

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

Present

**Councillors**

**Chair** Margaret Marks

**Vice Chair** Mike Chester

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

**By invitation:**

Dr Stephen Dunn (West Suffolk NHS Foundation Trust)

Kate Vaughton (NHS West Suffolk Clinical Commissioning Group)

**137. Welcome and introduction**

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

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

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

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

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

#### 138. **Minutes**

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

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

#### 139. **Chair's announcements**

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

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

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

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

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

**140. Apologies for absence**

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

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

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

**141. Declarations of interests**

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

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

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

In his introductory remarks, Councillor Griffiths made reference to:

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

The Leader responded to a range of questions:

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

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

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

No further questions were asked.

**143. Public participation**

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

**144. Referrals report of recommendations from Cabinet**

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

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

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

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

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

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

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

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

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

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

**Resolved:**

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

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

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

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

The following documents were attached to the covering report:

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

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

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

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

Councillor Rayner moved the recommendations contained in the covering report.

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

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

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

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

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

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

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

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

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

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

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

**Resolved:** That

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

- d. the revised timescales outlined in this review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Resolved:** That

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

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

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

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

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

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

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

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

**Resolved:** That

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

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

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

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

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

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

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

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

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

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

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

**Resolved:**

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

**150. Any other urgent business**

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

**151. Exclusion of press and public**

See minute 152. below

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

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

The meeting concluded at 8.30 pm

**Signed by:**

**Chair**

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