

Minutes of a meeting of the **Cabinet** held virtually via **Microsoft Teams** live remote meeting platform on **Tuesday 10 November 2020** at **6.00 pm**

Present

Councillors

Chair John Griffiths (Leader of the Council)

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

Sara Mildmay-White

Sarah Broughton

Carol Bull

Andy Drummond

Robert Everitt

In attendance

Brian Harvey

Rachel Hood

Ian Houlder

Susan Glossop

Joanna Rayner

David Roach

Peter Stevens

(given notice to speak under the Open Forum)

(observer – attendance by viewing the live broadcast only)

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177. 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.

178. Apologies for absence

No apologies for absence were received.

179. Minutes

The minutes of the meetings held on 22 September 2020 and 6 October 2020 were confirmed as a correct record.

180. **Declarations of interest**

Members' declarations of interest were recorded under the item to which the declaration related.

181. **Open forum**

The following non-Cabinet member spoke under this item:

1. **Councillor Brian Harvey**, Chair of West Suffolk Council and Ward Member for Manor, referred to Agenda Item 6 (Sunnica Energy Farm – Response to Statutory Consultation).

Councillor Harvey explained that he had had some questions with regard to this item, which he was going to raise with the Cabinet. However, he had since spoken with the Officer Team and his questions had now been answered. Councillor Harvey also wished to commend the Officer Team working on this project and thanked them for their thoroughness with regard to this process.

182. **Public participation**

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

1. **Frank Stennett**, a resident of the district, made a statement in connection with the Abbeycroft COVID-19 Loan Facility. As Mr Stennett was unable to attend the meeting, his statement was read out on his behalf by a member of the Democratic Services Team.

Mr Stennett's statement covered the following specific points:

- If the Council were to provide a loan to Abbeycroft on market terms, then it would not constitute State Aid, as the Council was acting in line with the Market Economy Investor Principle (the "MEIP").
- When making such a loan, the Council needed to carry out prior due diligence to demonstrate that the loan was a prudent use of the Council's resources and, as such, that any other lender would have provided a loan on those terms.
- Raised concerns over the management costs of Abbeycroft Leisure, which had increased significantly in 2018/2019 (by £100,000), compared to 2017/2018. Therefore, the Cabinet should also be reviewing the accounts for 2019/2020 before any decision was made.
- Concerns that the loan provided no certainty for the Council, particularly with the payback period, loan rates and also the proposal for extending some of the loan term to 10 years. In his view, the Council should be offering a fixed rate loan for a set term, which would then enable Abbeycroft to be able to budget to repay the loan.

In conclusion, Mr Stennett asked the Cabinet to reject/alter the loan terms which were being proposed.

Prior to the response by the Portfolio Holder, Councillor John Griffiths, Leader of the Council, thanked Mr Stennett for his statement. Councillor Griffiths explained that the loan had been structured to take into account the various circumstances and that the Portfolio Holder would respond to the specific points made in relation to the terms of the loan, State Aid and the accounts/management costs. However, in general terms, Abbeycroft and the Council had a priority to serve its community in West Suffolk and to ensure that its leisure services were cost effective and available to everyone, which was now even more important in the current COVID pandemic. Of course, the Council did need to protect its own interests, however, these would be different to how other private sector lenders may view this, as the Council did have a wider social responsibility.

In response, Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, thanked Mr Stennett for his question. She explained that the Cabinet had agreed to a loan facility in July 2020 and were now being asked to consider and agree to the final terms of £500,000 of that £1m loan facility. During the last few months, Officers had had a number of open book discussions with Abbeycroft on the impact of COVID-19 and their recovery business model. Abbeycroft had undertaken a number of changes since March 2020, to reduce that cost base and to take advantage of the support which had been available, such as the Government's furlough scheme.

Since July 2020, the Council had also conducted the necessary due diligence, to not only demonstrate that the loan fell within the State Aid rules, but to also be satisfied that this was a prudent use of the Council's resources, both now and in the future. The loan agreement would have a number of loan conditions and safeguards and it was important to note that the loan would be fully secured.

Councillor Rayner further explained that the Council had a long-term collaboration agreement with the Trust to operate its five Leisure Centres and to deliver wider health and wellbeing activities and that partnership was operated on an open book basis. This loan facility was about providing certainty to the Council's communities, through creating financial capacity and stability to ensure the continued delivery of leisure services across West Suffolk through Abbeycroft. The importance of a strong and varied leisure and sports offer would be ever more important to seek to recover from this pandemic and protect and improve people's health and wellbeing.

Councillor Rayner also addressed Mr Stennett's specific question with regard to Abbeycroft's management costs and explained that South Suffolk Leisure, who were a registered charity who operated facilities for Babergh District Council, merged with Abbeycroft Leisure on 1 October 2018 to form a larger charity, maintaining the name of Abbeycroft Leisure which had impacted on the management capacity. This was explained in the Trust's Annual Report, which accompanied their accounts.

Councillor Rayner concluded by stating that Members would be able to discuss any of the detailed financial issues set out within the exempt Appendix, in the private part of the meeting.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, also wished to reassure Mr Stennett that the Council had been working closely with Abbeycroft Leisure, over the last few months, which had included access to their financial records through the open book approach. From the work which had been undertaken with regard to due diligence and with the Council's local communities in mind, she was supportive of the proposals which were set out within the report.

183. Sunnica Energy Farm - Response to Statutory Consultation (Report number: CAB/WS/20/066)

The Cabinet considered this report, which explained that the Sunnica Energy Farm was a scheme for the installation of solar photovoltaic (PV) generating panels and on-site energy storage facilities across two sites within Suffolk and Cambridgeshire. The proposal would include the infrastructure associated with the required connection to the national grid, including an extension to the Burwell National Grid Substation.

During the statutory consultation, which commenced on 22 September 2020, Sunnica were seeking views on the proposed solar farm, including the short and long term construction, environmental, operational impacts, as well as impacts from decommissioning. Specifically, the statutory consultation was to provide feedback on the Preliminary Environmental Information Report (PEIR) that had been presented at this stage. The PEIR would incorporate the results of the environmental surveys that had been carried out and would set out Sunnica's preliminary conclusions on any potential significant effects of the proposal on the environment.

Officers were undertaking a detailed review of the PEIR and working collaboratively with Officers at Suffolk County Council, East Cambridgeshire District Council and Cambridgeshire County Council in order to produce one cross-boundary response to the Statutory Consultation. The draft response was set out in Appendix A to Report Number CAB/WS/20/066. This would continue to be developed as further reviews of the PEIR were undertaken by technical officers and further dialogue took place between the four affected authorities. The Cabinet also noted that Suffolk County Council Cabinet had also recently approved this draft response.

Councillor Andy Drummond, Portfolio Holder for Regulatory, also informed the Cabinet that Sunnica had confirmed that the consultation period would now be extended to 18 December 2020, due to the latest COVID-19 restrictions. The extension of this consultation period would be publicised by Sunnica in line with their Statement of Community Consultation, which would include writing to all addresses and elected members within Consultation Zone 1, writing to all district and county councillors and parish councils within Consultation Zone 2 and the publication of the extension in local newspapers and social media advertising.

Councillor Carol Bull, Portfolio Holder for Governance, commended the very comprehensive and detailed response. She wished to refer to Appendix A which referenced the Draft Outline Landscape and Ecology Management Plan. Councillor Bull specifically referred to page 41 of the agenda papers which set

out the controlling of Ragwort and stated that because of its potential serious long-term harm, it was important to ensure that this was dealt with correctly. Councillor Drummond acknowledged the point and confirmed that this particular element would be further reviewed within the response to ensure that it was sufficiently robust.

The Cabinet also wished to commend the work of the Officer Team on the compiling of this very detailed and comprehensive response.

Resolved:

That:

1. The draft Statutory Consultation response to Sunnica's Preliminary Environmental Information Report (PEIR), as set out in Appendix A to Report Number CAB/WS/20/066, being a joint response between West Suffolk Council, Suffolk County Council, East Cambridgeshire District Council and Cambridgeshire County Council under s42 of the Planning Act 2008, be endorsed.
2. The Assistant Director (Planning and Regulatory Services), in consultation with the Cabinet Member for Regulatory, be authorised to make amendments to the draft consultation response, prior to its submission to Sunnica Ltd.

184. West Suffolk Local Council Tax Reduction Scheme (LCTRS) 2021 to 2022 (Report number: CAB/WS/20/067)

The Cabinet considered this report which explained that each year the Council was required to review its Local Council Tax Reduction Scheme (LCTRS). This report provided an annual review of the 2020 to 2021 scheme and proposed to maintain the current scheme for 2021 to 2022.

The current West Suffolk LCTRS provided a maximum benefit of 91.5 per cent for working age claimants and the Scheme also fully protected war pensioners. The aim in designing the Scheme was to achieve a balance in charging an amount of Council Tax to encourage customers back into work, whilst setting the amount charged at an affordable and recoverable level during the year.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance explained that the report was recommending to continue with the current 2020 to 2021 Scheme in 2021 to 2022, before undertaking a fuller review early next year that took into account learning from COVID-19. At this point, a range of options may be considered for possible consultation.

Recommended to Council (15 December 2020):

That:

1. The review of the Local Council Tax Reduction Scheme (LCTRS) for 2020 to 2021, as outlined in Report Number CAB/WS/20/067, be noted; and

2. The retention of the existing Local Council Tax Reduction Scheme (LCTRS) for 2021 to 2022, be agreed.

185. **Council Tax Technical Changes 2021 to 2022 (Report number: CAB/WS/20/068)**

The Cabinet considered this report which explained that since April 2013, Councils had the discretion to charge up to 100% for some previously exempt properties, to charge up to 100% in respect of furnished empty properties (usually referred to as holiday homes), to charge up to 100% in respect of second homes and to charge up to 50% (100% from April 2019) empty homes premium for properties that had been empty for over 2 years. These discretions, which were provided under sections 11a and 11b of the Local Government Finance Act 1992, were described as the 'Council Tax Technical Changes'.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, also referred to Section 2 of the report which set out the current scheme for West Suffolk Council for continuation from April 2021.

Recommended to Council (15 December 2020):

That the continuation of the West Suffolk Council Tax Technical Changes Scheme, as set out in Section 2 of Report Number CAB/WS/20/068, be approved, and, that the Special Provision Discounts and Premiums continue to apply until such time as any amendments are made.

186. **Council Tax Base for Tax Setting Purposes 2021 to 2022 (Report number: CAB/WS/20/069)**

The Cabinet considered this report which explained that the council tax base was the total taxable value at a point in time of all the domestic properties in the Council's area. It was a yearly calculation and represented the estimated number of chargeable dwellings after allowing for exemptions and discounts, projected changes in the property base and after applying an estimated collection rate.

The council tax base was used in the calculation of council tax. Each authority divided the total council tax income it needed to meet its budget requirement by the tax base of its area to arrive at its band D council tax. This is then used to work out the council tax for properties in each of the other bands.

Orders had been laid allowing West Suffolk to harmonise the council tax of Forest Heath and St Edmundsbury over a period not exceeding seven years. Because of this, it was also necessary to calculate tax base figures for the areas formerly covered by Forest Heath District Council and St Edmundsbury Borough Council (the 'predecessor areas').

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, referred to paragraph 2.6 of the report which set out the resulting tax base figure for council tax collection purposes for the whole of West Suffolk,

expressed in terms of the number of Band D equivalent properties, which was 55,339.97. The tax base figure was analysed further across individual town and parish councils to form their tax base figures for the purpose of budget setting and determining the parish band D tax levels in each of those areas. The town/parish figures were set out in Appendix 3 to the report.

Recommended to Council (15 December 2020):

That:

1. The tax base for 2021 to 2022, for the whole of West Suffolk be 55,339.97 equivalent Band D dwellings, and for each of the predecessor areas be: Forest Heath 18,572.56 and St Edmundsbury 36,767.41, as detailed in paragraph 2.6 of Report Number CAB/WS/20/069.
2. The tax base for 2021 to 2022 for the different parts of its area, as defined by parish or special expense area boundaries, be as shown in Appendix 3 of Report Number CAB/WS/20/069.
3. The Assistant Director (Resources and Performance) be given delegated responsibility to make changes to the tax base figures as a result of any Government announcements pertaining to local council tax support as detailed in paragraph 2.5 of Report Number CAB/WS/20/069.

187. Decisions Plan: 1 November 2020 to 31 May 2021 (Report number: CAB/WS/20/070)

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 November 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.

188. Bury St Edmunds Cumulative Impact Assessment Review (Report number: CAB/WS/20/071)

The Cabinet considered this report which set out the evidence and data to support the proposed decision to retain the Cumulative Impact Assessment in Bury St Edmunds in its current boundaries. This evidence was based upon feedback received from a public consultation and stakeholders, as well as information from Suffolk Constabulary.

There was a legislative requirement to review the Assessment every three years, including a full consultation. The current policy had been in place since 2017 and any decision to renew as a Cumulative Impact Assessment must be taken by the end of 2020 or the existing Cumulative Impact Area would automatically cease.

Section 3 of the report set out the detail of the consultation and engagement exercise. Councillor Andy Drummond, Portfolio Holder for Regulatory explained that during the seven-week consultation period, the responses

received to the consultation were significantly in favour of retaining the Cumulative Impact Assessment in Bury St Edmunds. In addition, there was no split in opinion between different groups, with a majority from each respondent grouping being in favour of retaining the CIA. Responses that were not in favour of retaining the CIA, however, did focus on pressing issues, such as the impact of COVID-19 on businesses in the area, although responses from businesses themselves did not indicate an overall negative impact of the CIA on their capacity to operate.

With regard to the questions which had been raised on expanding the CIA, most comments in favour of increasing the CIA area focused on ensuring it covered both sides of Risbygate Street. However, the evidence suggested that there was neither a majority in favour of expansion, nor was there enough evidence to justify the CIA covering additional areas of the town centre.

Resolved:

That the Cumulative Impact Assessment in Bury St Edmunds be retained at its current boundaries.

189. Abbeycroft COVID-19 Loan Facility (Report Number: CAB/WS/20/072)

The Cabinet received this report which explained that on 20 March 2020, Abbeycroft closed its leisure centres, in line with Government guidance and all its income ceased (other than the management fee the Council paid and some Council grant funding). Closure of centres and then re-opening in a COVID safe way has had a huge impact on the viability of leisure service and operators across the country.

Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, referred to Section 2 of the report and explained that on 21 July 2020, the Cabinet had approved the creation of a £1,000,000 loan facility that Abbeycroft Leisure could access to support its cash flow position, having regard to the very significant impact COVID had had on its operations. This was set out in Report Number CAB/WS/20/051.

However, since that report, Abbeycroft had taken further advice on the sectors' recovery projections and around its own short to medium term financial performance. Abbeycroft's cash flow position and balance sheet position meant that it had to consider very carefully taking on any external debt at this time, including the agreed loan facility from the Council. This report and its exempt Appendix provided the final terms of that loan agreement which were deemed acceptable to both the Council and Abbeycroft's Board of Trustees.

It was also reported that £100m of funding had been announced from the Government that would be available to support leisure trusts running Council facilities. However, the Council was still awaiting full details of how that funding would be allocated and which organisations would qualify.

During the discussions, the Cabinet **voted to move into private session** to be able to discuss the detailed financial issues contained within the exempt Appendix and other matters (see Minute Numbers 191. and 192. below).

When returning back to the public session, Councillor Rayner explained that the Cabinet had also discussed the following specific areas and were confident that these had been satisfactorily addressed:

- Risks of repayment and the security of the loan.
- The Council being able to continue to deliver a leisure service to its residents.
- Whether the loan provided adequate support for Abbeycroft's recovery.
- Whether it was a good use of public funds.
- The rates within the loan agreement.
- Compliance with State Aid.

Resolved:

That:

1. The final principles of the terms and conditions of the £1,000,000 loan facility for Abbeycroft Leisure agreed by Cabinet on 21 July 2020 (Report Number CAB/WS/20/051), as set out in Section 2 of Report Number CAB/WS/20/072, be funded through usable capital receipts; and
2. Delegated authority be given to the Council's Section 151 Officer, in consultation with the Portfolio Holders for Resources and Performance and for Leisure, Culture and Community Hubs, and the Director, to agree the final details of the loan based on the principles as agreed above and enter into a loan agreement(s) with Abbeycroft Leisure.

190. **Revenues Collection Performance and Write-Offs (Report number: CAB/WS/20/073)**

The Cabinet considered this report, which provided the collection data in respect of Council Tax and National Non-Domestic Rates (NNDR) and sought approved for the write-off of the amounts contained in the Exempt Appendix attached to the report.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including the current performance of both council tax and business rates collection, as set out in Section 2 of the report.

Members noted that reliefs introduced by central Government in response to the COVID-19 pandemic (many of which provided 100% relief for 2020/21) had reduced the amount of debt to be collected and, in turn, had contributed to a slight improvement on the collection rate to-date.

Resolved:

That the write-off of the amounts detailed in the Exempt Appendix to Report Number CAB/WS/20/073, be approved, as follows:

1. Exempt Appendix 1: Business Rates totalling £24,732.09.

191. Exclusion of press and public

It was proposed, seconded and

Resolved:

That the press and public be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972 and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

192. Exempt Appendix 1: Abbeycroft COVID-19 Loan Facility (paragraph 3) (Report number: CAB/WS/20/072)

The Cabinet considered the Exempt Appendix 1 to this report in detail, along with other matters. These discussions were contained in the exempt version of these minutes.

The meeting then moved back into public session, to allow for the Cabinet to vote on the recommendations, which were as set out in Minute Number 189. above.

193. Exempt Appendix 1: Revenues Collection Performance and Write-Offs (paragraphs 1 and 2) (Report number: CAB/WS/20/073)

The Cabinet considered the Exempt Appendix 1 to this report. However, no reference was made to specific detail and, therefore, this item was not held in private session.

194. 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 7.19 pm

Signed by:

Chair
