


Council



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| Title | Agenda |
| Date | Tuesday 14 December 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 the 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 6 December 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> |

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| 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 | The agenda and reports will be available to view at least five clear days before the meeting on our website. |
| Attendance at meetings | This meeting is being held in person in order to comply with the Local Government Act 1972. Measures will be applied to ensure the health and safety for all persons present is maintained. We may be required to restrict the number of members of the public able to attend in accordance with the room capacity. If you consider it is necessary for you to attend, please let Democratic Services know in advance of the meeting so they can endeavour to accommodate you and advise you of the necessary health and safety precautions. |
| 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 15 minutes before the time the meeting is scheduled to start. However, due to the need to comply with current coronavirus regulations and guidance, necessary health and safety precautions taken will apply to members of the public registered to speak. We would therefore 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 | 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. |
| Recording of meetings | 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). |

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| | <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 - 10 |
| To confirm the minutes of the meeting held on 28 September 2021 (copy attached). | |
| 2. Chair's announcements | 11 - 14 |
| 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 28 September 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

Paper number: **COU/WS/21/015 TO FOLLOW**

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.

(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.

The Constitution allows that a person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. However, due to the need to comply with current coronavirus regulations and guidance, necessary health and safety precautions taken will apply to members of the public registered to speak. **We would therefore 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.**

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 13 December 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

15 - 36

Report number: **COU/WS/21/016**

A. Referrals from Cabinet: 9 November 2021

1. West Suffolk Gambling Act 2005: Statement of Policy 2022 to 2025

Portfolio holder: Councillor Andy Drummond

2. Council Tax Base for Tax Setting Purposes 2022 to 2023

Portfolio holder: Councillor Sarah Broughton

3. Proposed Incubation Units: Suffolk Business Park, Bury St Edmunds

Portfolio holder: Councillor Susan Glossop

(See agenda item 12 below for the exempt appendix relating to this item.)

- B. Referrals from Cabinet: 7 December 2021

(These referrals have been compiled before the meeting of Cabinet on 7 December 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. Arrangements for Appointment of External Auditors

Portfolio holder: Councillor Sarah Broughton

2. Delivering a Sustainable Medium Term Budget

Portfolio holder: Councillor Sarah Broughton

3. Treasury Management Report (September 2021)

Portfolio holder: Councillor Sarah Broughton

4. West Suffolk Local Council Tax Reduction Scheme (LCTRS) 2022 to 2023

Portfolio holder: Councillor Sarah Broughton

8. Consolidation of byelaws for skin piercing activities 37 - 48

This item was originally presented to Council on 28 September 2021; however, during the meeting, the motion to approve the recommendations contained in the report was withdrawn and no subsequent motions were proposed. See minutes of the meeting for further details (agenda item 1 above). The report is now re-presented, as amended.

Report number: **COU/WS/21/017**

9. Community Governance Review 49 - 68

Report number: **COU/WS/21/018**

10. 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.

11. Exclusion of press and public

To consider whether the press and public should 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 item, 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 the item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 – exempt

12. Exempt Appendix: Referrals of recommendations from Cabinet (paragraph 3)

69 - 78

Exempt Appendix to Report number: **COU/WS/21/016**

A. Referrals from Cabinet: 9 November 2021

1. Exempt Appendix 2 to Report number: CAB/WS/21/052 - Proposed Incubation Units: Suffolk Business Park, Bury St Edmunds

Portfolio holder: Councillor Susan Glossop

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Council



Minutes of a meeting of the **Council** held on **Tuesday 28 September 2021** at **6.30 pm** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Margaret Marks
Vice Chair Mike Chester

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

153. **Welcome and introduction**

The Chair opened the meeting and welcomed all persons present. She explained the rationale behind the precautionary health and safety measures that remained in operation for this meeting which aimed to reduce and restrict the transmission of the Covid-19 virus.

154. **Remembrance**

Before commencing business, all members were asked to stand and observe a minute's silence in remembrance of Councillor John Smith who had sadly died shortly after the last meeting of Council held on 22 June 2021. The Chair made a statement of condolence, reflecting on Councillor Smith's contribution during his time on the Council.

155. **Minutes**

In respect of note c. of minute 145. 'Western Way Development, Bury St Edmunds: final business case update and review' (Report number: COU/WS/21/007) of the minutes of the last meeting, Councillor Paul Hopfensperger expressed concern that this section did not accurately reflect the points he raised.

At that meeting, Councillor Hopfensperger wished to ascertain from Councillor Jo Rayner, Portfolio Holder for Leisure, Culture and Community Hubs the exact questions that were asked by the Council of Sport England and Swim England when consideration was being given to the size and specifications for the swimming pool at the proposed new leisure centre (which although subject to a separate business case, would form part of the Western Way Development).

In response, Councillor Rayner informed members that Councillor Hopfensperger had received a detailed reply in response to his questions outside of the meeting, which included referencing the open dialogue held between relevant partners when discussing appropriate swim provision, and an offer to meet with him to discuss the matter further. The Council's objective was still to deliver the most effective pool configuration for the proposed new leisure centre within the context of the wider regional network of pools and the latest needs assessment of local demand, and the approved Western Way Development scheme provided the necessary flexibility to do this. Councillor Rayner repeated her offer to meet with Councillor Hopfensperger to discuss the matter if he wished.

The minutes of the meeting held on 22 June 2021 were then confirmed as a correct record and signed by the Chair.

156. **Chair's announcements**

The Chair reported on the civic engagements and charity activities which she and the Vice-Chair had attended since the last ordinary meeting of Council on 22 June 2021.

157. **Apologies for absence**

Apologies for absence were received from Councillors Trevor Beckwith, Mick Bradshaw, Tony Brown, John Burns, Simon Cole, Jason Crooks, Sarah Stamp and Jim Thorndyke.

Councillors Max Clarke and Peter Thompson were also unable to attend the meeting.

The Chair paid tribute to Councillor Mick Bradshaw who currently remained unwell. Members joined the Chair in wishing him the very best in his recovery.

158. **Declarations of interests**

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

159. **Leader's statement (Paper number: COU/WS/21/012)**

Councillor John Griffiths, Leader of the Council, presented his Leader's Statement as outlined in Paper number: COU/WS/21/012.

In his introductory remarks, Councillor Griffiths made reference to:

- a. Issues that could be adversely affecting people's daily lives on a national basis.
- b. Paying tribute to staff of West Suffolk Council for their continuing commitment despite the ongoing challenges.
- c. That all 37 homes within the new Barley Homes Westmill Place development in Haverhill, which included 30 percent affordable homes, had been sold. This not only provided much needed housing but also generated an income to the Council from its commercial company, Barley Homes.
- d. The official opening of the Mildenhall Hub which took place on Friday 17 September 2021.
- e. The opening of the new splashpad in Haverhill, which was a new family play amenity funded in partnership between West Suffolk Council and Haverhill Town Council.
- f. The forthcoming Business Festival commencing on 4 October 2021, whilst acknowledging the extreme challenges currently faced by businesses.
- g. Warm Homes Week which commenced on Monday 27 September 2021, including ways in which homeowners and landlords could access funding to make certain energy saving home improvements through the Government's Green Homes Grant Scheme. The scheme had been extended to accept applications up to 31 March 2022.

The Leader responded to a range of questions relating to:

- a. **A voice for West Suffolk:** Recognition was given by Councillor Nick Clarke on the successes of West Suffolk Council in respect of its many projects and its support to businesses and residents, particularly during the pandemic. He urged the Council to continue building strong relationships with Central Government and the Local Government Association by being clear on its direction and policies to help shape national policy. Councillor Griffiths agreed that West Suffolk Council and its partners would continue to lobby MPs to meet with ministers and civil servants on various issues to help achieve the best outcomes for businesses and residents of West Suffolk. All councillors were encouraged to lobby government, where deemed appropriate, on issues that may be affecting their wards.
- b. **West Suffolk Council:** Councillor Terry Clements made references to matters that he felt should have been handled differently when setting the direction for the new West Suffolk Council following its creation in

April 2019, together with a number of current issues in which Councillor Clements felt frustrated and disillusioned. A councillor for more than 38 years, Councillor Clements felt he could no longer satisfactorily represent residents within his Horringer ward and accomplish what he wanted to achieve for them. This culminated in Councillor Clements announcing his resignation from the Council and immediately leaving the meeting. In response, Councillor Griffiths acknowledged the extensive years of dedicated service and commitment of Councillor Clements and thanked him for his valuable contributions to the Council and his residents.

- c. **Local Council Tax Reduction Scheme – consultation:** Following a decision made by the Portfolio Holder for Resources and Property it was intended for consultation to be undertaken on proposed changes to the Local Council Tax Reduction Scheme, which was administered on behalf of West Suffolk Council by the Anglia Revenues and Benefits Partnership (ARP). Whilst generally supportive of the suggestions coming forward as part of the proposed consultation, Councillor Diane Hind, Leader of the Labour Group, expressed some concern with the intended proposal to simplify the application process by requiring customers to apply to the Department for Work and Pensions (DWP) rather than directly to the local authority. Implementation of the proposals would mean that potential benefit claimants would only need to apply to the DWP and the DWP would then notify ARP if the applicant was also eligible for a reduction in council tax. Councillor Hind asked if an impact review had been undertaken to ascertain whether the DWP would be able to process applications within an acceptable timeframe. Councillor Griffiths acknowledged Councillor Hind's reservations and referred the matter to Councillor Sarah Broughton, Portfolio Holder for Resources and Property to comment on the detail of the proposed consultation. She explained that assessment of the responses to the consultation, including those of partners and stakeholders, would be undertaken once it commenced. These would be taken into account when producing a final version of the proposed scheme, which would be presented to Cabinet and Council in December 2021 for approval.
- d. **Brandon Leisure Centre refurbishment:** Recognition was given by Councillor Victor Lukaniuk, one of the members representing Brandon Central ward, for the Council's investment in Brandon Leisure Centre. He was very much impressed by the upgrade and standard of work undertaken to achieve a better sports, leisure and health facility for Brandon and its locality. Councillor Griffiths welcomed and thanked Councillor Lukaniuk for his comments.
- e. **Newmarket market:** Concern was expressed by Councillor Karen Soons, one of the members for Newmarket North ward, that the market in Newmarket had a number of challenges that needed to be overcome to improve its current situation. It was asked how stallholders, businesses and residents in Newmarket could be best supported so that an appropriate solution could be implemented for all. In response, Councillor Griffiths acknowledged the operational issues currently being experienced by Newmarket's market and recognised its

specific difficulties. He referred to the review currently being undertaken by the Overview and Scrutiny Committee's Markets Review Working Group. This taskforce had been established to support the Council in refining its strategic vision for its markets, taking into account that each market was different. The aim was to produce a number of recommended actions to support that strategic vision, and the means through which those actions could be delivered. Opportunities would therefore be explored, and support given, in partnership with others, where appropriate and possible. Councillor Peter Stevens, Portfolio Holder for Operations, provided further information on the specific issues facing the High Street and market in Newmarket and how the Council was working with partners, businesses and residents to find a permanent solution to overcome the current difficulties.

- f. **Covid-19 awareness and testing:** In response to a question from Councillor Julia Wakelam regarding the role of the Council in encouraging individuals to remain vigilant about the prevalence of Covid-19, particularly as infection rates were steadily rising in the district, Councillor Griffiths explained that the Council sat on the Local Outbreak Engagement Board (LOEB) where he received regular updates on the current situation regarding Covid-19. Working in partnership with the LOEB and others, regular communications were distributed amongst a number of outlets, including via the Council's own communications team, with the aim of trying to reduce transmission, encourage testing, and keeping people safe.

No further questions were asked.

(Councillors Terry Clements and Dawn Dicker left the meeting during the consideration of this item. Councillor Aaron Luccarini left the meeting at the conclusion of this item.)

(Note: Councillor Clements' resignation was subsequently and formally put in writing to the Chief Executive following the meeting.)

160. **Public participation**

There were no members of the public in attendance on this occasion.

161. **Referrals report of recommendations from Cabinet (Report number: COU/WS/21/013)**

Council considered the referrals report of recommendations from Cabinet, as contained within report number: COU/WS/21/013.

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

Council noted that there were no referrals emanating from the Cabinet meetings held on 29 June 2021 and 20 July 2021.

B. Referrals from Cabinet: 21 September 2021

Following the publication of the agenda and papers for the Cabinet meeting held on 21 September 2021, which took place before the meeting was held, the Chair confirmed that no changes had been made to the recommendations contained in the referral report.

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

Approval was sought for the Annual Treasury Management and Financial Resilience Report (2020 to 2021).

Councillor Sarah Broughton, Portfolio Holder for Resources and Property drew relevant issues to the attention of Council, including placing her thanks on record to the Financial Resilience Sub-Committee, the Performance and Audit Scrutiny Committee, and to the Director (Resources and Property) and her team, for their work on enabling this, and the next report, to be presented to Council for approval.

On the motion of Councillor Broughton, seconded by Councillor Andy Drummond, it was put to the vote and with the vote being 49 for the motion, none against and 1 abstention, it was

Resolved:

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

2. Financial Resilience (June 2021)

Approval was sought for the Financial Resilience Report for the first quarter of the 2021 to 2022 financial year.

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

On the motion of Councillor Broughton, seconded by Councillor Ian Houlder, it was put to the vote and with the vote being unanimous, it was

Resolved:

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

162. Consolidation of byelaws for skin piercing activities (Report number: COU/WS/21/014)

Council considered this report, which sought approval and adoption of new consolidated West Suffolk byelaws in respect of licensing skin piercing

practices following the revocation of the current byelaws relating to this matter.

Members noted that in preparation for the creation of a single West Suffolk Council, it had been agreed to retain separate byelaws in the former Forest Heath and St Edmundsbury areas with regards to the licensing of skin piercing practices.

Together with other related matters as set out in paragraphs 1.2 to 1.4 of the report, it was now proposed that these be consolidated into one set of byelaws covering all activities, which would ensure that all skin piercing licensing was legally enforceable in a consistent way across the district.

The legal position was set out in the report, and it was proposed that the model byelaws previously adopted by St Edmundsbury Borough Council and as set out in Appendix A, would be adopted by the entire district for the reasons set out in paragraphs 1.5 to 1.7 of the paper.

In addition, it was recommended that the Council updated its hygiene guidance and the relevant page on its website, to ensure that licensees and applicants were fully cognisant of the proposed requirements and felt supported in understanding appropriate practice.

Councillor Andy Drummond, Portfolio Holder for Regulatory and Environment, drew relevant issues to the attention of Council, including placing his thanks on record to the Director (HR, Governance and Regulatory) and her team for the work undertaken in bringing this proposal to Council for approval and adoption. He then moved a motion to approve the recommendations contained in the report, which was duly seconded by Councillor Clive Springett.

Council supported and agreed to the principle of consolidating and adopting byelaws based on the former St Edmundsbury Borough Council's model byelaws to enable a consistent enforceable approach to licensing all skin piercing activities across the entire district; however, before the debate was concluded, Councillor Julia Wakelam queried a matter in relation to the following paragraph of section 1 of the proposed byelaws at Appendix A:

"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;

Councillor Wakelam asked whether use of the aforementioned "hygienic piercing instrument" could apply to the piercing of other parts of the body as this was not explicitly clear in the relevant paragraph reproduced above.

This was unable to be clarified at the meeting, which resulted in Councillor Drummond withdrawing his motion. Councillor Springett, seconder of the motion, agreed to the withdrawal.

Officers would be asked to clarify the matter and make amendments to the proposed byelaws, as appropriate. The report would be re-presented, amended as appropriate, to Council at the next available opportunity.

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

Council considered a narrative item, which sought approval for the Overview and Scrutiny Committee's nominations to Suffolk County Council's (SCC) Health Scrutiny Committee.

The Overview and Scrutiny Committee, on 8 July 2021, had considered nominations for a representative and a substitute member to sit on behalf of West Suffolk Council on SCC's Health Scrutiny Committee for 2021 to 2022.

The Committee had recommended that Councillor Margaret Marks be appointed as the Council's nominated representative on this body, and for Councillor Mike Chester to be the interim substitute, as set out in the Council agenda.

Councillor Ian Shipp, Chair of the Overview and Scrutiny Committee, drew relevant issues to the attention of Council, including proposing the Committee's recommendation and the reasons for it.

On the motion of Councillor Shipp, seconded by Councillor John Griffiths, it was put to the vote and with the vote being 48 for the motion, 1 against and 1 abstention, it was

Resolved:

That Councillor Margaret Marks be nominated as the Council's representative and Councillor Mike Chester as the nominated interim substitute Member on Suffolk County Council's Health Scrutiny Committee 2021 to 2022.

164. The use of Chief Executive urgency powers: dispensation

Council received and noted a narrative item, which informed of a dispensation granted to Councillor Mick Bradshaw utilising the Chief Executive's urgency powers.

Section 85(1) of the Local Government Act 1972 required 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 John Griffiths, Leader of the Council, drew relevant issues to the attention of Council, including that Councillor Mick Bradshaw had attended a meeting of Council on 23 February 2021. For health reasons, Councillor

Bradshaw has sadly been unable to attend any meetings since then and he had requested an exemption to section 85(1) on the grounds of ill health.

This exemption would have been considered by Council in July 2021; however, the meeting was cancelled due to lack of substantive business. The urgent decision to grant an exemption until 31 December 2021 was made by the Chief Executive on 12 July 2021 to ensure that it could be granted before Councillor Bradshaw's term of office would otherwise expire in August 2021.

Councillor Griffiths added that together with the Chair, Councillor Margaret Marks, and the other Group Leaders, Councillors Ian Shipp and Diane Hind, they had all been consulted on the matter prior to the decision being made. Each had expressed their support and wished Councillor Bradshaw the very best in his recovery.

165. **Any other urgent business**

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

The meeting concluded at 7.32 pm

Signed by:

Chair

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Civic communication for Council 28 September to 14 December 2021

Chair attended 26 engagements

Vice Chair attended 8 engagements

| Event | Venue | Date | Time | Attending |
|---|--|-------------------------|---------------------|-------------------------|
| Full Council | West Suffolk House | Tuesday 28 September | 6.30pm | Chair and Vice Chair |
| Charity Reception at Sandringham House | Sandringham House, King's Lynn | Friday 1 October | 5pm to 8pm | Chair of Council |
| The History Society 'Who lives here' by Brian Thompson | Haverhill Arts Centre | Thursday 7 October | 7pm to 9pm | Chair of Council |
| Start of the AJ Bell Women's Tour professional cycle race | High Street, Haverhill | Saturday 9 October | 9am to 11.30am | Chair of Council |
| Suffolk Harvest Festival | St Edmundsbury Cathedral | Sunday 10 October | 2pm to 3pm | Chair of Council |
| Haverhill Town Twinning Association | Haverhill Arts Centre | Saturday 16 October | 6pm to 9pm | Chair of Council |
| Citizens Advice West Suffolk AGM | Bury St Edmunds Farmers Clun, 10 Northgate Street | Wednesday 20 October | 3.30pm to 5.30pm | Chair of Council |
| A Year in the Life of The Apex exhibition launch | The Apex Lounge | Wednesday 20 October | 5.30pm to 6.30pm | Chair of Council |
| Brandon Leisure Centre Open Day | Brandon Leisure Centre, 20 Church Road, Brandon | Wednesday 27 October | 3pm to 4pm | Chair of Council |
| Veteran John Franklin's 102nd Birthday Party | West End Home Guard Club, 53 Abbot Road, Bury St Edmunds | Wednesday 3 November | 5pm to 7pm | Chair of Council |

| Event | Venue | Date | Time | Attending |
|--|--|-------------------------|-----------------------|-----------------------|
| Portrait Presentation at St Nicholas Hospice | St Nicholas Hospice, Hardwick Lane, Bury St Edmunds | Thursday 4 November | 2.15pm to 3.45pm | Chair of Council |
| Bury St Edmunds Town Council Remembrance Service | War Memorial, Angel Hill, Bury St Edmunds | Thursday 11 November | 10.45am | Chair of Council |
| Art in East Anglia | Langton Place, Bury St Edmunds | Thursday 11 November | 11.30am to 12.30pm | Chair of Council |
| Royal British Legion Remembrance Service | South African War Memorial, Cornhill | Thursday 11 November | 2pm to 2.30pm | Chair of Council |
| Suffolk Craft Society Exhibition | The Guildhall, Bury St Edmunds | Friday 12 November | 5pm to 6.30pm | Vice Chair of Council |
| Festival of Remembrance | The Apex, Bury St Edmunds | Friday 12 November | 7pm to 9pm | Chair and Vice Chair |
| Memorial Garden Remembrance Services | Rose Garden, Abbey Gardens, Bury St Edmunds | Saturday 13 November | 2.30pm to 4.30pm | Chair and Vice Chair |
| Remembrance Sunday Parade and Services | Angel Hill War Memorial and St Mary's Church | Sunday 14 November | 10.40am 11.30am | Chair and Vice Chair |
| Newmarket Remembrance Service | Tattersalls, Terrace House, 125 High Street, Newmarket | Sunday 14 November | 2.45pm to 4.30pm | Chair of Council |
| St Edmunds Day Service and Lunch | St Edmunds Catholic Church, Bury St Edmunds | Saturday 20 November | 11am to 1.30pm | Chair of Council |
| Mid Suffolk Civic Service | Salvation Army Hall, Violet Hill Road, Stowmarket | Sunday 21 November | 3pm to 5pm | Chair of Council |

| Event | Venue | Date | Time | Attending |
|---|---|--------------------------|---------------------|--------------------------|
| Ely Thanksgiving Eve Service | Ely Cathedral, Ely | Wednesday 24 November | 7pm to 9pm | Chair of Council |
| Haverhill Town Twinning Association Annual Dinner Dance | Haverhill Arts Centre | Friday 26 November | 6.45pm to 10pm | Chair of Council |
| The EpiCentre 1st Birthday Celebration | The EpiCentre, Enterprise Way, Haverhill Research Park, Withersfield, Haverhill | Wednesday 1 December | 4pm to 6.30pm | Chair of Council |
| RAF Honington Graduation Parade RAF Honington | RAF Honington | Thursday 2 December | 9.45am to 2.15pm | Vice Chair of Council |
| RAF Yuletide Reception | Eagles Landing Ballroom at RAF Lakenheath | Friday 3 December | 7pm to 9pm | Vice Chair of Council |
| West Suffolk Civic Carol Service | St Edmundsbury Cathedral | Monday 6 December | 7pm to 9pm | Chair and Vice Chair |
| Haverhill Carol Service | St Mary's Church, Haverhill | Wednesday 8 December | 7pm to 9pm | Chair of Council |
| The Bishop's Christmas Drinks Party | Bishop's House, 4 Park Road, Ipswich | Friday 10 December | 6.30pm to 8.30pm | Chair of Council |
| Emergency Services Carol Service | St Edmundsbury Cathedral | Monday 13 December | 7pm to 9pm | Chair of Council |
| Full Council | West Suffolk House | Tuesday 14 December | 6.30pm | Chair and Vice Chair |

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Referrals report of recommendations from Cabinet

| | | |
|----------------------------|--|------------------|
| Report number: | COU/WS/21/016 | |
| Report to and date: | Council | 14 December 2021 |
| Documents attached: | Exempt Appendix to Report number: CAB/WS/21/052 – Proposed Incubation Units, Suffolk Business Park, Bury St Edmunds: Financial Case | |

A. Referrals from Cabinet: 9 November 2021

1. West Suffolk Gambling Act 2005: Statement of Policy 2022 to 2025

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| <p>Portfolio holder: Councillor Andy Drummond</p> <p>Cabinet Report number: CAB/WS/21/048</p> <p>Appendix A to Report number: CAB/WS/21/048</p> <p>Appendix B to Report number: CAB/WS/21/048</p> <p>Appendix C to Report number: CAB/WS/21/048</p> |
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|---|
| <p>Recommended, that:</p> <ol style="list-style-type: none"> 1. The revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2022 to 2025, as contained in Appendix B to Report number CAB/WS/21/048, be agreed. 2. The revised West Suffolk Local Area Profile, as contained in Appendix C to Report number CAB/WS/21/048, be agreed. |
|---|

1.1 The West Suffolk Statement of Gambling Policy sets out how the Council, in its role as licensing authority, will carry out its functions under the Gambling Act 2005. It recognises the importance of responsible gambling within the entertainment industry, while seeking to balance this with the key objectives of the Act. The objectives are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime

- Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 The objective of the statement of policy is to provide a vision for the local area and a statement of intent that guides practice. Licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act and cannot override the right of any person to make an application, make representations or seek a review of a licence under the Act. However, it can invite people and operators consider local issues and set out how they can contribute towards positively addressing them.
- 1.3 To this end, the Council has updated the Local Area Profile (LAP). A LAP is an assessment of the key characteristics of West Suffolk in the context of gambling-related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm; where they are located and any current or emerging problems that may increase that risk. The Local Area Profile will help set out our expectations of operators of gambling premises.
- 1.4 A statement of policy typically runs for a period of three years, although there is nothing to prevent the authority from updating more frequently if it wishes to. The current policy expires on 31 January 2022 and a revised version has been consulted on with statutory consultees. This will then require review in 2024 for re-adoption by January 2025.
- 1.5 The policy statement summarises West Suffolk Council’s approach to licensing gambling activities. It sets out how the Council exercises its functions in relation to gambling licensing matters under the Gambling Act 2005.
- 1.6 The revised policy that has been subject to consultation, contained minor changes and the consultation has broadly supported these changes. Pre-consultation, the only change to the policy was centred around the statutory reduction of maximum stakes for Fixed Odds Betting Terminals (FOBTs) – which has been reduced from £100 to £2 – and enacted into law in April 2019. Following consultation with stakeholders, one additional alteration was made to update the HM Revenues and Customs contact details.
- 1.7 The Local Area Profile has also been updated. Our approach is based on the possible risk to gambling-related harm, in adherence to the objectives set out in the Act. Some or many of these matters will have been considered and addressed by existing premises.
- 1.8 There is a statutory duty to undertake a consultation to gauge impact and opinion among key stakeholders. This was held between 16 August 2021 and 20 September 2021. In total, two responses were received (please see Appendix A), from Public Health (Suffolk County Council) and HM Revenue and Customs.

- 1.9 All respondents were able to provide comment on any aspect of the policy statement. Both responses highlighted issues or recommendations in this way. The Council has set out specific responses to each comment and made alterations to the policy statement accordingly where applicable including the addition of a statement that risk assessments should make reference to the Council's area profile which may be compiled with respect to reported gambling related problems in an area (please see Appendix B).

2. Council Tax Base for Tax Setting Purposes 2022 to 2023

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/050](#)

Appendix 1 to Report number: [CAB/WS/21/050](#)

Appendix 2 to Report number: [CAB/WS/21/050](#)

Appendix 3 to Report number: [CAB/WS/21/050](#)

Recommended, that:

- 1. The tax base for 2022 to 2023, for the whole of West Suffolk be 57,406.34 equivalent band D dwellings and for each of the predecessor areas be: Forest Heath 19,455.81 and St Edmundsbury 37,950.53, as detailed in paragraph 2.6 of Report number CAB/WS/21/050.**
- 2. The tax base for 2022 to 2023 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/21/050.**
- 3. The Director (Resources and Property) 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 or any data updates relating to significant claimant increases, as detailed in paragraph 2.5 of Report number CAB/WS/21/050.**

- 2.1 The council tax base is the total taxable value at a point in time of all the domestic properties in the council's area. It is a yearly calculation and represents 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.
- 2.2 The total taxable value referred to above is arrived at by each dwelling being placed in one of eight valuation bands (A – H) by the Valuation Office, with a statutorily set fraction then being applied in order to convert it to a 'band D equivalent' figure. These band D equivalent numbers are then aggregated at a district wide level and are also sub totalled for parishes. This calculation has to be done by the council responsible for sending the bills out and collecting the council tax ('the billing authority'). In two tier areas, district councils fulfil this function.

- 2.3 The council tax base is used in the calculation of council tax. Each authority divides the total council tax income it needs to meet its budget requirement by the tax base of its area to arrive at its band D council tax. The same fractions referred to in the previous paragraph are then used to work out the council tax for properties in each of the other bands.
- 2.4 Orders have been laid allowing West Suffolk to harmonise the council tax of the former Forest Heath and St Edmundsbury areas over a period not exceeding 7 years. Because of this, it is 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').
- 2.5 The calculation of the tax base for council tax setting purposes consists of three stages:
1. Calculation of the tax base for central government purposes as at 4 October 2021 (MHCLG return – CTB).
 2. Calculation of the tax base for council tax setting purposes by adjusting the band D equivalents to reflect changes in the tax base as a result of any technical/Local Council Tax Support scheme changes, projected changes in the property base and predicted collection rates.
 3. Analysis of band D equivalents over each of the parish areas in order to determine individual parish council tax bases.
- 2.6 The tax base return 'CTB' is used by central government for data collection and the calculation of New Homes Bonus (see Appendix 1). This return shows the analysis of properties across the eight valuation bands for the following classifications of liability:
- properties attracting 100 per cent liability
 - properties attracting a premium, such as second homes
 - properties with an entitlement to a discount of 25, 50 or 100 per cent, such as disabled relief
 - properties that are exempt, such as those occupied by United States air force personnel
 - local council tax reduction scheme discounts.
- 2.7 The figures used to make the above calculations are derived from the Valuation List as deposited on 13 September 2021, and as amended to reflect any errors or omissions so far detected in reviewing that list. They are based on the data held on the council tax system at a set point in time – 4 October 2021. The taxbase for this purpose, which is calculated at a West Suffolk level, is 58,261.4.
- 2.8 The band D properties figure as at 4 October 2021 of 58,261.4, as quoted in line 33 of the CTB form, has been updated as at 31 October 2021 to allow for:
1. Any changes to the Local Council Tax Support (LCTS) scheme. The tax base has been set using the current 2021 to 2022 data as, although consultations on some changes are currently taking place, these are about streamlining the

customer experience and will not have any significant impact on the LCTS numbers.

2. Any technical changes to discounts and exemptions such as empty properties and second homes. There are no plans to change the current scheme for 2022 to 2023.
3. Potential growth in the property base during 2022 to 2023 taken from an average of the housing delivery numbers for those sites within the local plan and those that have planning permission, adjusted for an assumed level of discounts/exemptions.
4. An allowance for losses in collection, which assumes that the overall collection rate for 2022 to 2023 will be 98%, with the exception of LCTS recipients where the collection rate is assumed to be 83%.
5. The forecast impact of COVID-19 on LCTS scheme numbers (see paragraph 2.5 below).

2.9 The key assumptions, as outlined above, have been set at a time when the impact of COVID-19 recovery, and the end of the furlough scheme, are difficult to predict. At this stage, very early data (taken from the first two weeks of October) is not indicating any spike in LCTS numbers and, therefore, minimal allowance has been made for any increase in LCTS claimant numbers.

2.10 The resulting tax base figures for council tax collection purposes, expressed in terms of the number of Band D equivalent properties, have been calculated as shown in the following table:

| | 2021 to 2022 | 2022 to 2023 | Increase |
|-----------------------------------|---------------------|---------------------|-----------------|
| Former Forest Heath area | 18,572.56 | 19,455.81 | 883.25 |
| Former St Edmundsbury area | 36,767.41 | 37,950.53 | 1,183.12 |
| West Suffolk | 55,339.97 | 57,406.34 | 2,066.37 |

2.11 The table at Appendix 2 shows the actual number of dwellings in each tax band based on the current valuations which are discounted to 1 April 1991 and the percentage in each band. There has been no national revaluation since that date. It also shows the spread of the tax base across the bands totalling the tax base for central government purposes (CTB) and the tax base for council tax setting purposes after all of the adjustments have been made.

2.12 The tax base figure for West Suffolk is 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. Town and parish tax base figures are set out in Appendix 3. In line with the delegated authority to administer the council's financial affairs as outlined in the constitution, the arrangements for the scheduling of the precept payments for 2022 to 2023, will be determined by the Director (Resources and Property) (Chief Financial Officer). The

payments schedule for all parish and town councils in West Suffolk will be full payment of the precepts by 30 April 2022.

3. Proposed Incubation Units, Suffolk Business Park, Bury St Edmunds

Portfolio holder: Councillor Susan Glossop

Cabinet Report number: [CAB/WS/21/052](#)

Appendix A to Report number: [CAB/WS/21/052](#)

Appendix 1 to Report number: [CAB/WS/21/052](#)

Exempt Appendix 2 to Report number CAB/WS/21/052: Attached to this report

Appendix 3 to Report number: [CAB/WS/21/052](#)

Recommended, that:

- 1. The Business Case attached, as Appendix A to Report number CAB/WS/21/052 be approved and the project objectives be endorsed.**
- 2. The purchase of 6.8 acres of net developable land to enable the project to be delivered, be approved.**
- 3. The development of 40,000 sq. ft employment space (phase one) on Zone 3 of Suffolk Business Park in accordance with the details contained in the business case, be approved.**
- 4. A £12.1m capital budget for phase 1 only, funded through the Investing in our Growth Fund through Prudential borrowing with the revenue impact in line with the Financial Case section of Appendix A to Report number CAB/WS/21/052, be approved.**
- 5. Officers to proceed in line with the Council's agreed Scheme of Delegation. However, where necessary agreement, be sought for delegation to the Director (Resources and Property) and the Director (Planning and Growth), in consultation with the Portfolio Holder for Resources and Property and with the Portfolio Holder for Growth, to make changes to the proposal to reflect the need for the project to evolve as time moves forward and to enable the project to be delivered in accordance with the Finance Case and the Programme.**
- 6. The Council's Section 151 Officer to make the necessary changes to the Council's prudential indicators, as a result of recommendation 4. above.**

- 3.1 The West Suffolk Strategic Framework 2020-2024 sets out three strategic priorities including the Council's commitment to focus its energies and resources on the "Growth in West Suffolk's economy for the benefit of all its residents and UK plc". This project is a key example of how West Suffolk Council can support

and invest in its communities and businesses as it provides incubation space for new and developing companies that wouldn't otherwise be provided.

- 3.2 The purpose of this report is to seek authority for the development of 40,000 sq. ft of start-up/incubation space, as phase one, for companies mainly in the advanced manufacturing and engineering (AME) sector and its supply chain. The costs of borrowing to fund this development through prudential borrowing, will be covered by the business rates that are forecasted to be retained locally as a result of the Enterprise Zone at Suffolk Park, Bury St Edmunds.
- 3.3 A full Business Case for Phase 1 (attached as Appendix A to Report number CAB/WS/21/052 which also includes Exempt Appendix 2) and this in turn is supported by a Risk Register (Appendix 1) and a high-level Project Plan (Appendix 3). Additional Business Case(s) will be required to bring forward Phase 2.
- 3.4 This project provides the opportunity to deliver on the Council's original vision for the employment allocation at Suffolk Business Park. It builds on the commitment shown by the Council, New Anglia LEP and Suffolk County Council to funding/developing the Eastern Relief Road (now Rougham Tower Avenue) and also reflects the intent behind establishing the Enterprise Zone on Suffolk Park.
- 3.5 The Business Case (Appendix A) sets out the strategic; economic; commercial; financial; and management cases for this development. The Business Case clearly sets out the project objectives and concludes that the case is made for the proposal to be supported and delivered in line with the high-level programme.
- 3.6 The project requires the allocation of approximately £12.1m of capital funding which is assumed to be funded through prudential borrowing from the Public Works Loans Board (PWLB). The Financial Case explains the assumptions that have been made to determine the Capital cost; revenue implications; cash flow projections; and the unique arrangement for financing the debt over 17 years. The Business Case explains that business rates received from the Enterprise Zone on Suffolk Park are split into four separate funds and that Fund B is retained for development that support the economic development of the area. It is this Fund that will be used to pay for the costs of borrowing with support from the LEP and SCC to enable this to happen.
- 3.7 Due to the scale of this project, the recommendations (as set out in Report number CAB/WS/21/052) had been recommended to Council for adoption. The recommendations enable the project to be brought forward in line with the Scheme of Delegation, save that authority is requested for delegation to the Director of Growth in consultation with the Portfolio Holder for Growth to reflect the early stages of this project and the need for some flexibility as matters relating to delivery evolve. In addition, delegation to the S151 Officer is requested to enable necessary changes to be made to the Council's prudential indicators as a result of this project.

- 3.8 This project not only supports the Council’s aspirations in the Strategic Framework it is also in line with its agreed Investing in Growth Agenda Strategy/Fund and Asset Management Strategy. The proposal builds on the investment West Suffolk Council made to the construction of the Eastern Relief Road (Rougham Tower Avenue) which in turn opened up the whole 68 hectares of employment land at Suffolk Business Park. Without that original investment, it would not be possible to consider this proposed development today. In addition, the Council worked to bring Enterprise Zone status to Suffolk Park which has not only encouraged new economic development but has also generated a pot of funding that can be used (with agreement) for the development of the economy in the local area.
- 3.9 The intention is that once built, the centre will be run by a leading provider of business support to the Advanced Manufacturing and Engineering sector (AME). This will be a first for West Suffolk and a significant achievement. Once operational, the centre’s operators will be able to build links and synergies with other educational providers such as the Science Technology Engineering and Maths (STEM) Centre on Western Way. The aim is to provide space for start-up or growing businesses in a supported/flexible environment with access to high quality business advice and networking opportunities.
- 3.10 In addition, West Suffolk Council has been working over a number of years to develop its AME Sector. This work has involved detailed discussions to support product diversification, running specific events to support the sector and more recently, the development of the West Suffolk Manufacturing Group (WSMG). The result is a very strong and growing AME sector in West Suffolk. Whilst the WSMG is established and is creating links across a number of areas, West Suffolk lacks the dedicated space and specialist business support to develop new and small manufacturing & engineering businesses. It is also running out of opportunities to make this happen at Suffolk Business Park.
- 3.11 This project will not only provide employment opportunities locally for those looking to start or change their careers it will also help to develop the AME sector in West Suffolk for the benefit of new and existing companies and our local people. When the centre has been up and running for a while, it will start to provide our larger companies in the AME sector with supporting supply chain companies and skilled employees that are currently in short supply.

B. Referrals from Cabinet: 7 December 2021

(These referrals have been compiled before the meeting of Cabinet on 7 December 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. Arrangements for Appointment of External Auditors

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/055](#)

Performance and Audit Scrutiny Committee Report number: [PAS/WS/21/021](#)

Recommended, that: it be agreed to continue to 'opt-in' to the sector led body (Public Sector Audit Appointments Limited (PSAA)) for the independent appointment of the Council's external auditor, beginning with responsibilities for the financial year 2023 to 2024.

- 1.1 In September 2016, the former Forest Heath and St Edmundsbury Councils' Performance and Audit Scrutiny Committees received papers regarding the appointment of external auditors for a period of five years from 1 April 2018. The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors, and the setting of audit fees for all local government and NHS bodies in England.
- 1.2 At the end of the transitional arrangements, public bodies were asked to specify their preferred method of appointing external auditors, and a sector led body (the Public Sector Audit Appointments LTD (PSAA)) was chosen.
- 1.3 A sector led body has the opportunity to negotiate contracts with firms nationally, maximising the opportunity for the most economic and efficient approach for procurement of external audit on behalf of the whole sector. The scheme was designed to save time and resources for local government bodies and, through collective procurement, secure the best prices without compromising on audit quality.
- 1.4 West Suffolk Council agreed to continue to use the PSAA (Report number: [COU/SA/18/010](#) - Appointment of External Auditors) as its route to select its external auditors Ernst and Young for the remaining term of the five years from 1 April 2019 (ending the financial year 2022 to 2023).
- 1.5 On 18 November 2021, the Performance and Audit Scrutiny Committee (PASC) received Report number: PAS/WS/21/021, which asked the Committee to consider

options available for the appointing process for external auditors from 2023 to 2024. The Council could choose one of the following options:

1. Procurement via PSAA;
 2. Establish a stand-alone appointment; or
 3. Set up a joint auditor panel/local joint procurement arrangements.
- 1.6 Legislation requires a resolution of Council if a local authority wishes to opt into the national arrangement (the PSAA). The practical deadline for this decision is 11 March 2022.
- 1.7 The report to PASC set out in detail the advantages and disadvantages for each of the three options and the respective legal implications.
- 1.8 The Committee had been advised that opting into the PSAA arrangements for the appointing process would be the best option to work alongside other councils and influence a particularly difficult market.
- 1.9 Following scrutiny by PASC, the Committee put forward a recommendation to Cabinet (as reproduced above) and pending any amendments made by Cabinet on 7 December 2021, this recommendation is referred to Council for final approval.

2. Delivering a Sustainable Medium Term Budget

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/056](#)

Performance and Audit Scrutiny Committee Report number: [PAS/WS/21/024](#)

Recommended, that: the proposals as detailed in Section 2 and Table 1 at paragraph 3.6 of Report number: PAS/WS/21/024, be included in the medium-term financial plans to 2026.

- 2.1 At its meeting on 30 September 2021, Report number [PAS/WS/21/016](#), outlined the process and approach to setting the Council's 2022 to 2023 budget and the principles and challenges faced in achieving this.
- 2.2 The Committee on 18 November 2021, received an update on assumptions and anticipated savings and initiatives proposed or delivered to date to deliver a sustainable and balanced budget for 2022 to 2023. Proposed key budget assumptions were set out in Section 2 of the report (and below).

2.3 **Extract from Report number: PAS/WS/21/024: (Section 2 and Table 1)**

2.3.1 **2. Proposals within this report – key budget assumptions**

2.1 Report number [PAS/WS/21/016](#) set out a number of key budget assumptions proposed in the development of the 2022 to 2023 budget and medium-term plans and the rationale behind those assumptions. These assumptions are constantly under review, in response to further data and intelligence. Since this last report, there have been the following updates as set out below.

Government funding – Spending Review 2021

2.2 In the Spending Review 2021 of 27 October 2021 there were several statements about funding for local government. A £4.8 billion increase (over 3 years) in direct grant funding was declared. However, £3.6 billion of this amount is targeted for social care reform, so aimed at County/Unitary Councils and its also expected that any new spending pressures announced (such as the national insurance increase) will also need to be funded through this allocation. What is not known at this time is the detail on how the headline 'Local Government funding' will be distributed to councils and whether this directly translates into winners and losers at individual Council level.

2.3 There was also no confirmation on local government funding reforms relating to the Fairer Funding Review and 75 per cent Business Rates Retention (BRR) scheme. The Government remain committed to these reforms, although have not set out any confirmed timeframe for when they would be completed and implemented. A roll forward of the 2021 to 2022 settlement hasn't been ruled out at this stage.

2.4 As a result of this current uncertainty about the detail of future government funding we continue to include the following assumptions in our medium-term financial plans:

- There will be no further COVID-19 support for either costs incurred or loss of Fees and Charges income.
- That no Revenue Support Grant or New Homes Bonus allocation (or replacement) will be rolled forward into 2022 to 2023 as it was always the Government's intention to phase out these grant streams.
- The budget estimates assume a continuation of the 10 per cent reductions in the centrally held un-ringfenced grants budget for 2021 to 2022 in line with previous Government funding reductions. This includes grants such as Housing Benefit Administration.
- There will be no Fairer Funding Review and some form of Business Rate Retention (BRR) scheme resetting from April 2022 will take place. The current projections already assume a significant loss of BRR scheme growth (accumulated since the scheme was implemented in 2013) from April 2022 and this assumption remains unchanged at this stage.

- That Suffolk authorities will remain in a business rates pool for 2022 to 2023, retaining additional BRR scheme income for Suffolk than that of individual authorities.

2.5 These Government funding assumptions will be kept under constant review as part of the budget process and following any announcements regarding the detailed funding allocations (expected 5 December 2021 but likely to be much later in December as per previous years) and grant payments and/or consultations from central Government. This collection of assumptions has the biggest financial impact on the council's budget given the sums involved.

Other income assumptions

2.6 There has been a detailed line by line review of the 2022 to 2023 income budget assumptions across a best, base and worst-case scenario. The material outcomes of this review are included on Table 1 below. Where there is uncertainty linked to continued COVID-19 impact the approach will be to access the use of a further years COVID impact provision, created from the Councils General Fund balance, with the expectation that there will be a full return to budgeted income levels in the medium term. There is expected to be a greater level of volatility in these income assumptions given the relationship between recovery and income generation for the council. This volatility will need to be closely monitored and reflected in the Section 151 report to members on the robustness of estimates and balances as part of the budget process.

Business rates estimate for 2022 to 2023

2.7 It is very difficult to predict the ongoing impact of COVID-19 on businesses within the district and the impact this may have on the level of business rates income collected. In 2020 to 2021 Government announced significant retail reliefs to support business through the pandemic. They continued that support, in part, during the current year 2021 to 2022. We are yet to receive any guidance or funding allocations for the announced national £1.5 billion discretionary business rate relief fund for 2021 to 2022.

2.8 The Spending Review 2021 on 27 October 2021 did include some changes to business rates for the next three years, with a commitment that councils will be fully reimbursed under the current Business Rate Retention Scheme through Section 31 grants:

- The planned increase in the business rates multiplier has been cancelled. The multiplier was due to be increased by 3.1 percent, in line with the September increase in the Consumer Price Index (CPI). Local authorities will receive "cap compensation" funding to offset this.
- 50 percent discount for retail, hospitality and leisure sectors (up to a maximum of £110,000).
- Other reforms, including more frequent revaluations (from 2023), and investment reliefs to encourage green investment and premises

improvements (any increase in rates payable delayed for 12 months). These changes will affect uplift in valuations, which will be handled administratively by the Valuation Office Agency (VOA) – but will also affect local government because growth in rates will take longer to be recognised.

3.6 Table 1

| Budget assumption changes Pressure/ (Benefit) | 2022 to 2023 | 2023 to 2024 | 2024 to 2025 | 2025 to 2026 |
|---|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | £m | £m | £m | £m |
| Budget Gap at February 2021 | 0.97 | 1.62 | 2.21 | 2.65 |
| <u>Pressures:</u> | | | | |
| Review of the Council’s establishment and overall cost of employment assumptions (Includes the announced National Insurance increase for employers) | 0.28 | 0.23 | 0.24 | 0.25 |
| Housing benefits: Reduce rent allowances subsidy rate (recovered from Government for administering the scheme) across medium term to reflect transfer of 100% subsidy cases to Universal Credit | 0.00 | 0.04 | 0.04 | 0.05 |
| Insurance premiums review (including arts, culture and heritage assets and new solar for business rate changes) | 0.04 | 0.05 | 0.05 | 0.05 |
| Provisional increase in audit fees (to be confirmed by Public Sector Audit Authority) | 0.02 | 0.02 | 0.02 | 0.02 |
| <u>Improvements:</u> | | | | |
| Ongoing savings relating to public access (see report CAB/WS/21/026) | (0.10) | (0.10) | (0.10) | (0.10) |
| Review of Council wide electricity budgets (combination of reduced usage and price inflation allowance) | (0.14) | (0.15) | (0.16) | (0.17) |
| Solar farm sale income- increased income assumptions after sale price for 2022 to 2023 generation has been fixed at auction. Longer term prices based on market estimates. | (0.44) | (0.07) | (0.06) | (0.06) |
| Increased shop rent income – linked to securing tenant beyond previous lease renewal date | (0.07) | (0.07) | (0.07) | (0.03) |
| Revised public sector decarbonisation savings and income generation from £2.2 million capital investment, linked to CO2 reduction plan | (0.06) | (0.06) | (0.05) | (0.05) |

| | | | | |
|---|-------------|-------------|-------------|-------------|
| Industrial units: increased income assumption linked to improved performance of portfolio-linked to market rent levels and expectations | (0.04) | (0.04) | (0.04) | (0.04) |
| Other minor changes | (0.06) | (0.03) | (0.03) | (0.04) |
| Remaining budget gap at November 2021 | 0.42 | 1.46 | 2.06 | 2.60 |

- 2.4 The Performance and Audit Scrutiny Committee (PASC) had considered the report in detail and the key budget assumptions, and asked questions to which responses were provided. In particular, the Committee had discussed the solar farm additional income of £400,000 for next year and the working budget deficit for 2022 to 2023 of £0.42 million.
- 2.5 On 7 December 2021, the Cabinet will consider the recommendation of PASC, as reproduced above. Pending any amendments made by the Cabinet, this recommendation is referred to Council for final approval for incorporation into the budget setting process for 2022 to 2023 and the medium term plans to 2026.

3. Treasury Management Report (September 2021)

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/057](#)

Financial Resilience Sub-Committee Report number: [FRS/WS/21/005](#)

Appendix 1 to Report number: [FRS/WS/21/005](#)

Recommended, that: the Treasury Management Report (September 2021), as contained in Report number: FRS/WS/21/005, be approved.

3.1 Investment Activity 1 April 2021 to 30 September 2021

On 8 November 2021, the Financial Resilience Sub-Committee had considered Report number: [FRS/WS/21/005](#). Their discussions were subsequently reported to the Performance and Audit Scrutiny Committee on 18 November 2021 for consideration.

- 3.2 The Council held investments of £52,000,000 as of 30 September 2021. Interest achieved in the first half of the financial year amounted to £34,122 against a budget for the period of £22,500.

- 3.3 External borrowing as of 30 September 2021 remained at £4 million with the Council's level of internal borrowing increasing slightly to £48,039,000 as at 30 September 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 £965,804 against an approved budget of £3,135,850, although this could change if more external borrowing was undertaken than was currently forecast.

- 3.4 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.
- 3.5 The report had 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; Chartered Institute of Public Finance and Accountancy (CIPFA) consultation on prudential code and market information.
- 3.6 The Sub-Committee had scrutinised the investment activity for 1 April 2021 to 30 September 2021, and asked questions to which responses were provided. In particular, detailed discussions had been held on the Council preparing itself for external borrowing by the end of the financial year, whilst interest rates were at an historic low; and lending monies to other local authorities as set out in the report.
- 3.7 Following consideration by the Financial Resilience Sub-Committee, the Performance and Audit Scrutiny Committee had scrutinised the report. Detailed discussions had been held on external borrowing and the point that would trigger the Council to borrow externally, as inflation was on the rise and interest rates remained historically low.
- 3.8 The Committee had suggested the Council needed to achieve interest rate certainty as soon as practicable and should be looking to lock in the low borrowing rates, externalising the Council's underlying need to borrow. A recommendation relating to this issue was put forward to Cabinet accordingly.
- 3.9 On 7 December 2021, the Cabinet will consider the recommendations of PASC, one of which is reproduced above. Pending any amendments made by the Cabinet, this recommendation is referred to Council for final approval.
- 3.10 The second recommendation put forward to Cabinet by PASC is reproduced for information below:

'The externalisation of our underlying need to borrow in order to manage the Council's interest rate risk exposure, be agreed'.

This will also be considered by Cabinet on 7 December 2021; however, as it is an executive decision, it has **not** been referred to Council for final approval.

4. West Suffolk Local Council Tax Reduction Scheme (LCTRS): 2022 to 2023

Portfolio holder: Councillor Sarah Broughton

Cabinet Report number: [CAB/WS/21/058](#)

Appendix A to Report number: [CAB/WS/21/058](#)

Appendix B to Report number: [CAB/WS/21/058](#)

Appendix C to Report number: [CAB/WS/21/058](#)

Recommended, that:

- 1. The Local Council Tax Reduction (LCTRS) Scheme for 2022 to 2023, as outlined in Report number: CAB/WS/21/058, be reviewed.**
- 2. The changes to the scheme outlined in section 2 of Report number: CAB/WS/21/058, and as detailed in Appendix C, be agreed.**

- 4.1 Each year the Council is required to review its Local Council Tax Reduction Scheme (LCTRS). Report number: CAB/WS/21/058 provides an annual review of the 2021 to 2022 scheme and proposes to make changes to the scheme for 2022 to 2023.
- 4.2 Councils are required to review their LCTRS schemes annually and consider whether any changes need to be made. Report number: CAB/WS/21/058 set out the changes (if any) that had been made since its introduction from April 2013. Where it is determined to retain the existing scheme, this must be decided by 11 March of the preceding financial year.
- 4.3 Where councils decide that they wish to amend their schemes they need to consult preceptors and stakeholders prior to a wider consultation to inform a final scheme design by 28 February of the preceding financial year.
- 4.4 The current West Suffolk Working Age LCTRS scheme provides a maximum benefit of 91.5 per cent for working age claimants and the scheme also fully protects 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.
- 4.5 A separate statutory scheme applies to pensioners who can receive up to a maximum 100 per cent reduction of their council tax bill.
- 4.6 When reviewing the scheme in 2020 for the 2021 to 2022 year it was decided to retain the existing scheme into 2021 to 2022 as it was felt it would bring stability to customers' household budgets as they recovered or managed the impact of COVID-19. It was, however, agreed that a fuller review should be undertaken the following year to take into account learning from COVID-19, by considering a range of options for consultation, which has led to these proposals.

4.7 Anglia Revenues Partnership (ARP) have identified some further improvements that could be made, the main drivers for which are a streamlined customer journey; certainty and consistency of entitlement; reduced information requirements on customers; and better use of Department for Work and Pensions' (DWP) and Her Majesty's Revenue and Customs' (HMRC) data. These proposals are set out in section 4.9 of this report.

4.8 A portfolio holder decision was taken on 22 September 2021 to consult on the proposals. The consultation ran from 4 October to 5 November 2021. Major preceptors have responded and were content with the proposals. Four responses were received to the consultation and the key points raised are covered in Appendix A to Report number: CAB/WS/21/058.

4.9 **Proposals**

For ease of reference, the proposed changes and the potential impact of each are reproduced from Report number: CAB/WS/21/058 below. These will be considered by Cabinet on 7 December 2021. Pending any amendments made by Cabinet, it has been recommended to Council that these proposals be incorporated into the LCTRS.

4.9.1 The proposed changes to the West Suffolk Local Council Tax Reduction Scheme that it is proposed should take effect from 1 April 2022 are as follows. If implemented, these changes would affect:

1. the threshold for how much capital a customer can own (for example, savings) and still be entitled to a council tax reduction
2. the impact that living with non-dependent adult friends or family members has on the council tax reduction that a customer receives
3. the relationship between the application processes for Universal Credit (UC) and for local council tax reduction
4. the way in which fluctuations in a customer's earnings are taken into account in LCTRS

4.9.2 **Proposal 1**

It is proposed to lower the 'capital threshold' for local council tax reduction from £16,000 to £10,000 and remove the requirement to pay a tariff on savings over £6,000.

4.9.3 The capital threshold is the amount of capital (for example, savings) that a customer can own and still receive a reduction on their council tax. This proposal is intended both to ensure support is focused on those customers who most need it and also to remove the need for customers to provide evidence (where there is an over £250 change to their capital) of their capital in order for 'tariff income' to be calculated. ('Tariff income' is a measure that the Government uses for all benefits

to calculate how much income a customer could theoretically earn from their capital, even if they don't earn it).

4.9.4 **Impact of proposal 1**

This proposal would result in:

- A simplified scheme reducing the burden on customer and evidence requirements
- Reduced number of claim adjustments as there would be no requirement to notify changes in capital of £250 or more
- More streamlined customer experience and reduced processing times for universal credit claims as tariff income details are not provided in DWP data share records

Targeting help to those most in need as those with less capital will receive increased awards and those who no longer qualify will have more than £10,000 capital.

4.9.5 Simplification would enable ARP to provide quicker decisions to customers, as the need to manually calculate tariff income would be removed. This option focuses on improved customer journey and although indicating some savings it is likely to be relatively cost neutral.

4.9.6 Modelling suggests that this proposal would have the following impact on customers:

- Customers with capital above £10,000 will no longer be entitled to LCTRS (estimated 63 individuals). This represents 91.5 per cent of every council tax band. These customers would re-enter LCTRS if their capital fell below £10,000. ARP would also have the discretion to use discretionary hardship to support individuals facing difficulties.
- Customers who gain receive on average of £61.72 more LCTRS each year ranging from £10.40 to £145.60 (estimated 13 individuals).

4.9.7 **Proposal 2**

It is proposed to set a fixed deduction of £7.40 on the amount of council tax reduction a customer on 'non-passported benefits' (see definition below) is entitled to if they live with non-dependent adult family members or friends. At the moment, the amount of deduction has to be calculated individually and can cause problems when the non-dependent family members or friends refuse to, or forget to, let the customer know about changes in their circumstances.

4.9.8 Non-passported benefits is a DWP term. 'Passported' means people in receipt of DWP prescribed benefits; the income-based elements of Income Support, Jobseekers' Allowance and Employment Support Allowance for whom a council does not have to undertake a separate means-tested exercise and evidence gather to determine council tax support or housing benefit. 'Non passported' means a council must undertake that separate exercise, usually because people have earnings or income exceeding those benefit thresholds. 'Passported' customers

automatically receive full council tax support up to the non contribution rate (91.5 per cent for West Suffolk residents) or full housing benefit, whilst non-passported customers will have to make some contribution towards the 91.5 per cent charge of their council tax; both cohorts must pay the minimum 8.5 per cent as required within West Suffolk's scheme.

4.9.9 The proposed change would speed up benefits claims and reduce the number of adjustments needed every time an adult household member's income changed; would provide certainty over LCTRS entitlement; and would also reduce the potential for mistakes which can lead to arrears. Customers who are entitled to a severe disability premium would not be affected by this change and would continue to be exempt from non-dependent deductions.

4.9.10 This proposal would result in:

- Reduced burden on customer and evidence requirements
- Reduced number of claim adjustments as there would be no requirement to notify changes in non-dependent income. This is something the customer is not always aware of or able to obtain verification of themselves
- The functionality to verify and receive automatic income updates from DWP and HMRC does not extend to non-dependents meaning verification is always a manual process and the onus is solely on the customer to identify and report changes for their adult household members
- More streamlined customer experience and quicker processing times for Universal Credit claims as DWP do not gather details of non-dependents' income and the responsibility on the local authority to obtain this missing information delays claim processing
- Harmonisation with Universal Credit where there is already a flat-rate non-dependent deduction

Delays in and failure to provide non-dependent income details results in incorrect LCTRS awards, often impacting council tax collection and arrears.

4.9.11 An administrative consequence of this proposal would be that ARP's ability to increase automation and provide decisions to customers in one day would be extended to those with non-dependents, as the need to request follow up details would be removed.

4.9.12 Modelling suggests that this proposal would have the following impact on customers:

For customers with a £7.40 deduction those that gain (around 109 people) will receive on average an additional £213.04 each year. This range is between £46.80 and £525.20. For customers with a £7.40 deduction and have reductions (around 126 people) the average decrease is £182.83 This range is between £174.20 and £522.60.

Meanwhile, there would be a much-reduced risk of incorrect LCTRS awards and arrears, due to the fixed rate.

ARP will offer the 126 customers adversely affected Emergency Hardship Payment to help bridge the gap during the first year.

4.9.13 **Proposal 3**

West Suffolk Council is proposing to simplify the application process for LCTRS by requiring all customers to apply to DWP rather than direct to the local authority. Whereas previously, customers submitted separate claims for LCTRS, the proposals would mean customers would in future only need to apply for benefits through DWP, who will automatically notify ARP if someone is eligible for LCTRS.

4.9.14 **Impact of proposal 3**

We expect this proposal will minimise customer engagement, improve speed of administration and improve processing times for customers by:

- Clarifying the customer journey by removing any confusion that a separate claim is required
- Reducing customer burden to provide evidence through making a non-UC claim
- Removing requirement for both DWP and ARP to verify same income details
- Maximising customer income by signposting customers to claim UC
- Makes full use of DWP data share functionality

There will be no financial impact on customers. Customers who complete a contact form will be advised to complete a Universal Credit application form, which will automatically trigger an application for LCTRS. There will be a fallback option where in exceptional circumstances, a customer could still apply direct to ARP.

4.9.15 **Proposal 4**

The Council is proposing to adjust the current rule whereby customers' income can vary up to £65 a month (£15 a week) before a reassessment is required, to £100 a month. Since the £65 threshold was introduced in 2020, ARP have seen a significant reduction in adjustment notifications, direct debit amendments and refunds. It has also given customers greater certainty to enable them to manage their payments and household budgets.

4.9.16 A review of the current rule suggests that if the threshold was increased from £65 to £100 a month, it would further improve financial certainty for customers and streamline the process.

4.9.17 ARP will continue to have discretion to review exceptional cases and override the rule, however, this has not been necessary since the £65 threshold was introduced, because most cases have monthly fluctuations which even out any impact over the course of a year.

4.9.18 **Impact of proposal 4**

In April 2020 a tolerance rule of £65 per month was introduced which meant we no longer reassessed income changes of less than £15 per week for UC customers.

- 4.9.19 UC is designed to be paid monthly, calculated on the customer's circumstances, including Real Time Information (RTI) earnings data from HM Revenue and Customs. Given customers' circumstances, especially earnings, fluctuate, this leads to significant volumes of monthly revised UC awards sent to the Council by the DWP.
- 4.9.20 Due to the tolerance rule such customers have seen a reduction by one third in Council Tax adjustment notifications, as well as a reduction in direct debit amendments and the need to request a refund. This has provided greater certainty to customers to enable them to manage their payments and household budgets, with it being well received and working as expected.
- 4.9.21 The introduction of a fluctuating earnings rule has been particularly beneficial given the significant increase in the COVID-19 workload for Anglia Revenues Partnership, which peaked at a 500 per cent increase compared to the same point last year, before reducing to 200 per cent and now starting to return to normal levels.
- 4.9.22 A review of the tolerance rule suggests increasing the figure from £65 per month to £100 per month would further reduce the need for re-assessments from a third to a half, thereby providing more customers with stable payment arrangements, fewer adjustments and improved financial certainty. By retaining the discretion to review exceptional cases we will be able to override the rule in the case of a single beneficial change being reported. However, ARP are yet to see a case where discretion has been needed with the current £65 tolerance, given most cases have monthly fluctuations reported which evens out any impact of applying the tolerance over the course of a year.

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Consolidation of byelaws for skin piercing activities

| | | |
|----------------------------|---|------------------|
| Report number: | COU/WS/21/017 | |
| Report to and date: | Council | 14 December 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/21/017, 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. This report is being re-submitted to Council post the discussion held during the last meeting of Council on 28 September 2021 in connection with the wording of the byelaws linked to skin piercing. The wording has had a slight alteration as detailed under section 1.7 below. The rest of the byelaws and the content of this paper remains the same.
- 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. One minor amendment is proposed following a discussion at Council when this was discussed in September to clarify the model byelaws to remove the words 'by means of a hygienic piercing instrument' from section 3.1.a(iii). This will ensure that all cosmetic jewellery is provided in a sterile condition to the customer during skin piercing activities. A copy of the proposed byelaws 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

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 District 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 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.

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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Community Governance Review

| | | |
|----------------------------|--|------------------|
| Report number: | COU/WS/21/018 | |
| Report to and date: | Council | 14 December 2021 |
| Cabinet member: | Councillor Carol Bull Portfolio Holder for Governance Telephone: 01953 681513 Email: carol.bull@westsuffolk.gov.uk | |
| Lead officer: | Ben Smith Business Partner for Governance Telephone: 07961 809122 Email: ben.smith@westsuffolk.gov.uk | |

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

Wards impacted: **All wards**

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

- 1. Agrees to the commencement from 17 December 2021 of a district-wide Community Governance Review (CGR).**
- 2. Approves the Terms of Reference for the CGR attached at Appendix A to Report number: COU/WS/21/018.**
- 3. Establishes a Community Governance Review Task and Finish Group as set out at Appendix B.**
- 4. Requests Group Leaders to notify the Monitoring Officer of their respective nominations for appointment to places on the Task and Finish Group.**

1. Context to this report

- 1.1 The purpose of this report is to request Council to commence a Community Governance Review (CGR) of all Parish and Town councils in the West Suffolk area.
- 1.2 CGRs provide councils with an opportunity to make changes to community governance arrangements to ensure that parish and town councils provide for cohesive communities, improved community engagement, better local democracy and result in improved effective and convenient delivery of local services.
- 1.3 West Suffolk Council has a duty to keep parish arrangements under review and it is considered good practice for a full CGR of parish arrangements to be carried out every 10 to 15 years. The predecessor councils of West Suffolk Council, Forest Heath and St Edmundsbury, carried out community governance reviews in 2017 and 2016 respectively so a full review is not required at this time.
- 1.4 In 2019 West Suffolk Council was created and the new electoral scheme of district wards was designed to last up to 20-years. This scheme resulted in a necessary consequential impact on the warding arrangements for the town councils in Bury St Edmunds, Haverhill and Newmarket where additional parish wards were created because the new district ward boundary was not wholly coterminous with the existing Suffolk County Council division boundary.
- 1.5 The Local Government Boundary Commission for England (LGBCE) recently completed a review of the Suffolk County Council division boundaries which, where possible, aligned the County Divisions with the West Suffolk District Wards. The new division boundaries will be laid in parliament and come into force at the next County elections in 2025. The LGBCE has advised that, subject to the Suffolk County order being made by parliament, West Suffolk Council will be able to use the new division boundaries for Suffolk County Council as part of an interim CGR for implementation at the next parish and town council elections in 2023.
- 1.6 West Suffolk Council will focus this interim review on the consequential impact on parish warding arrangements in Bury St Edmunds, Haverhill and Newmarket from the new division boundaries for Suffolk County Council. It also provides an opportunity to look at a specific issue which was deferred by the review carried out by St Edmundsbury and to resolve any small anomalies to existing community governance arrangements.
- 1.7 **Issue deferred by St Edmundsbury Borough Council**
As resolved by St Edmundsbury Borough Council in 2016 the 2021-2022 CGR will consider the parish governance arrangements for the growth site to the east of Bury St Edmunds, which is commonly known as Lark Grange

and is within the Rushbrooke with Rougham Parish area, and determine if they should be amended now that a significant number of properties are occupied on that site.

2. Proposals within this report

2.1 Council is requested to approve the Terms of Reference for the review, as set out at Appendix A, and to set up a Task and Finish Group (The CGR Task and Finish Group), as set out at Appendix B to oversee the review process.

2.2 The CGR Task and Finish Group will make draft recommendations to Council for consultation and then final recommendations to Council for approval. Details of the timetable are below.

2.3 Indicative Timeline and Key Stages

| Stage | Action | Dates |
|---------------|---|---------------------------------------|
| Authorisation | Council resolves to undertake CGR Terms of Reference Approved Task and Finish Group established | Council – 14 December 2021 |
| Commencement | Notice of Review published | 17 December 2021 |
| Stage One | Consultation with stakeholders – initial submissions invited on future arrangements in accordance with terms of reference | January 2022 – February (two months) |
| Stage Two | Consideration of submissions received Draft recommendations prepared | March 2022 |
| Stage Three | Draft recommendations to be considered by Council and approved for further consultation | 22 March 2022 |
| Stage Four | Consultation with stakeholders on draft recommendations Final recommendations prepared | April 2022 – June 2022 (three months) |
| Stage Five | Final recommendations to be considered by Council with resolution to make a Re-organisation Order | Council – September 2022 |

| Stage | Action | Dates |
|-----------|----------------------------|---|
| Stage Six | Re-organisation Order made | As soon as practicable after publication of final recommendations |

2.4 Please note that any Community Governance Order made following a CGR should, for administrative and financial reasons, take effect on 1 April following the date on which the Order is made. Electoral arrangements will come into force at the first elections to any new Parish Council following the making of the Order.

3. **Alternative options that have been considered**

3.1 It is possible to undertake a partial review to cover the parish warding arrangements for Bury St Edmunds, Haverhill and Newmarket only, but this is not recommended as it does not allow for the issue deferred by St Edmundsbury Borough Council to be looked at or for other minor anomalies to community governance to be considered.

3.2 It is also possible to undertake a wider review to consider all aspects of community governance, for example the grouping of parish councils abolishment or creation of parish areas but this is not recommended as Forest Heath and St Edmundsbury councils carried out full reviews in 2017 and 2016 respectively so a full review is not required at this time.

4. **Consultation and engagement undertaken**

4.1 As part of each stage of the CGR the Council will undertake proportionate consultation with stakeholders and those with an interest, including but not limited to:

- Local government electors/residents of the district
- Parish and town councils
- Parish meetings
- District councillors
- County councillors
- Members of Parliament
- Residents Associations
- Local businesses
- Local public and voluntary organisations
- Suffolk Association of Local Councils

4.2 The public engagement strategy will be overseen by the CGR Task and Finish Group. Information about each stage of the review will be published on the Council's website and will be made available for inspection at West Suffolk House. Public libraries and parish and town councils will also be

encouraged to make information available where facilities are available. Press releases and other publicity will be issued where appropriate.

5. Risks associated with the proposals

- 5.1 The Parish electoral arrangements for Bury St Edmunds, Haverhill and Newmarket are protected for five years following the 2019 LGBCE review for West Suffolk Council and will require the consent of the LGBCE before any Order implementing changes can be made.
- 5.2 West Suffolk Council will write to the LGBCE detailing proposed changes, if any, and requesting their consent. The LGBCE will consider the request and will seek to ensure that the proposals do not conflict with the original recommendations of the electoral review, and that they are fair and reasonable.
- 5.3 Contact has been made with the LGBCE to request advice on the process to request their consent for changes to be made.

6. Appendices referenced in this report

- 6.1 Appendix A - Terms of Reference
- 6.2 Appendix B - Community Governance Review Task and Finish Group

7. Background documents associated with this report

- 7.1 Guidance on Community Governance Reviews: [Guidance on community governance reviews \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- 7.2 Resolved motion at the meeting of St Edmundsbury Council on Tuesday 28 June 2016, relating to the growth site to the east of Bury St Edmunds: [Agenda item - Referral from Democratic Renewal Working Party: 23 May 2016 - Community Governance Review \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk)

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West Suffolk Council Community Governance Review 2021-2022

Terms of Reference

A review of parishes under the Local Government and Public Involvement in Health Act 2007

1. Background

- 1.1 Government guidance states that it is good practice to conduct a full Community Governance Review (CGR) at least every 10 to 15 years. The predecessor councils of West Suffolk Council, Forest Heath and St Edmundsbury, carried out community governance reviews in 2017 and 2016 respectively. However, following the conclusion of the Local Government Boundary Commission for England's review of Suffolk County Council division boundaries an interim CGR is required to consider potential improvements to the warding arrangements for the town councils in Bury St Edmunds, Haverhill and Newmarket so that, where possible, they may be coterminous with district ward and county division boundaries.
- 1.2 In 2019 West Suffolk Council was created and the new electoral scheme of district wards was designed to last up to 20-years. This scheme resulted in a necessary consequential impact on the warding arrangements for the town councils in Bury St Edmunds, Haverhill and Newmarket where additional parish wards were created because the new district ward boundary was not wholly coterminous with the existing Suffolk County Council division boundary.
- 1.3 The Local Government Boundary Commission for England (LGBCE) recently completed a review of the Suffolk County Council division boundaries which, where possible, aligned the County Divisions with the West Suffolk District Wards. The new division boundaries will be laid in parliament and come into force at the next County elections in 2025. The LGBCE has advised that, subject to the Suffolk County order being made by parliament, West Suffolk Council will be able to use the new division boundaries for Suffolk County Council as part of an interim CGR for implementation at the next parish and town council elections in 2023.
- 1.4 West Suffolk Council will focus this interim review on the consequential impact on parish warding arrangements in Bury St Edmunds, Haverhill and Newmarket from the new division boundaries for Suffolk County Council. The CGR also provides an opportunity to review any specific issues deferred by the reviews carried out by Forest Heath and St Edmundsbury and any small anomalies to existing community governance arrangements.
- 1.5 In this context, West Suffolk Council has resolved to undertake an interim Community Governance Review (CGR) of all existing parishes within the West Suffolk district.

- 1.6 The objective of undertaking a community governance review is to ensure that local governance will continue to be effective and convenient and will reflect the identities and interests of local communities.
- 1.7 In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (referred to as 'the 2007 Act'), the relevant parts of the Local Government Act 1972, Guidance on CGRs issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.
- 1.8 Section 81 of the 2007 Act requires the Council to publish its Terms of Reference for the Review which clearly set out the focus of the review.
- 1.9 These terms of reference provide the aims of the review, the legislation that guides the process and the areas that the council will consider as part of the review process.
- 1.10 In accordance with the legislation, if any modifications are made to the terms of reference, these will also be published accordingly.

2. What is a Community Governance Review?

- 2.1 Community Governance Reviews provide councils with an opportunity to make changes to community governance arrangements to ensure that they provide for cohesive communities, improved community engagement, better local democracy and result in improved effective and convenient delivery of local services.
- 2.2 A CGR is a legal process whereby West Suffolk Council can consider the following:
 - creating, merging, altering or abolishing parishes,
 - the naming of parishes and the style of any new parishes,
 - the electoral arrangements for parishes, i.e. the ordinary year of election, council size (the number of parish councillors) and parish warding,
 - grouping of parishes under a common parish council or de-grouping of parishes.
- 2.3 A CGR must reflect the identities and interests of communities and should take account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

3. What do Parish and Town Councils do?

- 3.1 Parish Councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level, this can include open space and recreation, cemeteries, grass cutting, street lighting etc. They can raise funds to meet the costs of administration and provision of services through setting a precept which forms part of council tax bills levied on council tax payers in the parish. Parish Councils can

also provide a local voice for the community responding to consultations and raising concerns with the relevant organisations.

- 3.2 A Parish Council is made up of parish councillors elected by the local government electors in the parish with elections taking place every four years. The next scheduled elections are in May 2023 and vacancies within the four-year term are filled by co-option or by election if 10 local government electors request it.

4. Who will undertake this review?

- 4.1 West Suffolk Council is responsible for undertaking CGRs within its area.
- 4.2 West Suffolk Council will set up a Task & Finish Group (The CGR Task and Finish Group) to oversee the review process and to make draft recommendations to Council for consultation and then final recommendations to Council for approval which will subsequently be implemented by the making of a Community Governance Order.
- 4.3 The lead officer for the review is Ben Smith, Business Partner for Governance. (Email: Ben.Smith@westsuffolk.gov.uk)

5. Areas under review

- 5.1 This interim review includes the following aspects of community governance arrangements for existing parishes:
- To consider the names and styles of any existing parish council;
 - To consider the number of councillors to be elected to any existing parish council;
 - To consider the boundaries of any existing parish council; and
 - To consider the warding arrangements of any existing parish council, including the number and boundaries of any such wards, the number of councillors to be elected for any such ward, and the name of any such ward.
- 5.2 The review will not automatically mean there will be changes but will examine whether there is a case for change. The Council is not seeking a particular solution at this stage. It wishes to test views and assess what solutions are the right ones to pursue with each individual Parish.
- 5.3 As resolved by St Edmundsbury Borough Council in 2016 the 2021-2022 CGR will consider the parish governance arrangements for the growth site to the east of Bury St Edmunds, which is commonly known as Lark Grange and is within the Rushbrooke with Rougham Parish area, and determine if they should be amended now that a significant number of properties are occupied on that site.
- 5.4 This interim review will not consider issues involving Principal Area Boundaries or any issues which were included and resolved as part of the reviews undertaken by Forest Heath and St Edmundsbury councils in 2017 and 2016 respectively:

- Forest Heath District Council CGR 2017: [Community governance review \(CGR\) - Forest Heath district \(westsuffolk.gov.uk\)](#)
- St Edmundsbury Borough Council CGR 2016: [Decision notices for the Community Governance Review \(westsuffolk.gov.uk\)](#)

6. Consultation

- 6.1 The Council will publicise the review by displaying a notice at the Council Offices and on the Council's website. The Council will consult widely on the review including but not limited to:
- Local government electors/residents of the district
 - Parish and town councils
 - Parish meetings
 - District councillors
 - County councillors
 - Members of Parliament
 - Residents Associations
 - Local businesses
 - Local public and voluntary organisations
 - Suffolk Association of Local Councils
- 6.2 The Council is required to consult on the recommended changes to parish arrangements and will undertake consultation which is proportionate to the issue being consulted on to ensure that any person or body who has an interest in the issue, or is affected by the issue, has an opportunity to submit their views. The Council will write to those with an interest inviting them to submit their views at all stages of the consultation.
- 6.3 The task and finish group will oversee the public engagement strategy to ensure that this is robust and proportionate.
- 6.4 Before making any recommendation or publishing final proposals the Council will take full account of the views and suggestions put forward by local people and organisations and will comply with the statutory consultation requirements by:
- Consulting local government electors and other persons or bodies which appear to the Council to have an interest in the review (see above);
 - Taking into account any representations received in connection with the review;
 - Notifying consultees of the outcome of the review; and
 - Publishing all decisions taken and the reasons for such decisions.
- 6.5 Information about each stage of the review will be published on the Council's website and will be made available for inspection at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU. Public libraries and parish and town councils will also be encouraged to make information available where facilities are available. Press releases and other publicity will be issued where appropriate.

7. Indicative Timeline and Key Stages

| Stage | Action | Dates |
|---------------|---|---|
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| Stage Five | Final recommendations to be considered by Council with resolution to make a Re-organisation Order | Council – September 2022 |
| Stage Six | Re-organisation Order made | As soon as practicable after publication of final recommendations |

Please note that any Community Governance Order made following a CGR should, for administrative and financial reasons take effect on 1 April following the date on which the Order is made. Electoral arrangements will come into force at the first elections to any new Parish Council following the making of the Order.

8. Considerations

- 8.1 Legislation requires that the Council must ensure that community governance within the area:

- reflects the identities and interests of the communities in the area; and
 - be effective and convenient and takes into account any other arrangements for the purpose of community representation or engagement in the area.
- 8.2 In considering proposals for change, the Council will take the following into account:
- a strong, inclusive community and voluntary sector;
 - a sense of civic values, responsibility and pride;
 - a sense of place – a place with a ‘positive’ feeling for people and local distinctiveness;
 - reflective of the identities and interests of the community in that area;
 - the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of a local community or parish.

Electorate forecasts

- 8.3 When considering the electoral arrangements of the parishes in the area the Council must consider any likely future change in the number or distribution of electors within five years from the day the review commences.
- 8.4 The review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings within the five-year period taken from the Council’s most recent Five-Year Housing Land Supply Statement.
- 8.5 This information will be included as part of the draft and final recommendations.

Parish names and alternative styles for parishes

- 8.6 The Council will endeavour to reflect existing or historic place names and will consider any ward names proposed any local interested parties. The Council will be mindful of Section 75 of the Local Government Act 1972 with regards to changing the name of a parish and subsequent notification and to Sections 87 and 88 of the 2007 Act and related guidance.
- 8.7 Alternative styles for parishes were introduced by the 2007 Act which could replace the ‘parish’ style – community, neighbourhood or village. Town status continues to be available to a parish (S247 of the Local Government Act 1972) but for as long as a parish has an alternative style it will not be able to have the status of a town and vice versa.
- 8.8 At the request of a parish the District Council as principal authority can change the name of a parish to reflect the style adopted.
- 8.9 If an existing parish is under review the Council will make recommendations as to whether the geographical name of the parish should change but it will be for the parish council or meeting to resolve

whether the parish should have one of the alternative styles or retain the 'parish' style.

Parish boundaries

8.10 The Council will consider the effect of new and forecast development activity on existing parish boundaries. Parish boundaries should be easily identifiable and reflect the separation of settlements recognised locally as having their own identity. These boundaries should generally reflect the areas between communities with low populations or physical barriers such as rivers or man-made features such as railways or motorways.

Council size (number of councillors)

8.11 The minimum number of parish councillors that a council can have is five. A quorum for a parish council is three or a third, whichever is the greater number.

8.12 National research guidance suggests the following levels of representation for parish councils:

| Electorate | Councillor Allocation |
|---------------------|------------------------------|
| Less than 500 | 5 - 8 |
| 501 - 2,500 | 6 - 12 |
| 2,501 - 10,000 | 9 - 16 |
| 10,001 - 20,000 | 13 - 27 |
| Greater than 20,000 | 13 - 31 |

8.13 Government guidance is that each area should be considered on its own merits having regard to population, geography and the pattern of communities. The Council will pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.

8.14 In considering requests to change the number of councillors on any individual parish council the Council will review the electoral history for the parish including the number of contested elections that have been held, the number of vacant seats following normal parish elections (every 4 years) and the history of co-options (i.e. has the council been able to fill vacancies).

Parish Warding

8.15 The Council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections:

- whether the number or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient,
 - whether it is desirable that any area, or areas, of the parish should be separately represented on the council.
- 8.16 The Government's guidance is that warding of parishes may not be justified for largely rural areas based predominantly on a single centrally located village. Conversely, warding may be appropriate where a parish encompasses a number of villages with separate identities or where there has been urban overspill at the edge of a town into a parish.
- 8.17 In considering parish wards the Council will ensure that electoral equality is retained (the principle that each person's vote should be of equal weight so far as is possible). This will be achieved by keeping the councillor/elector ratio similar across any warded areas.
- 8.18 The Local Government Boundary Commission for England (LGBCE) recently completed an Electoral Review as part of the creation of West Suffolk Council and made changes to the parish warding arrangements in Bury St Edmunds, Newmarket and Haverhill. The LGBCE has since completed an electoral review of Suffolk County Council and created coterminous boundaries which provide the opportunity to review the parish warding arrangements.

9. Reorganisation of Community Governance Orders and Commencement

- 9.1 The review will be completed when the Council resolves to accept the final recommendations and authorises completion of the Reorganisation of Community Governance Order.
- 9.2 Copies of the Order, supporting maps and documents setting out the reasons for the decisions taken will be placed on deposit at West Suffolk House, Western Way, Bury St Edmunds and on the Council's website. They will be publicised in accordance with the requirements of the 2017 Act. All parishes will be notified of the outcomes of the review.
- 9.3 Copies of the Reorganisation of Community Governance Order will be sent to:
- the Secretary of State for Levelling Up, Housing and Communities
 - the Local Government Boundary Commission for England
 - the Office of National Statistics
 - the Director General of the Ordnance Survey
 - Suffolk County Council
 - the Audit Commission
 - Suffolk Association of Local Councils

10. Representations

10.1 West Suffolk Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included within the review.

10.2 Representations can be made in the following ways:

- By email: cgr@westsuffolk.gov.uk
- By post: Community Governance Review, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU

11. Date of Publication

These terms of reference will be published on 17 December 2021.

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Proposed Terms of Reference:

Community Governance Review Task and Finish Group

Background

West Suffolk Council is undertaking an interim Community Governance Review of all Parish and Town councils in the West Suffolk area.

This Community Governance Review (CGR) Task and Finish Group is being established to oversee the review process, lead on the public engagement and to use responses from stakeholders to produce draft and final recommendations for Council to consider.

Role and Purpose of the CGR Task and Finish Group

Members will be asked to support the CGR Task and Finish Group, and specifically they will be asked to:

- Oversee the various stages of the CGR, evaluating consultation approaches and advising on potential methods to ensure effective engagement.
- Review consultation responses, assessing how these should inform draft and final recommendations for Council to consider.
- Support the Portfolio Holder for Governance in monitoring the delivery of the Terms of Reference for the CGR.
- Undertake other roles that the Portfolio Holder for Governance considers appropriate.
- Review the process undertaken to inform future reviews.

In order to perform these roles, the Portfolio Holder for Governance shall be a member of the CGR Task and Finish Group.

Membership

Seven Members including the **Portfolio Holder for Governance**.

The Task and Finish group will comprise councillors from across the Council. Membership will be broadly apportioned in line with the political balance and appointees from each group will be agreed by their respective group leader.

Group leaders are encouraged to work together to ensure there is a balance in the geographic representation across the district and ensure there is representation from both rural and urban areas, in particular from the towns of Bury St Edmunds, Haverhill and Newmarket as the parish warding for those towns will be looked at specifically as part of the review.

Continuity and commitment are important to make this group effective. Members on the Task and Finish Group are expected to ensure they make every

Appendix B

effort to attend meetings and where they are unable to do so, appoint a substitute.

In addition to performing their collective role, members of the CGR Task and Finish Group will be expected to:

- Act as a champion for engagement with the CGR consultation process, promoting consultations with electors and stakeholders.
- Engage with their political groups to ensure all members are kept informed on the CGR process.
- Actively participate in debates at the Task and Finish Group meetings
- Be open minded to alternative proposals or viewpoints.
- Follow the national guidance for administering CGRs
- Read and consider guidance and papers presented in advance of the meeting, being proactive in contacting officers to resolve any points of confusion ahead of the meeting

At all times when taking part in the Task and Finish Group, members will be subject to the West Suffolk Members' Code of Conduct.

Substitutes

Each political group is allowed to appoint one standing substitute. In order to ensure they can effectively contribute to debate when called upon, substitutes are allowed to be in attendance at all Task and Finish Group meetings and will have access to all papers and reports.

Chair

The Portfolio Holder for Governance shall chair the Task and Finish Group and will appoint a Vice-Chair from amongst the members.

The Chair shall be responsible for the effective conduct of meetings and ensuring clear conclusions are reached.

The Chair will also be expected to attend Council meetings to present draft and final recommendations

Quorum

The quorum for meetings shall be 4 members

Frequency

Meetings shall take place in accordance with the stages of the CGR as set out in the CGR Terms of Reference. Meetings will be established to ensure the effective delivery of public engagement, assessment of consultation responses and the drafting of recommendations for Council.

It shall be the decision of the Chair whether meetings will be held virtually, in person, or a combination of both.

Voting

The Task and Finish Group should work towards achieving a consensus but where this cannot be achieved voting shall be by a show of hands with the Chair having a casting vote

Officer Support

The lead officer for the Task and Finish Group shall be the Business Partner for Governance. Administration of meetings will be undertaken by the Democratic Services Team.

Authority

The Task and Finish Group is advisory and has no decision-making powers. Its recommendations will be presented directly to Council for consideration and approval, as and when required.

Confidentiality

As a non-decision-making body, the normal Access to Information Rules do not apply. Members may want to have a free and frank debate, in which they may test concepts and ideas and to share such information when it is in a formative state. These ideas may be subsequently discounted in entirety. Releasing information into the public domain could undermine the subsequent proposals and decisions of the Task and Finish Group and have the potential to damage the Council's reputation.

Papers should therefore (minutes, reports etc) be treated as confidential unless it is stated / agreed otherwise, or the information is already in the public domain. Confidential information should not be shared with other parties, including other Councillors and outside organisations.

Any members who have concerns regarding access to information or the papers of the meeting should raise this with the Monitoring Officer.

December 2021

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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