

**Minutes** of a meeting of the **Council** held on **Tuesday 27 September 2022** at **7.00 pm** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present

**Councillors**

**Chair** Mike Chester

**Vice Chair** John Augustine

Richard Alecock	Pat Hanlon	Joanna Rayner
Michael Anderson	Diane Hind	Karen Richardson
Sarah Broughton	Rachel Hood	David Roach
Simon Brown	Ian Houlder	Marion Rushbrook
Tony Brown	Paul Hopfensperger	Ian Shipp
Carol Bull	Beccy Hopfensperger	Andrew Smith
John Burns	James Lay	David Smith
Patrick Chung	Victor Lukaniuk	Karen Soons
Simon Cole	Birgitte Mager	Clive Springett
Dawn Dicker	Margaret Marks	Sarah Stamp
Roger Dicker	Joe Mason	Lance Stanbury
Andy Drummond	Sara Mildmay-White	Peter Stevens
Robert Everitt	Andy Neal	Peter Thompson
Stephen Frost	Robert Nobbs	Julia Wakelam
Susan Glossop	Colin Noble	Don Waldron
John Griffiths	David Palmer	Cliff Waterman
	Sarah Pugh	Phil Wittam

238. **Minutes**

The minutes of the meetings held on 14 June 2022 and 26 July 2022 (extraordinary meeting) were confirmed as correct records and signed by the Chair.

239. **Chair's announcements**

As this was the first meeting of Council since the sad death of Her Majesty Queen Elizabeth II on 8 September 2022, the Chair, followed by Group Leaders, took the opportunity to pay their respects to Her late Majesty. A minute's silence in remembrance was also observed by all persons present.

The Chair then reported on the civic engagements and charity activities which he and the Vice-Chair had attended since the last meeting of Council on 26 July 2022.

Attention was particularly drawn to the 'National Young Traders Competition' and the 'British Ugandan Asians at 50' exhibition.

240. **Apologies for absence**

Apologies for absence were received from Councillors Trevor Beckwith, Mick Bradshaw, Nick Clarke, Jason Crooks, Brian Harvey, David Nettleton, Richard Rout, Jim Thorndyke and Nick Wiseman.

Councillors Max Clarke and Aaron Luccarini were also unable to attend the meeting.

241. **Declarations of interests**

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

242. **Leader's statement (Report number: COU/WS/22/016)**

Councillor John Griffiths, Leader of the Council, presented his Leader's Statement as outlined in paper number: COU/WS/22/016.

In his introductory remarks, Councillor Griffiths:

- a. **Investment zone:** drew members' attention to the recent Government announcement that Suffolk had been named as one of the UK's special investment zones. This recognised the opportunities contained in Suffolk for business and economic growth.
- b. **Mildenhall Hub:** reminded Council that this month marked the first anniversary of the opening of the Mildenhall Hub. He highlighted its successes including the benefits of public services working together under one roof.
- c. **Mildenhall skate park:** that work on the £100,000 skate park in Mildenhall was nearing completion. Funded by the Council's Community Asset Renewal Fund, local young people had collaborated in the design process which helped enable this fit-for-purpose facility to come to fruition.
- d. **'In Bloom' initiative:** whilst special mention had been given in his written statement to 'in Bloom' groups in Brandon and Bury St Edmunds, Councillor Griffiths thanked all the volunteers involved across West Suffolk who took part in this initiative and other projects that encouraged a sense of pride in towns and villages across the district.
- e. **Cost of living:** working with partners across Suffolk, Councillor Griffiths summarised the support available to those in need during the current cost of living crisis. A more detailed update would be provided to members in due course.
- f. **Bus routes:** that West Suffolk Council was seeking reassurances that action was being undertaken by the relevant transport authorities to

actively pursue, and where possible, secure replacement operators for the bus routes recently ceased by other operators. This situation had largely arisen as a result of viability challenges faced by the previous providers.

The Leader responded to a range of questions relating to:

- a. **Investment zones:** that although much of the detail was yet to be received, the Council was working collaboratively with partners to ensure any investment zone initiatives would be for the benefit of businesses and residents, with potential environmental impacts assessed and mitigated, as appropriate. Representations relating to the potential effect of relaxing planning considerations in certain circumstances had been made with relevant civil servants and the local MPs.
- b. **Rural England Prosperity Fund ('Rural Fund'):** Councillor Victor Lukaniuk wished to place his thanks on record to the Operations team, and in particular the work of those in the Parks and Landscapes for their efforts in Brandon. In response to Councillor Lukaniuk's question, Councillor Griffiths informed Council that once further detail had been received, the methods by which to allocate monies from the Rural Fund would be agreed, following which a range of initiatives would be assessed across the whole of West Suffolk, where eligible and appropriate.
- c. **Mildenhall Hub:** Councillor Griffiths wholeheartedly agreed that by working with partners, the Mildenhall Hub had been a tremendous success in providing vital services from a single location. The benefits for the community were evident and the Hub was an excellent example for modelling future developments of this kind.
- d. **Mildenhall skate park:** Councillor Griffiths fully supported comments that the new skate park in Mildenhall was an extremely valuable addition for the young people in Mildenhall and across the district. The involvement of the designated group of young people in the design was commendable.
- e. **Taxi buses:** In response to a question from Councillor Don Waldron in respect of whether West Suffolk Council issued licences which enabled Hackney Carriage and Private Hire Vehicle companies to operate taxi buses of up to 15 seats. A written response would be provided following the meeting by Councillor Griffiths and Councillor Andy Drummond, Portfolio Holder for Regulatory and Environment. This response would be circulated to Councillor Waldron and all members.

#### 243. **Public participation**

No members of the public in attendance had registered to speak.

244. **Referrals report of recommendations from Cabinet and the Portfolio Holder for Resources and Property (Report number: COU/WS/22/017)**

Council considered the referrals report of recommendations from Cabinet and the Portfolio Holder for Resources and Property, as contained within Report number: COU/WS/22/017.

**A. Referrals from Cabinet: 21 June 2022**

**1. Procurement Policy and Contract Procedure Rules**

It was noted that the new West Suffolk Council Procurement Policy (Appendix A to Report number CAB/WS/22/028) was approved by Cabinet on 21 June 2022. The approval of the West Suffolk Council Contract Procedure Rules had been recommended to Council, as it required changes to be made to the Council's Constitution.

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

Discussion was held on the percentage of the total number of business contracts made with the Council that were local to the district. This data was not held; however, local businesses did partake in the Council's procurement processes.

Together with welcoming the key aims of the revised documents, as summarised in paragraph 1.3 of the referrals report, recognition was particularly given to promoting environmental sustainability to support the Council's commitment to achieving carbon net zero by 2030; and to adhering to the Council's Modern Slavery Statement.

On the motion of Councillor Broughton, seconded by Councillor Joanna Rayner, it was put to the vote and with the vote being 50 for the motion, none against and two abstentions, it was

**Resolved:**

That the constitutional changes, as set out in the revised West Suffolk Council Contract Procedure Rules at Appendix B to Report number CAB/WS/22/028, be approved.

**B. Referrals from Cabinet: 19 July 2022**

An extraordinary meeting of Council was held on 26 July 2022 which considered a referral from Cabinet on 19 July 2022. There were no other referrals emanating from that meeting.

## **C. Referrals from Portfolio Holder for Resources and Property: 23 September 2022**

Following the sad death of Her Majesty Queen Elizabeth II and observing the period of national mourning, the Cabinet meeting arranged for 20 September 2022, was cancelled as a mark of respect.

As three of the items were due to be referred by Cabinet to Council for a final decision, the Portfolio Holder for Resources and Property was asked to make these decisions on behalf of Cabinet. These were to recommend to Council, approval of the recommendations set out in the relevant reports.

Following the publication of the agenda and papers for this meeting, which took place before the portfolio holder decisions were taken on 23 September 2022, 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 (2021 to 2022)**

Approval was sought for the Annual Treasury Management and Financial Resilience Report (2021 to 2022).

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

Reference was made to paragraph 1.6 of the referral report where it was questioned whether the external borrowing of £10 million created additional risk to the Council's financial position rather than '....reduce the level of interest rate risk...' as quoted. In response, members were informed that as it was an aspirational Council with several projects underway and in the pipeline which would benefit residents, businesses and visitors of West Suffolk, Council had previously approved a significant Capital Programme within its overall budget. External borrowing at a fixed rate of 1.84 percent was considered to be a very prudent decision to take at that time, which in turn reduced the level of interest rate risk the Council was currently exposed to.

On the motion of Councillor Broughton, seconded by Councillor Ian Houlder, it was put to the vote and with the vote being 51 for the motion, none against and one abstention, it was

#### **Resolved:**

That the Annual Treasury Management and Financial Resilience Report (2021 to 2022), as contained in Report number: FRS/WS/22/003, be approved.

### **2. Treasury Management Report (June 2022)**

Approval was sought for the Treasury Management Report (June 2022).

Councillor Sarah Broughton, Portfolio Holder for Resources and Property drew relevant issues to the attention of Council, including that £66.5 million worth

of investments had been made by the Council, of which £5 million had been invested in Thurrock Council. Members may have already been aware of recent press coverage relating to the financial position of Thurrock Council. West Suffolk Council had loaned £5 million to Thurrock and the term of this loan was due to mature by 5 December 2022. The situation was being closely monitored and the Council's Treasury Management Advisors, Arlingclose had indicated that existing investments with Thurrock Council were subject to financial protections in place for local authorities.

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

**Resolved:**

That the Treasury Management Report (June 2022), as contained in Report number: FRS/WS/22/004, be approved.

**3. Exempt item: Investing in our commercial portfolio**

This item was exempt and would therefore be considered in private session under agenda item 13 (see minute 250. below).

**245. Community Governance Review (Report number: COU/WS/22/018)**

(Councillor Peter Thompson declared that he was Mayor of Bury St Edmunds Town Council. He remained in the meeting for the consideration of this item and voted.)

Council considered this report, which sought approval for the final recommendations emanating from the interim Community Governance Review (CGR).

Councillor Carol Bull, Portfolio Holder for Governance, drew relevant issues to the attention of Council. She thanked the Community Governance Review Task and Finish Group and the Business Partner (Governance) for their work on the review, and extended her thanks to members, town and parish councils and other groups that had engaged with the process.

On 22 March 2022, Council considered and approved the draft recommendations for consultation and at that meeting it was recognised by members that a general consensus on those recommendations was not always going to be achievable. The consultation on the draft recommendations was held between April and end of June 2022, following which the Task and Finish Group considered each of the 10 issues (summarised in section 2.6 of the report) in detail and the evidence within the consultation responses before making the final recommendations. This included exercising their delegated authority to amend and re-consult on revised recommendations for 'Issue 1: Bury St Edmunds (Out Westgate) Town Ward and Bury St Edmunds (Westgate) Town Ward' and 'Issue 7: Properties on Wickham Street between Wickhambrook and Denston' to ensure it made its final recommendations based on sufficient evidence provided.

It had also been recommended that delegated authority be given to officers to take the necessary steps to implement the changes so that they took effect from 1 April 2023. This included enabling engagement to take place with the Local Government Boundary Commission for England (LGBCE) to request any necessary changes to district wards and county divisions so that they remained aligned with parish boundaries.

A discussion was held on Issue 4, which sought to extend the boundary of Bury St Edmunds parish to include the Lark Grange housing development, which was currently located within Rushbrooke with Rougham parish, as detailed in Appendix A. Lark Grange was located in the district ward of Moreton Hall.

Recognising that a general consensus was not achievable in this case and that opportunities for enabling electoral boundaries to be looked at again as part of future CGRs, Councillor Peter Thompson, one of the ward members for Moreton Hall, spoke moderately in support of the final recommendation for Issue 4 and was relatively satisfied with the proposal.

In response, Councillor Bull informed Council that the feedback from the consultation had been carefully considered and with the evidence presented to the Task and Finish Group, the final recommendation had been made on that basis.

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

**Resolved:** That

1. the recommendations, as set out in Appendices A to J to Report number: COU/WS/22/018, be adopted by the Council as the Final Recommendations for the purposes of the interim Community Governance Review.
2. The Director for HR, Governance and Regulatory be authorised to write to the Local Government Boundary Commission for England (LGBCE) to request approval to make changes to the protected arrangements for Bury St Edmunds Town Council and Haverhill Town Council.
3. Subject to approval from the LGBCE where appropriate, the Director for HR, Governance and Regulatory be authorised to prepare the Reorganisation Order to take effect on 1 April 2023.
4. The Director for HR, Governance and Regulatory be authorised to write to the LGBCE to request necessary consequential changes to the district ward boundaries for Moreton Hall ward, Rougham ward, Red Lodge ward and Manor ward and the County Council division boundaries for Newmarket and Red Lodge division and Mildenhall division.

246. **Appointment of Independent Persons (Report number: COU/WS/22/019)**

Council considered this report, which sought approval for West Suffolk Council to join a consortium of Suffolk authorities that held a pool of Independent Persons and for the individuals proposed for that role to be appointed accordingly.

The Localism Act 2011 required that authorities adopted arrangements for dealing with complaints about potential breaches of the Code of Conduct by members. This must include provision for the appointment of at least one Independent Person.

Since 2012 the Council had appointed two Independent Persons whereas Babergh District Council, Mid Suffolk District Council, Ipswich Borough Council and Suffolk County Council had formed a consortium and had jointly recruited and appointed a pool of Independent Persons, the rationale for which was set out in paragraph 1.3 of the report.

The arrangement with the current Independent Persons appointed by West Suffolk Council ended on 30 September 2022. Although the work of the Independent Persons had been exemplary, they had both decided they no longer wished to continue to undertake the role. The current pool of Independent Persons for the consortium of four authorities was also ending so it would be an appropriate time for this council to join the consortium and have a pool of Independent Persons from which to select to consider a complaint.

Councillor Carol Bull, Portfolio Holder for Governance, drew relevant issues to the attention of Council, including that a recruitment process had been undertaken over summer 2022 with a view to appointing five individuals to form the aforementioned pool. Short profiles for each were attached as Appendix A to the report.

On the motion of Councillor Bull, seconded by Councillor David Roach, it was put to the vote and with the vote being 50 for the motion, none against and two abstentions, it was

**Resolved:**

That West Suffolk Council joins the consortium of authorities which held a pool of Independent Persons, and the individuals listed in Appendix A to Report number: COU/WS/22/019, be appointed as the Council's Independent Persons pursuant to section 28(7) of the Localism Act 2011 for a term of two years with an option to extend the appointment for a further two years.

247. **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 16 June 2022, 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 2022 to 2023.

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 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.

On the motion of Councillor Shipp, seconded by Councillor John Burns it was put to the vote and with the vote being 51 for the motion, 0 against and 1 abstention, it was

**Resolved:**

That Councillor Margaret Marks be nominated as West Suffolk Council's representative and Councillor Mike Chester as the nominated substitute member on the Suffolk County Council Health Scrutiny Committee 2022 to 2023.

**248. Any other urgent business**

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

**249. Exclusion of press and public**

As the next item on the agenda was exempt, on the motion of Councillor John Griffiths, seconded by Councillor Cliff Waterman, and duly carried, it was

**Resolved:**

That the press and public be excluded during the consideration of the following item 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.

**250. Exempt item: Referral of recommendations from the Portfolio Holder for Resources and Property: Investing in our commercial portfolio (paragraph 3) (Exempt Appendix A to Report number: COU/WS/22/017)**

**C. Referral from the Portfolio Holder for Resources and Property:  
23 September 2022**

**1. Investing in our commercial portfolio**

Council was advised of an opportunity to invest in a Council-owned site which would help with the delivery of the Council's strategic, place-shaping and medium term financial plans.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of Council, including that if the outline business case was approved at this meeting, the full business case would be presented to Cabinet for consideration and approval in due course.

Following due consideration and debate, the majority of members acknowledged the benefits of the proposal and supported the development of a full business case, as set out in the exempt report and appendices attached.

On the motion of Councillor Broughton, seconded by Councillor Sara Mildmay-White, it was put to the vote and with the vote being 50 for the motion, none against and two abstentions, it was,

**Resolved:**

That the recommendations, as set out in Exempt Report No: CAB/WS/22/045, be approved.

(This decision and associated papers will be available in the public domain in due course.)

The meeting concluded at 8.14 pm

**Signed by:**

**Chair**

---