

Shadow Council

Minutes of a meeting of the **Shadow Council** held on
Tuesday 19 February 2019 at 6.30 pm at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

This was the last meeting of the Shadow Council before it's dissolution on 6 May 2019. As a result, the minutes of the meeting remain as drafted following the meeting and cannot be confirmed by the Shadow Council and signed by the Chair. This is consistent with all other dissolved committees and bodies.

Present: **Councillors**

Chair Brian Harvey (Vice-Chair) (in the Chair)

Ruth Allen	Mary Evans	Robin Pilley
Andrew Appleby	Robert Everitt	Joanna Rayner
Trevor Beckwith	Susan Glossop	Karen Richardson
David Bowman	Wayne Hailstone	Peter Ridgwell
Ruth Bowman J.P.	Beccy Hopfensperger	David Roach
Sarah Broughton	Paul Hopfensperger	Barry Robbins
Simon Brown	Ian Houlder	Richard Rout
Tony Brown	Victor Lukaniuk	Reg Silvester
Carol Bull	Carol Lynch	Andrew Smith
John Burns	Margaret Marks	Andrew Speed
Louis Busuttil	Christine Mason	Clive Springett
Mike Chester	Elaine McManus	Lance Stanbury
Patrick Chung	Sara Mildmay-White	Peter Stevens
Max Clarke	Robin Millar	Peter Thompson
Terry Clements	David Nettleton	Jim Thorndyke
Simon Cole	Robert Nobbs	Julia Wakelam
Roger Dicker	Colin Noble	James Waters
Stephen Edwards	David Palmer	

By Invitation:

Mr Richard Cooper	Chair of West Suffolk Independent Remuneration Panel
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67. **Minutes**

The minutes of the meeting held on 15 January 2019 were confirmed as a correct record and signed by the Chair.

68. **Chair's Announcements**

No announcements were made by the Chair on this occasion.

69. **Apologies for Absence**

Apologies for absence were received from Councillors Michael Anderson, Chris Barker, John Bloodworth, Rona Burt, Jason Crooks, Paula Fox, John Griffiths, Diane Hind, Jane Midwood, Clive Pollington, Alaric Pugh, Nigel Roman, Sarah Stamp, Frank Warby and Patsy Warby.

Councillors Andy Drummond and Louise Marston were also unable to attend the meeting.

70. **Declarations of Interests**

Members' declarations of interest are recorded under the item to which the declaration relates.

71. **Leader's Statement (Paper No: COU/SA/19/004)**

Councillor James Waters, Leader of the Shadow Council, presented his Statement, as contained in Paper No: COU/SA/19/004.

Councillor Waters specifically drew attention to a number of topics, including:

- (a) the proposed budget for West Suffolk Council in 2019/20 and in the medium term, which would contribute to ensuring the new council was in a strong position both for the future of the authority itself but within the wider strategic local, regional and national context;
- (b) the issues and challenges facing the Council in response to the Government's second consultation on its Fairer Funding Review and how these had been taken into account within the proposed budget;
- (c) giving recognition to the recent improvement works to Haverhill Leisure Centre;
- (d) the recently launched 'Love Local' Bury Free Press campaign which aimed to support independent shops and businesses in Bury St Edmunds; and
- (e) paying tribute to John Durrant, General Manager of Newmarket Open Door, who had sadly died recently.

In response to (b) above, Councillor Peter Stevens explained that he was the West Suffolk Councils' representative on the Rural Services Network. This organisation sought to provide a strong co-ordinated approach to ensure councils with extensive rural areas throughout Suffolk were supported through issues and challenges such as lobbying for fairer funding and better broadband.

72. **Public Participation**

The following members of the public spoke under this agenda item:

1. **Paul Rynsard of Bury St Edmunds**, asked a question in connection with proposed future plans of West Suffolk Council for tackling idling engines of vehicles, particularly in the vicinity of children and schools.

In response, Councillor Susan Glossop, one of the Shadow Executive (Cabinet) Members for Planning and Growth, stated that the West Suffolk Councils were aware of the potential issues regarding vehicle idling, especially around sensitive locations such as schools. Together with other councils in Suffolk, steps had been taken to create an anti-idling campaign which would be launched in the coming months. Significant research had been undertaken to understand the best approach to tackle this issue and evidence had shown that campaigns developed between local authorities and other stakeholders were the most effective way to reduce vehicle idling.

Councillor Glossop added that evidence from around the country had shown that where enforcement of anti-idling legislation had been trialled, this had not proved effective; however, this did not rule out the use of the powers, but it was not the intention to use them routinely. Councillor Glossop also provided examples of where the Councils were currently working on projects to improve air quality.

As a supplementary closing statement, Mr Rynsard asked if the Shadow Council had taken note of the recent national children's campaign on climate change, to which Members indicated their acknowledgement.

2. **Therese Laker of Bury St Edmunds**, asked a question in connection with whether the Shadow Council had a carbon management plan that set out how it would reduce its greenhouse gas emissions and whether there was a capital budget linked to this plan.

In response, Councillor Lance Stanbury, the other Shadow Executive (Cabinet) Member with the responsibility for Planning and Growth, stated that the Councils monitored and managed greenhouse gas emissions and the potential environmental impacts. This was overseen by an environmental management group, which monitored progress and performance regarding this work. Councillor Stanbury provided examples of the Councils' adopted greener environment management policies, and where capital investments had been made which not only promoted greater use of green energy, but also provided an income for the Councils, most notably the Toggam Solar Farm which was owned by Forest Heath District Council (FHDC). FHDC was the first carbon neutral district council in the country.

No supplementary question was asked.

3. **Robert Possnett of Great Barton**, asked a question in connection with whether the Shadow Council had plans for improving air quality through reducing its use of diesel vehicles.

In response, Councillor James Waters, Leader of the Shadow Council, explained that the waste management vehicles operated with diesel fuel, however, these were replaced when necessary with vehicles that generated less emissions. A review of waste collection rounds had been undertaken relatively recently which resulted in the adaptation of rounds which resulted in fewer diesel miles being driven and thus fewer CO2 emissions. The car fleet had petrol engines, with some having stop/start technology. As new 'cleaner' technologies became available, these would be investigated for use as and when vehicles required replacing.

In a supplementary statement, Mr Possnett encouraged the Shadow Council to accept the call of campaign group 'Extinction Rebellion' to declare a climate emergency. This was noted and Councillor Waters stated that appropriate action would be taken, as considered necessary.

4. **Claire Unwin** of **Tuddenham**, asked a question in connection with whether the Shadow Council would welcome an information and training session for staff and Members from Extinction Rebellion, in light of the recent international movement to combat climate change.

In response, Councillor James Waters, Leader of the Shadow Council, stated that a written reply would be prepared, which would also outline the Councils' actions and plans already in place regarding this topic. New information and learning was welcomed; however it would be for the individual Members and staff to decide whether they would wish to attend such an event.

No supplementary question was asked.

5. **Mrs Leathers** of **Bury St Edmunds**, asked a question in connection with why all new houses were not built with solar panels already installed

In response, Councillor James Waters, Leader of the Shadow Council, stated that there was no planning policy currently in place to insist that new housing was built with solar panels. This was encouraged however, and the Councils worked with housing associations to encourage the use of solar energy. Other green energy initiatives were also encouraged such as battery storage and the installation of electric vehicle charging points on new developments.

In a supplementary question, Mrs Leathers asked whether the Shadow Council had considered providing solar farms in fields, as was the case in Dorset.

In response, Councillor Waters stated that Forest Heath District Council (FHDC) currently owned one of the largest council-owned solar farms in Europe, and West Suffolk Council would be looking to invest in further solar farms in the future. This had contributed to making FHDC carbon neutral.

(Councillor Max Clarke left the meeting at the conclusion of the item.)

73. **Referrals Report of Recommendations from the Shadow Executive (Cabinet) (Report No: COU/SA/19/005)**

The Shadow Council considered the Referrals Report of Recommendations from the Shadow Executive (Cabinet), as contained within Report No: COU/SA/19/005.

**(A) Referral from Extraordinary Shadow Executive (Cabinet):
8 January 2019**

1. West Suffolk Statement of Licensing Policy 2019-2022

Approval was sought for a new West Suffolk Statement of Licensing Policy to cover the period 2019-2022.

All councils were required to have a Statement of Licensing Policy and to update it at least every five years. Forest Heath's Statement of Licensing Policy was last renewed in December 2018; St Edmundsbury's was last updated in December 2017. The policy content of both documents was identical.

The Shadow Council needed to adopt a Statement of Licensing Policy for West Suffolk Council before 1 April 2019. The document attached at Appendix A to Report No: EXC/SA/19/002, contained the same wording as the Forest Heath and St Edmundsbury Council documents, but with proposed changes, as set out in paragraph 1.2 of the Shadow Council report.

Councillor Lance Stanbury, one of the Shadow Executive (Cabinet) Members with the responsibility for Planning and Growth, drew relevant issues to the attention of the Shadow Council, including that in order to abide by the requirement for Statements of Licensing Policy to be renewed every five years, West Suffolk Council would need to adopt a new policy by December 2022. This would be preceded by consultation, allowing consultees in St Edmundsbury the opportunity to give comments and feedback within five years of the previous policy covering the area being adopted.

Attention was also drawn to the revised guidance, adoption and publication of the two Cumulative Impact Assessments in West Suffolk, namely Newmarket and Bury St Edmunds, which were required to be renewed every three years. The Bury St Edmunds Cumulative Impact Assessment was adopted in December 2017, and would therefore require renewal in December 2020.

Whilst supportive of the Policy itself, Councillor David Nettleton expressed his concern regarding the adoption of the Cumulative Impact Assessment (CIA) for Bury St Edmunds, which he considered was ineffective and discriminated against businesses wishing to operate within the CIA area. Other Members spoke in support of the CIAs, specifically the CIA in Newmarket, which had been particularly effective since its introduction. Upon review of each CIA at the appropriate time, evidence would be required to warrant its renewal to ensure it remained effective.

On the motion of Councillor Stanbury, seconded by Councillor Susan Glossop, and duly carried, it was

RESOLVED:

That:

- (1) the West Suffolk Statement of Licensing Policy 2019-2022, attached at Appendix A to Report No: EXC/SA/19/002, be adopted; and
- (2) the Cumulative Impact Assessments for Newmarket and Bury St Edmunds as contained within the West Suffolk Statement of Licensing Policy, be adopted.

(B) Referrals from Shadow Executive (Cabinet): 5 February 2019

1. Treasury Management Strategy Statement 2019-2020 and Treasury Management Code of Practice

Approval was sought for the Treasury Management Strategy Statement 2019-2020 and Treasury Management Code of Practice.

The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management required that, prior to the start of the financial year that Council formally approved an Annual Treasury Management and Investment Strategy, setting out the Council's treasury management policy and strategy statements for the forthcoming year.

The proposed Treasury Management Policy Statement and Investment Strategy 2019-2020 for West Suffolk Council, was attached as Appendix 1 to Report No: TMS/SE/19/002 and PAS/FH/19/007, with the Code of Practice attached as Appendix 2.

Councillor Ian Houlder, one of the Shadow Executive (Cabinet) Members with the responsibility for Resources and Performance, drew relevant issues to the attention of the Shadow Council.

On the motion of Councillor Houlder, seconded by Councillor Stephen Edwards, and duly carried, it was

RESOLVED:

That:

- (1) the Treasury Management Strategy Statement 2019-2020, as set out in Appendix 1 to Report Nos: TMS/SE/19/002 / PAS/FH/19/007, be approved; and
- (2) the Treasury Management Code of Practice, as set out in Appendix 2 to Report Nos: TMS/SE/19/002 / PAS/FH/19/007, be approved.

2. Budget and Council Tax Setting 2019/2020 and Medium Term Financial Strategy 2019-2023

Members noted that the recommendations emanating from this report would be considered separately under Agenda Item 9 (see minute 75 below.)

74. The Report of the West Suffolk Independent Remuneration Panel (Report No: COU/SA/19/006)

The Shadow Council considered the above report, which presented the Report of the West Suffolk Independent Remuneration Panel.

Agreement had previously been given by the Shadow Council to appoint a new West Suffolk Independent Remuneration Panel (IRP). The IRP's principal responsibility was to recommend a Scheme of Allowances for West Suffolk Council. The process undertaken by the IRP to draw together a proposed scheme was set out in Section 2 of Report No: COU/SA/19/006.

The work of the IRP had now concluded and it was pleased to present its draft report, as attached as Annex A. The following appendices were also attached to Annex A:

Appendix 1: proposed Members' Allowances Scheme

Appendix 2: supporting material considered by the IRP to aid their work

Appendix 3: Councillor remuneration questionnaire

Appendix 4: comparative rates of allowances across other similar authorities

Richard Cooper, Chair of the West Suffolk Independent Remuneration Panel, was in attendance and was invited to present the report of the Panel. The rationale behind the proposals was also provided.

Councillor Ruth Bowman, one of the Shadow Executive (Cabinet) Members with the responsibility for Future Governance, drew relevant issues to the attention of the Shadow Council, including placing her thanks on record to Mr Cooper for the presentation of the IRP's comprehensive report and for the extensive work of the Panel in reaching this point.

Councillor Bowman emphasised that the review of the Scheme of Allowances undertaken by the IRP was not about comparing past Forest Heath and St Edmundsbury schemes, but to develop a scheme which provided appropriate remuneration and expenses to enable those councillors elected on 2 May 2019 to perform their role as new West Suffolk Councillors.

Whilst the review looked to the past for background, it had taken external reference and comparators, sought views from existing Members, and brought forward new concepts to the proposed scheme, such as introducing a tiered approach to Special Responsibility Allowances (SRA), and a single all-encompassing basic allowance payment.

Members also noted the rationale from the Panel regarding the proposed timeframe for implementation of the Scheme as set out in Section 10 of its report (Annex A). A sensible and pragmatic approach had been taken for the

new scheme to take effect from 6 May 2019 (when the term of existing councillors would end) rather than from 1 April 2019 when West Suffolk Council was created. Until this point, Members would continue to receive the rate they currently received under Forest Heath District and St Edmundsbury Borough Councils' existing schemes. Members were supportive of this approach.

Councillor Ruth Bowman moved the recommendations, as set out in Report No: COU/SA/19/006, and the motion was duly seconded by Councillor Carol Bull.

A detailed discussion was held with Members acknowledging the extensive work of the IRP. Particular recognition was given to:

- (a) that the new Scheme would deliver a total saving of £30,566 (or 5.7%) to the Council compared to existing costs;
- (b) that mileage and expenses incurred for Members' work within their wards had been recognised;
- (c) the proposal to review the scheme after one year, so that the IRP could assess whether the scheme was operating effectively; and
- (d) the tiered approach to setting SRAs and the all-encompassing basic allowance (rather than separate broadband payments for example).

Councillor David Nettleton proposed an amendment to the substantive motion, which was duly seconded by Councillor Julia Wakelam. The amendment, which proposed changes to the basic allowance, SRAs and removing the linkage to uplifting the basic allowance to align with the annual pay award provided to the majority of Council staff, together with the rationale behind his proposed revisions, had been previously circulated by email to all Members and was also tabled for ease of reference. Councillor Nettleton also drew attention to the likelihood of Members' increased workload as a result in the reduction in overall numbers of councillors from 72 to 64.

A debate ensued on the amendment; however the majority of Members expressed concern that Councillor Nettleton's proposals had been made without sufficient evidence to support his revisions. The proposed revisions to pay a separate broadband allowance and not to uplift the basic allowance in line with any staff annual pay award were particularly not supported.

Upon being put to the vote, the amendment was defeated.

The debate continued on the substantive motion, which upon being put to the vote was duly carried.

RESOLVED:

That:

- (1) the Scheme of Members' Allowances, be agreed and recommended to West Suffolk Council for adoption, as stated in Appendix 1 to the West Suffolk Independent Remuneration Panel's Report (Annex A to Report No: COU/SA/19/006); and
- (2) the proposal by the West Suffolk Independent Remuneration Panel to implement the new Scheme of Allowances at 6 May 2019, and until that point, continue to pay Forest Heath District Councillors and St Edmundsbury Borough Councillors at the rates they currently receive from Forest Heath and St Edmundsbury respectively, be agreed.

(Mr Richard Cooper, Chair of the Independent Remuneration Panel, left the meeting at the conclusion of this item.)

75. Budget and Council Tax Setting 2019/2020 and Medium Term Financial Strategy 2021-2023 (Report No: COU/SA/19/007)

The Shadow Council considered the above report, which presented the proposals for Budget and Council Tax Setting in 2019/2020 and the Medium Term Financial Strategy (MTFS) 2019-2023.

Councillor Stephen Edwards, one of the Shadow Executive (Cabinet) Members with the responsibility for Resources and Performance, drew relevant issues to the attention of the Shadow Council, including that Report No: COU/SA/19/007 provided details of the new West Suffolk Council's proposed revenue and capital budgets for 2019/2020 and in the medium term. The Shadow Executive (Cabinet) had previously considered the 2019/2020 budget for the new authority and had recommended to Shadow Council the level of council tax required to help fund this budget (as set out in Section 2 of the report, and summarised below).

In the history of local government there had been few times that had seen such a transformation in the funding of local services as the current decade. The changes were numerous and continuous, and there was little doubt that the 2020s would bring even more changes.

The report provided examples of those changes and the financial challenges facing the new West Suffolk Council. Councils could no longer traditionally just deliver services if they were to meet the financial challenges and be able to continue to serve their communities. West Suffolk Council recognised and would take a proactive investment role, not only to meet the challenges brought by funding for councils, but also importantly to manage growth and ensure prosperity for its communities. The new Council must, therefore, maintain the income currently received by Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) and also deliver the investment projects, enable the building of homes and increase the business base so that new income streams would be delivered to replace those lost. This would enable the new Council to continue delivering the services and

wider community support which people valued and made West Suffolk an attractive place to live, work and invest.

In 2019/2020, the Council's financial plans would see further reliance on delivery of its strategic projects. Some of the projects required considerable investment, both in money - including creating new funds where needed through borrowing (supported by robust business cases) - resources and time, but that investment would build a more financially resilient and self-sufficient council, with less reliance on uncertain national or other funding. That focus on income-generating projects, which may span several years before they delivered a return, meant the Council no longer looked simply to balance a budget for one year. Importantly, these economic growth projects would bring wider long term benefits to the West Suffolk areas than purely financially robust councils, such as jobs, better health outcomes and investment in working with communities and place based initiatives.

Members considered the report in detail, which included the following issues for securing a balanced budget for 2019/2020 and in the medium term to 2022/2023, together with corresponding detailed appendices:

Section 1.2: Local Government Provisional Finance Settlement 2019/2020

Section 1.3: Council tax referendum requirements 2019/2020

Section 1.4: Setting the budget – 2019/2020 and across the medium term to 2022/2023

Section 1.5: Capital programme 2019-2023

Section 1.6: Disposal of assets

Section 1.7: Minimum Revenue Provision (MRP)

Section 1.8: General Fund Balance

Section 1.9: Earmarked reserves

Section 1.10: Strategic priorities and MTFs Reserve

Section 1.11: Adequacy of reserves

Section 1.12: Proposed council tax discount for car leavers

Section 2: Calculation of council tax

Section 3: Legal implications

Particular attention was given to the FHDC and SEBC Performance and Audit Scrutiny Committees' consideration and recommendation of budget proposals for achieving a balanced budget, as presented to them in November 2018 and January 2019, as set out in Section 1.4. These in turn had been supported by the Shadow Executive (Cabinet).

In addition, the Shadow Council considered and supported the proposal to adopt a Suffolk-wide policy to award 100% council tax discount to West Suffolk residents aged 16-25 who were previously under the care of Suffolk County Council and who lived alone; with other care leavers; or others who were disregarded for council tax purposes (for example, full-time students). Care leavers would also be disregarded for council tax purposes so that if they lived with a single occupier, that person would not lose their 25% discount. The cost to West Suffolk Council was likely to be a maximum of £15,000 each year.

Having acknowledged the issues highlighted above, the Shadow Council noted the position summarised in Sections 1.2 to 1.12, 2. and 3. of the report for

securing a balanced budget for 2019/2020 and over the medium term to 2022/2023, which was based on an assumption of a 0% increase in Band D council tax for 2019/20 for the predecessor area of St Edmundsbury, and a £4.95 increase in Band D council tax for the predecessor area of Forest Heath. This assumption was in line with the approved business case for a single council for West Suffolk with council tax harmonisation planned over seven years. The level of Band D council tax for 2019/2020 was therefore agreed to be recommended to be set at £182.16 for the predecessor area of St Edmundsbury and £152.28 for the predecessor area of Forest Heath; and it was noted that the level of council tax beyond 2020 would be set in accordance with the annual budget process for the relevant financial year.

Councillor Edwards commended the finance team and the Performance and Audit Scrutiny Committees, together with staff and other Members across both authorities, for their work in securing a balanced budget for 2019/20 and for the medium term. He gave particular recognition to Rachael Mann, Assistant Director (Resources and Performance) and to Gregory Stevenson, Service Manager (Finance and Performance) for their roles in preparing the budget.

Councillor Stephen Edwards moved the recommendations, as set out in Report No: COU/SA/19/007, and the motion was duly seconded by Councillor Ian Houlder.

Councillor James Waters, Leader of the Shadow Council, placed his own congratulations on record for the preparation of the 2019/2020 budget and for the medium term. He considered it to be a very detailed and well-explained budget, emphasising that having been faced with numerous challenges, which had largely emanated from Central Government, and where other authorities were having to make difficult decisions regarding the continued delivery of their services, this budget would put the new West Suffolk Council in a strong, solid financial position from its inception in April 2019.

Councillor Julia Wakelam proposed the following amendment to the substantive motion, which was duly seconded by Councillor David Nettleton, which was to add an additional recommendation to the six under consideration:

"[Recommendation] (7) The Assistant Director (Resources and Performance) be authorised to ring-fence the sum of £200,000.00 from the income to be received from Business Rates (excluding Baseline Funding) to be used for developing and implementing a strategy to ensure that the operations of West Suffolk District Council become Carbon Neutral by 2022 and that the West Suffolk District becomes a Carbon Neutral District by 2030."

Councillor Wakelam provided the rationale to the amendment, including highlighting that whilst the West Suffolk Councils had taken some action to mitigate the effects of climate change and global warming, she considered a significant amount of more work could be done. She provided examples of such actions and felt that by earmarking £200,000 in the 2019/2020 budget to develop a strategy in line with that stated in the above amendment, this

would help West Suffolk Council to become carbon neutral by 2022 and for the district to become carbon neutral by 2030.

A debate ensued on the amendment. The majority of Members could concur with the intentions of the amendment; however, it was felt that to make changes at this very late stage to an extensively detailed, comprehensive, balanced budget was not conducive as the implications of approving the amendment would not be known without further investigation.

Other Members stated that the Councils already had successful environmental policies and an energy framework in place. Investment had been made in green energy projects, which not only had generated income to improve and provide better services, had resulted in Forest Heath District Council becoming the first carbon neutral district council in the country. The intention of the amendment was therefore considered to already be in place, but for more reasons than the sole purpose of mitigating the effects of climate change and global warming. Some Members felt however, that the amendment should have provided more clarity on what the proposed allocated funding would be used for.

The amendment to the substantive motion was then put to the statutorily required recorded vote. With 53 Members present, the votes recorded were 5 votes for the amendment, 46 against, and two abstentions; the names of those Members voting for, against and abstaining being recorded as follows:

For the amendment to the substantive motion:

Councillors Beckwith, Paul Hopfensperger, David Nettleton, David Palmer and Julia Wakelam

Against the amendment to the substantive motion:

Councillors Appleby, David Bowman, Ruth Bowman, Broughton, Simon Brown, Tony Brown, Bull, Burns, Busuttil, Chester, Chung, Clements, Cole, Dicker, Edwards, Evans, Everitt, Glossop, Hailstone, Harvey, Beccy Hopfensperger, Houlder, Lukaniuk, Lynch, Mason, McManus, Mildmay-White, Millar, Nobbs, Noble, Pilley, Rayner, Richardson, Ridgwell, Roach, Robbins, Rout, Silvester, Smith, Speed, Springett, Stanbury, Stevens, Thompson, Thorndyke and Waters.

Abstentions:

Councillors Ruth Allen and Margaret Marks.

The vote on the amendment to the substantive motion was therefore defeated.

The debate continued on the substantive motion. Some Members expressed concern that council tax, when taking into account all precepting authorities was increasing for fewer or poorer quality services, and although this was largely due to the increase in precepts of Suffolk County Council and the Police Authority, residents were not concerned about which authority was responsible for a particular service and the West Suffolk Councils should be mindful of that.

The majority of Members, however, acknowledged the successful investments made by the West Suffolk Councils in services; growth and health and well-being projects; together with creating efficiencies and ensuring the effective management of resources, all of which and more had enabled the West Suffolk Councils to secure a balanced budget for 2019/20.

In respect of a specific question raised by Councillor David Nettleton regarding the Parkway multi-storey car park in Bury St Edmunds, this would be provided in the form of a written reply and circulated to all Members for their perusal.

The motion was then put to the statutorily required recorded vote. With 53 Members present, the votes recorded were 47 votes for the motion, 4 against, and two abstentions; the names of those Members voting for, against and abstaining being recorded as follows:

For the motion:

Councillors Allen, Appleby, David Bowman, Ruth Bowman, Broughton, Simon Brown, Tony Brown, Bull, Burns, Busuttil, Chester, Chung, Clements, Cole, Edwards, Evans, Everitt, Glossop, Hailstone, Harvey, Beccy Hopfensperger, Paul Hopfensperger, Houlder, Lukaniuk, Lynch, Marks, Mason, McManus, Mildmay-White, Millar, Nobbs, Noble, Palmer, Pilley, Rayner, Richardson, Roach, Rout, Silvester, Smith, Speed, Springett, Stanbury, Stevens, Thompson, Thorndyke and Waters.

Against the motion:

Councillors Beckwith, Dicker, Ridgwell and Robbins.

Abstentions:

Councillors David Nettleton and Julia Wakelam.

It was therefore

RESOLVED:

That:

- (1) Having taken into account the information received by Shadow Executive (Cabinet) on 5 February 2019 (Report No: EXC/SA/19/007 refers) including the Report by the Assistant Director (Resources and Performance) (S151 Officer) set out in Attachment C, together with the up to date information and advice contained in this report (Report No: COU/SA/19/007) , the level of Band D Council Tax for 2019/20 be set at £152.28 for the predecessor area of Forest Heath, and £182.16 for the predecessor area of St Edmundsbury. (Note: the level of council tax beyond 2019/20 will be set in accordance with the annual budget process for the relevant financial year.)
- (2) Subject to (1) above, the following formal Council Tax resolution be adopted:
 - (i) the revenue and capital budget for 2019-2023 attached at Attachment A to Report No: COU/SA/19/007, and as detailed in

Attachment D, Appendices 1-5, Attachment E and Attachment F, be approved;

- (ii) a general fund balance of £5 million be agreed to be maintained, as detailed in paragraph 1.8.2;
 - (iii) the statutory calculations under Section 30 to 36 of the Local Government Finance Act 1992, attached as Attachment J, be noted;
 - (iv) the Suffolk County Council and Suffolk Police Authority precepts issued to West Suffolk Council, in accordance with Section 40 of the Local Government Finance Act 1992 and outlined at paragraphs 2.5 and 2.6 below, be noted; and
 - (v) in accordance with Section 30(2) of the Local Government Finance Act 1992, the amounts shown in Schedule D of Attachment I, be agreed as the amount of Council Tax for the year 2019/20 for each of the categories of dwellings shown.
- (3) The Assistant Director (Resources and Performance), in consultation with the Portfolio Holders for Resources and Performance, be authorised to transfer any surplus from the 2018/2019 revenue budget to the Invest to Save Reserve as detailed in paragraph 1.8.4, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year.
- (4) Approval be given to the Assistant Director (HR, Legal and Democratic), in consultation with the relevant service Assistant Director, to determine the establishment and the employment arrangements to deliver the Council's priorities within agreed budgets and the principles of the Medium Term Financial Strategy.
- (5) Approval be given to the Flexible Use of Capital Receipts Strategy, as set out in Attachment G.
- (6) Council tax discount be granted to care leavers in accordance with the details set out in paragraph 1.12 and Attachment H.

(Councillor Stephen Edwards left the meeting at the conclusion of this item.)

76. The West Suffolk Council Constitution (Report No: COU/SA/19/008)

The Shadow Council considered the above report, which sought approval for the new Constitution for West Suffolk Council.

West Suffolk Council would be taking on the powers, functions and responsibilities of Forest Heath District and St Edmundsbury Borough Councils on 1 April 2019. A new Constitution was required to be adopted, to ensure there was clarity on how West Suffolk Council would operate and make decisions. Adopting a new Constitution also provided the opportunity to analyse and review the present methods by which the West Suffolk Councils

currently operated and whether changes could be made for the benefit of the new council.

Attached as Appendix 1 to the report, was the draft West Suffolk Council Constitution, with a summary of the proposed changes made from the existing Forest Heath and St Edmundsbury Constitutions contained in Appendix 2.

Councillor Carol Bull, one of the Shadow Executive (Cabinet) Members with the responsibility for Future Governance, drew relevant issues to the attention of the Shadow Council, including the proposed changes to the Scheme of Delegation, arrangements for the operation of the Development Control Committee, and the definition of a 'key decision', as summarised in Section 2 of the report.

Members commended the new Constitution and expressed their thanks to the Joint Constitution Review Group for their sterling work, which was ably assisted by Leah Mickleborough, Service Manager (Democratic Services) and Sharon Turner, Democratic Services Officer, in producing an excellent, streamlined, fit-for-purpose document by which the new Council could operate in its decision making. Particular recognition was given to the usage of gender neutral terminology.

In response to questions, the Shadow Council was informed that:

- (a) Member/Officer Protocol: specifically, where it stated in relation to the *Local Member Protocol*: '*Members **should** be informed about matters that affect their wards for example community events, activities with community groups, new developments....*' that this would generally be the case and every effort would be made to inform the local ward member/s; there may be occasions where it was impractical or not be feasible to do so; and
- (b) Approval of Minutes of Previous Meetings: proposed Committee Procedure Rule 17.1.4 made reference to the fact that those Members who were present at the meeting to which the minutes related would take part in the vote on the confirmation of the minutes as a correct record.

On the motion of Councillor Bull, seconded by Councillor Ruth Bowman, and duly carried, it was

RESOLVED:

That the West Suffolk Council Constitution, as attached at Appendix 1 to Report No: COU/SA/19/008, to come into effect on 1 April 2019, be adopted.

77. **Council Arrangements for 1 April to 6 May 2019 (Report No: COU/SA/19/009)**

The Shadow Council considered the above report, which sought approval for a number of arrangements for implementation between 1 April 2019 and 6 May 2019.

On 1 April 2019, the new West Suffolk Council would come into being, with the new Constitution, as agreed by Shadow Council (see minute 76. above), having effect.

Arrangements had been proposed to ensure there was minimum disruption to the Council's decision making arrangements in the short period of time between the new Council coming into being, and the May elections. The principal issues that needed to be addressed were arrangements:

- (a) for Appointments to Committees;
- (b) regarding the appointment of the Chair of Overview and Scrutiny Committee;
- (c) regarding the operation of the Development Control Committee's Delegation Panel;
- (d) for Civic Representation; and
- (e) for Outside Body Representation.

Each of the above were considered in turn, including a suggested approach regarding the handling of each, together with the rationale.

Appendix 1 attached to the report contained the political balance calculation and the proposed allocation of seats to the politically balanced committees. An amended version had been circulated prior to the meeting to reflect a very recent change in political Group membership.

Councillor James Waters, Leader of the Shadow Council, drew relevant issues to the attention of the Shadow Council, including conveying his thanks to Councillors Brian Harvey and Margaret Marks for accepting the roles of civic representatives across the predecessor areas of Forest Heath and St Edmundsbury during the transition period.

Members supported the suggestions made in the report and agreed it was a sensible, pragmatic approach for addressing the aforementioned issues during this relatively short period.

On the motion of Councillor Waters, seconded by Councillor Sara Mildmay-White, and duly carried, it was

RESOLVED:

That:

- (1) the allocation of seats to committees, as listed in Appendix 1 (as amended) to Report No: COU/SA/19/009, be approved;

- (2) during the period 1 April to 6 May 2019, any references in the West Suffolk Council Constitution to the Chair of Overview and Scrutiny should be the "Chairs of the former Forest Heath and St Edmundsbury Overview and Scrutiny Committees", be agreed;
- (3) during the period 1 April to 6 May 2019, any references to the constitution of the Delegation Panel in the West Suffolk Council Constitution should be the "Chairs and Vice-Chairs of the former Forest Heath and St Edmundsbury Development Control Committees", be agreed. One Member of each former Council must be present for the Delegation Panel to be quorate;
- (4) it be agreed that Councillor Margaret Marks and Councillor Brian Harvey should act as civic representatives of West Suffolk Council during the period 1 April to 22 May 2019; and
- (5) the approach to representation on outside bodies, as set out in paragraphs 5.5 and 5.6 of Report No: COU/SA/19/009, during the period 1 April to 22 May 2019, be agreed.

78. **West Suffolk Council Calendar of Meetings 2019/2020 (Report No: COU/SA/19/010)**

The Shadow Council considered the above report, which sought approval for the proposed calendar of meetings for West Suffolk Council in 2019/2020.

Councillor Ruth Bowman, one of the Shadow Executive (Cabinet) Members with the responsibility for Future Governance, drew relevant issues to the attention of the Shadow Council, including that other meetings not listed in the new Council's Constitution and those arranged on an ad-hoc basis would be scheduled throughout 2019/2020 and Members would be advised of these separately.

The meetings that had been arranged, as contained in Appendix A, were in accordance with the Council, Cabinet, Committees and Sub-Committee structure proposed within the new Constitution. All committees, sub-committees and other panels/groups constituted by Forest Heath District Council and St Edmundsbury Borough Council would no longer exist following the dissolution of these two councils and the creation of West Suffolk Council on 1 April 2019. This had therefore been reflected in the meetings calendar for 2019/2020.

On the motion of Councillor Ruth Bowman, seconded by Councillor Carol Bull, and duly carried it was

RESOLVED:

That the West Suffolk Council's Calendar of Meetings for 2019/2020, attached as Appendix A to Report No: COU/SA/19/010, be approved.

79. **Urgent Questions on Notice**

No urgent questions on notice had been received.

80. **Report on Special Urgency**

The Leader reported that no executive decisions had been taken under the Special Urgency provisions of the Shadow Constitution.

The meeting concluded at 9.33 pm

Signed by:

Chairman
