c Minutes - September 2021**

#### **RESOLVED**

That the minutes of the meeting held on 22 September 2021 be agreed as a correct record and signed by the Chairman.

## **5 Questions from the Public**

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

## **6 Questions from Members**

(a) Question from Councillor Tom Daly to the Deputy Leader and Cabinet Member with responsibility for Economic Development:

East Suffolk is projected to possibly host up to 30% of the UK's electricity with the growth in off-shore wind, interconnectors and possibly new nuclear build coming to our area. In hosting this electricity infrastructure, the communities I represent feel let down as they foresee the industrialisation of their local countryside amplified by what appears to be a total lack of a national strategic policy for coordinating projects and the requirement for collaboration between projects to reduce impacts. With the current consultation on the draft National Policy Statements for Energy and the recent non statutory consultation on the Nautilus Interconnector project can I be assured that ESC will commit to continue to argue the merits of a forward looking, strategic, coordinated approach to the East Coast energy projects that avoids duplication, and limits on-shore social and environmental costs. For example, through pooling infrastructure and exploring integrated energy hubs?

## Response from Councillor Rivett

-  
East Suffolk Council has been advocating a joined-up approach to strategic energy planning for England, in particular East Suffolk, for several years now and will continue to do so.

In July 2018 we met with the then Minister of State for Energy and Clean Growth, (the Rt Hon Claire Perry MP with Therese Coffey MP), to discuss the potential cumulative impacts of existing and proposed energy projects in the Suffolk Coastal area. This began a series of ongoing correspondence with the Minister (resulting in letters dated the 14 January 2019 (suggesting the role is for National Grid to co-ordinate development of the GB electricity transmission system) and the 23 April 2019, suggesting that her officials would be considering how best to work together with officials from other Ministry's (MHCLG and DEFRA) on these matters. In the latter letter she referenced projects themselves looking to coordinate transmission infrastructure. She referenced proposals to develop an offshore ring main as an interesting idea asking her officials to investigate this further.

In August 2018, alongside SCC, we wrote to the lead officers for ScottishPower Renewables, EDF Energy, National Grid Ventures and National Grid, to set out our desire that we should work together to consider cumulative impacts carefully in order to find the best solution to issues arising. This letter began a series of meetings, quarterly, when possible, convened and chaired by officers of ESC with SCC, the AONB and representatives from all of the energy projects proposed to be located in or affecting this area. The meeting has expanded to include representatives of North Falls and Five Estuaries offshore windfarms as well. The next meeting is due to take place in November of this year.

In October 2019, the Rt Hon Therese Coffey MP, Secretary of State at the Department of Work and Pensions and MP for Suffolk Coastal constituency, organised a meeting with Rt Hon Kwasi Kwarteng MP Minister of State at the Department of Business, Energy and Industrial Strategy which was attended by representatives from East Suffolk Council, including myself and Suffolk County Council to discuss the cumulative impacts of the energy projects on East Suffolk, followed by letters to Ministers in relation to the growth of offshore wind energy and joint correspondence with North Norfolk District Council. A further meeting with the Rt Hon Kwasi Kwarteng was held in February 2020. There was further correspondence with Government following on from this. BEIS began the Offshore Transmission Network Review in August 2020 which is in part as a result of the issues experienced in our district and concerns raised by ESC. ESC has been engaging with this review, including responding to a letter published as part of the Review on 24 August 2020, our letter, joint with SCC, dated 24 September 2020, highlighted the need for whole system change to make far reaching changes to the delivery of energy projects off the East Suffolk coast and the relationship between the promoters of the schemes and the communities in which they are located. We consider there are significant barriers to overcome in relation to:

- Regulation
- Process and procedure
- Promotor risk aversion
- Community opposition.

All other correspondence available on website

The OTNR is ongoing, and we continue to engage on behalf of our communities promoting Government to operate in a more strategic manner. We have been and are continuing to respond to all the consultations that have been held since the OTNR began a year ago, covering matters such as:

- Initial findings of Early Opportunities, Pathway to 2030 and MPI workstreams.
- Role of the Future System Operator
- Draft National Policy Statements - which sets a clear expectation for coordination.

There is also a current consultation on the enduring regime which ESC will be feeding into. Each of the OTNR workstreams is addressing a different time period. The enduring regime workstream focuses on the design and implementation of a regime which takes a more strategic approach. The aim is to consider the offshore transmission system holistically with the onshore network to deliver a more coordinated system and reduce the cumulative impacts of transmission.

In addition, we continue to meet with all promoters looking to develop energy infrastructure in this area separately and together to encourage collaborative working and where possible and appropriate, the combination of infrastructure to minimise the adverse impacts onshore in East Suffolk.

However, energy generated offshore has to be connected to the National Grid and that is onshore, ESC is working tirelessly to ensure any essential onshore infrastructure has the least adverse impact on our communities. If adverse impacts are unavoidable, we will continue to advocate for mitigation and compensation for our communities. We have recently submitted a representation on behalf of ESC to the non-statutory Nautilus consultation by National Grid Ventures. In this consultation we stressed the vital importance of coordination both in terms of the project as a multi-purpose interconnector but also the need for National Grid Ventures to coordinate with other forthcoming energy projects. We will be meeting with all promoters in November 2021 when it is hoped we will understand further the expected timetables for the other potential projects that may be forthcoming and impacting on this locality. We will use this opportunity to reiterate to the promoters that we expect them to operate in a co-ordinated manner and that we whole-heartedly support the principal of shared and integrated infrastructure.

-  
Supplementary Question from Councillor Daly

As the decision by the Secretary of State is awaited in April 2022, would the Council support a pause in the development of both EA1 and EA2 and the interconnectors? This would allow participants to co-ordinate the various workstreams to minimise the impact on local residents and the environment.

Response from Councillor Rivett

The Council will need to wait for the final decision from the Secretary of State.

(b) Question from Councillor Byatt to the Cabinet Member with responsibility for Planning and Coastal Management

In his recent Conference speech in October, Boris Johnson maintained that houses should not be built on green fields but on previously developed brownfield sites. Michael Gove, Minister for Levelling-Up, Housing and Communities reiterated the same ambition this month with a pledge to protect the cherished countryside against development.

We have a large brownfield site in Lowestoft along the southern bank of Lake Lothing, the Kirkley Waterfront site, once home to factories, timber yards and world-famous shipbuilders.

We are aware that efforts have been made to attract developers to this site but that nothing of note has succeeded as yet, so can we look again at what East Suffolk Council itself can do to part of the site to kick-start its development?

Can we perhaps use the Recommendations to Government from the recent Richard Bacon MP's 'Review of Self-Build and Custom Housebuilding' to secure an area for a show park where those who are priced out of home ownership could have access to serviced and permissioned plots, and where innovative house-building ideas can thrive?

N.B. As Councillor Ritchie had given apologies for the meeting, Councillor Cooper, Assistant Cabinet Member for Planning and Coastal Management, provided the response.

Response from Councillor Cooper

Despite the Prime Minister's conference quote, this was not correct in respect of the requirements of Local Planning Authorities to deliver homes on both greenfield and brownfield land. It was a fact that nationally there was insufficient brownfield land to deliver the housing need for England and that was particularly the case in rural Districts including East Suffolk.

East Suffolk Council has two recently adopted Local plans that will enable c21000 homes to be developed across the district by 2036 on both brown field and greenfield land in accordance with a strategy that was found sound by two independent Inspectors and subsequently adopted by Full Council. The delivery of homes across the district was progressing well, and despite the challenges of the last 2 years the council has a sound 5 year housing supply position and is proactively engaged in the delivery of sites and development across the district as amplified in our annually published Housing Action Plan the latest version of which can be found at <https://www.eastsuffolk.gov.uk/assets/Planning/Housing-Action-Plan/2021-East-Suffolk-Housing-Action-Plan.pdf>

At Para 3.109-3.112 of the Housing Action Plan it states in respect of this particular area that:-

3.109 The Kirkley Waterfront and Sustainable Urban Neighbourhood is commonly

referred to as the Lake Lothing site and is allocated under Policy WLP2.4 in the Waveney Local Plan. The allocation is the largest brownfield site in Lowestoft located in the heart of the town. It is approximately 60 hectares of land in multiple ownership, in various uses and containing numerous vacant industrial buildings. The allocation is for 1,380 new dwellings, a primary school, retail centre, Marine facilities, and employment land.

3.110 The site has outline planning permission on the westerly part for 1,180 homes, a retail centre, leisure facilities and a primary school. The easterly part of the site has been developed with new offices for Essex and Suffolk Water, East Suffolk Council and Suffolk County Council.

3.111 The Council is committed to the development of the Kirkley Waterfront and Sustainable Urban Neighbourhood. Representatives of various service areas in East Suffolk Council including Economic Development and Regeneration, Housing, and Planning and Coastal Management are collaborating to progress the site. East Suffolk is also actively engaging with Homes England and the various landowners. Various site development options are available and being considered following the approval of the Lake Lothing Third Crossing and Lowestoft Flood Defence scheme receiving funding. Work is currently underway on a masterplan for the site.

3.112 Several sheds on the site are currently being used for storage in connection with the construction of the new bridge across Lake Lothing. A new road is to be provided through the proposed Kirkley Waterfront and Sustainable Urban Neighbourhood providing access the Riverside offices. The new road should encourage and support the development of the large brownfield site. The road will be the first significant piece of infrastructure provided on the Kirkley Waterfront and Sustainable Urban Neighbourhood site.

ESC has the freehold interest in a brownfield site on part of this Kirkley Waterfront at Lake Lothing area which has been identified for development within the adopted Local Plan policy. Whilst there may not have been visible signs of activity on the larger sites, ESC recently appointed a consultancy company to advise on a development strategy for our land and neighbouring sites. The site will form part of a wider mixed-use development and the Council has taken specialist advice to co-ordinate the delivery of not just land within ESC's ownership, but to coordinate an approach with neighbouring owners. Due to the scale of development, site complexities and costs attributed to the area this strategy has not yet moved into something tangible. For example, the risk of flooding will be addressed by the delivery of the Flood Barrier which will not be in situ until 2026 and the barrier will help address a current significant constraint on the site. However, we continue to engage with the range of land owners and developers along the Kirkley Waterfront and aim in the shorter term to be delivering pocket developments, such as at Stanley Road within the next 24 months. To date at least 20 homes have been delivered recently with some more smaller sites expected to come forward in the near future.

In addition to focusing on the delivery of the Sustainable Urban Neighbourhood, ESC has also undertaken further due diligence on the site within ESC's ownership. We are actively working with Homes England to improve the viability of the site through technical survey work including aspects such as utility provision and ground conditions. A Project Board including representatives from both ESC and Homes England has been established to help deliver a proposed scheme on the site at Kirkley Waterfront. Homes England has already provided substantial help to the Council to assist with the technical

surveys needed for the site and we are continuing to work with them to bring a scheme from concept to fruition. These discussions have also including the assessment of the potential for modular construction.

At this stage, it was difficult to ascertain the actual development approach for the sites due to the scale and likely high costs of development given the constraints on the brownfield sites, however ESC aim to support Self-builders and small scale developers in discussions with landowners regarding the development of the whole area in accordance with Local Plan Policy WLP8.3 which states:-

#### Policy WLP8.3 – Self Build and Custom Build

Proposals that would make a proportion of serviced dwelling plots available for sale to self builders or custom builders will be supported where in compliance with all other relevant policies of this Local Plan.

Developments of 100 or more dwellings will be expected to provide 5% self or custom build properties on site through the provision of serviced plots unless this can be satisfactorily demonstrated to be unfeasible.

Once completed and available for development, the serviced plots should be marketed for a period of not less than 12 months. Marketing should be in accordance with the principles set out in Appendix 4. If, following this period, any of the serviced plots remain unsold, they may be built out by the developer.

Proposals which provide a higher amount of self or custom build properties than set out above will also be permitted.

Proposals for 5 or more self build or custom build dwellings in a single site location should be developed in accordance with a set of design principles to be submitted with any application and agreed by the Local Planning Authority

Therefore, whilst this Local Plan brownfield allocation is hugely complex the Council is being proactive about bringing the site forward and will encourage innovative approaches, including potentially showcasing self build and custom build property if it helps achieves this councils vision of regenerating this area as part of the overall regeneration of the town of Lowestoft. Whilst it is not expected that there will be delivery of the larger parcels of the site in the next few years the council will encourage the delivery of some potential smaller sites in the next couple of years which will identify the wider sites potential in collaboration with all partners including Homes England.

#### Supplementary Question from Councillor Byatt

Councillor Byatt thanked Councillor Cooper for his detailed response and he wished Councillor Ritchie a speedy recovery. He commented that the residents and visitors to Lowestoft could see work progressing on the third crossing and the Flood Risk Management Project. However, the undeveloped land at the Kirkley Waterfront site was an eyesore and gave a bad impression. He asked that Ward Members be kept updated on any future proposals and asked if any small development could be completed on the site to show there was some progress being made on the site.

#### Response from Councillor Cooper



Councillor Cooper reported that he would feed this back to officers.

N.B. At this point in the proceedings Councillor Gallant reported that there were some issues with the sound for this meeting and some Councillors could not be heard, by the officers and public viewing the meeting on Zoom and YouTube.

Councillor Gallant proposed a short adjournment, which was duly seconded by Councillor Blundell and upon being put to the vote, it was

### **RESOLVED**

That there would be a short adjournment to allow for work to be undertaken to resolve the sound issues at the meeting.

N. B. The meeting was adjourned from 7.02pm to 7.12pm.

#### (c) Question from Councillor Craig to the Cabinet Member with responsibility for Communities, Leisure and Tourism

There has been recent news coverage of the Government continuing to allow the discharge of treated effluent and overflows of untreated effluent and storm water into our rivers and the sea. Incidents of this nature occur in East Suffolk.

The Rivers Trust maps such incidents from north to south along the crown jewels of our tourist coast at Corton, Lowestoft, Kessingland, Southwold, Dunwich, Thorpeness, Aldeburgh, Orford and Felixstowe and into the Rivers Deben, Blyth and Alde and various small creeks. In addition, this issue also affects water quality in the Broads National Park.

What interaction has there been with water companies and the Environment Agency in relation to the potential damage to the tourist industry in East Suffolk and to the overall well-being of residents?

#### Response from Councillor Smith

We will respond to all reports of effluent being discharged into water courses or the sea to try to locate the source and either deal with it or draw it to the attention of the relevant agencies (Anglian Water and/or the Environment Agency) to ensure it is dealt with appropriately. Anybody who becomes aware of any such discharge should report it to the Environment Agency by ringing 0800 80 70 60.

The Environment Bill generated some press cover a couple of weeks ago, with lobby groups suggesting the Bill was not addressing the problem adequately. DEFRA responded stating they were confident the Bill would deliver progressive reductions in the harm caused by storm overflows.

They announced an amendment to the Bill which strengthened the powers to ensure that this would happen Environment Bill further strengthened to tackle storm overflows - GOV.UK ([www.gov.uk](http://www.gov.uk))

It will be for the Environment Agency to enforce whatever new standards are enacted through the system of 'discharge consents' and they will be assisted in this by regular and prompt reporting of any incidents noted by members of the public to their reporting centre – 0800 80 70 60.

Regarding water quality, Anglia Water are currently in the process of carrying out a range of works in and around the bascule bridge. The works include removing old water drainage systems and also providing a wastewater tank which will hold water and stop large volumes of waste being pumped into the sea. This is taking place following a direct request from the Environment Agency and will help to improve water quality.

#### Supplementary Question from Councillor Craig

Councillor Craig thanked Councillor Smith for her response. She said that whilst we accept the belated response from Ministers that something needs to be done, their amendment to the Environment Bill was weak, with no timescale and will achieve very little on its own. She asked if the Council would write to the Chief Executive of Anglian Water to ask them for further information on the waste water infrastructure servicing East Suffolk and its plans for remedying this unacceptable situation?

#### Response from Councillor Smith

We will not be writing to any of the regulatory bodies. There was a system in place and this will be managed and enforced by them. Thank you for your questions.

#### d) Question from Councillor Gandy to the Deputy Leader and Cabinet Member with responsibility for Economic Development

On October 14th I happened to be in Lowestoft High Street and was pleased to see our Chief Executive and other Officers escorting Commissioners from Historic England on a guided walk of the area.

It was reassuring to note that the importance of Lowestoft's heritage was recognised by the presence of Historic England's Chief Executive, Duncan Wilson, on this tour.

I understand that they also visited other areas of the town, including the old Post Office on London Road North as well as other sites within both of Lowestoft's Heritage Action Zones.

What has been the outcome of this visit?

The Chairman reported that Councillor Gandy had given apologies for the meeting this evening. Under Council Procedure Rule 9.4 a Member may not read out another

Member's question. The question could be heard at the next Full Council meeting on 26 January 2022.

## **7 Petitions**

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

## **8 Notices of Motion**

N.B. Councillor E Brambley Crawshaw left the meeting during the discussion of the first Motion.

The Chairman invited the Monitoring Officer to provide some guidance for Members on the consideration of Motions.

Mr Bing, Head of Legal and Democratic Services and Monitoring Officer, reported that there were 3 Motions to be considered and he drew Members' attention to the flow chart which had been created, to assist with the process for dealing with Motions, as outlined within the Constitution. The first stage of the process was for the Motion to be moved and seconded, the second stage was for Members to decide if they wished to debate the Motion this evening or to refer it to Cabinet or another Committee. If Members had decided to debate the Motion this evening, the process would enter the third stage of debating the Motion, during which the Motion could be amended and then, finally, there would be a vote on whether to approve or reject the Motion.

### **a) Notice of Motion submitted by Councillor Smith-Lyte**

The Chairman invited Councillor Smith-Lyte to read out her Motion.

Councillor Smith-Lyte proposed her Motion and then read out the following:

*This Council commits to implementing a change in decision-making governance arrangements, comprising the cessation of the current leader and cabinet model of governance and the implementation of a full committee model of governance. This will be developed during 2021/22 with a view to the arrangements taking effect from the beginning of the 2022/23 municipal year, subject to a legally and constitutionally robust process, led by the council's Audit and Governance committee and agreed by Council.*

Councillor Smith-Lyte reported that before 2000, the Committee Model of governance had been widespread amongst Councils. This system allowed for power to be shared widely and the workload was shared evenly over many Councillors. She stated that several Councils who had changed to the Executive (Cabinet) system since 2000 had reverted back to the Committee system - these included North Devon, Basildon and Cheshire East.

The Chairman interjected to clarify that Councillor Smith-Lyte should explain the purpose of the Motion and what she wanted to achieve by it. This was not the

appropriate time for speeches.

Councillor Brambley-Crawshaw sought further clarification as Councillor Smith-Lyte had been invited to read out her Motion and then explain what she wanted to achieve by it and had then been advised that no speeches were allowed at this point. The Chairman advised that if the Motion was approved for debate this evening, that was the correct time for speeches to be made.

The Motion was then seconded by Councillor Fisher.

The Chairman then advised that the Motion had been moved and seconded, the next stage in the process was to decide if the Motion was to be debated this evening or not and he invited Councillor Gallant to speak.

Councillor Gallant then proposed that the Motion be debated this evening, as it was an important matter that a Member had raised and he stated that it should be dealt with by Full Council this evening. This was duly seconded by Councillor Cook.

Councillor Lynch, Chairman of the Audit and Governance Committee, raised concerns that his Committee's workload was already heavy and it would not be able to accommodate this additional piece of work within the next 3.5 months, to allow for the implementation of the new arrangements for the beginning of the 2022/23 municipal year.

There being no further comments from Members, the proposal to discuss the Motion this evening was put to the vote and it was unanimously **CARRIED**.

The Chairman then invited Councillor Smith-Lyte to speak to her Motion.

Councillor Smith-Lyte reported that before 2000, the Committee Model of governance had been widespread amongst Councils. This system allowed for power to be shared widely, in politically balanced committees, and the workload was shared evenly over many Councillors. She stated that several Councils who had changed to the Executive (Cabinet) Model since 2000 had reverted back to the Committee system - these included North Devon, Basildon and Cheshire East. She noted that many of these Councils had Conservative Administrations. This system would bring more Councillors into the decision making process, bring local issues to the table and would stop a few Cabinet Members being overworked, with more meeting invitations than they could possibly attend, as was the case, she believed at East Suffolk. In addition, there had been research undertaken by the Centre for Public Scrutiny (CfPS), which suggested that no system of governance was any financially cheaper to run than another but that the ability to make stream lined decisions was increased with the Committee Model.

The Chairman clarified that the meeting was now in debate and he invited Councillor Gallant to speak.

Councillor Gallant reported that he was surprised to see this Motion come forward for several reasons. In the preparations to become one Council, just over two years ago, several Member Working Groups were formed, which were made up of cross-party groups of Councillors. The Constitution and Governance Member Working Group,

aided by key Officers, specifically worked on implementing good governance and the robust procedural elements designed to underpin the activities of this Council. Together, the cross-party working group agreed on the current Leader and Cabinet Model and built-in the robust checks and balances to ensure transparency and fairness.

Councillor Gallant stated that research clearly showed that the current governance arrangement was far more efficient than the full Committee Model being proposed. The current model was agile and allows the local authority, to react quickly to the needs of our residents and thus deliver against our collective strategic agenda in both a timely and efficient manner. An example of this was how quickly ESC had been able to support our communities at the height of the pandemic. Many councils had needed to avail themselves of the Chief Executives emergency powers to get things done, East Suffolk Council did not.

The proposed Committee Model was widely known to be inefficient, sluggish, and overly focused on operational matters, rather than policy and outcomes. Adopting this Model would see significant increases in administrative processes and procedures, and Member and Officer time would be tied up in more meetings, with reduced outcomes. It fostered a silo way of working, with no consistent overview of the organisational ambitions. ESC had a duty to spend taxpayer money wisely and not on special responsibility allowances for Members, as they sit in endless meetings nor in employing more officers to support the increased bureaucracy. The current Cabinet Model was widely regarded as a cost-effective method of political governance.

Councillor Gallant reported that he was surprised and disappointed to see this Motion come forward this evening. He had widely made it known that the Cabinet were available to all Members, including those of the Opposition, and Cabinet Members and the Leader could be approached directly to discuss their Portfolios or areas of concern. Additionally, this Council had a strong Scrutiny system in place, that ensured all Councillors have a role in the development of Council policy. The system allowed any Councillor to question, challenge and review specific areas of concern in a manner that will allow public debate. The Call-in process further enhanced this opportunity. Members of the Opposition also had an open invitation to both attend and indeed speak at Cabinet meetings.

Councillor Gallant reported that although he was speaking as the Leader of the Council and the Leader of the controlling Group, he didn't believe that only his Group could produce good ideas. This was made further evident by how the Council had collectively developed the Strategic Plan for East Suffolk. Members would recall that the "hothouse" process was transparent and inclusive. Two years on, as ESC delivers against this Plan, the process remains - transparent and inclusive, with full cross-party input into our Strategic Plan Delivery Board.

Councillor Gallant reported that this cross-party working would be further evidenced this evening by the very next Motion, which was submitted by an Opposition Group Leader who had worked together with the relevant Cabinet Member, to ensure that what was proposed worked for all, and sought to deliver meaningful outcomes. To dismantle the effective arrangements that were in place, and to move to a full Committee Model of governance would hinder this authority and significantly slow

down the progress we are making towards delivering on our collective promises to the people of East Suffolk. He confirmed that he would therefore be voting against this Motion and he called for all Members to join him in doing so.

Councillor Rivett stated that East Suffolk Council was not yet 3 years old. The Constitutional Working Group had completed a huge amount of work and we had successfully transitioned from 2 Councils into 1. This Motion should be seen for what it was, which was a vote of 'no confidence' in the Administration. The Administration was able to carry out its business and the Opposition had regular access to the Cabinet Members and Leader and are given many opportunities to challenge and have input, suggesting alternatives to the direction and initiatives of the Council.

Councillor Rivett then asked Members to look at the level of challenge and the provision of alternatives from the Opposition. Between January and October 2021, the Opposition had tabled 3 Motions. They were so concerned with the direction of the Council, that only 3 times have they sought a change in direction. Those Motions included a request for a carbon budget and a citizens assembly for climate change. He took the opportunity to commend Councillor Mallinder for his ongoing hard work, as the Cabinet Member for the Environment. The other Motion had been about appointments to committees and unfortunately, Councillor Rivett stated he had not been able to attend the meeting to participate in that debate. This time, a Committee Model of governance was requested. Councillor Rivett then gave some examples of the amount of work currently underway within his portfolio which included Sizewell C, several off-shore wind farms and energy projects, as well as an increasing number of consultations and queried how that would be covered successfully by the Committee Model. He commented that if the Opposition were so concerned, why was their attendance at Cabinet Meetings so low, as it averaged only 4 Members of the Opposition per meeting? Councillor Rivett stated that the Cabinet was delivering great things and, as such, this Motion should be voted down.

Councillor Byatt stated that it was crucial for the Opposition to be able to continue asking questions and challenging, as there needed to be checks and balances in the decision-making process. He felt it was important to ask questions and have Motions in a public arena and it was not always appropriate to ask Cabinet Members questions outside of Full Council and Committee meetings. He sought assurances that Opposition Members would be able to continue asking questions at meetings, particularly those of the Cabinet. Councillor Byatt stated that the Committee Model of governance required more meetings, more travel, increased costs etc and he would prefer to retain the current Cabinet Model. The Chairman provided reassurance that the Constitution stated, in Cabinet Procedure Rules, paragraph 2.2a, that Members of the Council may attend meetings of the Cabinet and ask questions.

Councillor Mallinder stated that the Leader was inclusive, the Opposition were valued and he was proud of what the Council had achieved to date. The Cabinet Members were all accessible and there was successful cross party working in many ways including on the Environment Task Group. The Opposition were an integral part of how the Council worked. At the moment, he felt that we needed action not words to deal with the climate emergency.

Councillor Deacon reported that he had previously worked under the Committee

Model and he had found it to be cumbersome, longwinded, expensive and slow. In contrast, there were no problems with the current system, he confirmed he would be very reluctant to return to the Committee Model and he would not support this Motion.

Councillor Bird stated that he supported what had previously been said regarding clarity and transparency of the Cabinet Model. He commented that Councillors stood as party political candidates with a manifesto of policies, with the Administration steering the direction of the Council. He queried who would steer the Council, if ESC were working under the Committee Model? As Chairman of the Scrutiny Committee, Councillor Bird stated that accountability was extremely important. The Council currently had a Leader and Portfolio Holders who had clearly defined roles, so that the Scrutiny Committee would know who to approach to answer questions and be held accountable. He queried who would be held responsible when matters were referred from Committee to Committee under the Committee Model? The current system worked well, there was adequate scrutiny and the opportunity to ask meaningful questions, he stated that he saw no reason to change from the Cabinet Model.

Councillor Gooch stated that she welcomed the Motion and the opportunity to debate broader ways of working democratically. She commented that she had no experience of working under the Committee Model personally or operationally. Councillor Gooch did raise concerns about the timing of the Motion, as by the time the Audit and Governance Committee had time to thoroughly review the matter, the Council would be in the run up to the next elections campaign for this Council. She felt that if the Committee Model were to be looked at, it should be considered by the new Administration in 2023.

Councillor Pitchers stated that he had past experience of working under the Committee Model where he had been Chairman of one of the Committees and he felt that it was not a workable Model.

As there was no more debate, the Chairman invited Councillor Fisher, who had seconded the Motion, to sum up. Councillor Fisher stated that given the direction of the debate, he would not try to persuade a large number of people to change their minds this evening.

The Chairman then invited Councillor Smith-Lyte, who had proposed the Motion, to sum up.

Councillor Smith-Lyte stated that, as with Councillor Fisher, she knew when she was beaten. She thanked Councillor Byatt for raising the point that this was the arena for the Opposition to ask questions and putting Motions forward, which was an important part of democracy. She commented that Councillor Rivett's examples of what was happening in his Portfolio had merely demonstrated that the Cabinet Members had far too much to do and would benefit from sharing their workload with others. Councillor Smith-Lyte still maintained that the Committee Model was more democratic and it was clearly not unworkable, as many other Councils of a similar size were using it effectively.

The Chairman then invited Members to vote upon the Motion and it was

## RESOLVED

That the Motion was **LOST**.

b) Notice of Motion submitted by Councillor Topping

The Chairman invited Councillor Topping to read out her Motion.

Councillor Topping proposed her Motion and then read out the following:

*This Council recognises:*

- 1. The East Suffolk Staff Travel Allowance offers members and officers an allowance of £0.45 per mile for the first 10,000 miles. They can also claim 5p per mile for every passenger that they carry. This applies to petrol, diesel and electric cars. Cyclists are offered £0.20 a mile.*
- 2. Incentivising shared travel, reducing emissions and lessening reliance on car-based transport is a vital step towards tackling the climate emergency which this Council declared in 2019.*
- 3. Since March 2020, Council staff have saved almost 5 million miles of home to work commute driving, through remote working. There has been a 66% decrease in tonnes of CO2 equivalent arising from commuting and place of work. Increasing car-sharing and use of public transport could be a way to make sure emissions do not rise back to their pre-COVID levels.*
- 4. Reducing the use of cars offers a way for staff, members, and the Council itself to save money, as well as reducing our carbon footprint and the impact of driving on local air quality and traffic congestion.*

*This Council resolves:*

- 1. All Ward Members and Officers are encouraged to car-share or use public transport whenever possible in order to reduce unnecessary car journeys, particularly Members travelling from two-Member Wards or staff travelling to the same meeting. This will include an internal communications campaign that will offer information on the benefits of car sharing and using public transport.*
- 2. Where appropriate Members, Officers and groups should be encouraged to use technology (Zoom/Teams) for meetings. Consolidate multiple in person meetings taking place in a particular geographical area in order to minimise travel miles. Utilize electric pool cars and take advantage of cycling racks provided.*

Councillor Mallinder seconded the Motion and reserved his right to speak.

The Chairman then invited Members to consider whether to debate the Motion this evening or not.

Councillor Gallant proposed that the Motion be debated this evening and it was duly seconded by Councillor Rivett. Upon being put to the vote, it was **CARRIED**.



The Chairman invited Councillor Topping to explain the purpose of her Motion.

Councillor Topping stated that on 28 July 2021, East Suffolk Council had a Full Council meeting which took place at High Lodge in Darsham. The venue was difficult to get to when trying to reduce carbon emissions. The options for the 3 Beccles Councillors to get to the meeting were:

a) to borrow Councillor Topping's husband's car and drive the 27.4 miles round trip, or  
b) phone a taxi company in Halesworth to collect them from Darsham train station - cycle to Beccles train station, arrive at Darsham train station, taxi to High Lodge, allow the taxi to return to Halesworth and repeat the journey on the way home, which was 26.6 taxi miles round trip on top of the train and cycle miles already undertaken. Instead, they had chosen:

c) which was to cycle to Beccles train station, take the train to Darsham then cycle to High Lodge and then reverse the process at the end of the meeting. This option led to no car miles being used. Councillor Topping commented that much of the cycle track from Darsham train station to High Lodge was overgrown, she reported this and it was cleared in 2 weeks.

Councillor Topping stated that it was not always the easiest method that should be used to undertake Council duties, however she felt that Members should always think about their options and make an informed decision about the method of travel used, making sure they were doing their personal best to reduce their carbon footprint.

The Chairman then opened the debate and invited Councillor Gallant to speak.

Councillor Gallant stated that he wanted to provide clarification, to Members and the Public, that the 45p per mile was for travel for work purposes only and that the 5 million miles that had been saved, would not have received the 45p per mile payment. The 5 million miles saved were from officer's travel from their home to their place of work, which would not have been paid for by the Council.

Councillor Byatt stated that he would like to propose an amendment to the Motion. Everything after 'This Council resolves...' would be replaced with: *'This Council resolves to await the publication of the East Suffolk Climate Action Plan, rather than jumping the gun at this stage, so that full consideration can be given to all the things contained within that Climate Action Plan.'*

The Chairman asked if there was a seconder for Councillor Byatt's proposed amendment and Councillor Deacon seconded the amendment.

The Chairman invited Members to debate the amendment.

Councillor Gallant stated that it was a sound amendment, as of course, the Council could wait. However, he felt that the Council could do something positive in the meantime. The Motion was not something that would cost the Council additional funding, the wording encouraged Members and Officers to do what they could, at this moment in time. Councillor Gallant stated he understood the rationality behind the proposed amendment and waiting but the Council could do something immediately. He stated that the Cabinet Member for the Environment had initiated the conversion of Council vehicles to Hydrogenated Vegetable Oil (HVO), whilst waiting

for more sustainable types of technology to come along. ESC could either do nothing and wait, or ESC could do something and wait. Councillor Gallant supported doing something and waiting and he called for Members not to support the proposed amendment.

Councillor Bird raised a point of order. He asked if Members could have a ruling from the Monitoring Officer about whether the proposed amendment did in fact negate the intention of the original Motion? Mr Bing, Monitoring Officer, stated that the proposed amendment to the Motion clearly deferred or delayed the implementation of the original Motion, it did not negate the meaning.

The Chairman invited Councillor Deacon, as the seconder of the proposed amendment, to speak. Councillor Deacon confirmed that he wished to reserve his right to speak.

There being no further comments, the Chairman invited Members to debate. There being no further debate, the Chairman invited Councillor Deacon to speak as the seconder of the proposed amendment.

Councillor Deacon stated that the majority of the things listed in the original Motion were already being implemented, therefore he saw little point to it. He felt that what Councillor Byatt had suggested in his amendment was to implement all of the recommendations from the Climate Action Plan, when it was available, as it would contain what was in the original Motion, and more. Councillor Deacon commented that he was unclear when the Climate Action Plan report would be available but he believed that the contents of the original Motion were already being implemented and achieved.

The Chairman asked Councillor Topping, as the proposer of the original Motion, if she wished to comment.

Councillor Topping stated that she disagreed with Councillor Deacon. She said that she regularly travelled to Council meetings in Melton and, apart from Councillor Gooch, she had not seen any other Members travel by train. Councillor Topping stated she was not saying that everyone had to use the train, however, if you lived near a train station, why wouldn't you make use of it? Councillor Topping stated that she had been offered lifts from Members of the Opposition travelling to places such as Trinity Park, as she would not be able to get to such places using public transport. She felt that there was more to be done and that more car sharing should be undertaken. The Council needed to act now, there was a climate emergency, it was unclear when the report would be published and we needed to be more forceful in our actions.

Councillor Goldson stated that he was delighted to hear that the Green Party wanted to travel more sustainably. However, the Opposition had just proposed a Motion that ESC moved to change to the Committee Model of governance, which would increase the amount of meetings and, therefore, travel ten-fold. This Council was currently doing all it could and everything in its power to be environmentally friendly.

Councillor Blundell stated that he supported the car sharing issue, however in order to do so, Members should have business cover on their insurance in order to take passengers, which had increased his premium. He also stated that he had chosen not

to claim mileage for attending Council meetings.

The Chairman then invited Councillor Byatt to sum up regarding his proposed amendment.

Councillor Byatt asked, with the greatest respect, not to be lectured about the way in which he travelled to Council meetings. He stated that we were already doing the things mentioned in the original Motion and he clarified that he needed to refer to that, to explain the purpose of his proposed amendment. He asked if the original Motion meant that Officers were not already car sharing etc? The original Motion only contained a small part of what the Council could do and, as he had already mentioned, the Climate Action Plan had been delayed and should be available shortly. There are many more things that the original Motion could have included, such as financial incentives to car share, cycle hire, the help to buy scheme for bicycles. The Chairman reminded Councillor Byatt that his comments should be relevant to his proposed amendment. Councillor Byatt stated that his comments were relevant and that the Council would only have to wait a few weeks for the Climate Action Plan to be published and then the recommendations within that could be fully implemented.

The Chairman then invited Members to vote on the proposed amendment and when it was put to the vote the proposed amendment was **LOST**.

The Chairman invited Members to debate the original Motion.

Councillor Cackett stated that she welcomed the Motion. She felt that public transport was often poor and it was not always possible to car share, as it was impractical. Train times were inconvenient and using the train often meant that meetings had to be left early in order to catch the train home. Cycling was also not practical or suitable for all people, particularly for older people.

Councillor Daly stated that the proposed Motion was not compulsory, it was encouraging everyone to think about things in a slightly different way and to consider green methods of travel. He called for Members to support the Motion.

Councillor Cook stated that during the 2020/21 financial year, £300,000 had been saved from the reduction in mileage claims and the resultant carbon saving. In the 2021/22 financial year to date, finances were still running under budget for mileage claims and this was because the Council had been changing how it did things and it continued to have more meetings on Teams or Zoom. Councillor Cook stated that the Council had also changed its diesel vans to electric vans for Norse, there was an electric bus service Framlingham Ward which travelled from Framlingham to Campsea Ash, the Council had installed electric charging points for its staff and had replaced diesel fuel with HVO for its larger vehicles. He stated that it was difficult not to support the Motion.

Councillor Gooch stated that she supported the Motion. She said that there clearly needed to be increased co-operation and communication within between everyone, as some of the train stations were remote and fairly isolated and there was a significant distance between the 2 Council offices. She stated that everyone should be safe when using public transport, including when waiting for a train and nobody should be waiting

alone.

The Chairman commented that he had to rely on trains or lifts to attend meetings and he regularly arrived at the station to find that he had just missed the train and then had to wait an hour for the next one.

Councillor Pitchers stated that he agreed with Councillor Cook, the Council was already working to reduce its carbon footprint. He stated that he found this Motion to be pointless, as the Council was already doing everything within it, therefore he would be voting against it. He suggested that officers could be asked to send a reminder out to everyone, to encourage car sharing, as appropriate.

There being no further debate, the Chairman invited Councillor Mallinder, as the seconder of the Motion, to speak.

Councillor Mallinder stated that he was delighted to second the Motion and he took the opportunity to remind Members that the Environment was a key theme of the Council and was a founding principle in the Strategic Plan. The Council had recently declared a climate emergency and aimed to be carbon neutral by 2030, had introduced electric vehicles, changed larger vehicles to run on HVO and making sure that our assets were functioning efficiently. The Council was also preserving and championing our natural environment, reducing the use of chemicals and having a clean air strategy. Councillor Mallinder stated that he welcomed this Motion as it highlighted the focus of the Council, working cross-party to set an example to others, to reduce our carbon footprint and Ward Members should be leading on this. He commented that he had upset some of the Councillors in the North of the District by not attending their meetings in person but he had wanted to consolidate his meetings and reduce his carbon footprint, which sometimes meant taking difficult decisions. There was a climate emergency and small changes could make a big difference over time, therefore he was delighted to second the Motion and recommend it to Full Council.

Council Byatt raised a point of order to clarify if he was able to speak now? The Chairman confirmed that he could. Councillor Byatt confirmed that he did not wish to prolong the meeting this evening, but he drew Members' attention to the wording of the Motion and queried if it was only in 2 Member Wards where Members should car share? What about the Wards with 3 Members, such as in Lowestoft? He also queried the word 'encourage', as he felt that it should be made stronger, that all Members and officers would car share wherever practical. He felt that the Motion should be bolder and include that officers will use technology in order to facilitate online meetings. He asked why there was no mention of installing solar panels at our offices? He stated that this Motion only covered a tiny part of what the Council can do, which it was already doing and it could include so much more.

There being no further debate, the Chairman invited Members to vote on the Motion and it was

## **RESOLVED**

That the Motion be **APPROVED** by Full Council.

c) Notice of Motion submitted by Councillor Beavan

The Chairman invited Councillor Beavan to read out his Motion.

Councillor Beavan proposed the following Motion:

*This Council urges the government to finally and promptly close the iniquitous loophole that allows second home owners to evade both council tax and rates by pretending to be a holiday let business, even though they do not have to actually let at all.*

The Motion was duly seconded by Councillor Daly, who reserved his right to speak.

The Chairman then invited Members to consider whether to debate the Motion this evening or not.

Councillor Gallant proposed that the Motion be debated this evening. He noted that Council had debated this matter before, however, he felt that it would be practical to send the Motion to Cabinet or another Committee. Councillor Patience stated that he wished to ask a question about the Motion and the Chairman advised that the Council was still discussing whether to debate the Motion this evening or not. Councillor Cook duly seconded the proposal to discuss the Motion this evening and upon being put to the vote, it was **CARRIED**.

The Chairman invited Members to debate the Motion.

Councillor Patience sought clarification that no Council Tax or rates were being paid by those people with second homes? Councillor Beavan replied that second homes should pay Council Tax, however several such premises were being classed as a business, a holiday let, therefore they did not have to pay Council Tax as they were able to claim small business rates relief at 100%. He stated that no checks were currently undertaken to ensure that these holiday lets were being let out to tourists.

Councillor Beavan read out a quote from Rishi Sunak, Chancellor of the Exchequer, from 3 years ago. It was unanimously agreed by the Government that the loophole should be closed and it was mentioned again in the Spring of 2020 that the loophole would shortly be closed. He reported that Councillor Cook had also been told that the loophole would be closed in the Autumn of 2021 and again, nothing had happened. Councillor Beavan reiterated that the Government had declared that the loophole would be closed for 3 years and still nothing had happened. Meanwhile, a small minority were still getting away with fraud, whilst young families struggled to pay their bills. During lockdown, people still returned to their second homes in Southwold, one of which was registered as a holiday let and had no customers for the whole year, despite there being enormous demand for holiday let properties. Councillor Beavan confirmed that he had reported the matter to the Council.

Councillor Beavan stated that in his opinion, all holiday lets should be registered with HMRC, under the existing category of a furnished holiday let, and should be required to provide evidence of actually letting the property. This was not a party political matter,

and Councillor Beavan stated that he was grateful for Councillor Gallants support. It was about decency and fairness and the loophole reflected badly on all second home owners. Councillor Beavan stated that this would be a difficult winter for many people, who would struggle to run one home, without having to subsidise others using this loophole. This loophole could be closed quickly and easily and Councillor Beavan asked for the Council's support to do this, for the benefit of our communities.

Councillor Gallant stated that he recognised the situation of individuals using the loophole, with scant regard to the negative impact upon the Council and local residents. However, he stated that a Motion should provide the Council with an opportunity to do something tangible, that would make a difference as the words "Urges the Government" were somewhat empty.

Councillor Gallant stated that Councillor Cook had been working hard, in concert with other councils, to keep this matter on the Governments agenda. The latest update received from the Department for Levelling Up, Housing and Communities, gave appropriate assurances that the regulations necessary to deliver the requisite changes would be taken forward over the autumn period. Therefore, Members could be assured that the Government had committed to doing their part and the progress of this will continue to be monitored.

Councillor Gallant reported that those people who choose to opt out of paying Council Tax should not be availing themselves of the services that the Council provides to its Council Tax payers. He stated that the current systems and processes were not sufficiently robust to ensure that this was not occurring. If an individual home was registered as a business, then it should be treated as a business. For example, if they wanted waste to be collected, then they should be paying a commercial rate.

Councillor Gallant commented that he was pleased to see that both Reydon Parish and Southwold Town Councils had taken local action in recently made and advanced Neighbourhood plans, with policies to ensure that new housing developments were restricted to only be occupied as principal residences. Therefore, all new homes in those areas would be retained as homes and could not be used as holiday lets or second homes without permission. Councillor Gallant stated that he would like to propose an amendment to this Motion, which would create meaningful actions. The proposed amendment was:

*'This Council has urged, and will continue to press, the Government to take action to close a loophole that allows second homeowners to falsely claim that their property is a qualifying holiday let in order to avoid paying Council Tax and in order to claim Small Business Rate Relief when, in fact, no such holiday lets are taking place.*

*This Council will work to introduce measures to ensure that premises registered as businesses do not receive free council services that are provided to Council Tax payers. Such services include household waste collection, the free use of Household Waste Recycling Centres and resident only parking schemes.'*

Councillor Gallant then called for a seconder. Councillor Cook duly seconded the amendment.

The Chairman invited Members to debate the proposed amendment.

Councillor Byatt stated that he had been happy to second the Motion. He commented that he could understand Councillor Beavan's point of view, however he felt that the Motion should be strengthened, as suggested by Councillor Gallant.

Councillor Bird raised a point of order and asked if the proposer of the original Motion should be asked if they were happy to accept the amendment? The Monitoring Officer provided clarity that the proposer of the original Motion did not need to give their permission for an amendment to be made, there would be a vote in due course.

Councillor Byatt stated that he had been prepared to propose an amendment but was content to proceed with the eloquent amendment proposed by Councillor Gallant. He stated it was deeply concerning if people were able to avoid paying Council Tax and it was only right that those people claiming that their second homes were holiday lets should not avail themselves of the services that Council Tax payers receive. Councillor Byatt was concerned that those businesses may have been able to claim Covid business relief, when they were really second homes and he stated that the Internal Audit Team would be able to investigate these matters further. He stated that he and his Group supported the amended Motion, while acknowledging the good intentions of Councillor Beavan.

Councillor Beavan asked if the amended Motion urged the government to close the loophole? It was confirmed that it did. Councillor Beavan confirmed that he did not have a problem with the amendment but commented it was a pity he did not have sight of it before the meeting, as it would have saved time.

Councillor Mapey commented on the internal mechanisms within the Council, as he ran a pub and therefore paid business rates downstairs and Council Tax upstairs. However, he had been informed that he was unable to have domestic bins on a commercial premises and therefore had been without domestic bins for the past 11 years. He clarified that Environmental Health could decide to inspect the holiday lets as a food premises, check that electrical safety certificates were in order and undertake fire safety inspections.

Councillor Mallinder stated the Councillor Cook was pressuring the Government to close the loophole and he confirmed that he would not tolerate any business using domestic waste services. He was closely monitoring the situation and would investigate bringing in further measures to stop this dishonest behaviour.

The Chairman invited Councillor Cook to speak and he confirmed that he was happy to second the amendment.

Councillor Gallant asked Members to support his practical amendment, which would support the Council. He then took the opportunity to comment upon Councillor Beavan's last statement and said that in accordance with the Constitution, Councillor Beavan should have contacted his Group Leader who would have spoken to Councillor Gallant, as Leader, about the Motion, prior to submitting it to Full Council.

The Chairman then invited Members to vote upon the proposed amendment, which had previously been moved and seconded, and it was **CARRIED**.

The Chairman clarified that the amendment was now the Substantive Motion, which could now be debated.

Councillor Cook reported that the Council remained committed to closing the loophole, the Finance Team had been in touch with Government again and they had received a response on 16 November 2021, which confirmed that the Government was going to change the eligibility criteria, which would require that holiday rentals meet an actual lettings threshold, before being assessed for business rates relief. Further details would be provided shortly by the Government, hopefully before Christmas.

Councillor Gooch thanked Councillor Beavan for raising this matter and she noted that he had been raising this matter as far back as 2018, at the former Waveney District Council. The press had also been highlighting this issue for best part of the last decade and she asked that the loophole just be closed.

Councillor Bird commented that Councillor Beavan would be pleased to know that the Government operated under the Minister and Cabinet Model, which would expedite proceedings, rather than using the cumbersome Committee Model.

There being no comments from Councillor Cook or Councillor Gallant, the Motion was put to the vote and it was

#### **RESOLVED**

That the Motion be **APPROVED** by Full Council.

### **9 Review of Gambling Act 2005 Statement of Principles**

Full Council received report **ES/0952**, which was presented by the Cabinet Member for Community Health, regarding the draft Gambling Statement of Principles. It was noted that Section 349 of the Gambling Act 2005 required all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. This statement had to be reviewed every 3 years.

Councillor Rudd stated that East Suffolk Council carried out its last consultation and review in 2018. The current Statement of Principles was published in January 2019 and covered the period 31 January 2019 to 31 January 2022. She reported that the Statement of Principles had been updated and a 4-week consultation had been undertaken from the 26 July 2021 and ended on 22 August 2021. This updated Statement of Principles would cover the period 31 January 2022 to 31 January 2025.

Councillor Rudd stated that there were minimal changes to previous Statement of Principles, which had served the Council well. The changes included the removal of references to Waveney and Suffolk Coastal District Councils and there was also reference to the maximum stake for a B2 category gaming machine reducing from £100 to £2, which came into force in April 2019.



The Licensing Team were continuing to monitor gambling premises in the District. Unfortunately, due to Covid, they had only been able to carry out 2 inspections, one in October and November 2021, neither of which had identified any problems. Councillor Rudd provided reassurance that it was intended that post Covid, more frequent inspections would be undertaken.

Councillor Rudd reported that the District did not appear to have a severe gambling problem, according to the interactive maps, which had been created as part of the data from the Annual Great Britain Treatment & Support Survey and collected by YouGov. These maps indicated that there was a low level of problem gamblers in East Suffolk, however, the data did show a higher demand for Gambling Support Services in Lowestoft. Reassurance was provided that the Council had information on its website to signpost people with addictions to the appropriate support services. Councillor Rudd clarified that the issue of Online Gambling was not an area within the Local Authorities Remit.

Councillor Rudd then moved the recommendations within the report, which were seconded by Councillor Hedgley. The Chairman invited questions for Councillor Rudd.

Councillor Craig asked how the Council could protect children and the vulnerable from gambling? She was concerned that many people spent more money on gambling than they meant to, particularly those affected by mental health issues and she queried the mechanisms that were in place to help people and how problem gamblers could be identified. Councillor Rudd reported that individuals were responsible for their own gambling and the Council could not identify the difference between individuals who had a gambling problem and those who did not. She stated that risk assessments had to be carried out and each gambling premises had to comply with the core objectives within the Gambling Act. The Acting Legal and Licensing Services Manager reported that if an interested party had concerns that the Gambling Objectives weren't being met then they could request a review. The Council also undertook enforcement visits and could undertake its own reviews, if required.

Councillor Byatt asked if there was a map of East Suffolk which showed where the gambling premises were located? He also queried if people with gambling problems tended to be clustered in areas with high numbers of gambling establishments? Councillor Rudd stated that gambling premises were likely to be located in highly populated areas. The Acting Legal and Licensing Services Manager confirmed that the Council does not have a map of licensed premises in the district.

There being no further questions, the Chairman invited Members to debate.

Councillor Gallant provided clarification that problem gamblers came from all walks of life and from all locations, he stated that it was important not to stereotype Lowestoft and its residents. He confirmed that the Council did assist people with a gambling problem, by signposting them to the appropriate sources of support.

Councillor Goldson commented that problem gambling was an addiction, where people were unable to stop and he felt that the worst gambling took place online, which the Council had no control over. He reported that the Government was currently reviewing online gambling and would be introducing increased controls to help protect

people, in due course.

There being no further debate, the recommendation was put to the vote and it was unanimously

## **RESOLVED**

That the revised Gambling Act 2005 Statement of Principles, for publication and implementation on 31 January 2022, be approved.

N.B. Councillors J Fisher, S Plummer and C Topping left the meeting at this point in the proceedings.

## **10 East Suffolk Council Food and Health and Safety Service Plan 2021-2023**

Full Council received report **ES/0958**, which was presented by the Cabinet Member for Community Health, regarding the East Suffolk Food and Health and Safety Service Plan 2021 - 2023. Councillor Rudd reported that this year's plan was bigger and better, with a bold and colourful design, that had been modelled on the Council's Strategic Plan. It was noted that this year five new Level 6 apprenticeships had commenced in Environmental Health and East Suffolk Council was the only local authority to do that on such a scale.

Councillor Rudd explained that the Council was responsible for carrying out official controls inland and at the port. She clarified that official controls meant food safety checks of restaurants and food producers, as well as imported food coming in via Felixstowe Port. Therefore, the Council was obliged to produce a report for the Food Standards Agency that described its activities and the resources provided for it. In parallel, the Council was also required to produce a report on our health and safety enforcement function, this time for the Health and Safety Executive (HSE). Both these Government organisations required specific elements to be included, which explained the breadth and depth of the Food and Health & Safety Service Plan. Councillor Rudd stated that, for the sake of completeness, the Council had also added in the work of the Corporate Health and Safety Team, whose focus is on helping the Council as an employer get things right, in terms of its own health and safety responsibilities.

Councillor Rudd stated that living with Covid-19 restrictions in recent months had given rise to enormous challenges for the Food & Safety Team and, like many other local authorities, they would be busy catching up for some time. At Port Health, Covid-19 had also had a significant impact on their ability to physically inspect as many consignments as usual, but as always, a risk-based approach had been taken to keep the trade flowing, whilst ensuring consumers end up with safe food. Our Corporate Health and Safety team has supported the Council throughout Covid-19, advising on appropriate measures to put in place to protect its staff and enable as many services as possible to continue operating.

Councillor Rudd stated that the work of regulatory services sometimes passed under the radar, as we tend to only hear about things when they go wrong or when

enforcement action makes the headlines. She then commended the report to Members, as a reminder of the enormous array of tasks which our teams carry out, which included: investigating food poisoning and infectious diseases, inspecting fishing boats and ships, registering skin piercers, testing plastic kitchenware at import to ensure it's safe to be in contact with food, checking imported food at Harwich, investigating workplace accidents and deaths, checking food and safety matters at Latitude, shellfish sampling, raw dairy milk sampling, advising all sorts of businesses how to comply with the rules and implementing the new rules for the EU Exit at Felixstowe Port, whilst using our positive status and best practice to influence Government departments who make the new rules for the UK.

Councillor Rudd took the opportunity to thank the officers in Food & Safety, Port Health and Corporate Health & Safety for their endurance, professionalism, flexibility and spirit, and for keeping going through such difficult times to keep us all safe. She also thanked Helen Buckingham for her hard work in covering the role of Head of Environmental Services and Port Health.

The Chairman then invited Members to ask questions to Councillor Rudd.

Councillor Deacon congratulated Councillor Rudd on the report and plan. He queried what checks would be undertaken on incoming goods at Freeport East in future, would they be the same as the checks currently undertaken at Felixstowe Port? Councillor Rudd confirmed that the checks on incoming goods would remain the same.

Councillor Byatt thanked all those involved for their hard work in relation to the report. He drew Members' attention to the laboratory infection reports and the instances of Campylobacter and he queried if it was possible to know where those infections had originated from, in order that he could avoid those food premises? Councillor Rudd reported that the Food Safety Team had that information.

Councillor Mapey, referring to one of the earlier Motions that was debated this evening, then queried if there would be any prioritised interventions planned for holiday let businesses between now and 2023? Or for any second homes which had recently become holiday lets? He asked if they would be added to the list for future inspection? It was confirmed that yes, they could be added to the list and inspected in due course.

Councillor Gooch thanked Councillor Rudd for the report and drew Member's attention to page 155 which referred to water sampling for swimming pools. She queried if, in the long term, the Council might be looking towards ensuring healthy, safe and clean wild water swimming in the district? Currently, there was only one site in the whole of the UK that was suitable for wild swimming, which was in Ilkley, Yorkshire. Councillor Rudd replied that she would need to find out and report back after the meeting.

There being no further questions or debate, Councillor Rudd moved the recommendations, which were seconded by Councillor Jepson. Upon being put to the vote it was unanimously

**RESOLVED**

1. That the Food Safety and Health & Safety performance against the Service Plan for 2019/20 be noted.
2. That the Service Plan for 2021/23 be approved without amendment.

## **11 Cabinet Members Report and Outside Bodies Representatives Reports to Council**

Full Council received report **ES/0953**, which was presented by the 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 ESC on Outside Bodies'. Councillor Gallant stated that the written reports would be taken as read and he invited relevant questions on their contents.

Councillor Pitchers referred to the update from Councillor Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development, and queried when the two Masterplans for the South Seafront and the Scores would be available for Members to view. Councillor Rivett reported that he would find out and circulate that information outside of the meeting.

Councillor Cooper also referred to the update from Councillor Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development, in particular the Energy Projects Update. He noted that £1.7 billion had been allocated by the Chancellor in last months budget for bringing forward new nuclear opportunities. Should Sizewell C be built, it would have a significant impact on local residents and their way of life, and he queried how that money could be used to help residents? Councillor Rivett stated that a decision on Sizewell C was expected from the Secretary of State in mid April 2022. However, there had been no information from Government on how the £1.7 billion would be spent, it was anticipated that further information would be provided in due course. Councillor Rivett provided reassurance that Members would be kept apprised of any developments.

Councillor Patience also referred to the update from Councillor Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development. He queried whether any of the Towns Fund money would be used to regenerate the public side of the tidal gates in Lowestoft? Councillor Rivett reported that £25 million had been awarded by the Towns Fund and an outline business case was being drafted in relation to the projects that could be undertaken. Further information would be provided in due course.

Councillor Gooch referred to the update from Councillor Burroughes, Cabinet Member with responsibility for Customer Services, ICT and Commercial Partnerships. She stated she had recently parked in Lowestoft to attend the Remembrance Day Service and had been disappointed to note all the pay machines were not working and the only way to pay was via Ringo. She queried how the public were able to pay for their parking, if they did not have a smart phone. It was noted that parking had been free of charge on the day in question and Ringo was widely used across the country.

Councillor Patience referred to the update from Councillor Mallinder, Cabinet Member

with responsibility for the Environment. He commented that his Ward, Harbour and Normanston, had the highest levels of flytipping and he had been working closely with Councillor Mallinder to try and reduce this. He commented that he was very pleased that Councillor Mallinder, Chair of the Suffolk Waste Partnership, had invited the new Chair of the Suffolk Fly Tipping Association to the next meeting of the Suffolk Waste Partnership. Councillor Mallinder thanked Councillor Patience for his ongoing work in trying to reduce fly tipping and he stated he was keen to promote a cross party, proactive approach, involving all stakeholders wherever possible.

Councillor Byatt referred to the update from Councillor Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development. He noted the visit on 14 October 2021 from Historic England, which had included presentations and a tour of Lowestoft. He commented that Ward Councillors would expect to be invited to those important meetings, as they had a wealth of knowledge and experience of their Wards, and he requested that Ward Councillors be invited to any such meetings in future. Councillor Rivett noted the comments from Councillor Byatt and he reported that the meeting had been arranged by Historic England and they had been responsible for choosing and inviting the attendees.

The report was received for information.

N.B At this point in proceedings, the Chairman proposed a short adjournment for 10 minutes. This was duly seconded and upon being put to the vote it was

#### **RESOLVED**

That there would be a short adjournment, from 9.00pm to 9.10 pm.

N.B. Councillor Smith-Lyte left the meeting during the adjournment.

## **12 Exempt/Confidential Items**

The Chairman reported that in exceptional circumstances, the Council may, by law, exclude members of the public from all, or part, of a decision-making meeting. There were various reasons that the Council, on occasions, has to do this and examples were because a report contained information relating to an individual, information relating to the financial or business affairs of a particular person, or information relating to any consultations or negotiations.

The Chairman reported that Full Council would be considering three exempt matters which were outlined in agenda items 13a, 13b and 14 on the published agenda. They include 2 sets of exempt minutes from 28 July and 22 September 2021 and the main substantive item of business was the East Point Pavilion Construction Contract Update.

The East Point Pavilion Construction Contract Update report set out the recommendation for the budget for capital expenditure for East Point Pavilion to be increased, to ensure East Suffolk Council could award a contract to a successful tender bid to complete the redevelopment programme for the asset. The proposal had the potential to attract local businesses to tender for the construction works and for local people to be employed to deliver the construction contract. On completion, the venture seeks to create a new and exciting food hub and events space that aims to attract food traders to occupy the kiosks within the Pavilion as well as artists, entertainers, comedians, DJs, and bands to feature as part of the events programme. An improved amenity, leisure, food and beverage and evening economy offer alongside improved marketing and promotions are key elements of securing a larger tourist audience. Developments like East Point Pavilion would play a role in this, working in partnership with First Light Festival CIC to create a destination food and events hub.

The Chairman then moved to the vote on the recommendation, as proposed by himself and seconded by Councillor Gallant, and it was

### **RESOLVED**

That under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.

#### **13a Exempt Minutes - July 2021**

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

#### **13b Exempt Minutes - September 2021**

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

#### **14 East Point Pavilion Construction Contract Update**

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

The meeting concluded at 9.23 pm.

.....

