

Council



Title	Agenda
Date	Tuesday 28 September 2021
Time	6.30 pm
Venue	<p>Conference Chamber West Suffolk House Western Way Bury St Edmunds</p> <p>** For the health and safety for all persons present and in order to reduce the risk of spread of coronavirus, appropriate mitigation measures will be applied**</p>
Membership	<p>All Councillors</p> <p>You are hereby summoned to attend a meeting of the Council to transact the business on the agenda set out below.</p>  <p>Ian Gallin Chief Executive 20 September 2021</p>
Interests – declaration and restriction on participation	<p>Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.</p>
Quorum	One third of the Council (22 members)
Committee administrator	<p>Claire Skoyles Democratic Services Officer Telephone 01284 757176 / 07776 254986 Email claire.skoyles@westsuffolk.gov.uk</p>

Venue	Conference Chamber, West Suffolk House, Bury St Edmunds
Contact information	Telephone: 01284 757176 / 07776 254986 Email: democratic.services@westsuffolk.gov.uk Website: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting	<p>The agenda and reports will be available to view at least five clear days before the meeting on our website.</p> <p>Whilst not a legal requirement, it may be possible to livestream the meeting and if this is achievable, further information will be provided on the agenda webpages prior to the meeting.</p>
Attendance at meetings	<p>This meeting is being held in person in order to comply with the Local Government Act 1972. As a local authority we have a corporate and social responsibility for the safety of our staff, our councillors and visiting members of the public. West Suffolk Council has therefore developed meeting protocols in accordance with government guidance to ensure the health and safety for all persons present and in order to reduce the risk of spread of coronavirus. Accordingly, room layouts have been adjusted to prevent people from different households being in close proximity to each other for prolonged periods, we are encouraging people to use hand sanitiser regularly (hand sanitiser and wipes will be available in the meeting room) and we are expecting that all participants in the meeting continue to wear face coverings (unless exempt) except when seated. Details will be requested from public attendees for NHS Track and Trace until government guidance clearly states this is not required.</p> <p>In view of the above, we may be required to restrict the number of members of the public able to attend in accordance with the room capacity. Therefore, if you consider it is necessary for you to attend, please let Democratic Services know in advance of the meeting by telephoning 01284 757176 or by sending an email to democratic.services@westsuffolk.gov.uk.</p>
Public participation	<p>Members of the public who live or work in the district may put questions about the work of the Council or make statements on items on the agenda to members of the Cabinet or any committee. A total of 30 minutes will be set aside for this with each person limited to asking one question or making one statement within a maximum time allocation of five minutes. 30 minutes will also be set aside for questions at extraordinary meetings of the Council, but must be limited to the business to be transacted at that meeting.</p>

	<p>The Constitution allows that a person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757176 or in person by telling the Committee Administrator present at the meeting. However, to ensure the health and safety for all persons present and in order to reduce the risk of spread of coronavirus we would strongly urge anyone who wishes to register to speak to notify Democratic Services by 9am on the day of the meeting so that advice can be given on the arrangements in place.</p>
Accessibility	<p>If you have any difficulties in accessing the meeting, the agenda and accompanying reports, including for reasons of a disability or a protected characteristic, please contact Democratic Services at the earliest opportunity using the contact details provided above in order that we may assist you.</p>
Recording of meetings	<p>The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).</p> <p>Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.</p>
Personal information	<p>Any personal information processed by West Suffolk Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.</p>

Agenda

Procedural matters

	Pages
1. Minutes	1 - 14
To confirm the minutes of the meeting held on 22 June 2021 (copy attached).	
2. Chair's announcements	15 - 16
To receive announcements (if any) from the Chair.	
A list of civic events/engagements attended by the Chair and Vice-Chair since the last ordinary meeting of Council held on 22 June 2021 are attached .	
3. Apologies for absence	
To receive announcements (if any) from the officer advising the Chair (including apologies for absence).	
4. Declarations of interests	
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda no later than when that item is reached and, when appropriate, to leave the meeting prior to discussion and voting on the item.	

Part 1 – public

5. Leader's statement	17 - 24
Paper number: COU/WS/21/012	
Council Procedure Rules 8.1 to 8.3. The Leader will submit a report (the Leader's Statement) summarising important developments and activities since the preceding meeting of the council.	
Members may ask the Leader questions on the content of both his introductory remarks and the written statement itself.	
A total of 30 minutes will be allowed for questions and responses. There will be a limit of five minutes for each question to be asked and answered. A supplementary question arising from the reply may be asked so long as the five minute limit is not exceeded.	

6. Public participation

Council Procedure Rules Section 6. Members of the public who live or work in the district may put questions about the work of the council or make statements on items on the agenda to members of the Cabinet or any committee. The Constitution allows that a person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757176 / 07776 254986 or in person by telling the Committee Administrator present at the meeting. However, to ensure the health and safety for all persons present and in order to reduce the risk of spread of coronavirus **we would strongly urge anyone who wishes to register to speak to notify Democratic Services by 9am on the day of the meeting so that advice can be given on the arrangements in place.**

(Note: The maximum time to be set aside for this item is 30 minutes, but if all questions/statements are dealt with sooner, or if there are no questions/statements, the Council will proceed to the next business.)

Each person may ask **one** question or make **one** statement only. A total of **five minutes will be allowed for the question to be put and answered or the statement made.** If a question is raised, one supplementary question will be allowed provided that it **arises directly from the reply and the overall time limit of five minutes is not exceeded.**

If a statement is made, then the Chair may allow the Leader of the Council, or other member to whom they refer the matter, a right of reply.

As an alternative to addressing the meeting in person, **written questions** may be submitted by members of the public to the Monitoring Officer **no later than 10am on Monday 27 September 2021.** The written notification should **detail the full question** to be asked at the meeting of the Council.

7. Referrals report of recommendations from Cabinet

25 - 28

Report number: **COU/WS/21/013**

A. Referrals from Cabinet: 29 June 2021 and 20 July 2021

There are no referrals emanating from the Cabinet meetings held on 29 June 2021 and 20 July 2021.

B. Referrals from Cabinet: 21 September 2021

(These referrals have been compiled before the meeting of Cabinet on 21 September 2021 and are based on the recommendations contained within each of the reports listed below. Any amendments made by the Cabinet to the recommendations within these reports will be notified to members in advance of the meeting accordingly.)

1. Annual Treasury Management and Financial Resilience Report (2020 to 2021)

Portfolio holder: Councillor Sarah Broughton

2. Financial Resilience (June 2021)

Portfolio holder: Councillor Sarah Broughton

8. Consolidation of byelaws for skin piercing activities

29 - 40

Report number: **COU/WS/21/014**

9. Representation on Suffolk County Council's Health Scrutiny Committee

The Council is asked to nominate one member and one substitute member to serve on Suffolk County Council's Health Overview and Scrutiny Committee.

The Overview and Scrutiny Committee, on 8 July 2021, considered nominations for a representative and a substitute member for 2021 to 2022.

Recommendation:

It is **recommended** that Councillor Margaret Marks be nominated as West Suffolk Council's representative and Councillor Mike Chester as the nominated interim substitute member on the Suffolk Health Overview and Scrutiny Committee for 2021 to 2022.

10. The use of Chief Executive urgency powers: dispensation

Under Part 3, Section 5, Scheme of Delegation to Officers, paragraph 14 of the Council's Constitution, it states:

'Where, in the opinion of the Chief Executive, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as they consider necessary (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of the Constitution), they shall have power to make a decision provided that any such decision shall

be reported to the next meeting of the Cabinet, appropriate Committee or Council.....'

On 12 July 2021, the Chief Executive exercised his urgency powers and made a decision to grant an exemption to section 85(1) of the Local Government Act 1972 to Councillor Mick Bradshaw until 31 December 2021.

Section 85(1) of the Local Government Act 1972 requires councillors to attend at least one meeting of the Council or act as an appointed representative of the Council every six month period, unless the failure to attend was due to a reason pre-approved by the authority.

Councillor Mick Bradshaw attended a meeting of Council on 23 February 2021. For health reasons, Councillor Bradshaw was unable to attend the meetings of Council in May and June 2021 which could have increased the risks to him. He has requested an exemption on health grounds.

This exemption would have been considered by Council in July 2021; however, the meeting was cancelled due to lack of substantive business. This urgent decision was made to ensure that the exemption could be granted before Councillor Bradshaw's term of office would otherwise expire in August 2021.

An alternative option considered was not to grant the exemption; however, this would have resulted in Councillor Bradshaw's term of office expiring.

The Group Leaders and Chair of the Council were consulted on this matter prior to the decision being made, and all expressed their support for it.

Recommendation:

In accordance with the Constitution, Council is requested to **note** the use of the Chief Executive's urgency powers in respect of making the decision outlined above.

11. Any other urgent business

To consider any business, which by reason of special circumstances, should in the opinion of the Chair be considered at the meeting as a matter of urgency.

Part 2 – exempt

None

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Council



Minutes of a meeting of the **Council** held on **Tuesday 22 June 2021** at **6.30 pm** in the **Exhibition Hall 3, Rowley Mile Conference Centre**, Millennium Grandstand, Newmarket Racecourse (Rowley Mile), Newmarket, CB8 0TF

Present

Councillors

Chair Margaret Marks

Vice Chair Mike Chester

Richard Alecock	Susan Glossop	Joanna Rayner
Michael Anderson	John Griffiths	Karen Richardson
John Augustine	Pat Hanlon	David Roach
Sarah Broughton	Brian Harvey	Marion Rushbrook
Tony Brown	Rachel Hood	Ian Shipp
Carol Bull	Ian Houlder	Andrew Smith
John Burns	Paul Hopfensperger	David Smith
Patrick Chung	Beccy Hopfensperger	Karen Soons
Max Clarke	Victor Lukaniuk	Clive Springett
Nick Clarke	Birgitte Mager	Sarah Stamp
Terry Clements	Joe Mason	Peter Stevens
Simon Cole	Elaine McManus	Peter Thompson
Dawn Dicker	Sara Mildmay-White	Jim Thorndyke
Roger Dicker	Andy Neal	Julia Wakelam
Andy Drummond	David Nettleton	Don Waldron
Robert Everitt	Robert Nobbs	Phil Wittam
Stephen Frost	David Palmer	
	Sarah Pugh	

By invitation:

Dr Stephen Dunn (West Suffolk NHS Foundation Trust)

Kate Vaughton (NHS West Suffolk Clinical Commissioning Group)

137. Welcome and introduction

The Chair formally opened the meeting and welcomed all persons present, including those that were viewing the meeting externally via the live broadcast, to the 'in person' meeting of Council.

For the benefit of members of the public that may be watching the livestream, the Chair provided the rationale behind holding the meeting in person with COVID-19 restrictions in place rather than virtually. Due to the expiry of special legislation on 7 May 2021 which allowed Council meetings to be held virtually, and despite an unsuccessful High Court challenge, the law

required that publicly accessible decision making meetings were to be held in person at a specific geographical location.

To be able to have meetings in person, the Council also needed to consider the Government guidance in relation to the safe use of council buildings and carefully consider the capacity of its venues to host meetings. This was challenging as it was difficult to find suitable and available venues within the district to accommodate 64 councillors under the present social distancing guidelines. The Council had some important decisions to make at the meeting, and it was not considered prudent to defer matters until restrictions on social contact were eased. The venue at Newmarket Rowley Mile Racecourse provided suitable accommodation which allowed all members to partake in the debate and decision-making seated two metres apart from each other.

The Chair then welcomed to the meeting, Dr Stephen Dunn and Kate Vaughton, representatives of the NHS. The NHS were a key partner in the proposed Western Way Development and therefore the Chair would seek to suspend standing orders to allow Dr Dunn and Ms Vaughton to speak when that agenda item was reached.

138. **Minutes**

The minutes of the meetings held on 23 February 2021 and 19 May 2021 were confirmed as correct records and signed by the Chair.

The notes of the non-decision making virtual meeting of Annual Council held on 18 May 2021 were received.

139. **Chair's announcements**

The Chair reported on the civic engagements and charity activities which she and the Vice-Chair had attended since their election at the Annual Meeting on 19 May 2021.

Due to COVID-19 restrictions, attendance at engagements in person remained few and far between and it was very much hoped that this situation would change in the coming months ahead.

As Suffolk Accident and Rescue Service (SARS) was one of the Chair's chosen charities during her year in office, she wished members to note the awarding of the new Suffolk Award to Jeremy Mauger, Consultant Anaesthetist at West Suffolk Hospital, member of SARS and member of the East of England Air Ambulance service. This was in recognition of Mr Mauger's work supporting people across Suffolk throughout the COVID-19 pandemic.

The Chair then presented Councillor Brian Harvey, outgoing Chair of West Suffolk Council with his past Chair's badge. Due to the impact of COVID-19, which had prevented an Annual Meeting of Council being held in 2020, Councillor Harvey had served two years as the first Chair of West Suffolk Council since its creation in 2019.

Councillor Harvey warmly accepted his badge and a socially distanced photograph of he and the Chair was taken.

140. Apologies for absence

Apologies for absence were received from Councillors Mick Bradshaw, Trevor Beckwith, Simon Brown, Jason Crooks, Diane Hind, James Lay, Aaron Luccarini, John Smith and Cliff Waterman.

Councillors Colin Noble and Richard Rout were also unable to attend the meeting.

The Chair paid tribute to Councillors Bradshaw, Hind and John Smith who were currently unwell. Members joined the Chair in wishing them the very best in their respective recoveries.

141. Declarations of interests

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

142. Leader's statement (Paper number: COU/WS/21/006)

Councillor John Griffiths, Leader of the Council, presented his Leader's Statement as outlined in Paper number: COU/WS/21/006.

In his introductory remarks, Councillor Griffiths made reference to:

- a. The proposed Western Way Development, which was to be considered later in the agenda
- b. The closure of the College Heath Road offices in Mildenhall, having also been used as a vaccination centre
- c. The gradual opening of the school, health and leisure facilities, and other services and council offices within the new Mildenhall Hub
- d. The exemplary work of officers and staff during the COVID-19 pandemic and the support given to communities and businesses as part of the recovery process
- e. The new Barley Homes site at Westmill Place (former Westfield Primary School site) in Haverhill
- f. The Crucial Crew initiative, which would be held virtually this year

The Leader responded to a range of questions:

- a. In the context of installing electric vehicle charging points in towns and larger areas of the district, how very rural, smaller communities were going to achieve a change to no petrol or diesel vehicles.

- b. How the electrification of the Council fleet was going, including how many electric cars and other vehicles it had now, or planned to buy in the near future.
- c. That Councillor Griffiths shared Councillor David's Smith disappointment and frustration with the Planning Inspector's decision to allow an appeal for planning permission to be granted for 155 residential dwellings on the site of the EpiCentre (Haverhill Research Park), despite this Council refusing permission on the grounds that the site should remain a key employment site for research and development businesses, thus promoting the future growth and prosperity of Haverhill. The Council had fought hard to seek sufficient financial funding to support the EpiCentre from the Local Enterprise Partnerships and other potential funding partners, but this had been unsuccessful. The Inspector had concluded that the loss of the larger high quality employment site and the vision and ambition it held out for Haverhill was to be regretted, but he felt the time had come to accept that market forces were against the proposal and that an alternative use should be permitted on the site.
- d. That the relationship with Suffolk County Council, as the Highways Authority, was continually improving. This Council was working with them to ascertain what improvements could be made to ease traffic congestion around the Mildenhall Hub, and how similar situations could be prevented in other areas coming forward.

In respect of questions a. and b. above, written replies would be provided and circulated to all members.

No further questions were asked.

143. Public participation

No members of the public had registered to speak on this occasion.

144. Referrals report of recommendations from Cabinet

Council noted that in place of Cabinet meetings, portfolio holder decisions were taken on 16 March 2021 and 25 May 2021. On both occasions, there were no referrals to Council.

145. Western Way Development, Bury St Edmunds: final business case update and review (Report number: COU/WS/21/007)

(Councillor Joanna Rayner declared a local non-pecuniary interest as she was employed by West Suffolk Hospital and should the scheme proceed as proposed, the West Suffolk NHS Foundation Trust were anticipated to be key partners within the Western Way Development. She remained in the meeting during the consideration of this item and took part in the debate and vote.)

Council considered this report which sought approval for a review and update of the business case for the Western Way Development (WWD), Bury St

Edmunds and, as part of the wider scheme, the replacement of the Bury St Edmunds Leisure Centre.

Members noted that since the distribution of the agenda and papers for the meeting, the following typographical amendments had been made to the main business case update and review document. No changes were required to the recommendations contained in the report as a result of the amendments, and they had been rectified on the online version:

An incorrect total number had been transposed into the summary tables of modelled phase 1 demand (8,250 square metres instead of 7,750 square metres) set out in both the executive summary (paragraph 24) and Part C of the review document (paragraphs 29 and 30).

8,250 square metres would include some of the ancillary spaces such as meeting rooms, multi-activity areas of 'The Street', and so on, from which a small estimated income ("other income") had been included in the illustrative revenue model in Part E of the review. However, for the purposes of the comparison of spaces being made in the earlier tables, 7,750 square metres was the correct number.

In order to allow Dr Stephen Dunn and Kate Vaughton, invited guests of the NHS to speak, and to allow technical matters to potentially be resolved during the debate, the Chair sought to suspend standing orders, as set in paragraph 19.1 of the Council Procedure Rules of the Constitution.

On the motion of Councillor Margaret Marks, seconded by Councillor Mike Chester, it was put to the vote and with the vote being unanimous, it was

Resolved:

That, in accordance with paragraph 19.1 of the Council Procedure Rules of the Constitution, standing orders be suspended until the debate on agenda item 8, 'Western Way Development, Bury St Edmunds: final business case update and review' is concluded. Normal standing orders will resume immediately prior to the vote being taken on the item.

Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, drew relevant issues to the attention of Council, including reminding members of the processes that had previously been undertaken to progress the WWD. The final business case for the Western Way Development (including the business case for a replacement leisure centre) had been approved by Council in September 2019 with a view to moving ahead with delivering the scheme. Up to the point of spring 2020, several other significant steps had been taken to successfully progress the project and the only formal councillor decision still needed was for Cabinet to sign-off the appointment of a contractor.

With the onset of the COVID-19 pandemic in March 2020, not only had work needed to immediately stop to progress the project, but the pandemic had impacted on the context in which the Western Way Development would be delivered, which had changed significantly.

This change, and the general delay caused by COVID-19, meant that it was appropriate to assess whether the tests set for the project in 2019 could still be met. Whilst the original masterplan for the site, the strategic case for the project, the design of the scheme, its highways provisions or the final mix of facilities did not require reconsideration, Council was now being asked to review the affordability of a deliverable scheme, and the appropriate safeguards that needed to be in place to secure delivery.

The following documents were attached to the covering report:

- Western Way Development Final Business Case Update and Review June 2021
- Appendix 1: Leisure Provision Business Case Update June 2021
- Appendix 2: Action Plan from 2019 to 2020 External Assurance Review, Western Way Development – Update
- Appendix 3: Western Way Development Final Business Case Risk Register June 2021
- Exempt Appendix 4: Western Way Development Market Update and Anticipated Rent Analysis (available for restricted access online only and not attached to the printed versions of the report)

Councillor Rayner explained the project could proceed utilising a flexible, phased approach within the parameters of the full business case and planning consent. The flexibilities of the scheme would allow such adaptations and modifications to be made without jeopardising the principal objectives of the full business case and Councillor Rayner provided a detailed explanation on how this could be achieved upon consideration of the following key areas. Each had been reviewed against affordability, risk, safeguards and deliverability:

- Replacement of the leisure centre
- Public sector hub provision
- Commercial employment space

A fourth element of the project had also been reviewed in respect of the proposed development's potential positive impact on the environment with many 'green' initiatives incorporated into the scheme.

Councillor Rayner moved the recommendations contained in the covering report.

The Chair invited Dr Stephen Dunn and Kate Vaughton, representatives of the NHS to speak. The NHS were potential key public sector partners within the proposed development and Dr Dunn and Ms Vaughton addressed Council in turn. Both placed emphasis on the commitment the NHS had on partnership working with other public sector organisations and the provision of space within the Western Way Development would help achieve its aims and ambitions for undertaking a joined-up approach to delivering excellent care and health services within the community. Dr Dunn also confirmed the intention of the Foundation Trust to enter into the required collaboration agreement for the project.

Following an invitation to Councillor Rayner to follow up on Dr Dunn's and Ms Vaughton's speeches, the Chair sought a seconder for the substantive motion, which was duly provided by Councillor John Griffiths, Leader of the Council.

Councillor Griffiths thanked Dr Dunn and Ms Vaughton on behalf the Council for attending the meeting and paid tribute to the NHS for their outstanding, tireless efforts during the pandemic. He then expressed his support for the proposed WWD, including:

- In partnership with others, the Council was in the process of making hubs possible across West Suffolk by bringing leisure, education and public services together to improve the quality of life for residents
- The WWD was designed to provide flexible, innovative and forward thinking space for both the public and commercial sectors
- The adoption of a phased approach would enable the development to come forward as soon as practicable whilst maintaining the aspirations of the business case and keeping costs neutral

The debate ensued with several members expressing their support for the proposals, each acknowledging the merits of the scheme, its flexibilities and ability to adapt to changing circumstances. With the appropriate safeguards in place, as provided in the report, financial challenges and other risks could be satisfactorily mitigated. The consensus felt that organisations working collaboratively and holistically would lead to better outcomes for the residents of West Suffolk. Such outcomes included better health and wellbeing, economic and environmental benefits.

Questions were raised regarding the financial risks, the commercial viability and confirmed public sector and commercial tenancies for the scheme. Alex Wilson, Strategic Director and project lead was invited by the Chair to respond. He provided technical detail and reiterated the safeguards that needed to be in place before the project could proceed, as provided in the business case update and review report.

In her right of reply, Councillor Rayner thanked those members that had expressed their support for the project and responded to a wide range of questions, including:

- a. The Council had been working with the Highways Authority throughout the development of the proposed scheme. Working within the parameters of the masterplan for the site, planning consent had been given, which included measures required to be met by the Highways Authority and a travel plan was in place.
- b. In the context of approaching the fourth anniversary of the Grenfell Tower tragedy, Councillor Max Clarke asked what guarantees could be given to residents that the same flammable materials were not used in the cladding applied to social housing across West Suffolk, with direct reference given to locations of social housing in Councillor Clarke's ward. A written response would be provided by Councillor Sara Mildmay-White, Portfolio Holder for Housing and circulated to all members.

- c. In the context of providing a fit-for-purpose swimming pool within the proposed new leisure centre, the report (Appendix 1, Leisure Provision, paragraph A.1.10) was correct where it stated, 'a main swimming pool of at least 6-lane 25 metre...' This meant there was flexibility within the scheme to do more if appropriate. Councillor Rayner invited Councillor Paul Hopfensperger to discuss the specifics of his other question regarding discussions with Sport England and Swim England outside of the meeting.
- d. That it was wrong to say there would be no risks involved with a delivering a project of this scale; however, Councillor Rayner remained confident that sufficiently robust safeguards were in place to mitigate the risks. To move forward with this exciting, innovative project required courage and leadership; however, Councillor Rayner strongly believed through effective partnership working, better services and outcomes would be delivered for the residents of West Suffolk.

Following the conclusion of the debate, standing orders were resumed.

On the motion of Councillor Rayner, seconded by Councillor Griffiths, it was put to the vote and with the vote being 49 for the motion, 4 against and no abstentions, it was

Resolved: That

1. this review and update of the business case for the Western Way Development (WWD), Bury St Edmunds and, as part of that wider scheme, the replacement of the Bury St Edmunds Leisure Centre, be approved so that Cabinet and officers can continue to deliver the project on the basis set out in the approved outline and final business cases, the external assurance review, this review and the Council's Constitution;
2. the existing financial provisions, safeguards and financial tests for delivery of the project agreed by Council on 19 September 2019, and clarified through the action plan of the external assurance review approved by Cabinet on 14 January 2020, be reaffirmed subject to:
 - a. it being noted that that the project may now need to be delivered in phases if required;
 - b. the £27.9 million capital expenditure limit for the replacement of the leisure centre being replaced by a new condition that this element of the scheme is capable of achieving at least a break-even position as defined in appendix 1 to this review document (Report number: COU/WS/21/007);
 - c. public sector partners seeking more than 200 square metres of exclusive floorspace also being required to agree heads of terms and formal pre-let agreement at the project gateways defined in Part E of this review; and

- d. the revised timescales outlined in this review.

The Chair thanked Dr Dunn and Ms Vaughton for attending the meeting before moving on to the next item.

146. **West Suffolk Annual Scrutiny Report: 2020 to 2021 (Report number: COU/WS/21/008)**

Council received and noted the West Suffolk Annual Scrutiny Report for 2020 to 2021.

Article 7 of the Council's Constitution required that 'the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.'

Councillor Ian Shipp, Chair of the Overview and Scrutiny Committee drew relevant issues to the attention of Council. He placed his thanks on record to the Committee, its partners and to Cabinet, and acknowledged the work of officers that had supported him and the Committee, with particular recognition given to Christine Brain, Democratic Services Officer (Scrutiny), and to Leah Mickleborough, Service Manager (Democratic Services).

Councillor Ian Houlder, Chair of the Performance and Audit Scrutiny Committee, drew attention to the specific work of that Committee and its two sub-committees. He placed his thanks on record to the Committee and to Rachael Mann, Director (Resources and Property) and to her teams in Finance and Internal Audit for their continuing support.

In response to a question, Councillor Shipp informed Council that following the declaration of the climate and environment emergency by this Council, and the work undertaken by the Environment and Climate Change Taskforce, the Cabinet was due to consider on 20 July 2021, an update on progress on the previously agreed Environment and Climate Change Action Plans.

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

147. **Great Barton Neighbourhood Plan referendum and decision to 'make' (adopt) as a West Suffolk Development Plan Document (Report number: COU/WS/21/009)**

(Councillor Broughton declared a pecuniary interest as she and her husband owned a parcel of land within the area covered by the Great Barton Neighbourhood Plan. She left the meeting during the consideration of this item and therefore did not take part in the debate or the vote.)

Council considered this report, which sought approval for Council to 'make' (adopt) the Great Barton Neighbourhood Plan as part of the statutory development plan for West Suffolk.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. Their aim was to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, and subsequent revisions in 2018 and 2019.

Legislation required a neighbourhood to meet a set of basic conditions, as summarised in the report. In addition, in order for a Neighbourhood Plan to become part of the development plan it must follow a statutory process involving public consultation at each formal stage including the designated of the plan's area, pre-submission, submission, examination and finally by referendum.

Section 3 of the report summarised the above process that had been followed, which culminated in a referendum being held on 6 May 2021. The referendum asked the question *"Do you want West Suffolk Council to use the Neighbourhood Plan for Great Barton to help it decide planning applications in the neighbourhood area?"* The Neighbourhood Plan was successful at the referendum with a clear majority of 688 people voting 'Yes' and 91 'No' from a turnout of 45 percent.

Councillor David Roach, Portfolio Holder for Local Plan Development and Delivery, drew relevant issues to the attention of Council including that the Council had a duty to support communities who were preparing Neighbourhood Plans and the Council's responsibilities in respect of providing this support were clearly set out in the relevant Regulations. The Plan had been independently examined and agreed by West Suffolk Council to meet the Basic Conditions; it had been endorsed by the community having been subject to a referendum and had otherwise complied with all the legal requirements of plan production. It was considered that the Plan met European legislation and was compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998 and should therefore be 'made' to become part of the development plan for West Suffolk.

On the motion of Councillor Roach, seconded by Councillor Peter Stevens, it was put to the vote and with the vote being unanimous, it was

Resolved: That

1. the Great Barton Neighbourhood Plan (Referendum version) be 'made' (adopted) so that it becomes part of the statutory development plan, and a material consideration for determining planning applications in the Great Barton Neighbourhood Area.
2. Delegated authority be given to the Service Manager (Strategic Planning), to make minor non material consequential changes to the plan, as necessary, and exercise all of the Council's functions and responsibilities in relation to making the Great Barton Neighbourhood Plan.

(Councillor Sarah Broughton returned to the meeting room at the conclusion of this item.)

148. **Constitution amendments (Report number: COU/WS/21/010)**

Council considered this report, which sought approval for a number of amendments to the Council's Constitution.

The Constitution Review Group met periodically to review the effectiveness of the Constitution. On 10 May 2021, the Group met to consider a number of proposed changes to the Constitution, as set out in the report. These related to:

- Proposed changes to officer appointments procedures
- Amendments to the Code of Conduct for employees
- Budget and policy framework procedure rules

Councillor Carol Bull, Portfolio Holder for Governance, drew relevant issues to the attention of Council.

On the motion of Councillor Carol Bull, seconded by Councillor Joanna Rayner, it was put to the vote and with the vote being unanimous, it was

Resolved: That

1. the amendment to the Officer Appointments Committee and the creation of an Independent Panel, as attached at Appendix 1 to Report number: COU/WS/21/010, be approved.
2. The amendments to the Officer Code of Conduct, as attached at Appendix 2, be approved.
3. The amendments to the Budget and Policy Framework Procedure Rules, as set out in section 4 of Report number: COU/WS/21/010, be approved.

149. **Pay Policy Statement 2021 to 2022 (Report number: COU/WS/21/011)**

(Although the Pay Policy Statement 2021 to 2022 did not make specific reference to individual employees' pay, Councillor Alecock declared a pecuniary interest in this item as his spouse was employed by West Suffolk Council. He remained in the meeting but abstained from the vote.)

Council considered this report, which sought approval for the Pay Policy Statement 2021 to 2022.

The Localism Act 2011 and supporting guidance provided details of matters that must be included in this statutory pay policy, but, also, emphasised that each local authority had the autonomy to take its own decisions on pay and pay policies. The Pay Policy Statement must be approved formally by Council each year. The statement could be amended in year, must be published on

the Council's website and must be complied with when setting the terms and conditions of Chief Officers.

Set out in paragraph 1.2 of the report, were details of what was included in the Pay Policy Statement 2021 to 2022, which was attached at Appendix A.

Councillor Carol Bull, Portfolio Holder for Governance, drew relevant issues to the attention of Council.

Councillor David Smith asked the following questions of Councillor Bull to which she provided responses but would follow up with a written reply that would be circulated to all members.

- How many zero hours contracts does the Council provide?
- From which service/s and how many staff were furloughed during the Covid-19 pandemic, and have they all now returned to work on full pay?
- The comparison data table in Appendix A did not include detail for West Suffolk Council, however, the missing detail was given in paragraph 11.3. Councillor Smith commented that this could be a 'worrying trend' if the ratio continued to increase from 7.5:1 to 7.9:1.

On the motion of Councillor Bull, seconded by Councillor David Roach, it was put to the vote and with the vote being 51 for the motion, none against and one abstention, it was

Resolved:

That the Pay Policy Statement for 2021 to 2022, as contained in Appendix A to Report number: COU/WS/21/011, be approved.

150. Any other urgent business

There were no matters of urgent business considered on this occasion.

151. Exclusion of press and public

See minute 152. below

152. Exempt appendix: Western Way Development, Bury St Edmunds: final business case update and review (paragraph 3) (Report number: COU/WS/21/007)

Council considered the exempt appendix to this report. However, no reference was made to specific detail and, therefore, this item was not held in private session.

The meeting concluded at 8.30 pm

Signed by:

Chair

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Civic Communication for Council Chair and Vice Chair

22 June 2021 to 28 September 2021

Chair attended 24 engagements

Vice Chair attended 8 engagements

Council meeting	22 June 2021	6.30pm to 8.30pm (Chair and Vice Chair)
Chair's official photo shoot Abbey Gardens	28 June 2021	11am to 12pm
Launch of the new MENTA business centre Haverhill	30 June 2021	11am to 1pm
Opening of The Friendly Bench in Brandon Bury Road, Brandon	7 July 2021	2pm to 3pm (Vice Chair)
Royal visit to Newmarket National Horseracing Museum, Newmarket	8 July 2021	4pm to 4.30pm
Civic service planning meeting St Edmundsbury Cathedral	15 July 2021	3pm to 4pm
RAF Mildenhall Change of Command Ceremony RAF Mildenhall, Hangar 814	19 July 2021	9.30am to 1.30pm (Vice Chair)
Councillor John Smith's celebration of life St Peter's church, 78 Church Rd, West Row	23 July 2021	2pm to 4pm (Chair and Vice Chair)
West Suffolk Civic Service St Edmundsbury Cathedral	25 July 2021	3.30pm to 5.30pm (Chair and Vice Chair)
High Sheriff at Home Reception Burgh near Woodbridge	29 July 2021	6pm to 8pm
VJ Day video recording Abbey Gardens Rose Garden	11 August 2021	11am to 11.30am (Chair and Vice Chair)
RAF Lakenheath squadron call, Chair to discuss Covid recovery RAF Lakenheath	11 August 2021	4pm to 6pm
New Mayor's and Chair barbeque Middleton Hall, RAF Mildenhall	21 August 2021	12pm to 3pm
Meeting to discuss July 2022 Euston Festival of Heroes event The Elveden Inn, Brandon Road, Elveden Estate	25 August 2021	12pm to 2pm (Vice Chair)
Lark Valley and North Bury Churches Installation and Licensing The Parish Church of All Saints, Park Road, Bury St Edmunds	26 August 2021	7.30pm to 9pm

British Legion 100th Anniversary Service Enterprise Way, Haverhill Research Park, Withersfield, Haverhill	28 August 2021	1.30pm to 3.30pm
Royal British Legion Women's Section 100th Anniversary party Moreton Hall Youth Centre, Lawson's Place, Symonds Road, Bury St Edmunds	4 September 2021	2pm to 4pm
The EpiCentre Cafe Launch and Covid Recovery visit Enterprise Way, Haverhill Research Park, Withersfield, Haverhill	8 September 2021	10am to 12.30pm
RAF Lakenheath Autumn Reception RAF Lakenheath	10 September 2021	1pm to 5pm
Re-opening of Chedburgh Village Hall The Erskine Centre, Chevington Road, Chedburgh	11 September 2021	1pm to 2pm
Community allotment Covid recovery visit with Councillor Ian Shipp Mildenhall	13 September 2021	2pm to 3pm
Official Opening of Mildenhall Hub Sheldrick Way, Mildenhall	17 September 2021	1pm to 3pm
Battle of Britain Parade and Service Angel Hill and St Mary's Church, Bury St Edmunds	19 September 2021	9.30am to 1.30pm
Newmarket Engagement Newmarket	20 September 2021	2pm to 3pm
RAF Honington Annual Formal Reception and Sunset Parade RAF Honington	23 September 2021	6pm to 8pm
39th Annual Joan Mann Special Sports Day RAF Mildenhall, Splasher 6 Heritage Room in building 809, RAF Mildenhall	24 September 2021	9am to 2.30pm (Vice Chair)
Stowmarket Civic Service St Peter and St Mary's Parish Church, Station Road West, Stowmarket	26 September 2021	2.30pm to 4.30pm
Ipswich Mayor's Civic Service St Mary-le-Tower-Church, Tower Street, Ipswich	26 September 2021	5.30pm to 7.30pm

Leader's statement

Report number:	COU/WS/21/012	
Report to and date:	Council	28 September 2021
Documents attached:	None	

Leader's statement

1. I would like to welcome back everyone after this summer break and hope you managed to have some time off with friends and family. I also know that many Councillors and staff will have spent a lot of this time continuing to serve our communities and delivering services.
2. There has also been much going on internationally, nationally, and locally and West Suffolk is playing its part in or is having to meet challenges caused by this. From dealing with COVID-19 and the recovery of our businesses and communities to events in Afghanistan, County Deals, how Social Care is to be funded, tackling the climate change crisis and more – West Suffolk has a role to play.
3. As ever we are rising to those challenges some of which I will outline below, as well as continuing to deliver improvements and high-quality services for our residents.

Funding

4. We continue, as you would expect, to keep a tight watch on funding and the impacts of COVID and other national initiatives. You will all have heard the announcement by Government on National Insurance (NI) and the needs of the Social Care system which we are of course acutely aware of. Indeed, through many of our services, especially housing and families and communities, we play our part in the social care system and in helping those most vulnerable in our society. I am sure you will have also seen that all businesses and public bodies have to part fund this NI rise too. We are looking at the consequences of this alongside all the other financial issues we face and, as these become clear we will include it as part of the budget making process going forward.
5. The Spending Review will also set out the plan for how public spending can deliver the people's priorities over the next three years.

6. The Chancellor has this month launched Spending Review 2021 (SR21), which will conclude on 27 October 2021 alongside an Autumn Budget and set out the Government's spending priorities for the Parliament and public services.
7. The three-year review will set UK Government departments' resource and capital budgets for 2022-2023 to 2024-2025 and the devolved administrations' block grants for the same period. This should give us a better idea of our budget over the next three years.

Afghanistan

8. No one who has been watching the news could have failed to be moved by the pictures and stories from that war torn country and the plight of the refugees.
9. I am sure, like me, you would have wanted a way to help those in need, which is why I liaised with officers and fellow leaders from across Suffolk about the collective support we could give. West Suffolk and indeed the wider county prides itself on its community spirit and willingness to help those most in need, and I know this spirit will shine through; Suffolk Public Leaders have issued a joint statement regarding our support and role.
10. We've already helped a small number of Afghan interpreters and their households to resettle in Suffolk and area committed to welcoming more households in the coming days and weeks as part of our Afghan resettlement activities, in addition to ongoing work to support unaccompanied asylum-seeking children and other refugees entering the UK.
11. Our thoughts and actions are not only with the refugees, but also of course with those who served in Afghanistan not least because West Suffolk is and has been home to many service personnel. For some, the pictures and news would have brought back hard to deal with memories and possible mental health issues; I would urge them to seek help from the relevant public and voluntary agencies that are there to support them.
12. Because the numbers of people coming to Suffolk is relatively small at the moment, there is currently no requirement for items to be donated. However, this situation might change, and we are asking people who think they might be able to help to contact us collectively as Suffolk councils in the first instance.
13. If so, please email afghanrefugeesupport@suffolk.gov.uk if you think you might be able to help.

County Deal

14. You may have also seen in the news that the Government are looking at devolution again through County Deals.
15. The Government wrote to councils in July 2021, setting out its ambition to make available to county areas the kind of devolved decision-making powers and public funding currently enjoyed by larger cities and urban areas. It's part

of the Government's 'Levelling Up' agenda and will see a White Paper published in the coming months.

16. In response, public sector leaders in Suffolk have jointly released a statement and have advised Government that we welcome early discussions with Ministers about a possible deal for Suffolk.
17. In a joint letter sent to Rt. Hon Robert Jenrick MP, the leaders of all of Suffolk's six councils and Police and Crime Commissioner Tim Passmore, said:

"Suffolk has already demonstrated its credibility as a place where Government will find strong and ambitious delivery partners.

The Suffolk Public Sector Leaders (SPSL) group has a track record of effective partnership working. These robust relationships enable more innovative ways of working, including exploring opportunities for devolution as part of a County Deal.

Suffolk is an ideal place to help Government demonstrate how levelling up can work in diverse geographies. Suffolk has a strong offer to make to Government and we would welcome early discussions with MHCLG Ministers to explore proposals for a County Deal ahead of the White Paper being published."

18. Suffolk has always been at the forefront of working together as public sector bodies, and you only have to look at our work over COVID, the hubs and social prescribing to name but a few, to see it in practice in West Suffolk. We have always been about outcomes and finding the best way to deliver rather than hampered by boundaries be that physical or organisational.
19. We are waiting to hear back from Government but as this progresses, I will make sure you are kept informed.

COVID-19

New PCR Centre

20. A new COVID-19 PCR testing centre is now open at our old depot in Olding Road, Bury St Edmunds, as part of our wider and ongoing support of tackling COVID-19.
21. This offers PCR testing and operates from 8am to 8pm, seven days a week and has been opened to provide a service in the west of the county following the August 16 rules change around self-isolating.
22. The site is a walk-through test centre but members of the public arriving in a vehicle can park on site and proceed on foot to the test centre building. Parking is free while attending the centre.
23. This new facility will help to meet the anticipated increased demand for testing now that fully vaccinated close contacts, and those aged under 18, no longer

have to self-isolate after being around someone with coronavirus and are advised to take a test instead.

24. This is an NHS Track and Trace facility and does not offer testing for people returning from travel overseas who must continue to follow the rules depending on which country they have been to.
25. PCR testing is carried out on people who are showing symptoms of coronavirus such as a high temperature, a new, continuous cough and a loss or change to their sense of smell or taste.
26. It is also used for people who:
 - Have been in contact with someone who has tested positive
 - Have been asked to get a test by a local council or someone from NHS Test and Trace
 - A GP or other health professional has asked them to get a test
 - Are taking part in a Government pilot project
 - Have been asked to get a test to confirm a positive result
 - Have received an unclear result and were told to get a second test
 - Need to get a test for someone they live with who has symptoms
27. Booking is strongly advised and can be done online or by calling 119.
28. Home PCR testing kits can also be ordered via 119.

Helping businesses

29. Businesses across West Suffolk and the wider county are being urged to keep COVID-19 safe and follow guidance as well as remembering their legal duty to staff and customers.
30. This is part of the successful #AddKindness campaign being run by the Suffolk Resilience Forum across the county. Materials have been available for businesses to remind people who use their or other premises across Suffolk to follow local guidance and help keep businesses open.
31. With the relaxing of guidance and some laws, Public Services and Public Health want to make sure businesses are aware of their duties and provide help if they can.
32. West Suffolk Council have been helping businesses with advice and we will be running a new campaign to encourage people to support their local businesses and stay safe.
33. Businesses have a duty of care under law to their staff and customers and need to make sure they have the right protection and procedures in place. Links to that advice has been shared with many and can be found at [Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19)
34. Other useful information can be found at Suffolk Growth which draws together all the guidance from Government and has been developed with

Environmental Health Officers, Licensing, Police and Trading Standards -
[PowerPoint Presentation \(filesusr.com\)](#)

35. People using local businesses, visiting tourist attractions, and using hospitality services are also asked to spread kindness and not COVID-19 by following local guidance and where they are able to wash hands, wear masks and leave space.

On the market

36. Our markets are helping to support economic recovery as well as the mental and physical wellbeing of residents. They are also often the way young traders or new businesses start and get a chance to grow their enterprises.
37. I am pleased to report that young traders from West Suffolk markets have been named among the best in the country, winning national awards.
38. The competition was open to 16-30-year-olds and eight young traders had been selected to represent the East of England following a regional competition held in Bury St Edmunds.
39. Two of those from West Suffolk representing the region won their categories in the national competition held by The NMTF (National Market Traders Federation) in Stratford Upon Avon.
40. Sam Green who trades on Bury St Edmunds and Clare markets won the Best General Retail category for his key cutting and shoe repair business Bethmonte.
41. And Sophie Clarke from Sophie Clarke Designs in Mildenhall won Best Arts and Crafts with her hand-woven interior products and homeware.
42. I know we would all congratulate Sam and Sophie, as well as all those who took part in the wider event and the six other local finalists who can be found trading on our local markets.
43. The Council is making all of the eligible young traders aware of the MENTA start-up grant which is funded by the Council, and which helps new businesses get established.
44. I am also pleased to see our Makers Markets doing well across West Suffolk with the introduction of a new one at Bury St Edmunds. This is supported by the Suffolk Inclusive Growth Investment Fund (SIGIF) following a successful bid by the Council in March this year.
45. I would also like to thank those Councillors who are currently taking part in the Market Review and know this will help strengthen our successful and vital markets.

Former Post Office goes green

46. Further restoration work and environmental improvements are being made to the front of the former Post Office in Bury St Edmunds town centre over the coming months.
47. This is just part of our work to support local business and the environment. Anyone who visited the site would have seen the impressive engineering feat to protect the Victorian front at 17 -18 Cornhill in Bury St Edmunds, while the rest of the building (much of it built at a later date) was demolished. A steel frame was then built and connected to the front allowing the façade retention system to be removed in July.
48. Restoration work is being carried out alongside the installation of new windows to aid the energy efficiency of the building which will include solar panels and be heated by an Air Source Heat Pump (ASHP).
49. Once completed next year, West Suffolk Council's redevelopment on the site will include two ground floor commercial units with 12 flats above. It will also bring the historic frontage back into economic use, deliver a wider walkway at Market Thoroughfare and create a new business front onto St Andrews Street South. These are all things that members of the public asked for in some of the 8,000 public comments that shaped the town centre masterplan adopted by the Council in December 2017.

Supporting our children

50. I was delighted to see that a summer programme of events helping around 1,300 children across West Suffolk has been highly successful and I know was ably supported both by local councillors and our MPs.
51. The Summer Holiday Activities and Food (HAF) events has seen eligible parents and carers throughout West Suffolk helped through a free holiday clubs programme for children and young people over the school summer break.
52. The Government's Holiday Activities and Food (HAF) programme, which was available throughout the region this summer, was backed by a nationwide investment of up to £220 million. This aims to enable children and young people to enjoy fun activities with friends and learn and develop new skills.
53. The free programme of activities, coordinated locally by West Suffolk Council, is targeted at those who are eligible for benefits-related free school meals. Most events also had spaces which could be paid for by families who are not eligible for a free place.
54. A range of exciting activities has been held across the whole of West Suffolk and has involved a number of partners, including Abbeycroft Leisure and other councils. It is part of our Families and Communities work.

Mildenhall Hub

55. As I write this, we are only days away from the community opening and celebration of the new Mildenhall Hub. If you have not visited, I hope you get a chance soon to see first-hand the difference this investment in Mildenhall and surrounding area is making. This is truly partnership working at its best and already we have seen the fruits of that (with for example, Mildenhall Police working with us to locate a vulnerable missing person). It is also fitting this is a community event as I know that this nationally ground-breaking initiative is about breaking barriers – and turning our ambitious vision into reality – to provide the best services and outcomes for our residents and businesses.

Park Life

56. I am pleased to report that VisitEngland’s Annual Visitor Attractions Survey for 2020 (published 19 August 2021) lists Bury St Edmunds Abbey Gardens and Abbey Ruins as the fifth most visited free attraction in the country.
57. Our 14-acre town centre attraction welcomed some 1,021,048 visitors last year and was the only attraction outside of London in the top five.
58. It is also interesting to note that St Edmundsbury Cathedral also featured in the Top 10 free attractions in the East of England, while Ickworth House, Park and Gardens is listed as number five in the Top 10 paid attractions in the East of England.
59. The Abbey Gardens, like our other parks and country parks, including our newest one at Brandon, have won a Green Flag this year. Indeed, West Stow is often used by television and film companies as well as events put on by our own Council. Abbey Gardens, home to the remains of the Abbey of St Edmund, will be celebrating its 1000th anniversary throughout 2022.
60. These results not only reflect the hard work of our staff and council on the upkeep of our historic assets, but the part they and we play in attracting visitors, and the wider benefits to the West Suffolk economy.
61. Our parks are vital in many other respects including for people’s mental and physical health which has been so important during the pandemic. Equally they have supported our environmental aims with the planting of wild meadow and more plants to help pollinators.
62. I would also urge anyone spurred on by Emma Raducanu’s victory in the US Open to try the new tennis courts!

Haverhill on tour

63. The world’s top cyclists will return to Suffolk in 2021 as the county and West Suffolk hosts the final stage of the Women’s Tour in Haverhill for the first time en route to Felixstowe on Saturday 9 October. It will be the first time that Suffolk, which aims to be England’s most active county, has hosted the final stage of race since 2014.

64. This stage, which was set to be a part of last year's Women's Tour prior to its postponement owing to the COVID-19 pandemic, was initially unveiled at the Port of Felixstowe in January 2020.

Taxi review

65. Independent surveys of taxi drivers, wheelchair users, other disabled people and people who have mobility issues but would not identify themselves as being disabled, have begun in West Suffolk.
66. These are part of a review agreed by Cabinet last year into its taxi policy handbook, specifically the clause covering Wheelchair Accessible Vehicles (WAVs). The Council was recently presented with letters of concern by taxi drivers from across West Suffolk about this part of the policy and is looking to work with drivers to improve communication between the trade and the licensing authority.
67. The two surveys are being conducted by independent consultants LVSA (Licensed Vehicle Survey and Assessment) to offer both drivers and those responding to the accessibility survey and will be sent to a number of disability groups in West Suffolk as well as Age UK, with the assurance of anonymity when the results are fed back to the Council.
68. Both surveys will close on Monday 4 October at 5pm and while I understand there may have been some teething issues to start with, I believe these have been ironed out and would urge people to take part.

And finally

69. I would like to again thank everyone for their work during these continuing uncertain times to support our communities and businesses. We continue to deliver high quality services and investment in the recovery and prosperity of our communities and businesses, despite the challenges the pandemic has brought. But the figures are clear, COVID-19 has not disappeared, and we continue to do our bit to tackle it from supporting the vaccine programme, supporting businesses, and encouraging people to do their best to spread kindness not infections. This will include some continued use of virtual meetings where appropriate, which not only reduces the spread of COVID but also supports our environmental goals. I know for some this is hard, but I would like to thank all of you for your forbearance on this and helping keep everyone safe while delivering the vital work, we all do.

With best wishes to you all

John

Councillor John Griffiths
Leader of West Suffolk Council

Referrals report of recommendations from Cabinet

Report number:	COU/WS/21/013	
Report to and date:	Council	28 September 2021
Documents attached:	None	

A. Referrals from Cabinet: 29 June 2021 and 20 July 2021

There are no referrals emanating from the Cabinet meetings held on 29 June 2021 and 20 July 2021.

B. Referrals from Cabinet: 21 September 2021

(These referrals have been compiled before the meeting of Cabinet on 21 September 2021 and are based on the recommendations contained within each of the reports listed below. Any amendments made by the Cabinet to the recommendations within these reports will be notified accordingly to members in advance of the meeting)

1. Financial Resilience – Annual Treasury Management and Financial Resilience Report (2020 to 2021)

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/037](#)

Financial Resilience Sub-Committee: 12 July 2021 and
Performance and Audit Scrutiny Committee: 29 July 2021

Report number: [FRS/WS/21/003](#)

Appendix A to Report number: [FRS/WS/21/003](#)

Recommended:

That the Annual Treasury Management and Financial Resilience Report (2020 to 2021), as set out in Report number: FRS/WS/21/003, be approved.

- 1.1 The West Suffolk Council's Annual Treasury Management and Financial Resilience Report for 2020 to 2021 included tables summarising the interest earned and the average rate of return achieved during 2020 to 2021; investment activity during the year; investments held as at 31 March 2021; borrowing and temporary loans and capital borrowing budget 2020 to 2021.
- 1.2 The budget for investment income in 2020 to 2021 was £131,000 which was based on a 0.65 percent target average rate of return on investments. Interest actually earned during the financial year totalled £96,767 (average rate of return of 0.354 percent), against a budget for the year of £131,000; a budgetary deficit of £34,233.
- 1.3 The report included assumptions on borrowing for the capital projects included within it and was based around four main projects:
 - Western Way development
 - Mildenhall Hub
 - West Suffolk Operational Hub
 - Investing in our Growth Fund
- 1.4 The report also included a summary of the capital borrowing budget for 2020 to 2021; borrowing and income – proportionality; borrowing and asset yields.
- 1.5 During the financial year there had been no requirement to borrow externally, over and above the long-standing £4 million loan relating to the Newmarket Leisure Centre. Therefore, the only interest payable for the year was £169,600 relating to this loan.
- 1.6 The report also included, at Appendix A, the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Resilience Index 2021. The index showed the Council's position on a range of measures associated with financial risk. The graphs showed West Suffolk Council within the context of neighbouring councils within Suffolk.
- 1.7 The Financial Resilience Sub-Committee had scrutinised the Annual Financial Resilience Report 2020 to 2021 in detail and asked questions of officers to which responses were provided. Discussions were held on the Council's asset base and rental income; and the merits of currently borrowing internally versus externally to fund capital projects.
- 1.8 The Performance and Audit Scrutiny Committee on 29 July 2021, also considered the report. In particular, discussions were held on external borrowing, low interest rates, the true cost of borrowing internally versus forgone interest and why the Council had not yet borrowed externally, whilst interest rates were low to fund large projects, to which comprehensive responses were provided.
- 1.9 The Performance and Audit Scrutiny Committee did not raise any issues at this time to be brought to the attention of Cabinet and has put forward a recommendation, as set out above.

2. Financial Resilience (June 2021)

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/038](#)

**Financial Resilience Sub-Committee: 12 July 2021 and
Performance and Audit Scrutiny Committee: 29 July 2021
Report number:** [FRS/WS/21/004](#)

Appendix 1 to Report number: [FRS/WS/21/004](#)

Recommended:

**That the Financial Resilience Report (June 2021), as contained in
Report number: FRS/WS/21/004, be approved.**

- 2.1 The Council held investments of £39,300,000 as of 30 June 2021. Interest achieved in the first quarter of the financial year amounted to £16,517 against a budget for the period of £11,250, a budgetary surplus of £5,267. Although interest rates continued to be low, as a result of the Covid-19 pandemic, which started in mid-March 2020, the Council had more cash invested during the period, leading to higher overall interest achieved despite the lower rates.
- 2.2 External borrowing as of 30 June 2021 remained at £4,000,000 with the Council's level of internal borrowing increasing slightly to £46,712,000, as at 30 June 2021. Overall borrowing, both external and internal was expected to increase over the full financial year, but not by as much as was originally budgeted for. Borrowing costs (interest payable and Minimum Revenue Provision (MRP)) for the year were forecast to be £965,793 against an approved budget of £3,135,850, although this could change if more external borrowing was undertaken than was currently forecast.
- 2.3 The 2021 to 2022 Annual Treasury Management and Investment Strategy sets out the Council's projections for the current financial year. The budget for investment income in 2021 to 2022 was £45,000, which is based on a 0.25 percent target average interest rate of return on investments.
- 2.4 The report also included a summary of the borrowing activity during the period; borrowing strategy and sources of borrowing; borrowing and capital costs – affordability; borrowing and income – proportionality; borrowing and asset yields and CIPFA consultation on prudential code.
- 2.5 The Financial Resilience Sub-Committee scrutinised the investment activity for 1 April 2021 to 30 June 2021, and asked questions to which responses were provided.
- 2.6 The Performance and Audit Scrutiny Committee on 29 July 2021 also considered the report. In particular, discussions were held on external borrowing and the

historically low interest rates and the borrowing strategy for the Western Way Development.

- 2.7 The Performance and Audit Scrutiny Committee did not raise any issues at this time to be brought to the attention of Cabinet and has put forward a recommendation, as set out above.

Consolidation of byelaws for skin piercing activities

Report number:	COU/WS/21/014	
Report to and date:	Council	28 September 2021
Cabinet member:	Councillor Andy Drummond Portfolio Holder for Regulatory and Environment Telephone: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk	
Lead officer:	Jen Eves Director (Human Resources, Governance and Regulatory) Telephone: 01284 757015 Email: jennifer.eves@westsuffolk.gov.uk	

Decisions Plan: **Not applicable as this is not an executive matter**

Wards impacted: **All wards**

Recommendations: **It is recommended that the Council:**

- 1. Agrees to revoke all current skin piercing byelaws.**
- 2. Agrees to the adoption of the new consolidated West Suffolk byelaws, as contained in Appendix A to Report number: COU/WS/21/014, and supports the updating of guidance and webpages so that applicants are fully cognisant of appropriate requirements and practices.**

1. Context to this report

- 1.1 This paper provides details of draft byelaws for piercing activities carried out in the West Suffolk Council district.
- 1.2 At present, there are two different byelaws for piercing activities, divided between the former Forest Heath and St Edmundsbury councils. Post the creation of West Suffolk Council ('Single Council'), a review of this position has been undertaken by the Environmental Health and Legal Teams and it is considered a good time to converge guidance and adopt a district-wide approach.
- 1.3 Currently, local authorities may choose to adopt the sections of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) that require businesses performing cosmetic piercing, semi-permanent skin colouring, electrolysis, tattooing and acupuncture to:
- a. register themselves and their premises with the local authority; and
 - b. observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment.

In aligning our byelaws we will be adhering to these recommendations.

- 1.4 In 2004, the Department of Health and Social Care published guidance relating to cosmetic piercing and semi-permanent skin colouring and byelaws. In 2010, the Government published a new consolidated set of model byelaws, which included updates to specific provisions around infection control advice and industry practice.
- 1.5 The model byelaws are still relevant and represent the standard practice among most local authorities. Since then, however, to ensure that council practice is flexible and applicants are supported, some authorities have provided additional bespoke guidance, either through their website or other format, detailing specific council requirements for applicants. In updating our byelaws we will take the opportunity to ensure this is actively promoted.
- 1.6 Consolidation of the byelaws and updating guidance will ensure that all registrations are legally enforceable and consistent across the district.
- 1.7 The new byelaws will follow the high standard set by Government. The model byelaws, previously adopted by St Edmundsbury Borough

Council, will be adopted for the entire district. A copy of the proposed byelaw can be seen in Appendix A.

2. Proposals within this report

- 2.1 It is proposed that the Forest Heath and St Edmundsbury byelaws be revoked and a West Suffolk set of legally enforceable byelaws, covering all activities, are created.
- 2.2 In addition, it is recommended that the council updates hygiene guidance and the relevant webpage, to ensure that licensees and applicants are fully cognisant of requirements and supported in understanding appropriate practice.
- 2.3 The proposed West Suffolk byelaws to be legally agreed at a meeting of Council to gain approval for the affixing of the common seal. The byelaws must then be placed on deposit for four weeks. Once this period is completed, the Legal team then have authority to carry out the necessary procedure to apply to the Secretary of State for confirmation.

3. Alternative options that have been considered

- 3.1 The alternative options are:
- to not consolidate the byelaws
 - to consolidate and adopt new byelaws, without improving supplementary guidance.
- 3.2 As it was a Single Council objective to consolidate and create a West Suffolk byelaw to cover skin piercing the first option was discounted. The second option was discounted as the improvements to supplementary guidance are in line with recognised best practice.

4. Consultation and engagement undertaken

- 4.1 No direct consultation has been carried out with businesses regarding the changes to the byelaws as there is no requirement to do so, as the content of the byelaw is not materially changing. Many businesses which carry out piercing activities are already registered with the authority and this change will not create any additional burden for them.

5. Risks associated with the proposals

- 5.1 There are limited risks with the proposal, and it is an opportunity to align, standardise and improve awareness.

6. Implications arising from the proposals

- 6.1 Financial - The cost of consolidating and implementing the byelaws is relatively low and can be met from existing budgets. Local authorities are able to charge a reasonable fee to register persons and premises. There is a cost of around £200 to place a notice of the council's intentions to apply for confirmation from the Secretary of State in local papers in the area the byelaws will apply. This can be met from existing budgets.
- 6.2 Legal Compliance - Byelaws are made under powers conferred on local authorities by section 235 of the Local Government Act 1972 and the procedure set out at section 236 of that Act, summarised at 2.3 above, must be followed.
- 6.3 Personal Data Processing – None
- 6.4 Equalities - There are no inequalities requiring detailed assessment.
- 6.5 Crime and Disorder - Not consolidating the byelaws may negatively impact legal enforcement.
- 6.6 Environment or Sustainability - There is no environmental or sustainability issue.
- 6.7 HR or Staffing - None, the work can be undertaken within existing resources.
- 6.8 Changes to existing policies - This will not entail a change to current policy.
- 6.9 External organisations (such as businesses, community groups) - There is no impact on other organisations.

7. Appendices referenced in this report

- 7.1 Appendix A – copy of proposed byelaws

Appendix A

West Suffolk council The Local Government (Miscellaneous Provisions) Act 1982 Local Government Act 2003

Local Authority Byelaws

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by West Suffolk Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is

- practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - immediately after use; and
 - at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- 3.—**(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to Acupuncture, Tattooing, Semi-permanent Skin-colouring, Cosmetic piercing and Electrolysis that were made by St Edmundsbury Borough Council and were confirmed by the Secretary of State on the 28th September 2011 are hereby revoked.

- 7.** The byelaws relating to Ear Piercing and Electrolysis that were made by Forest Heath District Council on 18th July 1985 and were confirmed by the Secretary of State for Social Services on 22nd May 1986 are hereby revoked.

The Common Seal of **West Suffolk**
Council was hereto affixed in the
Presence of:-

Authorised Signatory

The foregoing byelaws are hereby confirmed by the Secretary of State for **Health and Social**
Care
on _____ and shall come into operation on _____

Member of the Senior Civil Service
Department of **Health and Social Care**

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and***

cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture (see section 14(8) of the Act).***

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