

Minutes of a meeting of the **Cabinet** held on **Tuesday 5 December 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

Peter Armitage

(Chair of the Performance and Audit Scrutiny Committee)

Marion Rushbrook

(Vice Chair of the Overview and Scrutiny Committee)

In attendance

Nick Clarke

Roger Dicker

Susan Glossop

Rachel Hood

Ian Houlder

Birgitte Mager

Sarah Pugh

520. **Apologies for absence**

No apologies for absence were received.

521. **Minutes**

The minutes of the meeting held on 14 November 2023 were confirmed as a correct record and signed by the Chair.

522. **Declarations of interest**

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

523. **Open forum**

The following non-Cabinet members spoke under this item:

1. **Councillor Nick Clarke (ward member for Clare, Hundon and Kedington ward and Leader of the Conservative Group)**

Councillor Nick Clarke addressed the Cabinet and in response to the topics raised, he was informed by the Leader of the Council that:

- An exempt report would be presented to the next meeting of the Performance and Audit Scrutiny Committee on 25 January 2024, which would cover the issues raised regarding the recent fraud-related incident, where appropriate.
- A written response would be provided to the question raised in connection with the Barley Homes business plan regarding the commercial operation of the company and its related accounting procedures.

2. **Councillor Ian Houlder (ward member for Barrow)**

Councillor Ian Houlder addressed the Cabinet and in response to the topic raised, he was informed by the Portfolio Holder for Resources that there was a multitude of reasons why businesses and residents found themselves in arrears in respect of the payment of business rates and council tax. The Portfolio Holder for Resources was abreast of the situation, adding that the Anglia Revenues and Benefits Partnership had robust measures in place to closely monitor the Council's collection performance and would take action to support businesses or residents that may be falling behind with their payments, where appropriate.

524. **Public participation**

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

1. **Richard Gee, Director of Sansovino Developments Limited**, made a statement in connection with agenda item 10. 'West Suffolk Local Plan Publication (Regulation 19) Consultation and Submission'.

Sansovino owned the 60 hectare Hatchfield Farm site in Newmarket. Mr Gee expressed concern that a further phase of mixed use development at Hatchfield Farm, as put forward in the Regulation 18 Draft Local Plan, had now been omitted. He considered the site offered a sustainable pattern of land uses to support future growth in Newmarket and West Suffolk.

Mr Gee urged Cabinet to re-introduce the second phase allocation at Hatchfield Farm into the Regulation 19 submission version of the Local Plan.

In response, Councillor Cliff Waterman, Leader of the Council stated that if approved by Council on 19 December 2023, the Regulation 19 submission version of the West Suffolk Local Plan would go out to consultation in late January 2024 where Mr Gee was encouraged to submit his representation.

**525. Report of the Overview and Scrutiny Committee: 9 November 2023
(Report number: CAB/WS/23/052)**

The Cabinet received and noted this report, which informed members of the following substantive items considered by the Overview and Scrutiny Committee on 9 November 2023:

1. Review of West Suffolk Council grounds maintenance operations
2. Abbeycroft Leisure Strategic Partnership Task and Finish Group – findings and recommendations
3. Suffolk County Council Police and Crime Panel: 6 October 2023
4. Suffolk County Council Health Scrutiny Committee: 11 October 2023
5. Cabinet Decisions Plan: 1 November 2023 to 31 May 2024
6. Work programme update 2024

In the absence of Councillor Sarah Broughton, Chair of the Overview and Scrutiny Committee, Councillor Marion Rushbrook, Vice Chair of the Committee, drew relevant issues to the attention of Cabinet, including that a separate report was included on the Cabinet agenda regarding item 2. above.

In response to a question relating to paragraph 2.5.4 of the report, Councillor Rushbrook stated that representatives of Havebury Housing Partnership and Flagship Housing had been invited to attend a future meeting of the Overview and Scrutiny Committee; however, this was yet to be confirmed.

Councillor Ian Shipp, Portfolio Holder for Leisure, who was leading on the grounds maintenance review, gave an update on this matter. A brief discussion was held on Suffolk County Council's Community Self Help Scheme and Councillor Shipp reported that a final draft of the Review Group's report was expected to be completed by the end of the week.

On behalf of the Cabinet, the Leader thanked Councillor Rushbrook for the presentation of the report and for the work of the committee.

526. Report of the Performance and Audit Scrutiny Committee: 23 November 2023 (Report number: CAB/WS/23/053)

The Cabinet received and noted this report, which informed members of the following substantive items considered by the Performance and Audit Scrutiny Committee on 23 November 2023:

1. Delivering a sustainable medium-term budget
2. 2023 to 2024 performance report (quarter two)
3. Internal audit mid-year progress report (2023 to 2024)
4. Treasury management report (September 2023)
5. Work programme update

Councillor Peter Armitage, Chair of the Performance and Audit Scrutiny Committee drew relevant issues to the attention of Cabinet, including that a separate report was included on the Cabinet agenda regarding item 4. above.

A discussion was held on the Key Performance Indicators (KPIs) and the interactive monitoring of their performance. The Committee was urged to refer issues that may require specific attention back to Cabinet for support, where considered appropriate.

On behalf of the Cabinet, the Leader thanked Councillor Armitage for the work of his committee.

527. **Recommendations of the Overview and Scrutiny Committee: 9 November 2023 - Abbeycroft Leisure Strategic Partnership (Report number: CAB/WS/23/054)**

The Cabinet considered this report, which sought approval for a number of recommendations emanating from a scrutiny review undertaken on the Council's partnership with Abbeycroft Leisure.

Following the establishment of a task and finish group that was asked to review the Council's partnership with Abbeycroft Leisure between 2019 and 2023 against the current Collaboration Agreement between the two organisations, together with reviewing the current Collaboration Agreement outcomes, the Overview and Scrutiny Committee put forward a number of recommendations that emanated from the review for Cabinet to consider.

Councillor Ian Shipp, Portfolio Holder for Leisure, drew relevant issues to the attention of Cabinet. He outlined the task and finish group's approach to the review, as summarised in section 2 of Report number: CAB/WS/23/054, and its findings, as set out in Report number: OAS/WS/23/019.

The Cabinet noted that the findings had ascertained that Abbeycroft was strongly compliant with the existing Collaboration Agreement and had demonstrated optimisation of service delivery, outcomes, efficiency and financial performance in challenging conditions. A strength of partnership between the Council and Abbeycroft was found to exist and the way in which the two organisations had worked together to address challenges, particularly through Covid and in response to the energy crisis, the Cabinet very much supported the acceptance of the recommendations.

Recognition was given to the Chair of the task and finish group, Councillor Marion Rushbrook; the Chair of the Overview and Scrutiny (O&S) Committee, Councillor Sarah Broughton; and to all members of the task and finish group and the O&S Committee for the work undertaken on this review. Specific recognition and thanks were given to Warren Smyth, Chief Executive of Abbeycroft Leisure who was sitting in the public gallery.

Resolved:

That:

1. Officers be instructed to update the Collaboration Agreement between Abbeycroft Leisure and West Suffolk Council noting no fundamental revisions are required on the principles of the current agreement. However, some technical changes may be required and the approach to health funding which is currently dealt with through side letters should be clarified.

2. Cabinet requests Abbeycroft and West Suffolk Council to work collaboratively to promote the activities and programmes delivered at the leisure centres, ensuring residents are aware of what they deliver and provide (which can be reflected in further revisions to the Collaboration Agreement).
3. Cabinet and officers work with providers and partners to secure additional long-term and sustainable external funding streams (particularly on health improvement interventions).
4. Cabinet asks officers to explore further capital investment in the leisure offer and facility mix across the leisure centre sites through business cases where appropriate to provide outcomes and financial benefits through invest to save/earn initiatives with Abbeycroft.
5. Subject to the outcome of the condition surveys of each Leisure Centre, Cabinet to consider the extension of the Council's Net Zero Fund as part of the 2024 to 2025 budget development process to include a programme of improvements (where appropriate and where they meet the outcomes of the fund) to upgrade and improve the facilities to maximise energy efficiency, support Net Zero and carbon reduction targets, and extend the life span of the facilities.
6. As part of the 2024 to 2025 West Suffolk Council budget development, consideration be given to whether the extraordinary utility support grant should be continued and phased out in the short-term (linked to market expectations around utility costs).

528. Recommendations from the Performance and Audit Scrutiny Committee: 23 November 2023 - Treasury Management Report (September 2023) (Report number: CAB/WS/23/055)

The Cabinet considered this report, which was recommending to Council, the approval of the Treasury Management Report (September 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 September 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: (19 December 2023)

That the Treasury Management Report (September 2023), as contained in Report number: FRS/WS/23/005, be approved.

529. West Suffolk Local Plan Publication (Regulation 19) Consultation and Submission (Report number: CAB/WS/23/056)

The Cabinet considered this report, which was recommending to Council, approval of the West Suffolk Local Plan Proposed Submission (Regulation 19) document, together with supporting documents, for consultation.

Approval of the Proposed Submission Local Plan and Policies Map would allow the Local Plan to be subject to its final round of consultation (scheduled for 30 January 2024 to 5 March 2024); and if approved and following consultation, the Local Plan would be submitted to the Secretary of State for the purpose of independent examination.

The final West Suffolk Local Plan Regulation 19 consultation would be focused on the whether the plan was a 'legally compliant' and 'sound' document. This was a technical consultation which would ask the public and stakeholders specific questions required by the Planning Inspectorate and required that representations consider whether the tests of soundness had been met.

Councillor Jim Thorndyke, Portfolio Holder for Planning, drew relevant issues to the attention of Cabinet, including paying tribute to the Local Plan Working Group for their contributions towards shaping the Plan. Upon moving the recommendations, Councillor Thorndyke made an amendment to Recommendation (3) so that it read, as indicated with strikethrough:

~~'Delegated authority be given to the Director (Planning and Growth), in consultation with the Portfolio Holder the ability to agree and consult upon a set of proposed modifications during the examination process (most likely at the very end of the examination process), if asked by the Inspector to do so.'~~

This amendment would remove a potential time constraint. The recommendations, as amended, were duly seconded by Councillor Richard O'Driscoll.

The debate ensued with positive comments particularly made on the key policies set out in paragraph 2.7 of the report. Members specifically commended the new health and wellbeing policy, which proposed that linking the design and delivery of homes to health and wellbeing set out the Council's intention to deliver growth for the benefit of people; and the policy which proposed an increase of the current requirement of 30 percent affordable homes to 40 percent affordable housing on greenfield sites to deliver much needed homes for West Suffolk's communities.

Councillor Cliff Waterman, Leader of the Council, also thanked the Local Plan Working Group, which comprised members from across the Council's political spectrum, for their thorough input and detailed discussion on the various elements of the Plan. Recognition was then given to the public and stakeholders who had made representations as part of previous

consultations; and to officers for their sterling work in supporting the process in order to reach this point.

Councillor Victor Lukaniuk, Deputy Leader of the Council and one of the ward members for Brandon, was pleased that despite the environmental constraints which limited growth in the town, provision had been made in the Plan whereby the Council would use its best endeavours to achieve a solution to successfully deliver sustainable growth in Brandon whilst working within the current constraints.

The Cabinet considered that the West Suffolk Local Plan Proposed Submission (Regulation 19) document was both final and sound and that, subject to the outcome of the independent examination, members felt the Local Plan and supporting documentation should be approved for public consultation and its subsequent submission to the Secretary of State for the purposes of independent examination.

Recommended to Council: (19 December 2023)

That:

1. The West Suffolk Local Plan Proposed Submission (Regulation 19) document (Appendix A to Report number: CAB/WS/23/056), together with supporting documents be approved for public consultation and its subsequent submission to the Secretary of State for the purposes of independent examination.
2. Delegated authority be given to the Director (Planning and Growth), in consultation with the Portfolio Holder for Planning to make any presentational improvements or minor non-material consequential changes to the document as necessary prior to the consultation commencing.
3. Delegated authority be given to the Director (Planning and Growth), in consultation with the Portfolio Holder for Planning, to agree and consult upon a set of proposed modifications during the examination process.

530. West Suffolk Local Council Tax Reduction Scheme (LCTRS) 2024 to 2025 (Report number: CAB/WS/23/057)

The Cabinet considered this report, which was recommending to Council, the approval of the West Suffolk Local Council Tax Reduction Scheme 2024 to 2025.

Each year the Council was required to review its Local Council Tax Reduction Scheme (LCTRS). The report provided an annual review of the 2023 to 2024 scheme and proposed to make changes to the scheme for 2024 to 2025.

Councillor Diane Hind, Portfolio Holder for Resources, drew relevant issues to the attention of Cabinet, including that it was being proposed to extend the maximum reduction on council tax paid of 100 percent for a further 12 months. This would take effect from 1 April 2024 (and last for one year only). This would be a means tested scheme and was designed to support low-

income working age residents, in light of the current pressures on the cost of living. This proposal is set out further in paragraph 2.2 of the report.

A consultation on the proposals was held from 2 October to 30 October 2023. Major preceptors and stakeholders had responded and the responses received and the key points raised were covered in section 4 of the report. It was noted that 90.2 percent of the respondents agreed or strongly agreed with the proposal to extend the maximum discount on council tax.

The Cabinet supported the recommendations and duly recommended their acceptance to Council accordingly.

Recommended to Council: (19 December 2023)

That:

1. The Local Council Tax Reduction (LCTRS) Scheme for 2023 to 2024 as outlined in Report number: CAB/WS/23/057, be reviewed.
2. The changes to the Scheme outlined in section 2 of Report number: CAB/WS/23/057 and that the maximum discount change only relates to 2024 to 2025, in line with the recent consultation, be agreed.

531. Council tax base for tax setting purposes 2024 to 2025 (Report number: CAB/WS/23/058)

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

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

1. Calculation of the tax base for central government purposes as at 2 October 2023 (DLUHC return – CTB).
2. Calculation of the tax base for council tax setting purposes by adjusting the band D equivalents to reflect changes in the tax base as a result of Local Council Tax Support scheme changes (CAB/WS/23/057), projected changes in the property base and predicted collection rates.
3. Analysis of band D equivalents over each of the parish areas in order to determine individual parish council tax bases.

Councillor Diane Hind, Portfolio Holder for Resources, drew relevant issues to the attention of Cabinet, and referred to paragraph 2.5 of Report number CAB/WS/23/058 which explained that the resulting tax base figure for council tax collection purposes, expressed in terms of the number of band D equivalent properties, was 58,684.97 for 2024 to 2025. This was an increase of 697.96 on the tax base for the current year of 57,987.01.

The tax base figure for West Suffolk, as outlined in paragraph 2.6 of the report was analysed further across the individual town and parish councils to form their tax base figures for the purpose of budget setting and determining the parish band D tax levels in each of those areas. The town and parish tax base figures were set out in Appendix 3 of the report.

Recommended to Council: (19 December 2023)

That:

1. The tax base for 2024 to 2025, for the whole of West Suffolk be 58,684.97 equivalent band D dwellings, as detailed in paragraph 2.3 of Report number: CAB/WS/23/058.
2. The tax base for 2024 to 2025 for the different parts of its area, as defined by parish or special expense area boundaries, be as shown in Appendix 3 to Report number: CAB/WS/23/058.

532. Barley Homes Business Plan 2023 (Report number: CAB/WS/23/059)

The Cabinet considered this report which sought approval for the Barley Homes Business Plan 2023.

The Barley Homes Business Plan 2023 to 2028 contained a review of the previous year; an overview of the operating conditions for the company; a summary of the planned development programme, including aspirations around current and medium-term delivery rates; and an overview of the financial underpinnings to the future development strategy, all to demonstrate prudent resource planning.

The total investment facility already available to support Barley Homes Ltd was a £14.25 million revolving facility (available for loans to, equity in and land purchases to support, our wholly owned housing company) funded through a mixture of capital receipts (which supported the equity element) and the Investing in our Growth Agenda fund. The annual business planning process had not highlighted a need to revise the total investment fund, considering known cash flow forecasts across the medium term.

The business plan outlined the progress with the committed sites and associated financial implications. Section 2 of the report expanded on progress and forthcoming proposals contained within the business plan.

Councillor Richard O'Driscoll, Portfolio Holder for Housing, drew relevant issues to the attention of Cabinet, including that the business plan forecasted lower returns over the next two financial years than was assumed in the Council's budget. However, dividend returns from Barley Homes in the 2023 to 2024 financial year were £300,000 higher than budgeted.

The Cabinet supported progress made and the future direction of Barley Homes, as set out in the business plan.

Resolved:

That:

1. The progress update for Barley Homes and steps outlined in Report number: CAB/WS/23/059 to secure its medium-term pipeline of sites, be noted.
2. The Barley Homes Business Plan 2023, covering 2024 to 2028, attached at Appendix A to Report number: CAB/WS/23/059, be approved.

533. Revenues collection performance and write offs (Report number: CAB/WS/23/060)

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, drew relevant issues to the attention of the Cabinet.

Resolved:

That the write-off of the amounts detailed in the exempt appendices to Report number: CAB/WS/23/060, be approved, as follows:

1. Exempt Appendix 1: NNDR totalling £68,414.51
2. Exempt Appendix 2: Sundry debt totalling £6,962.44

534. Decisions Plan: 1 December 2023 to 31 May 2024 (Report number: CAB/WS/23/061)

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 December 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.

535. Investing in our asset portfolio - Provincial House (Report number: CAB/WS/23/062)

The Cabinet considered this report, which sought approval for further investment in Provincial House, Haverhill.

West Suffolk acquired Provincial House in Haverhill High Street in 2019 using £3.7 million of the Investing in Growth Agenda Fund with the aspiration to re-purpose vacant space creatively, create jobs, deliver wider public benefits, and drive footfall into the town centre.

Through the One Public Estate Programme, the Council was partnering with West Suffolk College to explore the potential relocation of the Adult Learning

Centre (currently being rebranded as Personal and Professional Learning Centre) back into the heart of the town and centre of the community.

The confidential business case attached at Exempt Appendix A to Report number: CAB/WS/23/062 set out the proposal for Cabinet to agree to invest up to a further £2 million into Provincial House, from the Investing in our Growth Agenda fund (supported by external borrowing). This was to facilitate the investment in the remaining vacant floors including the works required to relocate the college offer into the town centre. The income generated by the project was currently estimated to create a net surplus after borrowing in line with the Investing in our Growth Agenda fund that would go towards the delivery of Council services.

Councillor Indy Wijenayaka, Portfolio Holder for Growth, drew relevant issues to the attention of Cabinet, including that the project would ensure adult learning provision remained in Haverhill and in the easily accessible town centre. It was considered to be an excellent opportunity for growth which would also provide further commercial space at Provincial House more suited to the local market and therefore attract more people into the town centre to use these and surrounding facilities and businesses. At the same time the project would bring a return to the Council which could be put back into funding services vital for West Suffolk communities.

The Cabinet supported the proposal and recognised the benefits of the investment in terms of supporting the service that was intended to be provided by West Suffolk College; providing an opportunity to attract commercial interest; and the associated income generated for the Council.

Resolved:

That:

1. The project objectives as set in the strategic case for Provincial House, Haverhill, be endorsed.
2. Up to £2 million of capital budget, funded by the Investing in Growth Fund, in line with this business case to progress the remodelling and refurbishment of Provincial House to enable both public sector and commercial lettings, be approved.
3. The revenue risks be noted, including any project expenditure that is unable to be capitalised, will be covered by the Capital Financing Reserve.
4. It be acknowledged that in line with recommendations (2), (3) and (4) above, officers will proceed in line with the Council's agreed Scheme of Delegation.
5. It be agreed for the Council's Section 151 Officer to make the necessary changes to the Council's prudential indicators as a result of recommendation (3).

536. Exclusion of press and public

See minute numbers 537. 538. and 539. below.

537. Exempt Appendices: Investing in our asset portfolio - Provincial House (paragraph 3) (Report number: CAB/WS/23/062)

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.

538. Exempt Appendices: Revenues collection performance and write-offs (paragraphs 1 and 2) (Report number: CAB/WS/23/060)

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.

539. Exempt Appendix: Recommendations of the Overview and Scrutiny Committee: 9 November 2023 - Abbeycroft Leisure Strategic Partnership (paragraph 3) (Report number: CAB/WS/23/054)

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 7.12 pm

Signed by:

Chair
