

Confirmed



Minutes of a Meeting of the **Full Council** held in the Deben Conference Room, East Suffolk House, on **Wednesday, 26 January 2022 at 6:30 PM**

Members present:

Councillor Paul Ashdown, Councillor David Beavan, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Elfrede Brambley-Crawshaw, Councillor Norman Brooks, Councillor Peter Byatt, Councillor Maurice Cook, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Janet Craig, Councillor Tom Daly, Councillor John Fisher, Councillor Steve Gallant, Councillor Tess Gandy, Councillor Andree Gee, Councillor Tony Goldson, Councillor Tracey Green, Councillor Colin Hedgley, Councillor Ray Herring, Councillor Richard Kerry, Councillor Stuart Lawson, Councillor Geoff Lynch, Councillor James Mallinder, Councillor Chris Mapey, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor Carol Poulter, Councillor Russ Rainger, Councillor Mick Richardson, Councillor David Ritchie, Councillor Craig Rivett, Councillor Keith Robinson, Councillor Mary Rudd, Councillor Letitia Smith, Councillor Rachel Smith-Lyte, Councillor Ed Thompson, Councillor Caroline Topping, Councillor Steve Wiles, Councillor Kay Yule

Officers present: Stephen Baker (Chief Executive), Chris Bing (Head of Legal and Democratic Services), Andy Jarvis (Strategic Director), Nick Khan (Strategic Director), Karen Last (Electoral Services Manager), Sue Meeken (Political Group Support Officer (Labour)), Brian Mew (Chief Finance Officer & Section 151 Officer), Agnes Ogundiran (Conservative Political Group Support Officer), Tom Potter (Communications and Marketing Officer), Philip Ridley (Head of Planning and Coastal Management), Lorraine Rogers (Deputy Chief Finance Officer), Alli Stone (Democratic Services Officer), Julian Sturman (Specialist Accountant – Capital and Treasury Management), Amber Welham (Finance Business Partner - Housing), Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence

Apologies for absence were received from Councillors E Back, S Burroughes, A Cackett, J Ceresa, J Cloke, M Deacon, L Freeman, T Fryatt, L Gooch, M Jepson, D McCallum, F Mortimer, T Mortimer, M Newton and K Patience.

2 Declarations of Interest

There were no Declarations of Interest.

3 Announcements

The Chairman of the Council:

The Chairman reported that he had attended 2 events in December. They were:

3 December 2021 - Prize Giving at the UCI 2021 Cyclo Cross World Championships, which took place at Trinity Park, Felixstowe Road, Ipswich.

16 December 2021 - HRH The Princess Royal Visit which took place at East Coast College, Lowestoft.

The Chairman also announced that Councillor Jenny Ceresa, Vice Chairman of the Council, had given birth to a boy called Henry, who weighed in at 9 pounds. All those present sent their best wishes to Councillor Ceresa and her new family.

The Chairman then invited the Chief Executive to give a sad announcement.

The Chief Executive of the Council:

The Chief Executive reported that it was his incredibly sad duty, to formally advise Members that our colleague, Lisa Chandler, died on Monday after a fall at home. Needless to say this news had been received with the deepest shock and sadness throughout the council. Colleagues were heartbroken, devastated, not only at the loss of Lisa, but also at the thought that she left behind her husband Darren, and their young children, Toby and Paige.

Lisa was known to all Members as the Senior Planning Officer, who was the Energy Projects Manager for the council. In that role she was at the very core of the council's response to the proposed Sizewell C development, and she also contributed to other energy related developments in our district.

Lisa was an outstanding public servant, an absolute gem. Her work on Sizewell was second to none, indeed, her work was repeatedly complimented by those involved, whether they were other councils, EDF, or the Planning Inspectors. She was very much the 'go to' person on Sizewell, and on all the planning issues that went along with it.

Lisa possessed all the qualities that made her a superb planning officer and project manager; she was very bright, diligent, tenacious, imaginative, and thorough. She was utterly professional and committed to her role, and to doing the best she could for the council and its communities. She had a lovely manner, there was a way she had in which she would disagree with you and bring you around to her way of thinking, but without you realising.

Councillors, were all deeply shocked at this news, and I know we will all miss Lisa as a colleague, and friend. I'm sure we will also all want to send our deepest condolences to Lisa's family, and friends.

Councillor Rivett stated that life was very unfair. Lisa had been a joy to know and work with. She was hardworking, noticed every detail and was always ahead of every issue that arose. She produced superb work and was dedicated to her role. The Council had been very lucky to have Lisa.

Councillor Byatt commented that it was incredibly sad and thanked Lisa for all of her hard work and dedication to the Council.

Councillor Topping sent the Council's heartfelt condolences to Lisa's family.

Councillor Robinson, Chairman of the Council, invited Members and those present to have a few moments of reflection, in respect of Lisa.

The Leader of the Council:

There were no announcements on this occasion.

The Deputy Leader of the Council:

There were no announcements on this occasion.

Cabinet Members:

Councillor Smith, Cabinet Member with responsibility for Communities, Leisure and Tourism, updated Members on the re-launch of the Youth Voice for young people aged 11 - 24. The aim was to get that age group to engage more with the Council. Information about Youth Voice would be considered by the 8 Community Partnerships in due course and there was more information online and Instagram. Members were asked to promote Youth Voice wherever possible.

Councillor Rudd, Cabinet Member with responsibility for Community Health, took the opportunity to welcome Fiona Quinn, newly appointed Head of Environmental Services and Port Health, on behalf of the Council. Fiona had replaced Phil Gore, who had taken early retirement.

4 Minutes

RESOLVED

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

Councillor Craig commented on the Supplementary Question that had been raised on page 10 of the minutes regarding discharges of sewage into rivers. She reported that the Scrutiny Committee had recently received a detailed presentation on the waterways and discharges in the district. She had been pleased to receive that information.

5 Questions from the Public

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

6 Questions from Members

No questions from Members have been received as provided by Council Procedure Rule 9.

7 Petitions

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

8 Notices of Motion

a) Motion submitted by Councillor Tess Gandy

The Chairman invited Councillor Gandy to read out her Motion.

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

"This Council believes that:

1. Councillors across the UK work hard to serve their local communities and help direct the delivery of essential public services. To Build Back Better we must tackle tax avoidance and pioneer the promotion of responsible tax conduct.

2. This Council is diligent in the way it operates. East Suffolk Council sets a high standard in how we administer our tax affairs; we comply with all Financial Regulations including tax regulations and Cabinet Office procurement policy, which sets national standards for tax compliance as part of supplier qualification.

3. Social value is becoming an increasingly important factor in our procurement considerations so 'good' tax conduct should be a core public procurement consideration as part of maximising social value, giving weight to suppliers that have sound economic and financial standing

This Council resolves to:

1. Lead by example and communicate our expectations of good practice in tax conduct right across our activities including;

- Ensuring contractors implement IR35 robustly and pay a fair share of employment taxes*
- Shunning the use of offshore vehicles for the purchase of land and property especially where this leads to reduced payments of stamp duty*
- Undertaking due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates*
- Ensuring that there is clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position when negotiating contracts over £25,000, so they are fully transparent in their financial reporting*

2. Support calls for urgent reform of UK law to enable local authorities to better

penalise poor tax conduct and reward good tax conduct through their procurement policies

3. Use the East Suffolk Social Value and Sustainable Procurement Policy agreed at Cabinet on July 7th 2021 to integrate tax status further into our procurement process with the Fair Tax Mark being used as positive evidence of social value

4. Work with East Suffolk businesses to promote Fair Tax Mark certification

5. Encourage other public sector bodies to adopt a similar approach

6. As supporters of responsible tax conduct, consider supporting the 'Councils for Fair Tax' declaration as proposed by the Fair Tax Foundation <https://fairtaxmark.net/wp-content/uploads/2019/10/Declaration-19-09-.pdf>

7. Report on the implementation and progress of actions agreed as part of the budget on an annual basis."

Councillor Byatt seconded the Motion and he reserved his right to speak.

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

Councillor Gallant stated that the Motion was interesting however, it was simply not feasible for Members to conduct a meaningful debate in a realistic timeframe this evening. He stated that Members had been presented with a range of assertions and lobbying requests. Members were unable to fully consider implications, contrary viewpoints or alternatives due to the complex nature of the Motion. If Members were to do justice to the subject, then a significant amount of time and research resources need to be made available. Councillor Gallant therefore proposed that this Motion was not debated this evening but was referred to the Audit and Governance Committee for due consideration and that a report comes back to Full Council, together with any recommendations that they feel were appropriate. Councillor Gallant stated that it was his expectation that any such recommendations were fully researched, costed and evidenced.

Councillor Gallant clarified that he proposed that, in line with paragraph 11.5 of East Suffolk Council's Constitution, that this Council declined the opportunity of debating this Motion this evening and refers the Motion to the Council's Audit and Governance Committee, to fully explore and debate the matter and to bring recommendations back to a subsequent meeting of the Council. He then called for a seconder. Councillor Rivett duly seconded the proposal.

Councillor Lynch, Chairman of the Audit and Governance Committee, stated that he agreed with the Motion being referred to the Committee. He confirmed that the Motion was a large and technical subject. He would raise this matter at the Audit and Governance Committee meeting in March 2022, to seek their agreement and a date for adding this item to their work programme. He noted that since 2014, when the Fair Tax Mark was created, only 17 Councils had achieved that standard, therefore this Council would need to know more prior to making an informed decision. There would

be a lot to consider and a detailed response would not be quick or easy to provide.

Councillor Gandy confirmed that she fully understood the Motion and its implications for the Council. She confirmed that it was indeed, a complex issue. She agreed that it was an appropriate response to refer the Motion to the Audit and Governance Committee for further consideration.

Councillor Byatt thanked Councillor Lynch for agreeing to take the Motion to the Audit and Governance Committee. He offered to provide additional information to support future Motions, if that would enable Motions to be reduced in size.

The Chairman reminded Members that reading out the Motions was for the benefit of the public watching the meeting at home. As there was no further comment or questions, the proposal to refer the Motion to the Audit and Governance Committee had already been moved and seconded. The Chairman invited Members to vote on the proposal and it was unanimously

RESOLVED

That the Motion be referred to the Audit and Governance Committee for further consideration and that a report would be brought back to Full Council, with any recommendations made by the Audit and Governance Committee.

b) Motion submitted by Councillor Tom Daly

The Chairman invited Councillor Daly to read out his Motion.

Councillor Daly proposed his Motion and then read out the following:

"This Council commits to making our roads safer residents and visitors, as far as is possible within a District Council's operations, in line with the amendments to the Highway Code, laid in Parliament on 1 December 2021, that introduce a "hierarchy of road users": stating that road users most likely to be injured in the event of a collision are pedestrians, in particular children, older adults and disabled people, followed by cyclists, horse riders and motorcyclists. This Council will:

- 1. Use social media to publicise road safety education and safe cycling practices.*
- 2. Write to the PCC and ask for confirmation that the Suffolk Constabulary is prepared to increase and prioritise enforcement activities across all speed limits (including 20mph) where there is clear evidence of significant non-compliance or an injury collision history, and ensure that all officers act in line with this policy.*
- 3. Write to the County Council and ask them to commit to keeping cycle paths and footpaths clear, especially along busy roads, to keep traffic, cyclists and pedestrians separated. "*

Councillor Thompson seconded the Motion and he reserved his right to speak.

The Chairman then invited Members to consider whether to debate the Motion this

evening or not.

Councillor Gallant reported that this Motion and the recommendations contained within it, fell outside the scope of the Council's general activities. Road safety education and road craft training fell to the County Council to deliver. The priorities in respect of the deployment of Police Resources fell to the Police and Crime Commissioner and the Chief Constable. The maintenance of Cycle routes was again a County Council function.

Councillor Gallant stated that he was not aware that any of the actions called for were not being carried out diligently or expeditiously. However, clearly the mover and seconder feel this is the case.

He stated that if a Ward Councillor feels that there is some specific area of concern, then they should use their contacts or the Highways reporting tool, which should be fruitful.

Councillor Gallant stated that the Council has a very able Transport Portfolio Cabinet Member, who can assist Members if they need it. He encouraged the mover and seconder of the Motion to speak directly to Councillor Brooks if they have specific areas of concern, that were not being addressed by our partners.

Councillor Gallant therefore proposed that, in line with paragraph 11.5 of our Constitution, that this Council declines the opportunity of debating this Motion this evening and refers the Motion to Cabinet who will direct the Cabinet Member for Transport to consider the matter and to report back to this Council on any actions that they deem to be required. Councillor Gallant then called for a seconder and Councillor Brooks seconded the proposal.

Councillor Brambley-Crawshaw stated that this Council should its platform to do what it could to support local communities and make it safer for people trying to walk and cycle in the district.

Councillor Topping reported that at a Planning Committee North meeting, there had been reference made to a number of Council policies including SCLP7.1 relating to sustainable travel and SCLP6.5 which related to the provision of covered cycle storage. She queried why the Council had a number of policies about matters for which it was not responsible?

Mr Bing, Monitoring Officer and Head of Legal and Democratic Services, provided clarification on the procedure, as Members were currently in the procedural debate about whether to discuss the Motion at this evening or not. They should not be debating the merits of the Motion at this time.

Councillor Yule commented that the Council's Walking and Cycling Strategy was still awaited and it was important to do something to help engage local residents. It was important for the Council to do what it could, for the benefit of residents. Councillor Yule stated she supported the Motion in principle.

Councillor Mapey stated that the Motion was outside of the Council's remit. He

understood their sentiment but it was not appropriate to debate this Motion as it was not the Council's role.

Councillor Beavan stated that when the Cycling and Walking Strategy was published, it may be possible to debate issues and difficulties experienced when trying to walk and cycle.

Councillor Smith-Lyte stated that the Council was in danger of people thinking it was not taking the climate emergency seriously. The council needed to be seen to be doing things and this related to our constituents. The Council should be more ambitious generally.

Councillor Byatt stated that he understood the need to raise the profile of the contents of the updated Highway Code. It was very important to make pedestrians and cyclists safer. He felt that referring the Motion to Cabinet was a wise move, however Cabinet would be slightly limited in what it could do. It was not possible for the Council to dictate how the Police and Crime Commissioner spent his funding and for some people to request £600,000 be spent on speed cameras on the Kessingland bypass had been admirable but was unlikely to be successful. Suffolk County Highways should keep the highways in a good condition. If they did not, all Councillors were able to write to them to ask them to undertake maintenance and clearance, we all need to do our bit.

Councillor Thompson stated that he had tried to get things improved, via writing letters, however he felt that the Council needed to do more, by using its influence.

The Chairman commented that the Highways reporting tool was very useful and reports were generally picked up quickly and dealt with efficiently.

Councillor Daly stated that he felt very strongly about road safety. He was working closely with Snape Parish Council in relation to traffic issues outside the school. He stated that the Council needed to be proactive and support cycle safety.

As there were no further comments or debate, the proposal to refer the matter to the Cabinet had been moved and seconded, upon being put to the vote, it was

RESOLVED

That the Motion be referred to the Cabinet for further consideration. A report would be brought back to Full Council in due course.

9 Community Governance Review – East Suffolk

Full Council received report **ES-1026** of Councillor Gallant, Leader of the Council. It was noted that the purpose of the report was to request Council to commence a Community Governance Review of all parish and town councils in the East Suffolk area. The Terms of Reference, which set out the scope of the review, was in Appendix A of the report.

Councillor Gallant reported that we need to conduct a Community Governance Review because this council had a duty to keep parish arrangements under review and it was considered good practice for a full a Community Governance Review of parish arrangements to be conducted every 10 to 15 years.

It was noted that these reviews had been conducted, for specific areas, in the last 10 to 15 years by our predecessor councils, but there had not been a district wide review that meets the requirements of the Local Government and Public Involvement in Health Act 2007.

Councillor Gallant reported that the benefits of such a review would be to ensure that parish and town councils provide for cohesive communities, improved community engagement, better local democracy and result in improved effective and convenient delivery of local services.

Councillor Gallant reported that it was not his ambition to get into the detail of any potential changes to the make up or boundaries of Parish wards at this time, as Members would have ample opportunity to feed into the process, if the recommendations contained within this report received Councils support. Councillor Gallant invited questions from Members.

Councillor Byatt queried if it would be possible to scrutinise how Parish and Town Councils spend their precept and allocating funding from this Council, in relation to public engagement? He felt it was important for Town and Parish Councils to be engaging with their electorate, particularly in the run up to the next rounds of elections. Councillor Gallant reported that the Council was not able to look into how their funding was spent. However, it was in the interests of the first tier councils to be linked in closely with the communities that they serve, particularly ahead of the 2023 elections.

Councillor Thompson asked about the Brightwell Lakes redevelopment in Martlesham and he queried how that would be included within the Community Governance Review. Councillor Gallant reported that potential developments would be considered as part of the Review and it may be that the boundaries may be tweaked as a result of future development. Councillor Gallant provided reassurance that all the information regarding future developments would be considered as part of the review.

There being no further questions, Councillor Gallant moved the recommendations contained within the report and this was seconded by Councillor Blundell. Upon being put to the vote it was unanimously

RESOLVED

1. That the commencement of a district-wide Community Governance Review be agreed.
2. That the Terms of Reference for the Community Governance Review (Appendix A to the report) be approved.

10 Environmental Climate Change Lead Officer

Full Council received report **ES-1015** of Councillor Gallant, Leader of the Council, in relation to the appointment of an Environmental Climate Change Lead Officer. Councillor Gallant reported that this Council had embarked on an ambitious programme to deliver its Strategic Plan which consisted of five main themes, one of which was 'Caring for our Environment'. In addition, the Council had also declared a climate emergency and pledged to become a carbon neutral council by 2030.

He stated that the Council's response needed to engage the whole Council and would need to be both strategic and granular, short and long term. It would require a change in working practices, new energy sources, support for our communities and improved reuse and recycle activities.

Currently, delivery against the council's environmental and climate change commitment was spread across a number of post holders and service areas, with no one person or service area responsible for its coordination. Councillor Gallant stated that this report proposed that the Council invested in a new senior 'Environmental Climate Change Lead Officer' post to help coordinate and support the delivery of this critical work. This new post would be the Council's central lead for environmental and climate change work and would further develop the Council's policies and strategies in this area.

Councillor Gallant reported that the postholder would further accelerate the pace of the council's response, support Members and Officers with their ambitions, and work across the whole Council, as well as with external partners and stakeholders. This would ensure that strong links were being made between service areas and the numerous streams of environmental and climate change work which, by their very nature, strongly inter-relate with each other. Ultimately, it would be the role of this postholder to coordinate and help drive the delivery of the council's ambitious environmental and climate change targets and aspirations. Councillor Gallant then invited questions from Members.

Councillor Pitchers commented that he welcomed the appointment and looked forward to filling the appointment, which would help the Council to become carbon neutral.

Councillor Smith-Lyte asked if this role was for just one person, as it appeared to be a huge role, with a large remit? She also queried who would be line managing this role? Councillor Gallant reported that the role would be line managed by Mr Khan, Strategic Director. The role would also be supported by Mr Jarvis, Strategic Director, and Mr Wareing (Environmental Sustainability Officer). The Council had great ambitions in relation to the environment and this was an exciting role which would facilitate those ambitions.

There being no further questions, Councillor Gallant moved the recommendation contained within the report and this was seconded by Councillor Mallinder.

Councillor Mallinder took the opportunity to say a few words. He reported that he was

delighted to support the position, which clearly illustrated our commitment to the environment. The environment was a core principle of the strategic plan and the Council had declared a climate emergency, which had reinforced our commitment. This new position would make sure the environment continued to be a priority and that the Council continued to deliver against this agenda. The environment needs to be embedded into everything we do here at East Suffolk, for us now and for future generations.

There being no further comments, a vote was undertaken and it was unanimously

RESOLVED

That the additional funding required for the new post of Environmental Climate Change Lead Officer be approved, in order to ensure that the Council delivers against its environmental ambitions.

11 East Suffolk Council Local Council Tax Reduction Scheme (LCTRS) for 2022/23

Full Council received report **ES-1018** of Councillor Cook, Cabinet Member with responsibility for Resources. It was noted that, each year the Council was required to consider whether to review its Local Council Tax Reduction Scheme (LCTRS). Anglia Revenues Partnership (ARP) carried out the annual review of the 2021 scheme and in September 2021, the Cabinet approved that a consultation be undertaken on the following proposed amendments to the Scheme for 2022/23:

- Reducing the capital threshold from £16,000 to £10,000 and abolishing tariff income.
- Introducing a fixed rate reduction of £7.40 for non-dependants.
- Further streamlining the claim process.
- Increasing the tolerance for Universal Credit data re-assessments from £65 per month to £100 per month

A consultation took place on those proposals over October and November 2021, which received 104 responses. A majority of those respondents were in favour of each of the proposals. On 20 December 2021, the Cabinet recommended the proposals for approval by Full Council. Councillor Cook then invited questions from Members.

Councillor Craig queried if there had been any discussion about the possible loss of income from council tenants, when the full impact of the increasing costs of energy prices would take effect in the spring? Councillor Cook reported that discussions had taken place and the relief may be extended. However, the costs for doing so would be substantial. It was felt that the best way for the council to help its tenants was to continue with the HRA investment and upgrading of the housing stock, to the best environmental standards possible, which would save tenants significantly more money in the longer term.

Councillor Topping stated that while she welcomed the consultation, she felt that 4 weeks was insufficient time for people to respond. The consultation had also excluded

people who were unable to go online. She asked if Councillor Cook had been satisfied to receive only 104 consultation responses? There was some discussion and it was confirmed that there was no statutory amount of time for a consultation to take place. Councillor Gallant responded that the consultation was not short, there had been a good response received. However, it was not possible to consult with everyone, the aim of the consultation was to gain a general feeling about the proposals. He also noted that people tended to respond to consultations when they were unhappy and wanted to get their views across. Many of the comments received during the consultation had been heartening.

Councillor Byatt commented that 104 consultation responses was reasonable, however he asked if it would be possible to improve on that in the future? He also asked whether there was any update regarding the Council Tax rebates? He felt this had been overshadowed by £4.3 billion of Covid fraud that had been uncovered by Government and wondered if they needed some support from the council's finance team and Councillor Cook. Mr Mills, Head of the ARP, stated that government was currently still considering proposals regarding Council Tax rebate and there was no further updates at this time.

There being no further questions, Councillor Cook moved the recommendation within the report and this was seconded by Councillor Gallant. Upon being put to the vote it was unanimously

RESOLVED

That the Proposed East Suffolk Local Council Tax Reduction Scheme (LCTRS) for 2022/23 attached as Appendix C and incorporating the proposals outlined in the report be approved.

12 Treasury Management Strategy Statement for 2022/23 & Treasury Management Investment Strategy for 2022/23

Full Council received report **ES-1023** of Councillor Cook, Cabinet Member with responsibility for Resources. It was noted that the report set out the East Suffolk Council's Treasury Management Strategy Statement for 2022/23 at (Appendix A) and the Investment Strategy for 2022/23 at (Appendix B) and covered:

- the current treasury position;
- treasury indicators which limit the treasury risk and activities of the Council;
- prospects for interest rates;
- the borrowing strategy; and
- the investment strategy.

The Treasury Management Strategy Statement at Appendix A provides members with details of the economic background that the Council has been operating in and the credit outlook and interest rate forecast.

The Treasury Management Indicators help the Council to measure and manage its

exposure to treasury management risks. The indicators cover:

- security, liquidity, and interest rate exposure,
- maturity structure of borrowing,
- principal sums invested for periods longer than one year,
- operational boundary for external debt and authorised limit for external debt.

It was noted that Annex A of Appendix A provided Members with Arlingclose's economic and interest rate forecast, as at November 2021.

Councillor Cook reported that, as at 30 November, the Council held £77.09m of borrowing and £143m of investments. Annex B of Appendix A provided a further breakdown of these amounts. The Investment Strategy at Appendix B provided Members with details on treasury management investments, risk exposure and the rate of investment return.

Councillor Cook stated that CIPFA's Treasury Management Code was being revised and was currently at consultation stage, with the outcome and updates to the code expected to be implemented in the 2023/24 strategies. As reported at the Audit and Governance Committee meeting on 20 September, Officers were in the process of establishing an ethical investment statement to be included in the Treasury Management Strategy. Members should note that this had now been superseded by the proposed Treasury Management Code update, which would require an Environmental, Social and Governance (ESG) policy to be implemented in the 2023/24 Strategy. Officers would be working closely with the Councils external Treasury advisors and CIPFA in respect of policy formulation and the Council would try and update the Treasury Management Strategy with an ESG policy in the Mid-Year report to Members in September 2022.

The Audit and Governance Committee, at their meeting on 13 December 2021, that the Treasury Management Strategy Statement for 2022/23 and Treasury Management Investment Strategy for 2022/23 be approved by Full Council.

There being no questions from Members, Councillor Cook moved the recommendation contained within the report and it was seconded by Councillor Lynch. Upon being put to the vote it was unanimously

RESOLVED

That the Treasury Management Strategy Statement and the Treasury Management Investment Strategy for 2022/23 be approved.

13 Capital Strategy 2022/23 to 2025/26

Full Council received report **ES-1024** of Councillor Cook, Cabinet Member with responsibility for Resources. It was noted that the Capital Strategy gave a high-level overview of how capital expenditure, capital financing and treasury management

activity contribute to the provision of local public services in East Suffolk, along with an overview of how associated risk was managed and the implications for future financial sustainability.

Councillor Cook reported that the Capital Strategy was a critical component in the delivery of many ambitions included within the Strategic Plan. It was not only essential to achieving one of the three overarching strategic priorities of the Plan (“Financial Sustainability”) but was also vital in the delivery of a vast range of service development and delivery initiatives.

It was noted that the East Suffolk Capital Strategy for 2022/23 through to 2025/26 can be found at Appendix A. The strategy pulled together all the various policies and strategies that the Council had in relation to capital and provided the key elements from them, such as:

- capital expenditure and financing, which relates to the Council’s capital programme.
- treasury management, covering borrowing and investments.
- investment for service purposes and regeneration.
- revenue implications of the capital programme.
- the Chief Finance Officer’s statement on the affordability and risk of the Capital Strategy.

Councillor Cook reported that the Chartered Institute of Public Finance and Accountancy had been consulting during 2021 on a revised Prudential Code with Local Authorities and Treasury Management Advisors, with formal guidance due to be issued in December 2021 and adopted in strategies from 2023/24. In the event that implementation was advanced prior to 2023/24, the capital strategy would be updated and reported back to the Council at the next available opportunity.

The primary changes to the Prudential code focus on:

- Local Authorities must not borrow to invest for the primary purpose of commercial return
- prudence – investment/spending decisions that increase the capital financing requirement unless directly or primarily related to the functions of the authority will be viewed as not being prudent.
- sale of commercial investments to be considered as an alternative to new borrowing for service purposes
- Prudential Indicators to be monitored and reported to members at least quarterly as part of regular budget monitoring
- new prudential indicators will be required to show income from commercial and service investments to net revenue stream.

Councillor Cook reported that the Audit & Governance Committee considered this report at their meeting on 13 December 2021 and recommended it for approval by Full Council.

Councillor Cook then moved the recommendation contained within the report and this was seconded by Councillor Gallant, who wished to reserve his right to

speak. Members were then invited to ask questions.

Councillor Byatt stated that he and his Group would be abstaining from the vote on this item and the next one, as they would be presenting an alternative budget at the next Full Council meeting.

Councillor Beavan reported that he was disappointed by the lack of ambition in relation to council house building. There had been a significant increase in homelessness and the country needed to build 100,000 new social homes a year, which would equate to 400 for East Suffolk Council. The Council could borrow in order to invest in council house building, as the costs of building the homes were repaid by the rent received from tenants, which was a sound investment. Two sound investments made two sound profits. Councillor Beavan stated that East Suffolk Council invested the least in council house building out of the 60 neighbouring councils. He felt that the amount of council borrowing could be increased if there was a strong business case for it, which met all of the required criteria. He stated that there were over 4,000 people on the waiting list for housing in East Suffolk. Buying a property was out of reach for the majority of people, given the average cost of buying a property in Suffolk was £320,000 and the average salary was £30,000. The average family could only afford to buy one if five of the houses available. The problem was even worse in places like Southwold and the council needed to take action to provide social housing. The Council needed to have the courage to make prudent investments to provide this much needed housing.

Councillor Kerry, Cabinet Member with responsibility for Housing, reported that the Planning Team were on course to help to deliver more affordable housing via their Planning Policies and the Section 106 agreements. There were other providers of social housing in the area, therefore the onus should not be just on this Council to build all new social housing in the district. It was noted that 176 council houses were planned to be built for the next 3 years, if planning permission was granted, which was above target. The Council could look into increasing the target for the number of houses it builds in the future, however it was looking at other matters at the moment. Overall, the Council was doing well and providing much needed housing.

Councillor Rivett stated that the Council did know the difference between spending and investing. For example, the purchase of the NWES building and the More Business Park which was a strategic investment, allowing the council to generate more revenue to enable the Council to achieve its strategic plan, as well as enabling and encouraging greater investment in the vicinity.

Councillor Lynch reported that the Audit and Governance Committee had discussed this report in depth at their meeting in December. He comments that the Council continued to take a very prudent approach to borrowing and the cost of borrowing to build a council property was spread over 30 years, as per the business case. However, council properties were still subject to Right To Buy (RTB), therefore there was always the possibility that the Council may lose several of its properties to RTB. This also proved that there was an inherent risk to Councils in relation to building houses.

Councillor Smith-Lyte commented that RTB was incredibly divisive nationally. It was disturbing that council properties were subject to this scheme and so many of them were being bought and taken out of the social housing market. These properties

would invariably end up on the private housing market. She commented that not everyone wanted to buy their own home and that the council should also be looking at social rents.

Councillor Cook reported that the borrowing allocated was reasonable. He also added that the matter of borrowing was constantly under review and when it was possible to increase borrowing to build more council properties, the council would do so.

There was no further comment or debate and upon being put to the vote it was

RESOLVED

That the Capital Strategy 2022/23 to 2025/26 be approved.

14 Capital Programme 2022/23 to 2025/26

Full Council received report **ES-1025** of Councillor Cook, Cabinet Member with responsibility for Resources. It was noted that, as part of the annual budget setting process, the Council was required to agree a programme of capital expenditure for the coming four years. This report set out the East Suffolk Council General Fund Capital Programme at Appendix B and the Housing Revenue Account Capital Programme at Appendix G for the financial year 2022/23 to 2025/26 and incorporated revisions to the 2021/22 financial year.

The Capital Programme had been compiled taking account of the following main principles, to:

- maintain an affordable four-year rolling capital programme.
- ensure capital resources are aligned with the Council's Strategic Plan.
- maximise available resources by actively seeking external funding and disposal of surplus assets; and
- not to anticipate receipts from disposals until they are realised.

Members were advised that the General Fund Capital Programme included £161 million of external contributions and grants towards financing the Council's £259 million of capital investment for the Medium-Term Financial Strategy period. This represented 61% of the whole General Fund Capital Programme. The Capital Programme had completed a thorough and rigorous process following initial input from project officers through to review and scrutiny by the Asset Management Group, Corporate Management Team and Strategic Management Team.

It was noted that the Housing Revenue Account Capital Programme totalled £78 million for the Medium-Term Financial Strategy period and would benefit from £4 million of external grants and contributions, which was 5% of the programme.

Councillor Cook reported that all capital expenditure must be financed, either from external sources (Government grants and other contributions), the Council's own resources (revenue, reserves, and capital receipts) or debt (borrowing and leasing). Debt was only a temporary source of finance, since loans and leases must be repaid, and this was therefore replaced over time by other financing, usually from revenue

which was known as “Minimum Revenue Provision” (MRP). Alternatively, proceeds from selling capital assets (known as capital receipts) may be used to replace debt finance.

Councillor Cook stated that the Council’s cumulative outstanding amount of debt finance was measured by the Capital Financing Requirement (CFR). This increased with new debt-financed capital expenditure and reduced with MRP. The CFR was expected to increase by £72 million between 2021/22 and 2025/26 which was due to capital projects potentially being financed through borrowing. Statutory guidance was that debt should remain below the CFR. The Council expected to comply with this in the medium term, but the scale of the Capital Programme as currently drafted was such that the Council would begin to approach its borrowing limits over the life of the proposed programme, if other sources of finance were not available. The programme as presented did not pre-empt the realisation of capital receipts, although some significant receipts were currently expected, and the financing of the programme would be revised when these were received. In addition, external funding was expected to be secured in respect of other major projects in the Programme, assisting the overall position and the ability of the Council to deliver on its Strategic Plan.

It was noted that the Scrutiny Committee had considered this report at their meeting on 20 January 2022 and had recommended approval by Full Council.

There being no questions, Councillor Cook moved the recommendations contained within the report and this was seconded by Councillor Gallant. Councillor Gallant stated that he was pleased to support the Capital Programme, which contained many exciting and ambitious projections. Upon being put to the vote it was

RESOLVED

1. That the General Fund capital programme for 2021/22 to 2025/26 including revisions as shown in Appendix B be approved.
2. That the Housing Revenue Account capital programme for 2021/22 to 2025/26 including revisions as shown in Appendix G be approved.

15 Arrangements for the appointment of External Auditors

Full Council received report **ES-1031** of Councillor Cook, Cabinet Member with responsibility for Resources. It was reported that Section 7 of the Local Audit and Accountability Act 2014 (the Act) required a relevant authority to appoint an external auditor to audit its accounts for a financial year, not later than 31 December in the preceding year.

Councillor Cook stated that on 1 April 2019, East Suffolk Council signed up to use the Public Sector Audit Appointments Ltd (PSAA), as its route to select its external auditors, Ernst & Young, for the term of five years, until 30 March 2023. The Council was now in a position to select its preferred route to appointing its External Auditors from 1st April 2023 onwards.

The options currently available were:

1. Procurement of external auditors via the PSAA route
2. Form an East Suffolk Council Auditor Panel and conduct a stand-alone procurement exercise.
3. Join with other local authorities, establishing a Joint Auditor Panel and joint procurement.

Councillor Cook clarified that Options 2 and 3 would require setting up a new independent Auditor panel (or Joint auditor panel in Option 3), with Independent Members not being current or former elected Members or officers.

It should be noted that there have been issues over the past few years with the way external audit procurement has operated, mainly due to a limited number of firms in the market to provide sufficient public sector audits and too few qualified auditors employed by those firms leading to significant audit delays. However, it was still the Local Government Association's view that the national framework remained the best option for councils. They believed that in a suppliers' market it was imperative that councils act together to have the best chance of influencing the market and for nationally coordinated efforts to improve the supply side and the market to be effective.

Councillor Cook reported that at its meeting on 13 December 2021, the Audit & Governance Committee recommended: That East Suffolk Council opts-in to the Public Sector Audit Appointments Ltd (PSAA) independent appointment of the Council's external auditors for 5 years from the financial year 2023/24. He then invited questions from Members.

Councillor Gandy queried whether the council would be tied in to a 5 year contract or whether there would be a break clause? She was concerned that Ernst and Young had raised their fees significantly due to Covid. Councillor Cook stated that the problems and delays experienced were well known and he invited Mr Mew, Chief Finance Officer to respond in relation to the query regarding the break clause. Mr Mew stated that he had been in regular contact with government regarding the delays and problems however, he felt it was unlikely that there would be a break clause included within the contract. He stated that Members were being asked to approve a framework for the appointment of external auditors and not individual auditors, at this time. It was noted that the council may be appointed a different audit company in the future.

There being no further questions, Councillor Cook moved the recommendations contained within the report, which were duly seconded by Councillor Lynch. Upon being put to the vote it was unanimously

RESOLVED

1. That the arrangements and options for appointing External Auditors to audit the Final Accounts of the Council from 2023/24 for a 5-year period, and that the practical deadline to opt-in is 11 March 2022 be noted.
2. That the 'opt-in' to the sector led body, Public Sector Audit Appointments Ltd

(PSAA), for the independent appointment of the Council's external Auditor for 5 years from the financial year 2023/24, be approved.

16 Authorisation of Officers: Attendance at Magistrates' Court

Full Council received report **ES-1033** by Councillor Cook, Cabinet Member with responsibility for Resources. It was noted that Section 223 of the Local Government Act 1972 allows local authorities to authorise officers who do not necessarily have legal qualifications (as solicitors, barristers or legal executives) to represent the Council in the Magistrates' Court. The Section 223 power was used very widely by local authorities; in particular most district and unitary authorities have been using this power for many years, to authorise recovery officers to appear in the local Magistrates' Courts in Council Tax and Business Rate enforcement cases.

Councillor Cook reported that East Suffolk Council was one of five authorities which form part of the Anglia Revenues Partnership. The Partnership operated under a Partnership Agreement approved by the council. The officers currently listed in East Suffolk Council's Constitution as being authorised by East Suffolk Council to appear in the Magistrates' Court were Thereza Lawson, Paul Montgomery and Joanna Andrews. It was noted that Paul and Joanna no longer work for the Council and so their names need to be deleted from this list.

As part of the shared services arrangements between East Suffolk Council and the Anglia Revenues Partnership, in order to improve the flexibility and efficiency of local tax enforcement, it was proposed that the following officers be authorised, under section 223, to represent this Council in the Magistrates' Court:

1. Thereza (Terri) Lawson is an employee of East Suffolk Council. She is to retain her authorisation to appear in court under section 223 and represent East Suffolk Council.
2. Caroline Greig is an employee of East Suffolk Council. She is to be authorised to appear in the Magistrates' Court.
3. Gillian Juby is an employee of East Suffolk Council. She is to be authorised to appear in the Magistrates' Court.
4. Peter Seeley is an employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act he is also being put at the disposal of East Suffolk Council, and it is therefore possible for this council to authorise him to appear in court under section 223.
5. Steven Oxborough is an employee of Breckland District Borough Council. In accordance with Section 113 of the 1972 Act he is also being put at the disposal of East Suffolk Council, and it is therefore possible for this council to authorise him to appear in court under section 223.
6. Jak Miller is employee of East Suffolk Council. He is to be authorised to appear in the Magistrates' Court.
7. Lucy Talbot is employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act she is to obtain authorisation to appear in court under section 223 and represent East Suffolk Council.
8. Nigel Adams is employee of Fenland Council. In accordance with Section 113 of the 1972 Act he is to obtain his authorisation to appear in court under section 223 and

represent East Suffolk Council.

9. Fera Siblón is employee of Breckland Council. In accordance with Section 113 of the 1972 Act she is to obtain her authorisation to appear in court under section 223 and represent East Suffolk Council.

10. Jade Ellis is employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act she is to obtain her authorisation to appear in court under section 223 and represent East Suffolk Council.

11. Kieran Kingston-Mills is employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act he is to obtain his authorisation to appear in court under section 223 and represent East Suffolk Council.

12. Arthur Roberts is employee of West Suffolk Council. In accordance with Section 113 of the 1972 Act he is to obtain his authorisation to appear in court under section 223 and represent East Suffolk Council.

13. Lesley Walker is employee of Breckland Council. In accordance with Section 113 of the 1972 Act she is to obtain her authorisation to appear in court under section 223 and represent East Suffolk Council.

There being no questions, Councillor Cook moved the recommendation contained within the report and it was seconded by Councillor Lynch. Upon being put to the vote, it was unanimously

RESOLVED

That Thereza (Terri) Lawson, Jak Miller, Caroline Greig, Gillian Juby, Peter Seeley, Steven Oxborough, Lucy Talbot, Nigel Adams, Fera Siblón, Jade Ellis, Kieran Kingston-Mills, Arthur Roberts and Lesley Walker be authorised to represent East Suffolk Council in the Magistrates' Court in accordance with Section 223 of the Local Government Act 1972.

17 Calendar of Meetings for 2022/23

Council received report **ES-1027**, which was presented by Councillor Gallant, Leader of the Council. The report sought approval for the Calendar of Meetings for the 2022 /23 municipal year.

It was noted that the Calendar of Meetings provides the framework for the democratic and decision making processes that would underpin the delivery of the key priorities identified within the Council's Strategic Plan.

Previously, the start time of meetings had been standardised in order to give consistency and to accommodate the anticipated volume of business.

The Leader reported that the Chairman of the Council and Chairmen of the Committees have the power to call additional or 'Extraordinary' meetings when required, to accommodate urgent or unscheduled items of business or to change a meeting date to reflect unexpected circumstances eg bad weather or significant absenteeism. Should the calendar be approved, it would be published on the Council's website.

The meeting papers for Full Council, Cabinet and the Committees were also available to view on the website. The majority of the Council's meetings were available to view on the Council's YouTube channel, when 'open' items of business are being considered. Councillor Byatt queried why the majority of the Council's meetings commenced at 6.30pm and whether there needed to be any changes to the timing of the two Planning Committees, as their agendas could be very lengthy. Councillor Gallant responded that it was very difficult to set the starting times, as everyone had different requirements. Eg some people worked, others did shift work or had caring or family responsibilities. It had been felt that starting at 6.30pm gave the majority of people the opportunity to attend the meetings, the majority of which were broadcast on YouTube and the public could watch those meetings at their leisure. Councillor Gallant asked Members to feed back to the Chairmen of the Committees about their thoughts regarding the start time for their meetings.

Councillor Gallant then moved the recommendation within the report, which was duly seconded by Councillor Rivett. Upon being put to the vote, it was

RESOLVED

That the Calendar of Meetings for 2022/23 be approved.

18 Scrutiny Committee's recommendations considered by Cabinet on 7 December 2021

Full Council received report **ES-1032** of Councillor Gallant, Leader of the Council. He reported that in accordance with Paragraph 8C8 of the Scrutiny Procedure Rules set out in the Constitution, Full Council was required to consider Scrutiny Committee recommendations, made in relation to their reviews on Housing Development and Waste Management, which the Cabinet on 7 December 2021 was unable to agree in whole, or in part.

Housing Development – The Scrutiny Committee made a recommendation to the Cabinet, a response was provided by Councillor Kerry, Cabinet Member with responsibility for Housing, and after due consideration, the recommendation was rejected by Cabinet, as a number of factors needed to be considered before a business case was prepared to increase the number of new Council houses being built from 50 to 100.

These considerations included:

- The need to consider the energy efficiency of its 4,500 Housing Revenue Account owned properties. The cost of any changes in both financial and officer time.
- to further understand the impact of key changes that would impact on the Housing Revenue Account's Business Plan, including the Building Safety Bill, the Retrofit agenda, the changes in the way ESC could use Right to Buy receipts and the removal of the debt cap.

Councillor Gallant stated that it was on this basis that the Cabinet rejected the recommendation to increase the target from 50 to 100 at this time and the Cabinet, along with the wider membership, recognised the importance of doing all we can to

provide affordable homes for our residents. He then invited questions from Members.

Councillor Daly asked when this matter would be revisited? Councillor Gallant reported that it was under constant review. Councillor Kerry reported that there was a significant unknown in relation to the HRA, even greater than the amount of national debt that the council had to take on in exchange for the housing stock under Gordon Brown. The significant unknown referred to was the cost of bringing all of the council housing up to the highest environmental standards and carbon neutrality. It was estimated that it would cost many millions of pounds. Once the costs were known, the council would revisit the targets for house building.

There being no further questions, the Leader then moved on to the Waste Management section.

Waste Management – The Scrutiny Committee made 7 recommendations to the Cabinet, and a response was provided by Councillor Mallinder, Cabinet Member with responsibility for the Environment.

Councillor Gallant reported that it had been noted that East Suffolk was doing much of the work already and going forward, with the move to a Local Authority Trading Company delivering waste services, there would be a review of practices. The Environmental Bill will also likely bring a complete change of how household waste will be collected.

During the Cabinet meeting, Councillor Gallant had made reference to the Suffolk Waste Partnership and had stated that if the Scrutiny Committee made a suggestion that was Suffolk-wide, then it needed to be considered by the this body rather than just East Suffolk. He had made it clear at the meeting that his view was that it was not the role of the Scrutiny Committee to ask Cabinet to ask somebody else to do something; the Scrutiny Committee could, if it so wish, contact the Chair of the Suffolk Waste Partnership, who happened to also be Councillor Mallinder, regarding any ideas for new initiatives. Councillor Mallinder, the Cabinet Member for the Environment, provided a detailed response to the 7 recommendations and further information is attached as the appendices to this report.

Councillor Gallant called for Members to support the resolution of the Cabinet, made on 7 December 2021. He then invited questions from Members.

Councillor Byatt reported that he had been disappointed that Cabinet had rejected the recommendations from the Scrutiny Committee. He asked whether it would be possible to assist low income people to get assistance with the collection of bulky waste. Fly tipping was on the increase and was a blight on society. It was important to look at ways of helping people and the environment. Councillor Gallant commented that people, including those on low incomes, could take their waste to the local tip for free. There was no need to fly tip waste. Councillor Mallinder stated that waste was a complex situation. He felt that the council had a role to encourage people to recycle more and buy less. It was important to help residents do the right thing when it came to disposing of their waste.

Councillor Craig commented that fly tipping had increased, when people did not have access to a car to take their waste to the tip for free. Those people without a car were left to dump their rubbish locally as they had no other means of disposal. There being no further comments or questions, Councillor Gallant moved the recommendation within the report, which was seconded by Councillor Rivett. Upon being put to the vote it was

RESOLVED

That Full Council notes and affirm Cabinet's decisions of 7 December 2021 on Scrutiny Committee recommendations to Cabinet in reports ES/0963 and ES/0964.

19 Cabinet Members Report and Outside Bodies Representatives Reports to Council

N.B. During this item, Councillors E Brambley-Crawshaw, S Plummer and C Topping left the meeting at 8.17pm.

Full Council received report **ES/1014**, 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.

There being no comments or questions, the report was received for information.

20 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 are various reasons that the Council, on occasions, has to do this and examples are because a report contains information relating to an individual, information relating to the financial or business affairs of a particular person, or information relating to any consultations or negotiations.

Tonight, Full Council will be considering one exempt matter which is outlined on agenda item 21 on the published agenda. It is one set of exempt minutes from the Full Council meeting held on 24 November 2021.

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.

21 Exempt Minutes

- 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).

The meeting concluded at 8.22 pm.

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Chairman