

**Minutes** of a meeting of the **Cabinet** held on **Tuesday 6 December 2022** at **6.00 pm** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present      **Councillors**

**Chair** John Griffiths (Leader of the Council)

**Vice Chair** (Deputy Leader of the Council)

Sarah Broughton

Joanna Rayner

Carol Bull

**By invitation**

[INSERT NAME]

[INSERT NAME]

**In attendance**

[INSERT NAME]

[INSERT NAME]

[INSERT NAME]

[INSERT NAME]

Andy Drummond

Robert Everitt

Susan Glossop

(Chair of the Overview and Scrutiny Committee)

(Chair of the Performance and Audit Scrutiny Committee)

414. **Apologies for absence**

No apologies for absence were received.

415. **Minutes**

The minutes of the meeting held on 8 November 2022 were confirmed as a correct record and signed by the Chair.

416. **Declarations of interest**

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

417. **Open forum**

The following non-Cabinet members spoke under this item, as indicated in the order shown below. A summary of the issues raised have been recorded:

**A. Agenda Item 9 – Report number CAB/WS/22/066:  
Recommendations of the Performance and Audit Scrutiny  
Committee: 17 November 2022: Delivering a Sustainable  
Medium-Term Budget: Street Lighting**

- 1. Councillor Andy Neal, Ward Member for Mildenhall Queensway**
- 2. Councillor Phil Wittam, Ward Member for Brandon East**
- 3. Councillor Victor Lukaniuk, Ward Member for Brandon Central**

Concerns continued to be raised by these particular Members with regards to the unequal treatment and arrangements for street lighting costs within the district. They again stated that the towns/villages, within the former Forest Heath area, were particularly being treated unfairly because the Town/Parish Councils paid for street lighting, whilst West Suffolk Council paid for street lighting within the former St Edmundsbury areas. The Members stated that provision needed to be made within the forthcoming West Suffolk Council budgets for 2023/2024 to address this disparity.

The Chair thanked the non-Cabinet Members for attending the meeting and raising these concerns again, along with the discussions which had also been held at the Performance and Audit Scrutiny Committee at their meeting on 17 November 2022 on this matter. However, the Chair did also wish to remind Members that at their previous meeting on 8 November 2022, the Cabinet had agreed that streetlight ownership would be part of a wider planned review with Town/Parish Councils to be undertaken in 2023.

Councillor Carol Bull, Portfolio Holder for Governance, also wished to again explain that the current situation was as a result of historic working practices between the two former Councils. She also referred to the recommendations agreed by Cabinet on 8 November 2022, which included the timescales and the processes for taking this matter forward, which would involve both the Town/Parish Councils and Suffolk County Council. In conclusion, Councillor Bull wished to reassure the Members present, that the Council had acknowledged this disparity and was working to resolve this.

**418. Public participation**

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

**419. Report of the Overview and Scrutiny Committee: 10 November 2022**

**(Report number CAB/WS/22/063)**

The Cabinet received and noted this report, which informed Members of the following substantive items discussed by the Overview and Scrutiny Committee at its meeting on 10 November 2022:

1. Air Quality and Vehicle Idling

2. Suffolk County Council Health Scrutiny – 12 October 2022
3. Work Programme Update 2022

It was also noted that a separate report on the Air Quality and Idling would be considered later on the Cabinet agenda.

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

**420. Report of the Performance and Audit Scrutiny Committee: 17 November 2022**

**(Report number CAB/WS/22/064)**

The Cabinet received and noted this report, which informed Members of the following substantive items discussed by the Performance and Audit Scrutiny Committee at its meeting held on 17 November 2022:

1. Internal Audit Mid-Year Progress Report (2022 to 2023)
2. Delivering a Sustainable Medium-Term Budget
3. Treasury Management Report (September 2022)
4. Work Programme Update
5. 2022 to 2023 Performance Report (Quarter 2)

It was also noted that separate reports on Delivering a Sustainable Budget Medium-Term Budget and the Treasury Management Report (September 2022) would be considered later on the Cabinet agenda.

Councillor Ian Houlder, Chair of the Performance and Audit Scrutiny Committee, drew relevant issues to the attention of the Cabinet.

**421. Recommendations of the Overview and Scrutiny Committee: 10 November 2022 - Air Quality and Vehicle Idling**

**(Report number CAB/WS/22/065)**

The Cabinet considered this report, which was recommending the endorsement of two options with regards to the Council continuing its work on the improvement of air quality and on the reduction of vehicle idling in West Suffolk.

On 10 November 2022, the Overview and Scrutiny Committee received Report number OAS/WS/22/016, which contained detailed information on air quality in West Suffolk; vehicle idling and air quality; enforcement powers; a summary of anti-idling research and best practice; West Suffolk enforcement implications and costs; existing air quality actions; electric vehicles and options and recommendations. The Committee had considered the report in detail, along with the three options which were set out in Section 3 of Report number OAS/WS/22/016.

Therefore, the Overview and Scrutiny Committee were recommending to Cabinet, that Options 2 and 3, including the additional wording set out in italics at Option 3, be endorsed.

Councillor Andy Drummond, Portfolio Holder for Regulatory and Environment and Councillor Peter Stevens, Portfolio Holder for Operations, both drew relevant issues to the attention of Cabinet and both expressed their support for the two options being recommended by the Overview and Scrutiny Committee.

Councillor Robert Everitt, Portfolio Holder for Families and Communities, also explained that, in his capacity as Chair of the Bury St Edmunds Air Quality Residents Group, the Group had worked extremely hard to highlight the issue of air quality and vehicle idling within the Town. Therefore, Councillor Everitt also welcomed these proposed recommendations from the Overview and Scrutiny Committee.

**Resolved:**

That, the following Options be endorsed:

1. Option 2: That Civil Enforcement Officers continue to provide informal advice and guidance to drivers as part of their day-to-day activities.
2. Option 3: That the Council continues to undertake general air quality improvement work, focusing on vehicle idling where proportionate, *including education not just in schools but also includes the general public; signs; leaflets and social media.*

**422. Recommendations of the Performance and Audit Scrutiny Committee: 17 November 2022 - Delivering a Sustainable Medium Term Budget**

**(Report number CAB/WS/22/066)**

The Cabinet considered this report, which was recommending to Council, approval of proposals for inclusion in the medium-term financial plans.

On 17 November 2022, the Performance and Audit Scrutiny Committee (PASC) considered proposals for delivering a sustainable balanced budget for 2023 to 2024 and for developing the medium term plans. This included a number of key budget assumptions proposed and the rationale behind those assumptions, as set out in Section 2 and Table 1 of paragraph 3.2 of Report number PAS/WS/22/021.

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

Having considered the process and approach to setting the Council's 2023 to 2024 budget and the principles and challenges faced in achieving this, the Cabinet supported the recommendation of the Performance and Audit Scrutiny Committee.

### **Recommended to Council (13 December 2022):**

That the proposals as detailed in Section 2 and Table 1 at Paragraph 3.2 of report number PAS/WS/22/021, be included in the medium-term financial plans to 2027.

The Cabinet also noted the detailed discussions held by the Performance and Audit Scrutiny Committee on 17 November 2022 on street lighting. Some of the Committee members had raised concerns that there was no financial provision made in the budget for the street lighting disparity and felt there was no definitive move to resolve the issue and were sceptical that Cabinet would look at this further in 2023. They considered that unless financial provision was made for street lighting for the medium-term, then it would slip again.

On 8 November 2022, the Cabinet had agreed to the recommendations on street lighting, as set out in Report number CAB/WS/22/058, including the timescales and the process for taking this matter forward, which would include Town/Parish Councils and Suffolk County Council.

In terms of the budget, there was provision for street lighting for those currently in the Council's ownership. The Performance and Audit Scrutiny Committee had been informed that when Forest Heath and St Edmundsbury Councils joined up, street lighting had not been highlighted as an issue, and asked Members to bear with Cabinet and Officers given the focus over the last few years, since becoming a single council, had been in supporting the West Suffolk businesses and communities through a pandemic.

### **Resolved:**

The Cabinet noted and acknowledged the concerns raised by some members of the Performance and Audit Scrutiny Committee of the absence of specific funding for street lighting in the former Forest Heath area.

### **423. Recommendations of the Performance and Audit Scrutiny Committee: 17 November 2022 - Treasury Management Report - September 2022**

#### **(Report number CAB/WS/22/067)**

The Cabinet considered this report, which was recommending to Council, approval of the Treasury Management Report for the period 1 April 2022 to 30 September 2022.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of the Cabinet, including that the total amount invested at 30 September 2022 was £78,000,000.

External borrowing as at 30 September 2022 was £13,875,000, a reduction of £125,000 from 1 April 2022, which related to the repayment plan for the recent PWLB £10m, 40 year loan, with the Council's level of internal borrowing increasing slightly to £41,699,661, as at 30 September 2022.

Overall borrowing, weighted towards internal borrowing was expected to increase over the full financial year.

The 2022 to 2023 Annual Treasury Management and Investment Strategy set out the council's projections for the current financial year. The budget for investment income for 2022 to 2023 was £45,000, which was based on a 0.25% target interest rate of return on investments.

**Recommended to Council (13 December 2022):**

That the Treasury Management Report (September 2022), as contained in Report number FRS/WS/22/005, be approved.

**424. Western Way Project Review - December 2022**

**(Report number CAB/WS/22/068)**

The Cabinet considered this report which explained that the Western Way project in Bury St Edmunds was part of a network of existing or planned community hub projects across the whole West Suffolk area being delivered by partners in the public, charity and community sectors. These ranged in scale from a community-led hub project in Clare up to the multi-agency Mildenhall Hub which opened in June 2021.

The Western Way project was first approved for delivery by Council in late 2019 and achieved planning consent in 2021 on the completion of its Section 106 agreement. After reviewing the impact of the COVID-19 pandemic, the Council gave support for a phased delivery of the project in June 2021. In both instances, a set of financial tests were set to safeguard the interests of taxpayers. A final review of these tests by Cabinet was currently required before any contract could be awarded. This would not occur before March 2023.

Given the current economic situation and the changing requirements of partners, the Cabinet had asked that an interim review of the status of the project be carried out before the end of 2022, so that the Council could consider whether it wished to continue with the current project. This report had provided that review. Therefore, it was now being proposed that a smaller phase 1 scheme for Western Way continued through to the second stage of tendering, to allow a start on site in 2023 and a projected opening of new facilities in Autumn 2025.

Councillor Joanna Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, drew relevant issues to the attention of the Cabinet. These included:

- a. Smaller phase 1 scheme:** the original proposal for the initial Western Way Development had an approved expenditure cap of £140 million. During the scoping of this and working closely with consultants, this figure was reduced to around £100 million. A smaller phase 1 scheme, for consideration by Council at this meeting, requested support for a reduced spending cap of £75 million, of which £40 million would deliver a brand new leisure centre. Over £5 million of spending would be

sourced from Suffolk County Council (SCC) and developer contributions.

- b. **Leisure centre:** the existing Bury St Edmunds leisure centre provided a valued service to the local community; however, it was approaching fifty years old and in need of immediate repairs. That, coupled with a number of factors detailed in the report including that it was no longer large enough to suitably deliver an acceptable service to cope with the growth in population to 2040, a 'do nothing' option could not be applied. Refurbishment options had been considered as detailed in Appendix 1; however, a new leisure centre was considered to return the best financial position. A basic refurbishment to extend its life by 20 years would cost around £13 million. This would also mean the costs to rebuild after about 20 years would escalate considerably.
- c. **Renewables:** the proposal was to invest £10 million on renewable energy during phase 1. It was expected that this would generate around £980,000 net a year from the phase 1 site alone. Such investment would also align with the Council's ambition to address climate challenges. The planning consent allowed delivery of a scheme in several phases so the site would never sit empty. But the frame and its roof would be required to be in good condition to make use of it following completion of phase 1. An additional £9 million would enable the rest of the frame and roof to be brought up to a standard which allowed the installation of further renewables outside of phase 1. This cost could be met from any extra renewables income and any rent pending phase 2.
- d. **Other partners/rest of site:** Whilst phase 1 would be around a third smaller than anticipated, the design was sufficiently flexible to adapt and grow to accommodate changing needs of the population and partners. These included options for phase 1 that aligned with the Council's strategic vision delivered elsewhere whereby a range of services were provided from one community hub. This proposal was therefore not only about replacing the leisure centre.

Other services included a small health centre; some provision for office, stores and meeting room space; a potential SCC archive office; and a SCC children's pre-school. The aforementioned would need to be cost neutral or they would not be included in the scheme.

- e. **Mitigation of income risk and treasury management approach:** income risks associated with the earlier scheme had been removed as the Council would no longer be borrowing on behalf of others or in commercial offices that may have taken time to become occupied. A conventional long-term treasury management approach to borrowing money could now be adopted as the Council had better control over when it would be the most appropriate time to borrow thus mitigating against higher interest rates.

At the conclusion of her speech, Councillor Rayner acknowledged and thanked Officers for all of their work on this project to-date.

## **Recommended to Council (13 December 2022):**

That:

1. This review and update of the business case for the Western Way (WW) project, Bury St Edmunds and, as part of that wider scheme, the replacement of the Bury St Edmunds Leisure Centre, be approved so that Cabinet and officers can continue to deliver phase 1 of the project and any interim works to the rest of the site on the revised basis set out in this review and in accordance with the Council's Constitution.
2. The existing authorities, financial provisions, safeguards and financial tests for delivery of the project be updated as follows:
  - (a) The remainder of the due diligence for the second stage of tendering be carried out in accordance with the two new gateways defined in Section E of this review.
  - (b) For either facility to be included in the phase 1 construction contract, Suffolk County Council must have entered into a formal pre-let agreement for an archive facility and/or pre-school which meets the One Public Estate principles of full cost recovery.
  - (c) The previous spending caps and financial tests for the hub and leisure centre be replaced by a new combined and reduced net capital expenditure limit of £65 million for the total phase 1 scheme defined in this report i.e. project costs, market analysis, enabling works, construction of the initial community hub, installation of renewables.
  - (d) In addition to this cap on expenditure, at the time the main construction contract is signed, the phase 1 scheme must not increase the Council's existing MTFs provision of £724,000 for Bury St Edmunds Leisure Centre and, in relation to other ancillary elements of the new hub, be capable of achieving at least a break-even position over the whole life of the borrowing.
  - (e) In addition to the phase 1 scheme defined in the review, a further capital allocation of up to £10 million be made in the Council's capital programme for interim works to the remainder of the Western Way site as defined in Appendix 3 of this report and also on the basis of at least a break-even income position over the life of the borrowing.
  - (f) Subject to consultation with the relevant portfolio holders, approval be given for interim or enabling works ahead of the main contract for phase 1, to be financed from within the new combined WW capital budget of £75m. But only where these works will increase the commercial value of the site irrespective of whether the WW project proceeds or not.

- (g) The cash flow risk being managed.
- (h) The most beneficial and economic funding method for the project is identified, including entering into agreements with third-party investors if required; and
- (i) Any phase 2 scheme for a permanent use of the remainder of the WW site be subject to a new and separate business case to councillors before the conclusion of the phase 1 construction programme.

425. **West Suffolk Local Council Tax Reduction Scheme (LCTRS) 2023 to 2024**

**(Report number CAB/WS/22/069)**

The Cabinet considered this report, which was recommending to Council, approval of proposed changes to the West Suffolk Local Council Tax Reduction Scheme.

Each year the Council was required to review its Local Council Tax Reduction Scheme (LCTRS). This report provided an annual review of the 2022 to 2023 scheme and proposed to make changes to the scheme for 2023 to 2024.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of Cabinet, including that the proposed change to the Scheme, effective from 1 April 2023 (and to last for one year only) was that the maximum reduction on Council Tax paid should be increased from 91.5 percent to 100 per cent. This would be a means tested scheme and would reduce the amount that many Council Tax payers had to pay and could result in some working-age residents paying zero Council Tax.

A consultation had been held from 18 October to 18 November 2022. Major preceptors and stakeholders had responded and the responses received and the key points raised were covered in Section 4.1 of Report number CAB/WS/22/069. It was noted that 70 per cent of the respondents agreed/strongly agreed with the proposal to increase the maximum discount on Council Tax.

Councillor Sarah Broughton further explained that this was an opportunity that had the support of stakeholders and the public to assist with the easing of the financial burden that many were facing and she expressed her support for this proposal.

**Recommended to Council (13 December 2022):**

That:

1. The Local Council Tax Reduction (LCTRS) Scheme for 2023 to 2024 as outlined in Report number CAB/WS/22/069, be reviewed.

2. The changes to the Scheme outlined in section 2 of Report number CAB/WS/22/069 and that the maximum discount change only relates to 2023 to 2024, be agreed.

426. **Council Tax Base for Tax Setting Purposes 2023 to 2024**

**(Report number CAB/WS/22/070)**

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

The calculation of the tax base for Council Tax setting purposes consisted of three stages:

1. Calculation of the tax base for central government purposes as at 3 October 2022 (DLUHC 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 Local Council Tax Support Scheme changes (as set out in Report number CAB/WS/22/069, which was also on this agenda), 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.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of Cabinet, and referred to paragraph 2.5 of Report number CAB/WS/22/070 which explained that the resulting tax base figure for council tax collection purposes, expressed in terms of the number of band D equivalent properties, was 57,987.01 for 2023 to 2024. This was an increase of 580.67 on the tax base for the current year of 57,406.34.

The tax base figure for West Suffolk, as outlined in paragraph 2.6 of Report number CAB/WS/22/070 was analysed further across the individual Town and Parish Councils to form their tax base figures for the purpose of budget setting and determining the parish band D tax levels in each of those areas. The Town and Parish tax base figures were set out in Appendix 3 of the report.

**Recommended to Council (13 December 2022):**

That:

1. The tax base for 2023 to 2024, for the whole of West Suffolk be 57,987.01 equivalent band D dwellings, as detailed in paragraph 2.5 of Report number CAB/WS/22/070.

2. The tax base for 2023 to 2024 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/22/070.

**427. Decisions Plan: 1 December 2022 to 31 May 2022**

**(Report number CAB/WS/22/071)**

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 December 2022 to 31 May 2023.

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

**428. Barley Homes: Business Plan 2022**

**(Report number CAB/WS/22/072)**

The Cabinet considered this report which sought approval for the Barley Homes Business Plan 2022.

The draft business plan (Exempt Appendix A) focused on Barley Homes' completion of the development of Westfield and Stonemill Place, Haverhill during 2022 as well as work to bring forward future development sites.

Councillor Sara Mildmay-White, Portfolio Holder for Housing and Strategic Health, drew relevant issues to the attention of Cabinet and explained that in the 2022 Business Plan, Officers had developed a set of appraisal criteria in order to evaluate potential sites (as referenced in the Cabinet Report number CAB/WS/19/041). Sites had been selected based on this criteria and then progressed within the Business Plan. This appraisal criteria continued to be used for potential new pipeline sites assessed throughout 2022 to ensure there was a consistent approach. Barley Homes and the Council were continuing to work up a number of sites. At this stage no additional named pipeline sites had been added to the business plan. However, this position may change as sites were appraised.

The Shareholder Advisory Group would consider the addition of new named sites joining the business plan during the course of the year against that appraisal criteria. But they would only be included if it still enabled Barley Homes peak debt to remain within the overall agreed £14.25m investment fund available. The 2021 Business Plan identified that work was being undertaken on the College Heath Road site in Mildenhall to refine the numbers, next steps and timescales. Updates since had included levelling the site in preparation for development, progressing the land assembly and assessing options for disposal.

Members also commended the development by Barley Homes of Westfield and Stonemill Place in Haverhill during 2022.

**Resolved:**

That:

1. The progress update for Barley Homes and steps outlined Report number Cab/WS/22/072, to secure its medium-term pipeline of sites, be noted.
2. The Barley Homes Business Plan 2022, covering 2023 to 2024 and the medium term, attached at Exempt Appendix A to Report number CAB/WS/22/072, be approved.

**429. Exclusion of press and public**

With the vote being unanimous, it was

**Resolved:**

That, under Section 100(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**430. Investing in our Commercial Portfolio (paragraph 3)**

**(Report number CAB/WS/22/073)**

The Cabinet considered the content of Exempt Report number CAB/WS/22/073.

**Resolved:**

The recommendations be approved, as set out in Exempt Report number CAB/WS/22/073.

**431. Exempt Appendix A: Barley Homes Business Plan 2022 (paragraph 3)**

**(Report number CAB/WS/22/072)**

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

The meeting concluded at 6.58 pm

**Signed by:**

**Chair**

