

Minutes of a meeting of the **Cabinet** held virtually via **Microsoft Teams** live remote meeting platform on **Tuesday 22 September 2020** at **6.00 pm**

Present

Councillors

Chair John Griffiths (Leader of the Council)

Vice Chair Sara Mildmay-White (Deputy Leader of the Council)

Sarah Broughton
Carol Bull
Andy Drummond
Robert Everitt

Susan Glossop
Joanna Rayner
David Roach
Peter Stevens

By invitation

Ian Shipp

(Chair of the Overview and Scrutiny Committee)

Ian Houlder

(Chair of the Overview and Scrutiny Committee)

In attendance

Trevor Beckwith

(given notice to speak under the Open Forum)

John Burns

(observer – attendance by viewing the live broadcast only)

Jason Crooks

(given notice to speak under the Open Forum)

Brian Harvey

(given notice to speak under the Open Forum)

Rachel Hood

(observer – attendance via joining the meeting)

150. Welcome and meeting facilitation

The Chair formally opened the meeting and welcomed all persons present including those that were viewing the meeting externally via the live broadcast.

Leah Mickleborough, Service Manager (Democratic Services), was acting as facilitator for the meeting where support was felt necessary, and upon being invited to do so, assisted the Chair in detailing the housekeeping matters and guidance as to how the meeting would operate within the virtual setting.

151. **Apologies for absence**

No apologies for absence were received.

152. **Minutes**

The minutes of the meeting held on 21 July 2020 were confirmed as a correct record.

153. **Declarations of interest**

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

154. **Open forum**

The following non-Cabinet Members spoke under this item:

1. **Councillor Trevor Beckwith**, one of the ward members for Moreton Hall, Bury St Edmunds, made a statement in connection with Agenda Item 12: 'Public Space Protection Orders (PSPO) – review of existing orders.'

Councillor Beckwith made reference to problems with anti-social behaviour, largely caused by unsociable driving, on the Moreton Hall estate and referred to an injunction that had been served in 2016 but due to a number of factors had not been pursued once the matter was heard in court. He now urged the Council to take the measures necessary to resolve all anti-social behaviour issues that were currently blighting the Moreton Hall community.

In response, Councillor Robert Everitt, Portfolio Holder for Families and Communities stated that the application for the Moreton Hall injunction was heard in court in February 2019 and provided the reasons why the matter had not been pursued, which was mainly due to lack of evidence. The Council had not been presented with the evidence to justify an application for an injunction since February 2019, however communication with partners, including Suffolk Police, continued to ensure that if appropriate, this action could be taken.

Councillor Everitt added that as part of the PSPO review, the Council had received a request to consider a stand alone PSPO for the Moreton Hall area. Whilst continuing to work with police colleagues, the Council would consider all options available moving forward, which would involve engagement with ward members and the community to achieve appropriate solutions.

2. **Councillor Brian Harvey**, Chair of West Suffolk Council and ward member for Manor, made a statement in connection with Agenda Item 11: 'West Suffolk Local Plan Draft Issues and Options documents – approval for public consultation.'

Councillor Harvey wished to draw attention to page 28 (page 102 of the agenda supplement pack) of Part 3 of the Draft Issues and Options documents, where the map currently showed Barton Mills as being part of the Mildenhall settlement map. Residents in Councillor Harvey's ward had expressed concern that Barton Mills was being proposed to become part of Mildenhall and reassurance was sought that this was not the case.

In response, Councillor David Roach, Portfolio Holder for Local Plan Development and Delivery, stated that this would be clarified as part of the consultation.

3. Councillor Jason Crooks, one of the ward members for Haverhill South, wished to make a statement in connection with Agenda Item 10: Hackney Carriage and Private Hire Conditions Policy. He firstly wished to remind members of his registered interest as a self-employed taxi driver licensed by West Suffolk Council; however, he was speaking on the issue in his capacity as a councillor and not from a personal perspective.

Councillor Crooks expressed concern regarding the proposals to maintain the two-zone system for hackney carriages in West Suffolk, with a further review being undertaken in two years; and to remove the livery requirement for zone A hackney carriages and not introduce a requirement for private hire vehicles. He felt that residents and the business community had demonstrated support for a single zone and livery requirement and that the aforementioned proposals would be detrimental to the existing status quo.

Councillor Crooks also expressed concern that zone A (the former Forest Heath area) only had five wheelchair-accessible vehicles and therefore he felt this created disability discrimination. He considered a single zone would remove this obstacle as zone B (the former St Edmundsbury area) had several more wheelchair-accessible vehicles.

Councillor Crooks then explained the challenges the taxi industry was facing and felt the Council was not satisfactorily helping to mitigate such challenges if it continued with the two-zone system.

In response, Councillor Andy Drummond, Portfolio Holder for Regulatory, stated there was sufficient evidence to suggest that the recommendations currently brought before Cabinet did not discriminate towards people with disabilities in the former Forest Heath area. Councillor Drummond stated that the Unmet Demand Survey had identified that current levels of wheelchair accessible vehicles appeared to mirror stated need in both zones. Several organisations that supported persons with disabilities had also been contacted as part of the survey and no concerns had been raised. In addition, an Equality Impact Assessment had been undertaken as part of the consultation process on the proposed new policy. This concluded that changes to the current two-zone system had the potential to change the way in which the taxi industry in West Suffolk operated, which would particularly affect those who relied on taxis due to disability. Therefore, accelerating the amalgamation of the two taxi zones without more fully considering the implications would potentially be discriminatory to disabled residents.

The situation would be monitored and further engagement with key users with disabilities that regularly used the service, and with the trade itself, would be welcomed to develop disability access issues and take the service offer forward.

(Councillor Ian Shipp joined the meeting during the consideration of this item.)

155. Public participation

No members of the public viewing the live broadcast had registered to speak.

156. Report of the Performance and Audit Scrutiny Committee: 30 July 2020 (Report number: CAB/WS/20/052)

The Cabinet received and noted this report, which informed members of the following substantive items discussed by the Performance and Audit Scrutiny Committee at its meeting held on 30 July 2020:

1. 2020-2021 Performance Report (Quarter 1);
2. Annual Financial Resilience Report (2019-2020);
3. Financial Resilience (June 2020); and
4. Work Programme Update 2020-2021.

Councillor Ian Houlder, Chair of the Performance and Audit Scrutiny Committee drew relevant issues to the attention of Cabinet, including that separate reports were contained on this Cabinet agenda for items 2. and 3. above.

157. Report of the Overview and Scrutiny Committee: 3 September 2020 (Report number: CAB/WS/20/053)

The Cabinet received and noted this report, which informed Members of the following substantive items discussed by the Overview and Scrutiny Committee at its meeting held on 3 September 2020:

1. Western Suffolk Community Safety Monitoring Report (April 2019 to March 2020);
2. Reflections on the Community Response to Covid;
3. Suffolk County Council: Health Scrutiny Committee (8 July 2020);
4. Cabinet Decisions Plan: 1 September 2020 to 31 May 2021; and
5. Scrutiny Work Programme 2020-2021.

Councillor Ian Shipp, Chair of the Overview and Scrutiny Committee drew relevant issues to the attention of Cabinet.

158. Recommendation of the Performance and Audit Scrutiny Committee: 30 July 2020: Annual Financial Resilience Report (2019-2020) (Report number: CAB/WS/20/054)

The Cabinet considered this report, which was recommending to Council, the approval of the Annual Financial Resilience Report (2019-2020).

The West Suffolk Council's Annual Financial Resilience Report for 2019-2020 included tables summarising the interest earned and the average rate of return achieved during 2019-2020; investment activity during the year; investments held as at 31 March 2020 and capital borrowing budget 2019-2020.

The budget for investment income in 2019-2020 was £142,141 which was based on a 0.90 percent target average rate of return on investments. Interest actually earned during the financial year totalled £389,892 (average rate of return of 0.828 percent), against a budget for the year of £142,141; a budgetary surplus of £247,751.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Cabinet.

Recommended to Council (29 September 2020):

That the Annual Financial Resilience Report (2019-2020), as contained in Report number: FRS/WS/20/001, be approved.

159. **Recommendation of the Performance and Audit Scrutiny Committee:
30 July 2020: Financial Resilience - June 2020 (Report number:
CAB/WS/20/055)**

The Cabinet considered this report, which was recommending to Council, the approval of the Financial Resilience Report for the first quarter of the 2020 financial year.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Cabinet, including that the total amount invested at 1 April 2020 was £29,900,000 and at 30 June 2020, was £32,650,000.

As at the end of June 2020, interest earned during the first quarter of the financial year amounted to £31,947.08 against a profiled budget for the period of £35,535; a budgetary deficit of £3,587.92. The budgetary deficit related to a reduction in interest rates as a result of the Covid-19 pandemic.

As at the end of June 2020, the Council had not had any additional external borrowing over the long-term £4 million loan.

Recommended to Council (29 September 2020):

That the Financial Resilience Report (June 2020), as contained in Report number: FRS/WS/20/002, be approved.

160. **Hackney Carriage and Private Hire Conditions Policy (Report number: CAB/WS/20/056)**

The Cabinet considered this report, which sought approval for a new Hackney Carriage and Private Hire Conditions Policy.

This item had been deferred at the last meeting of Cabinet held on 21 July 2020 to give officers the opportunity to review the new statutory taxi and private hire vehicle standards, which had come into force that day, and to make any amendments to the proposed new policy, as necessary.

West Suffolk Council had responsibility for licensing hackney carriage and private hire vehicles, drivers and operators across the West Suffolk area. The current policies that governed the operation of hackney carriages and private hire vehicles, operators and drivers were agreed by Cabinet in February 2019 in preparation to become a single West Suffolk Council. At that point, some more significant changes were deferred to a later date.

Councillor Andy Drummond, Portfolio Holder for Regulatory, drew relevant issues to the attention of Cabinet.

Having considered the outcomes of the Unmet Demand Survey; feedback received from public consultation and from the taxi industry on the proposals contained in the proposed revised policy; and the implications of new national safety standards recently introduced by Government, the Cabinet considered the new policy was acceptable. Members felt that a measured approach had been taken working with the taxi trade, both to align the licensing terms and to introduce good practice, for the benefit of customers and the trade.

Particular discussion was held on the proposed maintaining of a two-zone system for hackney carriages in West Suffolk, with a further review to be undertaken within two years; and the removal of the livery requirement for zone A (former Forest Heath) hackney carriages with no requirement to be introduced for private hire vehicles. The officers' rationale for making these recommendations was set out in paragraphs 6.13 to 6.16 of Report number: CAB/WS/20/056.

Members felt that with the added challenges and uncertainties connected with the coronavirus pandemic, it was unwise to make zone changes and impose livery requirements at the present time. Businesses needed support where possible and to make significant changes during this turbulent time could detrimentally impact on taxi companies and individual drivers' livelihoods. Whilst a single zone was generally supported, the Cabinet considered it was prudent to maintain the existing two-zone system and review the situation within two years when the current challenges associated with Covid-19 may have eased.

Resolved:

That:

1. the maintaining of a two-zone system for hackney carriages in West Suffolk, be approved with a further review being undertaken within two years.

2. The removal of the livery requirement for zone A (former Forest Heath) hackney carriages be approved, and a requirement for private hire vehicles not be introduced.
3. The revised policy, as contained in Appendix A, which includes the proposals summarised in paragraphs 6.16 to 7.3 of Report number: CAB/WS/20/056, be approved.
4. The inclusion of changes introduced by new national safety standards, as set out in section 4 of Report number: CAB/WS/20/056, be agreed.
5. Delegated authority be given to the Assistant Director (Planning and Regulatory) to make any future minor amendments to the Policy, in consultation with the Portfolio Holder for Regulatory.

(Councillor Ian Houlder left the meeting during the consideration of this item. Councillor Jason Crooks left at its conclusion.)

161. **West Suffolk Local Plan Draft Issues and Options documents – approval for public consultation (Report number: CAB/WS/20/057)**

The Cabinet considered this report, which sought endorsement and a recommendation to Council for approval of the West Suffolk Local Plan Issues and Options documents for public consultation.

The Local Plan was important in supporting delivery of the Council's strategic priorities and essential for the continuation of an effective planning service. In addition, the Planning and Compulsory Purchase Act, (2004), required local planning authorities to prepare and keep an up-to-date Local Plan.

The new West Suffolk Local Plan would plan for the period to 2040 which aligned with local plans being produced by neighbouring authorities. The Issues and Options Local Plan consultation was the first of several rounds of public consultation in the local plan preparation process.

The Issues and Options document had three main parts, namely:

- Part one:** spatial vision
- Part two:** local issues
- Part three:** settlement profile

Each part was summarised in paragraph 2.3 of the report, with the full parts contained in Appendix A.

Councillor David Roach, Portfolio Holder for Local Plan Development and Delivery, drew relevant issues to the attention of Cabinet, including that subject to Council approval, public consultation on the draft Issues and Options Local Plan and supporting documents would be undertaken for ten weeks from Tuesday 13 October to Tuesday 22 December 2020. The proposed engagement programme would involve a range of methods, the majority of which were set out in paragraph 4.3 of the report.

Some concern was expressed regarding the effectiveness of the consultation and engagement exercise during the current Covid-19 crisis, particularly as face to face contact would be extremely limited.

In response, Councillor Roach explained that the consultation would be carried out for an extended period and new methods of non-contact engagement were being implemented to try and reach as many as possible.

Other Cabinet members recognised the importance of member engagement within their own wards, which included encouraging parish councils to actively engage as much as possible within their own communities. While Government Covid-19 safety guidelines needed to be adhered to, this would support efforts in trying to achieve a good response rate from the wider community.

Recommended to Council (29 September 2020):

That:

1. the West Suffolk Local Plan Issues and Options documents be endorsed and recommended to Council for approval for public consultation, as set out in Appendix A to Report number: CAB/WS/20/057; and
2. delegated authority be given to the Service Manager (Strategic Planning) to make minor non-material consequential changes to the documents as necessary.

(Councillor Ian Shipp left the meeting at the conclusion of this item.)

162. **Public Space Protection Orders (PSPO) – review of existing orders (Report number: CAB/WS/20/058)**

The Cabinet considered this report, which sought approval for the continuation of existing Public Space Protection Orders (PSPO) detailed in Appendices A and B attached to the report; and for further consideration to be given to potential extensions to PSPO areas in Brandon, Haverhill and Bury St Edmunds.

By virtue of the Anti-Social Behaviour Crime and Policing Act 2014, the Council must carry out a review, communicate intent to introduce new PSPOs and undertake consultations with certain key stakeholders to ensure that it could make an informed decision when determining the outcome of the review.

Extension of existing orders could be granted under section 60 of the Act where it was shown that an extension was necessary to prevent activity occurring or there had been an increase in frequency or seriousness of the activities.

However, an extension could only be granted following a review. If no review was undertaken there was no mechanism for automatic review. As a consequence, Cabinet was required to make a formal decision regarding the

PSPOs by 30 September 2020 otherwise all PSPOs would expire with the exception of the Bury St Edmunds PSPO. Whilst it was not necessary to review the Bury St Edmunds PSPO until September 2021 it had been included to enable all PSPOs to be reviewed in the same timescales in future.

Councillor Robert Everitt, Portfolio Holder for Families and Communities, drew relevant issues to the attention of Cabinet, including providing details of the PSPOs currently in place in West Suffolk as set out in paragraph 1.4 of the report, and summarising details of the responses received during the stakeholder engagement exercise held on the PSPOs, as set out in section 3.

Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, provided further details of the dog-related PSPOs currently in place, as set out in the appendices.

Having considered the responses to the stakeholder engagement exercise, the Cabinet supported the continuation of the existing PSPOs. The Cabinet also considered the additional representations received during the engagement exercise, as summarised in section 3.3 of the report, and considered it appropriate that reviews should be undertaken in a timely manner in connection with the specific representations summarised in section 4.1.3. It was aimed that these reviews would be completed by February 2021 with a recommendation to Cabinet duly following.

Resolved:

That:

1. in considering the outcomes of the review, it be agreed to continue with the existing Public Space Protection Orders (PSPO) detailed in Appendices A and B to Report number: CAB/WS/20/058; and
2. further consideration be given to the proposed variations submitted during engagement with stakeholders, namely the extension of PSPO areas in Brandon, Haverhill and Bury St Edmunds as set out in section 3.3 of Report number: CAB/WS/20/058.

(Councillor Trevor Beckwith left the meeting at the conclusion of this item.)

163. **Decisions Plan: 1 September 2020 to 31 May 2021 (Report number: CAB/WS/20/059)**

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 September 2020 to 31 May 2021.

Members took the opportunity to review the intended forthcoming decisions of the Cabinet; however, no further information or amendments were requested on this occasion.

164. **Conclusion**

On conclusion of the meeting, the Chair thanked all present for their attendance at this virtual meeting. The live broadcast subsequently ended at this point.

The meeting concluded at 7.14 pm

Signed by:

Chair
