

Confirmed



Minutes of a Meeting of the **Cabinet** held via Zoom, on **Tuesday, 3 November 2020** at **6:30 pm**

Members of the Cabinet present:

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

Other Members present:

Councillor Paul Ashdown, Councillor Chris Blundell, Councillor Peter Byatt, Councillor Tony Cooper, Councillor Linda Coulam, Councillor John Fisher, Councillor Tony Fryatt, Councillor Louise Gooch, Councillor Mark Jepson, Councillor Ed Thompson, Councillor Caroline Topping, Councillor Steve Wiles

Officers present:

Stephen Baker (Chief Executive), Kerry Blair (Head of Operations), Lewis Boudville (Transport, Infrastructure & Parking Services Manager), Karen Cook (Democratic Services Manager), Laura Hack (Delivery Manager), Kathryn Hurlock (Asset and Investment Manager), Andrew Jarvis (Strategic Director), Nick Khan (Strategic Director), Bridget Law (Programme Manager), Matt Makin (Democratic Services Officer), Sue Meeken (Political Group Support Officer (Labour)), Brian Mew (Interim Finance Manager), Adrian Mills (Benefits Manager), Agnes Ogundiran (Conservative Political Group Support Officer), Paul Patterson (Senior Coastal Engineer), Tamzen Pope (Coastal Engineering and Operations Manager), Desi Reed (Planning Policy and Delivery Manager), Philip Ridley (Head of Planning & Coastal Management), Deborah Sage (Political Group Support Officer (GLI)), Samantha Shimmon (Tenant Services Manager), Tim Snook (Commercial Contracts Manager (Leisure)), Angus Williams (Junior Surveyor)

1 Apologies for Absence

Apologies for absence were received from Councillor Kerry.

2 Declarations of Interest

There were no declarations of interest.

3 Announcements

The Leader of the Council referred to the national situation in respect of Covid-19 having changed significantly during the last few days, with the recent announcement by the Prime Minister that the country would move into national

lockdown on 5 November 2020. It was important, the Leader stated, that all councillors do as much as possible to ensure that East Suffolk remains as Covid free as possible. The Leader referred to the importance of councillors doing all that they could to support people who would find the next month, at the very least, challenging. It was incumbent on all, the Leader stated, to recognise the significant impact that lockdown could have on people's mental health and to do everything possible to reach out and assist. The Leader referred to the uncertainty in respect of the release from lockdown and he stated that whatever form that would come in, it was important that Suffolk remained in a good place to ensure that if there was an opportunity to unlock as a county, or indeed as a region, that East Suffolk was in the best place possible to respond to that.

The Cabinet Member with responsibility for Community Health reminded all of the opportunity and the importance of having a flu jab, and to share that message within communities.

The Cabinet Member with responsibility for Finance referred to the forthcoming lockdown and confirmed that there would be another round of business grants, covering businesses of all sizes, that found they had to close due to the lockdown. Advice was awaited from Government in respect of the allocation and the criteria that the Council would receive.

The Cabinet Member with responsibility for Customer Services and Operational Partnerships referred to the recent soft launch of the digital advice service; he stated that a press release would be issued soon; it would be a great asset to support local businesses and economic development within market towns. The service would offer extensive personalised digital business reports, a simple action plan, a personalised session with a business growth coach, access to responsive digital growth workshops and access to digital coaching sessions. Councillor Burroughes encouraged all members to update local businesses accordingly.

4a Minutes 17 September 2020

RESOLVED

That the Minutes of the Extraordinary Meeting held on 17 September 2020 be agreed as a correct record and signed by the Chairman.

4b Minutes 21 September 2020

RESOLVED

That the Minutes of the Extraordinary Meeting held on 21 September 2020 be agreed as a correct record and signed by the Chairman.

4c Minutes 6 October 2020

RESOLVED

That the Minutes of the Meeting held on 6 October 2020 be agreed as a correct record and signed by the Chairman.

5 Response to the Planning White Paper - Planning for the Future

Cabinet received report **ES/0545** by the Cabinet Member with responsibility for Planning and Coastal Management, who summarised the contents of the report and stated that since he had been a councillor he had seen several well meaning reforms to the Planning system by successive governments, all intended to simplify the system, and they had not. You could not, Councillor Ritchie stated, improve a complex, real life system, by introducing simplistic reforms, the devil would always be in the detail. Unfortunately, Councillor Ritchie stated, this all applied to the present White Paper, despite the fact that there were good ideas within it, Councillor Ritchie did not believe that the overall approach would simplify or improve the Planning system.

Councillor Ritchie referred to Appendix A of his report, the draft response, and said that it was thorough and reasoned, welcoming good ideas, but questioning others, and pointing out what would not work. Councillor Ritchie hoped that this was the type of response that would be listened to. Councillor Ritchie stated that he had read many good responses, from parish councils, institutions and individuals; all were negative. Councillor Ritchie quoted from Lord Carnwath's response, Lord Carnwath was a recently retired supreme court judge and was generally accepted as the leading legal brain on Planning in the UK. The response referred to frequent and often inconsistent changes since 2001 which had achieved little more than adding to the complexity of the system; in his experience the Planning system was soundly based and in general had served well, but had not been assisted by frequent changes to policy direction. The response also referred to there being much in principle to be admired in the White Paper, however, there was no justification for levelling the foundations and building from the ground up a whole new Planning system for England. In short, Lord Carnwath had said that in answer to the first consultation question, his description of the present system was that it was robust but over-cluttered and under-resourced. The aim should be to build on the strength of the existing system, reduce the clutter and ensure adequate resources. Councillor Ritchie stated he wholeheartedly agreed with the comments of Lord Carnwath.

The Leader stated that he agreed with the Cabinet Member with responsibility for Planning and Coastal Management and it was his understanding that there was a lot of challenge to the White Paper and to some of the assumptions that had been made.

Councillor Fryatt referred to the many comments that he had heard from representatives of town and parish councils, who did not support the White Paper, and he very much agreed. Councillor Fryatt commented that a refresh was required but it should start properly with the planning officers and with town and parish councils.

Councillor Byatt firstly referred to proposal 7 within Appendix A relating to digital technology and asked if local plans were to be in this form, did it mean that the option of 3D may be possible. Officers commented that as 3D technology advanced in the future, it would inevitably come to the fore in the Planning system.

Councillor Byatt referred to proposal 18 within Appendix A relating to new energy efficiency standards and commented on the monitoring of developments, to ensure that developers were sticking to the promise of zero carbon. Councillor Byatt referred

to in-use testing and reporting and suggested that Building Control teams could test a proportion of homes in a new developments to gather in-use data and provide performance reports on key factors such as energy performance, indoor air quality and thermal comfort for a set time after occupation. The Leader, in response, commented that building control officers inspected at various stages of the build. Officers added that the Building Control Team worked in a commercial environment and it may not necessarily be the building control discharging group that would deal with developments going forward.

RESOLVED

That the content of Appendix A to report ES/0545 be endorsed as the East Suffolk Council response to the Planning White Paper – Planning for the Future.

6 Review of the Local Council Tax Reduction Scheme for 2021/22

Cabinet received report **ES/0546** by the Cabinet Member with responsibility for Finance who reported that each year the Council was required to consider whether to review its Local Council Tax Reduction Scheme (LCTRS). The report advised Cabinet of the 2020 annual review and noted that the Universal Credit fluctuating earnings rule introduced in April 2020 was meeting modelling forecasts by reducing customer reassessments by a third. The report also outlined the position during the current year regarding the Council Tax Hardship Fund, under which the Fund had been covering the amount of council tax that LCTRS claimants were required to pay. It was uncertain at present as to whether these arrangements would be maintained next year. Against this uncertain background, it was not proposed that there be any changes to LCTRS for 2021/22. It was proposed that a full review, taking into account Covid-19 learning, was undertaken early next year.

Councillor Byatt asked if there was a figure available in respect of how much was currently owned by residents and whether it was expected that the debt would rise given the renewed status of the Covid-19 pandemic. The Cabinet Member with responsibility for Finance stated that he was sure that the second lockdown would cause an increase in claimants to the LCTRS; at this point, he did not have a figure to hand. Officers referred to the MHCLG hardship fund and said that as much assistance as possible was being provided; to that end, some of the collection impacts of Covid-19 were being mitigated by the measures that were in place. The Leader reiterated that ESC would continue to do all that it could to ease the burden of Council Tax on those who were finding it particularly difficult at this time.

Councillor Gooch referred to the two recent training / briefing sessions that councillors had recently had the opportunity to attend, on the work of the Anglia Revenues Partnership and how residents were helped with Universal Credit and Discretionary Housing payments. Councillor Gooch was pleased to have had the opportunity to understand more about this work and felt that it would help councillors to understand the issues faced by residents and to assist where possible.

RESOLVED

That it be recommended to Full Council that the Council retains the current Local Council Tax Reduction Scheme for 2020/21 as the 8.5% benefit scheme, i.e. the maximum benefit to working age claimants is 91.5%.

7 Transfer of Property in St James South Elmham

Cabinet received report **ES/0547** by the Cabinet Member with responsibility for Housing. The Leader, who introduced the report in the absence of the Cabinet Member with responsibility for Housing, stated that it was proposed that ESC transfer the freehold interest in the property to St James South Elmham Parish Meeting for nil consideration subject to retaining an overage entitling ESC to an 85% share of any uplift in value on the grant of any planning consent over the land for a period of 40 years. ESC would retain the ownership of the access road adjacent to the garages and grant a right of access to the property. The Parish Meeting had a good track record in looking after community assets. The retention of an overage would ensure that ESC was seen to achieve best value as required under s123 of the Local Government Act 1972. A sale on the open market would be unlikely to reflect any potential future uplift. An overage would ensure that if there was any unexpected gain within the time period ESC would still benefit. Were the planning constraints to be unexpectedly lifted in the future and the property obtain a change of use, ESC would be entitled to a share of any uplift in value arising from this. The disposal of the open space land was considered to be justified by ESC no longer being responsible for the maintenance of the land. At an annual maintenance cost of £900 per year, the cost to ESC of gifting the land worth £17,250 would be paid back in 19 years; this took account of the likely increase in maintenance costs over time or the central expense incurred in managing the property.

The Cabinet Member with responsibility for Planning and Coastal Management, after firstly commenting that he was very familiar with this piece of land, stated that he very much welcomed the proposal; it would benefit the Parish as well as ESC and it would be an excellent place for recreation. Councillor Ritchie had no doubt that the Parish would look after it very well.

RESOLVED

That the transfer of the land shown in the plan at Appendix B of report ES/0547 together with access across the land shown edged in brown to St James South Elmham Parish Meeting for nil consideration subject to an overage agreement retaining 85% of any uplift in value on the grant of planning consent for any development for a period of 40 years be approved.

8 Southwold Harbour North Pier Fender Repair

Cabinet received report **ES/0548** by the Cabinet Members with responsibility for Finance and Planning and Coastal Management respectively, who reported that Southwold Harbour North Pier Fender was damaged and in need of repair to protect mariners from harm when navigating in to and away from the Blyth Estuary. The report explained why a repair was required, what options for repair had been considered and made a recommendation for a repair in spring 2021 at an estimated

maximum cost of £1.1m. The report also referenced that further significant spending was required to sustain the North Pier in the short and medium term and recommended that this financial commitment be recognised in forward spending plans by the team responsible for management.

Officers drew members' attention to the reason why there had been a shift in the costs which were set out in the report; it was a difficult environment to work in and during the procurement exercise the two firms that responded with a potential bid indicated that they would want to do the work via a floating pontoon and that would be a more expensive option than officers had originally thought would be the approach. While £700,000 of additional cost represented that more costly option, if Cabinet approved this, then officers would go back to bidders to see if there was a less expensive way to undertake the work. Therefore, the budget expectation was a worst case scenario and it could reduce.

The Cabinet Member with responsibility for Finance stated there would be a change to the second recommendation to reflect that ESC was waiting for the outcome of a claim for £250,000 grant from the Environment Agency and that ESC would go back to tender seeking a revised quote on the basis of a land based approach rather than a sea based approach.

Councillor Byatt referred to the winter months approaching and possible further damage and asked if ESC would be trying to get the tenders in as low as possible before the bad weather. Officers, after acknowledging the risk that there could be further damage over the winter months, referred to the budget of £1.1m making provision for an element of risk and so if further damage did occur then it ought to be part of the worst case budget that had been allowed for. On balance, it was considered better to await the spring of 2021 before carrying out the works. To attempt this during the winter months would bring significant costs and risks to the project.

Councillor Byatt referred to all harbours being looked at again in the light of Brexit and suggested that ESC would potentially be able to offer a small fishing port there, expanding the facilities for the local fishermen and offering them a safe haven to come back to.

RESOLVED

1. That damage to the Southwold Harbour North Pier fender is repaired by works in Spring 2021 at an estimated cost of up to £1,100,000 including risk.
2. That the work is funded through a combination of the existing Coastal Management capital budget (£400,000) and a new allocation of up to £700,000 from the General Fund capital budget, with the final amount to be confirmed after a retender or following negotiation with previous tenderers.
3. That provision is made in the 2021/22 capital budget for the new capital expenditure.

The Leader stated that Cabinet would now, subject to resolving to exclude the public from the meeting for the next five agenda items, consider the following reports:

Item 11 asked Cabinet to consider further the East Suffolk Council Off Street Parking Places Order which was made and came into force in August 2020. The report asked Cabinet to consider extending the provision of the 30 minutes free parking periods across all East Suffolk town centre car parks in order to support local businesses in their recovery from the impacts of Covid 19.

Item 12 asked Cabinet to consider a variation to the existing contract held with one of ESC's leisure services providers to better offer value for money and quality of service.

Item 13 asked Cabinet to consider the acquisition of a freehold premises to enhance ESC's investment portfolio.

And finally, item 14 asked Cabinet to consider the next stage of project planning for the development of a mixed housing and leisure scheme at the former Deben High School site on Garrison Lane Felixstowe.

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, 3 and 5 of Part 1 of Schedule 12A of the Act.

10 Exempt Minutes 6 October 2020

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

11 Parking Services: Off Street Parking Order

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

12 Leisure Partnership Agreement Contract Variation

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

13 Proposed Investment Acquisition

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

14 Proposed Mixed Use Development on the Former Deben High School Site

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

The meeting concluded at 9:00 pm

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Chairman