

Minutes of a meeting of the **Cabinet** held on **Tuesday 19 September 2023** at **6.00 pm** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds, IP33 3YU

Present

Councillors

Chair Cliff Waterman (Leader of the Council)

Vice Chair Victor Lukaniuk (Deputy Leader of the Council)

Donna Higgins

Diane Hind

Gerald Kelly

Richard O'Driscoll

Ian Shipp

David Taylor

Jim Thorndyke

Indy Wijenayaka

By invitation

Cllr Peter Armitage

(Chair of the Performance and Audit Scrutiny Committee)

Cllr Sarah Broughton

(Chair of the Overview and Scrutiny Committee)

In attendance

Mike Chester

Roger Dicker

Andrew Smith

Observers

Carol Bull

Andy Drummond

Susan Glossop

Birgitte Mager

Joe Mason

Jo Rayner

(to support Celia Lawrence, Co-Ordinator, Nelson Road Residents Association (including Merchants Place))

492. **Apologies for absence**

No apologies for absence were received.

493. **Minutes**

The minutes of the meeting held on 18 July 2023 were confirmed as a correct record and signed by the Chair.

494. **Declarations of interest**

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

495. **Open forum**

The following non-Cabinet members spoke under this item:

1. **Councillor Roger Dicker (Ward Member for Kentford & Moulton; Chair of the Licensing and Regulatory Committee)**

Councillor Roger Dicker addressed the Cabinet in relation to Agenda Item 14 (Newmarket and Bury St Edmunds Cumulative Impact Report; Report number CAB/WS/23/043).

Councillor Dicker specifically referred to the CIA which had been designated to the centre of Newmarket from 2008, when challenges were being experienced within the High Street which were related to the night-time economy. However, he did not consider that continuing with the CIA was now required or effective. Therefore, he supported the proposal, as set out within this report, not to renew the Cumulative Impact Assessment (CIA) for both Bury St Edmunds and Newmarket.

2. **Councillor Andrew Smith (Ward Member for Bardwell)**

Councillor Andrew Smith addressed the Cabinet in relation to Agenda Item 11 (De-carbonisation Initiatives Fund; Report number CAB/WS/23/040).

Councillor Smith stated that he fully supported the aspirations of CO2 reduction being released into the atmosphere. However, with regards to the upgrading of streetlighting owned by town and parish councils, he questioned the Council's statutory obligations to update streetlights owned by third parties and also whether this proposed spending was the best use of the Decarbonisation Initiatives Fund.

Councillor Smith also addressed the Cabinet in relation to Agenda Item 12 (Western Way Project; Report number CAB/WS/23/041). He referred to the proposal by the Cabinet to cancel this Project and to undertake essential refurbishment to the current Bury Leisure Centre instead. He questioned the 'prematurity' of the decision and asked for a short period of reflection for further due diligence work to be undertaken, before a final decision was then taken by the Council. In his view, the speed in which to cancel this project lacked the vision and commitment the people of West Suffolk expected.

3. **Councillor Mike Chester (Ward Member for Chedburgh & Chevington)**

Councillor Mike Chester addressed the Cabinet in relation to Agenda Item 11 (De-carbonisation Initiatives Fund; Report number CAB/WS/23/040).

Councillor Chester referred to the street lighting which was maintained by Suffolk County Council and asked whether this would also come under the auspices of this Decarbonisation Initiatives Fund.

496. **Public participation**

The following member of the public spoke under this agenda item:

1. **Celia Lawrence, Co-Ordinator, Nelson Road Residents Association (including Merchants Place)** made a statement in connection with **Agenda Item 13 - Public Space Protection Orders (PSPO) Review of Existing Orders (Report number CAB/WS/23/042)** and **Agenda Item 14 - Newmarket and Bury St Edmunds Cumulative Impact Report (Report number CAB/WS/23/043)**

Celia Lawrence addressed the Cabinet and explained that the Nelson Road Residents Association supported the renewal and continuation of both the Public Space Protection Orders (PSPOs) within Bury St Edmunds and the Bury St Edmunds Cumulative Impact Assessment (CIA).

Since the PSPOs had been introduced, there had been a reduction in anti-social behaviour within the town and this had also proved to be an effective tool for use by the Police.

With regards to the CIAs, as new residential developments were emerging within the centre of Bury St Edmunds (including new residential homes) it would be important to ensure that licensed premises continued to comply with the requirements of the CIA. During the COVID pandemic the number of anti-social and noise incidents had reduced. However, local residents were concerned that this would continue to rise, as the night-time economy returned.

497. **Report of the Overview and Scrutiny Committee: 20 July 2023 (Report number CAB/WS/23/055)**

The Cabinet received and noted this report, which informed members of the following substantive items considered by the Overview and Scrutiny Committee on 20 July 2023:

1. Cabinet Decisions Plan: 1 July 2023 to 31 May 2024
2. Work programme update 2023 and suggestions for scrutiny

Councillor Sarah Broughton, Chair of the Overview and Scrutiny (O&S) Committee drew relevant issues to the attention of Cabinet, including the Abbeycroft Leisure Strategic Partnership Review which was due to start from 20 September 2023.

Councillor Broughton also explained that following her concerns regarding a recent Panorama programme on CCTV equipment which had raised data security issues with the Chinese made equipment (Hikvision), she had invited the Cabinet Member for Operations, Councillor David Taylor, to the September meeting of the Committee to find out whether the Council had any

Hikvision CCTV equipment. The Leader of the Council also stated that he welcomed this approach and thanked Councillor Broughton for that particular course of action.

498. **Report of the Performance and Audit Scrutiny Committee: 27 July 2023 (Report number CAB/WS/23/036)**

The Cabinet received and noted this report, which informed Members of the following substantive items considered by the Performance and Audit Scrutiny Committee on 27 July 2023:

1. Ernst and Young – 2021 to 2022 Audit Results Report to those Charged with Governance
2. 2023 to 2024 Performance Report (Quarter 1)
3. Annual Financial Resilience Management Report 2022 to 2023
4. Treasury Management Report (June 2023)
5. Annual Appointments to the Financial Resilience Sub-Committee and the Health and Safety Sub-Committee (2023 to 2024)
6. Work Programme Update 2023 to 2024

Councillor Peter Armitage, Chair of the Performance and Audit Scrutiny Committee drew relevant issues to the attention of Cabinet. Councillor Diane Hind, Cabinet Member for Resources, also spoke on this item and wished to thank the Performance and Audit Scrutiny Committee for the work which they undertake.

499. **Recommendations of the Performance and Audit Scrutiny Committee: 27 July 2023 - Annual Treasury Management and Financial Resilience Report 2022 to 2023 (Report number CAB/WS/23/037)**

The Cabinet considered this report, which was recommending approval of the Annual Treasury Management and Financial Resilience Report 2022 to 2023.

This report was part of the Council's management and governance arrangements for Treasury Management activities under the CIPFA Code of Practice on Treasury Management. It provided a comprehensive assessment of treasury activities from 1 April 2022 to 31 March 2023.

The Cabinet was required to consider this report, prior to seeking its approval by Council. Councillor Diane Hind, Portfolio Holder for Resources, also drew relevant issues to the attention of the Cabinet.

Recommended to Council: (26 September 2023)

That the Annual Treasury Management and Financial Resilience Report 2022 to 2023, as contained in Report number FRS/WS/23/003, be approved.

500. **Recommendations of the Performance and Audit Scrutiny Committee: 27 July 2023 - Treasury Management Report (June 2023) (Report number CAB/WS/23/038)**

The Cabinet considered this report, which was recommending to Council, the approval of the Treasury Management Report (June 2023).

The report was part of the Council's management and governance arrangements for Treasury Management activities under the CIPFA Code of Practice on Treasury Management. It provided a comprehensive assessment of activities from 1 April 2023 to 30 June 2023.

The Cabinet was required to consider this Treasury Management Report, prior to seeking its approval by Council.

Councillor Diane Hind, Portfolio Holder for Resources, drew relevant issues to the attention of Cabinet.

Recommended to Council: (26 September 2023)

That the Treasury Management Report (June 2023), as contained in Report number FRS/WS/23/004, be approved.

501. **West Suffolk Environment and Sustainability Working Group 2023 Report (Report number CAB/WS/23/039)**

The Cabinet considered this report, which explained that in 2019, West Suffolk Council had set up an Environment and Climate Change Taskforce and declared both a climate and environmental emergency. That Taskforce made recommendations to Cabinet and an action plan was agreed. The Council committed to achieving Net Zero in respect of its own operations by 2030. The action plan was then reviewed annually and reported to Cabinet in July.

In June 2023, the Leader of the Council announced a new working group to review the existing action plan and, in particular, to consider additional actions the Council could take to support and encourage West Suffolk residents and businesses to address the climate and environmental challenge. These terms of reference were agreed by Cabinet on 13 June 2023.

The Environment and Sustainability Working Group (ESWG) was set up and was made up of members from all groups. It had reviewed the existing plan, the Council's performance and Annual Environmental Statement, work underway across Suffolk and Report number CAB/WS/23/009 summarised its initial findings, including considerations for 2024-2025 budget planning.

The draft 2023 to 2025 Action Plan was attached as Appendix A. In considering the current plan and current challenges, there were a number of specific opportunities the ESWG wanted to highlight, and these had been included within the draft plan.

Councillor Gerald Kelly, Portfolio Holder for Governance and Regulatory, also drew relevant issues to the attention of the Cabinet, particularly in relation to

the emerging West Suffolk Local Plan, renewables and decarbonisation initiatives.

Resolved:

That:

1. The Cabinet confirms its commitment to addressing the Climate and Environment Emergency and, in particular, to reaching net zero by 2030 in respect of Council operations.
2. The review, and implementation, of the action plan as set out in Section 2 of Report number CAB/WS/23/039, with draft plan at Appendix A, be approved.

502. De-carbonisation Initiatives Fund (Report number CAB/WS/23/040)

The Cabinet considered this report, which was recommending to Council, the creation of a £1 million fund to support third-parties in pursuing de-carbonisation initiatives. The report also identified an initial priority area for that spending which could result in a large environmental improvement for the district in keeping with the Council's adopted priorities. Namely, the upgrade of streetlighting owned by town and parish councils.

The capital would be made available from within the Council's Strategic Priorities and Medium Term Financial Strategy Reserve. Therefore, the financial impact would be one of an opportunity cost rather than a direct impact on revenue budgets. The first call on this fund would then be for parish and town councils to upgrade their remaining streetlights to LED in order to obtain the environmental benefits. Any additional or alternative uses for this fund would be considered at a future date, if considered necessary. The proposed operation of the scheme was also set out in paragraph 2.3 of Report number CAB/WS/23/040.

Councillor Gerald Kelly, Portfolio Holder for Governance and Regulatory, also drew relevant issues to the attention of the Cabinet.

Recommended to Council: (26 September 2023)

That:

1. A Decarbonisation Initiatives Fund of £1 million be created, funded by the Strategic Priorities and Medium-Term Financial Strategy Reserve.
2. The first call on that fund be a grant scheme for the upgrade of streetlights owned by town and parish councils to light-emitting diode (LED) lanterns on the basis outlined within Report number CAB/WS/23/040.
3. Cabinet be authorised, if applicable, to agree the use of any remaining balance in the Fund for additional decarbonisation initiatives.

4. The Council's Section 151 Officer be authorised to make the necessary changes to the Council's prudential indicators.

503. **Western Way Project (Report number CAB/WS/23/041)**

The Leader of the Council presented this report which explained that Phase 1 of the current Western Way (WW) project in Bury St Edmunds had been approved, in principle, by Council in December 2022 and its final target budget was approved by Cabinet in March 2023 (approximately £61 million including land acquisition costs). However, approval to sign a contract and deliver the first stage of the project was subject to financial tests being met after the final stage of tendering with the preferred contractor, Morgan Sindall, in summer 2023. A business case for Phase 2 of the project had not yet been considered by councillors, but a further budget of up to £10 million has been approved to address the remainder of the site in the meantime.

When the new Cabinet was appointed in May 2023, it announced its intention to review the future of the Western Way project in the light of changed economic circumstances. This report was the outcome of those deliberations by the Cabinet.

After careful consideration, it was proposed by Cabinet to cancel the Western Way project. This would stop all work on a new leisure centre and defer a decision on the Olding Road site, until further reports were received. To ensure the ongoing security of leisure facilities for Bury St Edmunds and a large catchment, it was proposed that essential refurbishment works took place to the current Bury Leisure Centre (BLC) instead. This would guarantee its security as a facility for the medium-term.

An Addendum to Report number CAB/WS/23/041 had also been circulated to the Cabinet, where the Council's three Statutory Officers had carried out a subsequent analysis of the report to ensure that it contained all of the necessary information on opportunities, risks and financial implications. The Addendum summarised that analysis.

It was also reported that there was a typographical error contained within the report circulated to Councillors by post (which had already been amended in the online version). In relation to paragraph 3.4(ii) reference to '*Anglia Community Leisure*' should actually read '*Abbeycroft Leisure*'.

Councillors Ian Shipp (Portfolio Holder for Leisure), Diane Hind (Portfolio Holder for Resources) and Victor Lukaniuk (Deputy Leader of the Council) also spoke on this item and drew relevant issues to the attention of the Cabinet, particularly around the importance of continuing to work with partners, the challenges of the current economic climate and the risks associated with such a large investment.

Recommended to Council: (26 September 2023)

That:

1. The delivery of the Western Way project in Bury St Edmunds be revised as set out in Report number CAB/WS/23/041 and in accordance with the following resolutions.

2. Officers be authorised, in consultation with the Portfolio Holders for Leisure and for Resources, to deliver a refurbishment of the existing Bury St Edmunds Leisure Centre provided that the total cost of these works is fully met by the Council's already available budgets for the centre and any new third-party funding that can be obtained, as set out in section 3 of Report number CAB/WS/23/041.
3. A budget of £75,000, funded from the Strategic Priorities and Medium-Term Financial Strategy Reserve, be approved to develop an initial business case for alternative options for the Olding Road site.
4. The existing allocation of up to £1 million from the original West Suffolk Operational Hub project towards remediation of the former council depot be retained on an invest-to-save basis in the Council's Capital Programme to cover the cost of any immediate works to the existing Olding Road site which will add value to this asset and/or reduce holding costs irrespective of which future option for its use is adopted; any expenditure from this allocation to be approved by the Council's section 151 Officer in consultation with the Portfolio Holder for Resources.
5. A provision of up to £2.4 million from the Strategic Priorities and Medium-Term Financial Strategy Reserve be approved to fund any abortive costs arising from the new approach to the Western Way project.
6. The current Section 73 planning application to allow phasing of the original planning consent for Western Way remain on hold until a new decision is reached by Council on the future of the Olding Road site.
7. Officers be authorised to appoint a new external project team and contractor(s) to progress the new approach, within the new spending authorities set out above and in accordance with the Council's Contract Procedure Rules.
8. The Council's Section 151 Officer be authorised to make the necessary changes to the Council's prudential indicators.

504. **Public Space Protection Orders (PSPO) Review of Existing Orders (Report number CAB/WS/23/042)**

The Cabinet considered this report which explained that Public Space Protection Orders (PSPOs) had been introduced by the Anti-Social Behaviour Crime and Policing Act 2012 as a tool to tackle anti-social and nuisance behaviour which had a detrimental effect on communities. PSPOs replaced the Designated Public Protection Orders (DPPOs) that previously existed. They enabled the Council to prohibit certain behaviours in a defined geographical area and failure to comply with the requirements of an approved PSPO could result in a criminal offence being committed which was punishable with either a fixed penalty notice or a fine.

PSPOs expired after three years of implementation and the Council had a duty to conduct a review of all PSPOs within the three-year time frame and determine whether to amend, renew or discharge the orders.

A copy of all the current PSPOs within West Suffolk could be found at Appendix A and maps identifying the geographical areas could be found at Appendix B to Report number CAB/WS/23/042. Given the proposal not to change any of the anti-social behaviour related PSPOs terms and conditions or geographical coverage, these would remain in place for a further three years (subject to any intervening review) until 2026. In terms of the dog fouling PSPOs, these changes were set out in paragraph 3.4.2. of Report number CAB/WS/23/042.

It was also reported that there was a typographical error within Appendix B (Schedule One: Dog Exclusion Areas). Map No 22 (Gazeley Playing Fields Play Area) should actually be listed in the Ward of 'Kentford and Moulton' and not 'Iceni'.

Councillor Donna Higgins, Portfolio Holder for Families and Communities, also drew relevant issues to the attention of the Cabinet.

Resolved:

That:

1. The continuation with the existing PSPOs, as detailed in Appendices A and B to Report number: CAB/WS/23/042, be agreed.
2. Subject to the agreement of the owners, that the following three locations be added as facilities where dogs are to be excluded:
 - i. Fornham St Martin play area.
 - ii. Brandon Remembrance Playing Field – skate park area.
 - iii. Brandon Remembrance Playing Field – main football pitch.

505. Newmarket and Bury St Edmunds Cumulative Impact Report (Report number CAB/WS/23/043)

The Cabinet considered this report which explained that Cumulative Impact policies were introduced as a tool for licensing authorities to manage the growth of licensed premises in an area where the number, type and density of premises selling alcohol could lead to nuisance and disorder.

The current Cumulative Impact Assessment (CIA) which applied to the centre of Newmarket was designated in 2008 and re-adopted in 2011, 2016, 2018, and 2021. The map set out in paragraph 2.1 of Report number CAB/WS/23/043 outlined the current CIA area. As part of the CIA review, the Licensing Authority had considered the types of premises within the area, or how the area had changed.

The current Cumulative Impact Assessment (CIA) which applied to the centre of Bury St Edmunds was designated in 2014 and re-adopted in 2017 and

2020. The map set out in paragraph 3.1 of Report number CAB/WS/23/043 outlined the current CIA area.

A public consultation took place between 9 June to 28 July 2023. An online response form was created and this was published through media, website, social media, councillors, staff and partner organisations. The full analysis was set out in Appendix B to Report number CAB/WS/23/043. The full compilation of evidence was set out in Appendix A to Report number CAB/WS/23/043.

Report number CAB/WS/23/043 had been put before Cabinet for a decision on whether to retain the two CIAs that were currently present within West Suffolk or whether to allow them to lapse.

Councillor Gerald Kelly, Portfolio Holder for Governance and Regulatory, also drew relevant issues to the attention of the Cabinet.

Resolved:

That:

1. The Cumulative Impact Assessment (CIA) for Bury St Edmunds be not renewed.
2. The Cumulative Impact Assessment (CIA) for Newmarket be not renewed.
3. West Suffolk Council's Statement of Licensing Policy be updated to reflect substantive changes.

506. Decisions Plan: 1 September 2023 to 31 May 2024 (Report number CAB/WS/23/044)

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 September 2023 to 31 May 2024.

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

507. Revenues Collection Performance and Write- Offs (Report number CAB/WS/23/045)

The Cabinet considered this report, which provided the collection data in respect of Council Tax, National Non-Domestic Rates (NNDR) and sundry debt and sought approval for the write-off of the amounts contained in the exempt Appendices attached to the report.

Councillor Diane Hind, Portfolio Holder for Resources, also drew relevant issues to the attention of the Cabinet.

Resolved:

That the write-off of the amounts detailed in the Exempt Appendices to Report No: CAB/WS/23/045, be approved, as follows:

1. Exempt Appendix 1: NNDR totalling £117,777.51.
2. Exempt Appendix 2: Sundry Debt totalling £67,653.53

508. Exclusion of press and public

See minute number 509. below.

509. Exempt Appendices: Revenues Collection Performance and Write-offs (paragraphs 1 and 2) (Report number CAB/WS/23/045)

The Cabinet considered the exempt Appendices 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 7.10 pm

Signed by:

Chair
