

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

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
