

Minutes of the Council meeting held at Riverside, Canning Road, Lowestoft  
on **Wednesday, 15 November 2017** at **6.30 pm**.

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Members present:

F Mortimer (Chairman), S Allen, S Ardley, E Back, S Barker, M Barnard, M Bee, N Brooks, A Cackett, G Catchpole, J Ceresa, M Cherry, Y Cherry, J Ford, T Gandy, T Goldson, L Gooch, I Graham, K Grant, A Green, J Groom, M Ladd, P Light, T Mortimer, J Murray, K Patience, B Provan, C Punt, D Ritchie, C Rivett, K Robinson, M Rudd, J Smith, L Smith, K Springall, C Topping, N Webb, S Webb and S Woods.

Officers present:

S Baker (Chief Executive), H Javadi (Chief Finance Officer & Section 151 Officer), N Khan (Strategic Director), S Martin (Head of Internal Audit), H Slater (Head of Legal and Democratic Services & Monitoring Officer) and K Abbott (Democratic Services Business Manager)

The Chairman welcomed all those present to the meeting, in particular, Councillor Keith Robinson who, as the newly elected Member for Oulton Broad, was attending his first meeting of Full Council.

With the agreement of Full Council, the Chairman altered the order of business to enable Item 13, *Further Transformation in east Suffolk*, to be taken immediately after item 10, *Member Briefing on the General Data Protection Regulations by the Head of Internal Audit*.

**1. APOLOGIES**

Apologies for absence were received from Councillors P Ashdown, J Craig, G Elliott, L Nicholls and M Pitchers.

**2. DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3. MINUTES**

**RESOLVED**

That the Minutes of the Meeting held on 20 September 2017 be approved as a correct record and signed by the Chairman.

**4. COMMUNICATIONS**

The Chairman of the Council made the following announcement:

Christmas Carol Service – Friday 8 December 2017

The Chairman reminded all Members of the Christmas Carol Service to be held at St Mark's Church, Oulton Broad on the evening of Friday 8 December 2017. The Chairman asked all Members to respond promptly to the invitation.

**5. ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE / LEADER OF THE COUNCIL**

**Chief Executive**

There were no announcements from the Chief Executive on this occasion.

**Leader of the Council**

**2016/17 Statement of Accounts and Value for Money conclusion**

The Leader of the Council announced that, on 25 September, the Council's External Auditors, Ernst and Young, had signed an unqualified audit opinion on the Council's 2016/17 Statement of Accounts and Value for Money conclusion. The Leader of the Council said that, once again, the Council had managed its spending within budget and had delivered required savings in light of funding shortfalls while, at the same time, continuing to provide value for money to Waveney's Council Tax payers and retaining healthy reserves to meet future financial challenges.

The Leader of the Council further announced that the Council's external auditors had informed the Audit & Governance Committee at its September meeting that the Statement of Accounts had been produced within the required timeframe, to a high standard and that the audit work had been ably supported by the Council's officers.

The Leader of the Council said the Council's Financial Services team had achieved production of the 2016/17 Statement of Accounts on 31 May, one month earlier than the statutory deadline and in preparation for the changes in the statutory deadlines which were to be introduced in 2018.

The Leader of the Council concluded his announcement by congratulating the Council on its Value for Money audit opinion and wished to record his personal thanks to both the Chief Finance Officer and the Financial Services team for their hard work in delivering, once again, an excellent set of Financial Statements.

**6. NOTICES OF MOTION**

No Notices of Motion had been received.

**7. QUESTIONS FROM MEMBERS**

With the agreement of Full Council, the Chairman changed the order of business to enable the other agenda items to be considered prior to receiving Members' Questions.

**8. PETITIONS**

No Petitions had been received.

**9. QUESTIONS FROM THE ELECTORATE**

No Questions from the Electorate had been received.

## 10. MEMBER BRIEFING ON THE GENERAL DATA PROTECTION REGULATIONS BY SIOBHAN MARTIN, HEAD OF INTERNAL AUDIT

The Chairman welcomed Mrs Siobhan Martin, Head of Internal Audit, to the meeting and invited her presentation on the General Data Protection Regulations (GDPR).

The Head of Internal Audit stated that the objective of the Member Briefing was to highlight the key changes between the existing Data Protection Act 1998 and the new General Data Protection Regulation and, in addition, to provide assurance on the Council's compliance with the current Data Protection Act 1998 and plans in place in readiness for the changes caused by the new Regulation.

Full Council was informed that, on 25 May 2018, the Data Protection Act 1998 would be repealed and the GDPR would be introduced in order to strengthen and unify data protection for all individuals within the European Union. The Government was preparing a new Act which would apply in the United Kingdom, after it exited the EU; this was anticipated to be similar to the requirements of the GDPR.

With reference to the Council's compliance with the existing Data Protection Act 1998, the Head of Internal Audit informed Council that:

- (a) The Council was registered annually with the Information Commissioner's Office
- (b) The Council had an experienced Data Protection Officer in post
- (c) All Officers of the Council were trained in data protection requirements
- (d) Effective processes such as the Council's ICT Security Policy and its compliance with the requirements of the Public Sector Network Code of Connection and Compliance were in place

The Head of Internal Audit further advised that each Elected Member was individually registered under the Act; an example of such a registration was provided and briefly discussed. Several examples of other local authorities which had failed to comply with the requirements of the Data Protection Act 1998 and of the enforcement action taken by the Information Commissioner as a result were provided and noted.

Full Council was informed that all entities, with some minor exemptions, would be subject to the requirements of the new GDPR. Under the GDPR, the Council would be known as a Data Controller and other entities which provided services to the Council, such as Waveney Norse, would be known as Data Processors. The latter title applied irrespective of where any data processing was undertaken. In addition, businesses situated outside of the EU, but trading within the EU's borders, would also be subject to the GDPR and would need to appoint a representative established in the EU to act on behalf of both Data Controllers and Data Processors, as necessary.

The Head of Internal Audit advised that the new definition of personal data under the GDPR was: *'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person.*

The Head of Internal Audit outlined the following improved processes:

- (a) Consent – Many organisations currently used pre-ticked consent boxes, in future, this would need to be more clearly stipulated
- (b) Notifications of breaches – Under the GDPR, the Information Commissioner’s Office must be notified of breaches within 72 hours and this would also apply to the Council’s Data Processors
- (c) Subject Access Requests – The time for dealing with such requests to be reduced from 40 days to one month; the current fee of £10 to be abolished; Subject Access Requests to be subject to fewer conditions and able to seek more extensive information
- (d) Data protection by design and default – Appropriate technical and organisational measures to be implemented to protect the rights of data subjects; only the data necessary for each specific purpose to be processed; personal data must not, by default, be made available or accessible to an indefinite number of individuals; pseudonymisation and minimisation to be recognised techniques for data protection purposes
- (e) Responsibilities of the Data Controller (i.e. the Council) – Data Controllers to be responsible for, and must be able to demonstrate compliance with, the principles of accountability; to remain important that the Council’s customers have confidence that their personal data is processed lawfully, fairly and in a transparent manner
- (f) Responsibilities of the Data Processors – Personal data to be processed in accordance with the instructions of the Data Controller; improved controls via Service Level Agreements and/or Memoranda of Understanding to be put in place
- (g) Privacy Notices – Increased transparency when obtaining personal data through the provision of specific information to the data subject; the Council was already compliant with the requirements of the Public Sector Network Code of Connection and Compliance in this regard
- (h) Security of processing – Data Controllers and Data Processors to implement levels of security appropriate to the risk
- (i) Data Protection Officer – An obligatory, designated post for public bodies; holder to be qualified, experienced and independent
- (j) Data Protection Impact Assessments – Where there were special categories of information, Impact Assessments to be performed where processing had the potential to result in high risk to the rights and freedoms of natural persons

The Head of Internal Audit advised Council on the powers of the Information Commissioner’s Office and, in particular, highlighted the significant financial increases in the cost of administrative penalties, particularly for repeat ‘offenders’ or if the breach was deemed to be ‘catastrophic’ in terms of its consequences. Full Council was also informed of the work underway in preparation for the GDPR, amongst other work streams this included a self-assessment to identify any potential gaps in compliance requirements.

The Head of Internal Audit, in concluding her presentation, said she would provide detailed guidance to Members and Officers nearer to the introduction of the GDPR in May 2018. The Chairman thanked the Head of Internal Audit for her presentation and invited questions from Members.

A Member asked if the controls and administrative penalties would also be applied to Councillors if, inadvertently, for example, a Member shared personal data. The Head of Internal audit confirmed that all Councillors would be accountable for their handling of data subject’s personal information. She assured Members that the Council’s ICT security systems were very secure.

A Member queried if Councillors, as well as staff, would receive training and if Members would require any additional software. The Member also asked if there would be implications for the registration of potential candidates for election in terms of the data held on Electoral Registers. The Head of Internal Audit confirmed that all Councillors would receive guidance ahead of the May 2018 change. Town and Parish Councils would also receive guidance from the Suffolk Association of Local Councils (SALC). The IT equipment used by elected Members in the course of their work must be at an appropriate security standard and have the associated added security of password protection, anti-virus software etc. Agents and potential candidates for election would continue to be required to formally request to receive parts of the Electoral Register pertinent to the ward they wished to stand for election in. Once elected, Councillors would continue to be entitled to the Register for their ward, subject to formally agreeing to comply with requirements for its use.

A Member asked if the GDPR would apply to individuals seeking information via the Freedom of Information Act in terms of sharing personal data, for example, emails received or sent, and if received emails were the responsibility of the recipient. The Head of Internal Audit replied that there was no requirement, under FOI legislation, to provide personal data. With regard to emails, personal information could be redacted but the sender of information was, under the Regulations, considered the accountable person.

A Member enquired what the process was if the Council received a request for personal information which related to a deceased person. The Head of Internal Audit said such information could be released but with careful consideration of any detrimental impact which might be caused to the next-of-kin

A Member asked if Councillors were able to protect their own personal information by removing it from the website. The Head of Internal Audit confirmed that, as elected public representatives, the personal data in, for example a Register of Interests, must remain a matter of public record.

A Member queried how the Council, as Data Controller, would monitor the adequacy of its Data Processors' controls. The Head of Internal Audit advised that Data Processors must officially demonstrate the robustness of their procedures and that the Council's contract with partners, such as Norse or Sentinel, would stipulate what was required and to what standard.

It was agreed that a copy of the presentation would be provided to all Councillors.

As previously advised, the Chairman altered the order of business at this point to enable Item 13, *Further Transformation in east Suffolk*, to be discussed earlier in the meeting.

### **13. FURTHER TRANSFORMATION IN EAST SUFFOLK**

The Leader of the Council referred Members to the revised recommendations, tabled at the meeting, which reflected the Secretary of State for Communities and Local Government's recent announcement on 7 November 2017 in that he was "*minded to implement, subject to Parliamentary approval, the proposal for restructuring local government in east Suffolk which Suffolk Coastal and Waveney District Councils submitted to me on 3 February 2017.*"

The Leader of the Council presented the report REP1629 which summarised the work undertaken, to date, towards the creation of a new Council for east Suffolk and sought Council's determination on the recommendations arising from the simultaneous meeting of both Cabinets held on 13 November 2017. The Leader of the Council stated that the decision to create a new Council had resulted in an historic and ambitious journey and, subject to both Councils agreement to the revised recommendations, the Secretary of State's recent announcement that he was "minded to implement" had enabled the Parliamentary process to create a new Council to fully commence. The Leader of the Council said he was both proud and privileged to be able to progress and fulfil the positive work started by the late Councillor Colin Law in this regard.

The Leader of the Council referred to the strong and successful partnership between the two Councils which had commenced in 2008 and to the increased sharing of resources, including management and workforce, since. He added that the partnership had resulted in significant benefits to both residents and communities alike, including reduced duplication and the improved overall use of Council resources. The Leader of the Council referred to the many commonalities between the two Councils and said a formal merger to create a new Council was the next natural step.

The Leader of the Council outlined the key points in the process to date:

- (a) March 2016 – Simultaneous Cabinets meeting agreed the production of a draft business case for a proposed merger
- (b) July 2016 – Simultaneous meeting of both Cabinets endorsed the proposal to create a new single Council for East Suffolk as the preferred way forward
- (c) October 2016 – A telephone survey of 1000 residents was commissioned
- (d) November 2016 – Full open public consultation
- (e) January 2017 - Both Full Councils agree to proceed
- (f) February 2017 - Business case proposal submitted to the Secretary of State
- (g) September 2017 - Meeting with the Secretary of State, the three local MPs, both Leaders of the Councils and the CEO
- (h) 7 November 2017 – 'Minded to implement' decision received from the Secretary of State

The Leader of the Council said that, as part of the process, the Secretary of State had invited representations on the proposal by 8 January 2018. After the representations stage had concluded, it was hoped the Secretary of State would announce his final decision and this, in turn, would launch the Parliamentary process to draft an Order to implement the formation of a new Council. The anticipated timing of the Final Order was presently Spring/Summer 2018.

The Leader of the Council referred to the establishment of Member Working Groups to consider key aspects of the proposed merger, these Groups were Constitution and Governance; Finance; Electoral Review; Communications and Branding; and Policy and Service Alignment. He said that the Working Groups would feed the results of their discussions to the Member Programme Board for consideration and onward recommendation to both Cabinets and Full Councils. Each Member Working Group would have a lead and deputy lead member and, with the exception of the Electoral Review Group (a membership of 16), have a total of ten members drawn from both Councils and across the political parties. The Leader of the Council said the Member Working Groups and the Member Programme Board, which all members were welcome to attend, were important to ensuring the Councils' joint work towards the new Council remained

proactive, focussed and able to effectively inform both the drafting of the Order and full preparations for the implementation of the new Council.

The Leader of the Council moved the revised recommendations which were seconded.

The Chairman invited questions.

Q: The Cabinet model of governance to be adopted for the new Council has up to a maximum of ten Cabinet Members; does that figure include deputy Cabinet Members? Also, the original business case proposed 65 Councillors for the new Council; that figure has shifted significantly to a preferred number of 55, why is that?

A: The Leader of the Council responded that a maximum number of ten Cabinet Members was stated in the Local Government Act 2000. The legislation was not specific about deputy Cabinet Members but this issue would be considered by the Constitution and Governance Member Working Group. The original business case had stated an initial optimum number of Councillors of 65, whilst the Boundary Commission had suggested a total of 40 Councillors; the suggested number of 55 (+/- 1 or 2) was considered right to meet the proposed structure of 268 seats and representation for an electorate of approximately 3500 residents per Councillor. The Leader of the Council said the Boundary Commission had indicated it was content to undertake its review based on an optimum number of 55 (+/- 1 or 2).

Q: The existing administrations of both Councils are Conservative, can we be guaranteed that the proposals for a shadow authority will be so composed as to ensure adequate representation of the electorate and their votes?

A: The Leader of the Council said it might be that the shadow authority would have two Cabinets, one for each sovereign body, but recommending to Council for agreement but, obviously, the final structure would be subject to the determination of both authorities. The Member Working Groups would be cross-party in composition and would feed into this work; he confirmed that the process would have integrity and all Councillors would have an opportunity to play a full part.

Q: How will the membership of the Cabinet be split between the two existing Councils?

A: The Leader of the Council replied that this would need to be subject to discussion and agreement by both authorities and, in his opinion, both Councils would seek a Cabinet of mixed composition. The Leader of the Council added that a new entity was being created and, therefore, representation should be drawn from across the two existing bodies.

Q: A proposed Cabinet model of 10 Cabinet Members, potentially 10 deputy Cabinet Members, a Leader and a Deputy Leader leaves very few 'other' Councillors to provide representation and support the new structure – how will this be structured?

A: The Leader of the Council said the Constitution and Governance Member Working Group would consider this area very carefully and, subject to the decision of both authorities, might, for example, see Cabinet comprised of a Leader and nine Cabinet Members. The Leader of the Council had clarified with the Monitoring Officer that deputy Cabinet Members could sit as substitutes on Overview & Scrutiny and Audit & Governance Committees as long as they had not been involved in the decision under review, or were subject to a related Declaration of Interest. The Leader of the Council said the Committee structure for the new Council would be very important and needed to be focused to, for example, act as an effective counter-balance to Cabinet in holding the new authority to account as well as being representative of communities and their concerns.

Q: Our communities are important; they said No to this proposal but this has been ignored – why are we not holding a referendum?

A: The Leader of the Council said there had not been a significant number who had indicated disapproval with the proposals and added that, in his experience, residents were not concerned with the branding of a Council, but the quality and cost of the services it provided. The new Council would provide additional financial robustness and create an entity that would not only take east Suffolk forward but achieve a myriad of opportunities, for example, greater local representation would result in increased influence on the local, regional and national stages. The Leader of the Council concluded that a referendum was not on the agenda.

Q: 55 Councillors will lead to reduced democratic representation and an increase in the workload of Councillors – can you confirm there will be no fewer than two Councillors per ward?

A: All the political parties will be able to make their individual case to the Boundary Commission during its review. There will need to be elements of compromise and pragmatism in agreeing the final figure and it is worth noting that the County Council has 75 members representing the whole county.

Q: How many people will each Councillor (if there are 55) be required to represent?

A: Approximately 3500 electors per Councillor

Q: Will the new ward boundaries be imposed on Town and Parish Councils?

A: The Leader of the Council indicated that nothing would be imposed on Town and Parish Councils. The review of boundaries would include the Towns and Parishes and, where possible, natural groupings would be proposed and considered.

There being no further questions, the Chairman invited debate.

With reference to Appendix B to the report, which provided details of the comments received from Councillors on the proposed size of a new Council, a Member stated that she found it hard to believe a total of eleven (of ninety) Councillors had so commented. The Leader of the Council responded that this could be argued to be a sign of general acceptance with the proposal.

A Member considered the proposed merger to be a positive move but raised his personal concerns that the process had the potential to be 'exploited'. The Member continued that the process should not be allowed to be halted or delayed because one political party was concerned that the overall number of seats might be reduced. The Member highlighted the need for robust and strong Town and Parish Councils and considered a proportional element to elections to be bold, brave and practical. The Member urged all Councillors, no matter their political party, to embrace the merger. In conclusion, the Member urged all Councillors and Officers alike to continue to work together in the collective interest of those residing in Waveney.

In response, another Member referred Full Council to the Leader of the Council's earlier statement that the Council could not afford not to proceed with the proposed merger. He added that, in his opinion, the views of the electorate had not been taken into account and this, he considered, was not local democracy.



Another Member described the earlier comments about potential ‘exploitation’ via the process to be ‘bizarre’. The Member added that the Labour Party had voted against the merger since its inception partially because the Conservative administration of the Council had refused to hold a local democratic referendum. The Member also considered that the lack of a referendum was a failure in democratic decision making processes and did not enable the voice of the local electorate to be heard. The Member continued that she had raised the issue of a referendum at the recent simultaneous meeting of the Cabinets of Waveney District Council and Suffolk Coastal District Council and, at that meeting, had been informed it would cost £100,000 to hold a referendum; she stated that to disregard a referendum on the basis of cost was failing to uphold democracy. The Member referred to the Devolution Act 2015 as the legislation which enabled a merger to take place but which, she said, also allowed a vote on proposals, therefore, she suggested, a lack of referendum meant there was a perception that democracy had been curtailed. The Member further referred to Waveney District Council’s financial position which, she said, had its root cause in the Government’s austerity programme including the removal of business rates; the Member said she considered Waveney District Council would be undermined financially by the proposed merger. The Member said she considered it flawed for the Council to be asked to vote on such an important matter without having first fully considered the voice of the electorate through a referendum. The Member concluded by asking what contingency plans were in place if, for whatever reason, the proposed timescale for the merger of spring 2019 was not achieved.

The Cabinet Member (with responsibility for the merger) said a referendum’s results would not be binding on the Council but had been estimated to cost the Council £100,000 this, he said, was considered to be unnecessary expenditure. The Cabinet Member continued that, as the elected members, Councillors represented the residents of the district. He referred to the Member Working Groups, as detailed within the report, which provided the opportunity for all members to feed into the merger process. He emphasised that it was critical to positively focus effort through the Member Working Groups.

The Leader of the Council stated that a referendum might only see, for example, 20% of the electorate vote and then the validity of its results might be questioned. The Leader of the Council referred to the earlier public consultation, which had received a total of 313 replies, and so, he suggested was not a sound basis upon which to judge public opinion. The Leader of the Council also referred to the earlier telephone survey of a cross-section of 1000 people the results of which had indicated a majority of the local electorate were in favour of the merger proposal. He stated that a formal decision had been taken in January not to hold a referendum and that this was, therefore, not a matter for further debate. The Leader of the Council reemphasised the role all Councillors could play in the work of the Member Working Groups.

The Leader of the Council disagreed with earlier comments about the financial inequalities between the two Councils and referred Council to the recent visit by a delegation of Suffolk Coastal District Councillors to the Waveney area; he advised how impressed the visitors had been particularly with the opportunities presented. The Leader of the Council added that, together, the different strengths of each Council offered great and unique opportunities for a new Council. The Leader of the Council urged all Councillors to meet the challenge of the new Council by putting aside political viewpoints and to do what was right for the wider electorate. He concluded that the proposed merger offered an opportunity to lead the way in creating something others would want to emulate and in providing a significant legacy for the east Suffolk area.

It was proposed, seconded and, by majority vote

**RESOLVED**

That, in order to satisfy the Secretary of State's need for the recommendations to be supported by each Council, the following were approved:

- 1) As the Secretary of State for the Department of Communities and Local Government (DCLG) has made a "minded to approve" decision to create a new council for east Suffolk, the following be proposed to the Secretary of State for inclusion in any Order/Regulations which shall be made to implement these proposals:
  - A) Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC) be dissolved and one new Council for east Suffolk be created to replace them.
  - B) The cabinet model of governance be adopted for the new Council for east Suffolk with up to a maximum of 10 Cabinet Members.
  - C) The name of the new Council for east Suffolk be "East Suffolk District Council" for legal purposes and "East Suffolk Council" for all other purposes.
  - D) The preferred number of members for the East Suffolk Council be 55 (+/- 1 or 2), subject to review by the Local Government Boundary Commission for England (LGBCE).
  - E) The proposed district wards of the new East Suffolk Council are based on 19 existing County Council Divisions against which the preferred number of members (55 +/- 1 or 2, subject to LGBCE review) be divided as appropriate with up to four Councillors per ward with the proviso that the County Council Divisions be overwritten by the new ward boundaries once such a boundary review had been undertaken.
  - F) The LGBCE be requested to conduct a full electoral review of the area of the East Suffolk Council including the determination of an appropriate warding structure and that it be requested to conduct this review as soon as reasonably possible.
- 2) The Chief Executive Officer, in consultation with the Leader of SCDC and the Leader of WDC, be authorised to settle other such matters required for the purposes of finalising the Order/Regulations necessary for implementing these proposals.
- 3) The Chief Executive Officer, in consultation with the Leader of SCDC and the Leader of WDC, be authorised to consent to making of the necessary Order/Regulations once drafted on behalf of the Secretary of State in order to implement these proposals.
- 4) During the period in which the Secretary of State invites representations, authority be delegated to the Chief Executive Officer, in consultation with the Leader of SCDC and the Leader of WDC, to respond to his invitation and to confirm the Councils' commitment to supporting the creation of a new Council for east Suffolk.

**11. PROPOSAL TO INCREASE THE SIZE OF THE AUDIT & GOVERNANCE COMMITTEE**

The Leader of the Council presented the report REP1722 which described the practical need to increase the membership of the Audit & Governance Committee, from the current seven to a proposed nine, in order to help ensure future meetings were quorate and, therefore, the effective review of reports was able to take place.

The Leader of the Council further advised that the Audit & Governance Committee had considered the matter at its meeting in early November 2017 and, at that meeting, had formally recommended to Full Council that the size of the Committee be so increased.

There being no questions or matters raised for debate, it was proposed, seconded and

**RESOLVED**

That, with immediate effect, the membership of the Audit & Governance Committee be increased from seven Councillors to nine Councillors and that the Constitution be so updated to reflect that change.

**12. APPOINTMENT TO THE OVERVIEW & SCRUTINY COMMITTEE**

The Leader of the Council presented the report REP1732 which recommended the appointment of Councillor K Robinson to the Conservative Group's vacancy on the Council's Overview & Scrutiny Committee, for the remainder of the 2017/18 Municipal Year.

The Leader of the Council reminded Council that, at its Annual Meeting on 17 May 2017, it had appointed Members to all of its Committees, Working Groups and Outside Bodies (Non Executive Functions). Also, at the Annual Meeting, Council had further agreed the Conservative Group would not fill one of its allocated places on the Overview & Scrutiny Committee to allow for the Oulton Broad By-Election to take place on 21 September 2017. Councillor Keith Robinson had been duly elected, as a Conservative Councillor, at the By-Election and it had been agreed that Councillor Robinson would fill the Conservative Group vacancy on the Overview & Scrutiny Committee in accordance with the political proportionality rules.

The Chairman invited questions.

A Member referred to non-attendance at formal Committee meetings, such as the Audit & Governance and the Overview & Scrutiny Committees and asked if this had caused issues with the quoracy of the meetings. The Leader of the Council referred the Member to the reports before Full Council for consideration and in order to address the matter in practical terms.

There being no matters raised for debate, it was proposed, seconded and

**RESOLVED**

That Councillor K Robinson be appointed to the Council's Overview & Scrutiny Committee for the remainder of the 2017/18 municipal year.

*Councillor Gandy left the meeting (8.30pm)*

#### **14. QUESTIONS FROM MEMBERS**

(a) Question from Councillor J Murray to the Cabinet Member for Community Health & Safety

How is Waveney District Council's Human Resources policy evolving as a result of responding to the national crisis in mental healthcare provision, as it applies to the local WDC workforce?

Response from Councillor Rudd

The Council is committed to the Suffolk Workplace Wellbeing Charter which is a framework for developing health at work strategies and improvements in workplace health. The Charter's standards focus on eight key areas, one of which is mental health, and we are currently finalising a Mental Health policy for Waveney and Suffolk Coastal District Councils.

The Council's Absence Management Policy and Procedures were revised in 2016 providing a robust framework for managing sickness and providing support to staff in a number of areas including mental health. The Council re-tendered for its Occupational Health provision earlier this year and the service provider works collaboratively with us, offering professional support and advice to complement our absence management policies and procedures and health and wellbeing agenda.

We have recently arranged two mindfulness sessions by qualified practitioners which were very well received by those in attendance. In July, Suffolk Mind ran a Managing Mental Health course for managers and in June they ran a stress awareness session for SMT/CMT. In April and May, we ran a Brain Fit session for our staff and in April the Suffolk Well Being Service ran 'Introduction to Wellbeing sessions' which covered the Governments 5 ways to Well-Being initiative.

Information is available on the Intranet for staff on how they can access support and advice with regard to their mental health and we advertise national campaigns to raise awareness about mental health such as 'Time to Talk' and National Stress Awareness day. We also offer a free staff counselling scheme.

Finally the HR team at Waveney support and coordinate the Lowestoft Collaboration Academy. A recent cohort of the LCA looked closely at mental health in Lowestoft and developed a 'positive manifesto for mental health' which has influenced our policy development.

Supplementary Question from Councillor J Murray

This Council meeting, and its earlier discussion of a new Council for east Suffolk, will result in an increased workload for Officers and this may have an adverse impact on their mental health. From May 2015 to date, what are the exit statistics for staff leaving the Council's employ as a result of non-medical, medical or mental health issues?

Response from Councillor Rudd

The Cabinet Member undertook to ask the HR and Workforce Development Manager to provide this additional information.

(b) Question from Councillor S Barker to the Cabinet Member for Tourism & Economic Development

How many new jobs created through economic development has Waveney District Council brought to Waveney since May 2015?

Response from Councillor Ladd

For the years 2015/16, 2016/17 and 2017/18 (to date) the creation of 142 new jobs have been supported by the Council's Economic Development & Regeneration Team. These include jobs created through business support advice, grant funding and the development of new workspaces, such as the Enterprise Zones.

One of the more high profile inward investment successes the Council supported was the relocation of James Fisher Marine to Lowestoft. The Council was instrumental in securing this investment by introducing a Local Discretionary Rate Relief policy specifically aimed at incentivising employment growth on our key strategic sites and to support identified growth sectors. In the case of James Fisher this investment generated 50 jobs to support the offshore energy sector, one of the key growth sectors for East Suffolk as identified within the Council's East Suffolk Growth Plan. Tick Solutions, MS Oakes Group, Windcat Workboats and Sebmarine SLP are just a few examples of other companies that have also helped to create more jobs locally.

Further investment by the Council, specifically the creation of new business units at the South Lowestoft Industrial Estate Enterprise Zone on the new Phoenix Enterprise Park will see many more jobs created during 2018 and beyond. The Council are also exploring how the employment element of the former Jeld Wen site could be progressed. Both of these sites will primarily provide commercial space for the growing offshore energy sector.

The Council is also taking a proactive approach to land assembly, particularly on the Lowestoft AAP strategic sites with a view to delivering new housing, high quality sustainable communities and new employment land. This direct investment is delivering growth and creating new employment within the town and district as well as supporting local businesses. A further example of the Council's direct intervention is the purchase of the Lowestoft Post Office site with a vision to create a mixed use development which will not only create employment during the construction phase but long term employment through the planned retail and leisure uses.

Supplementary Question from Councillor Barker

In September 2017, the Social Market Foundation in its report *Living on the Edge: British Coastal Communities*, stated that the mean gross salary in Britain was £28,400 while the average wage of Waveney employees was £20,300. With reference to the 142 new jobs supported by the Economic Development and Regeneration Team since 2015/16, what are the related salary figures and where are the jobs located?

Response from Councillor Ladd

The Cabinet Member undertook to have the requested information compiled and provided. Members were also informed that the annual nationwide Small Business Bus Tour which aimed to support and promote small businesses had, that day, visited Lowestoft.

(c) Question from Councillor M Cherry to the Leader of the Council

The Armed Forces Covenant states that, “The Armed Forces Covenant relies on the government, communities, businesses and individuals of the UK to actively support it in order to make a difference. Local Authorities are at the heart of that support group...”

What is the current level of support offered by WDC to all those who serve or have served in the Armed Forces of the Crown and their families in Waveney?

Response from Councillor Bee

The Armed Forces Covenant is a promise from the nation that those who serve, and have served, in the Armed Forces, and their families, will be treated fairly. Waveney District Council (working in partnership with Suffolk Coastal District Council) recognises the importance of ensuring that the Armed Forces’ community is not disadvantaged because of the work that they undertake.

We engage positively with the local military bases and personnel in East Suffolk, including through our annual Operation Camouflage event for young people at Rock Barracks – which has been recognised at a national level as a really positive example of joint working between the Army, Councils and local communities.

An example of a specific policy adjustment that has been made is giving Armed Forces’ personnel a discount of 50% on their second home (other second homes are charged at 100%) if they are posted elsewhere and living in Armed Forces’ accommodation. A second example is that Armed Forces compensation is not taken into account in the calculation of benefits – this was a specific request made through the Armed Forces Covenant. Suffolk authorities are also working together to look at positive pathways for ex-service personnel who are homeless.

The Gateway to Homechoice Allocations Policy (see Section 2.3 below) makes clear in what circumstances military personnel are exempt from local connection criteria and when additional priority is awarded.

2.3 Armed forces, reserve forces personnel and bereaved spouses or civil partners of armed forces personnel, under the following circumstances:

(i) former members of the armed forces;

(ii) serving members of the armed forces who need to move because of serious injury, medical condition

or disability sustained as a result of their service;

(iii) bereaved spouses, partners and civil partners of members of the armed forces, leaving services family

accommodation following the death of their spouse or partner; or

(iv) serving or former members of the reserve forces who need to move because of a serious injury,

medical condition or disability sustained as a result of their service

Wherever possible, we raise awareness of the issues faced by those who serve, or have served, in the Armed Forces, for example encouraging engagement with the first Armed Forces Covenant e-learning module, developed by the Coventry, Solihull and Warwickshire Armed Forces Covenant Partnership and aimed at local authorities, community groups and voluntary sector organisations, and promote access to relevant funding, including the MOD Covenant Fund (small grants) and targeted employment and pensions support.

Supplementary Question from Councillor M Cherry

Councillor Cherry thanked the Leader of the Council for his comprehensive response and further asked if there was assurance that the Armed Forces Covenant would be both maintained and sustained in the future by the new Council?

Response from Councillor Bee

The Leader of the Council responded that both Waveney and Suffolk Coastal District Councils currently recognised the importance of the Covenant and, therefore, its continuance.

*Councillor Ford left the meeting (8.45pm)*

(d) Question from Councillor T Reynolds to the Cabinet Member for Resources

In the May 2017 'First' Magazine it was announced that the Government is supporting Councils in their requests to be allowed to prosecute owners of cars for littering without needing to provide evidence of who was driving. Can the Council be provided with an update of the numbers of successful fixed penalty notices issued this year in Waveney?

Response from Councillor Provan

The figures below relate to the period from 1 January 2017 to 3 November 2017 for the Waveney area:

Smoke Free	12
Littering	27
Fly Tipping	5
Dog Fouling	5
PSPO Breach	2

Under the law as it stands, when litter is deposited from a vehicle it is only possible to pursue the person directly responsible for the actual act of depositing the litter. Such evidence would comprise either ID evidence of the person committing the offence or an admission of responsibility from that person. For obvious reasons, it can be very difficult for local authority enforcement officers to obtain reliable ID evidence of the person responsible for the offence of littering, especially when it is committed in moving traffic.

The Antisocial Behaviour, Crime and Policing Act 2014 contained provisions allowing the Secretary of State to make regulations which enable the registered keeper of a vehicle to be held liable for litter deposited from their vehicle, irrespective of whether or not they

were directly responsible. HM Government have announced that regulations bringing these provisions into effect will be in place by April 2018.

This will enable local authorities to pursue a greater proportion of the 'littering from vehicle' reports we receive to a positive conclusion. It is hoped that this will, in turn, provide a greater incentive for drivers and passengers not to deposit litter and help reduce the estimated £800million annual bill across the UK for keeping our streets clean.

There was no Supplementary Question.

(e) Question from Councillor A Green to the Cabinet Member for Tourism & Economic Development

With the onset of 'Brexit', the Greener UK Alliance, including Suffolk Wildlife Trust, is asking Councils and MPs to bring pressure to bear on the British Government in three ways: to reform society's investment in land management to protect life support systems; to support Marine Protected Areas and sustainable fishing; and to maintain all environmental protection laws so that they are not less than those of the European Union. What has been WDC's response to this call for support?

Response from Councillor Ladd

The implications of Brexit are unclear from a coastal management perspective. We share the aspirations of The Green Alliance within a wider holistic Integrated Coastal Zone Management approach. A conversation has just been initiated with other coastal local authorities through the membership of the Local Government Association Coastal Special Interest Group to seek influence the Brexit debate looking to gain benefits and mitigate the challenges ahead.

With regard to environmental protection laws, the European Union (Withdrawal) Bill 2017 will repeal the European Communities Act which currently gives European law precedence over laws passed in the UK Parliament. This will lead to the transfer of all existing laws, including those which protect our environment, such as European air quality requirements, into domestic UK law. This will enable a smoother transition post Brexit and provide certainty for businesses and help to maintain public confidence. Following Brexit, the UK Parliament can then review and amend these laws but given the amount of European law, including regulations, EU treaties, directions and European Court of Justice rulings; this will be a major piece of work.

Officers of the Council are engaging in various stakeholder groups set up to inform the Brexit process and to look at its implications for some of our regulatory functions. These working groups, including the Chartered Institute of Environmental Health's Brexit Advisory Panel, provide an opportunity to influence and advocate for maintaining the existing level of regulatory control over our environment, our food and standards of health and safety in our workplaces etc. The Chartered Institute of Environmental Health has also written to all parliamentary members highlighting its concerns and offering support in tabling parliamentary questions and informing the debate.



Supplementary Question from Councillor A Green

What plans are there to further strengthen the local fishing industry and to use the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) services?

Response from Councillor Ladd

The Cabinet Member replied that CEFAS was an exciting project and the Council had supported its work and development to date. There was a huge opportunity to get the local fishing industry back to where the Council and community would like it to be.

(f) Question from Councillor L Gooch to the Cabinet Member for Merger & Communities

In 2016 the Local Government Association (LGA) and Age UK published guidance on how councils can help combat chronic loneliness and isolation experienced by some senior citizens. What strategies has Waveney District Council developed as a result of the guidance in the report?

Response from Councillor Ardley

We know that the proportion of Over 65s in Suffolk is projected to increase from 1 in 5 (the current level) to 1 in 3 of the population in the next 20 years and that this increase is likely to be even more significant in East Suffolk. Loneliness and social isolation are now understood to be more detrimental to health and wellbeing than smoking.

Suffolk Coastal and Waveney District Councils are working with partners through the East Suffolk Partnership to focus on 'hidden needs' in the two districts, building upon the findings of the Suffolk Community Foundation Hidden Needs report published in 2016. This report focusses on individuals and families who are disadvantaged due to income, lack of access to key services and social isolation. In East Suffolk we have taken this a step further and mapped indicators of need against each other to identify 'hot spots' to target our work – with a specific focus on social isolation. We have secured £120,000 through the East Suffolk Partnership and Suffolk County Council to develop projects to tackle these 'hidden needs', targeting both Over 65s and families who are socially isolated.

The Councils are also working on a digital inclusion programme aimed at developing a network of digital champions (including young people) to support older people to get online, building on pilot workshops held in Lowestoft and Felixstowe earlier this year.

There are a number of other projects supported by our eight East Suffolk Communities Team Communities Officers, and through various local grants programmes (including the recent Health and Wellbeing Call to Action grant scheme) to combat loneliness and social isolation. These include our work to promote Silver Sunday on 1<sup>st</sup> October which involved a range of free events for older people across the District, for example free swimming, badminton and short tennis at our Leisure Centres, a range of activities at the Kirkley Centre (including nordic walking, seated yoga and silver circuit) and a Mad Hatters Tea Party at one of our sheltered housing schemes.

Other project work to tackle isolation and loneliness in older people includes support for Men's Sheds (including Halesworth, Lowestoft and Southwold), Pathways Care Farm in North Lowestoft and Dementia Cafes in Oulton Broad and Southwold. The Pathways Care

Farm website includes a number of testimonials about how older people with a range of health conditions have benefitted from being part of the project, including by making new friends of all ages.

Supplementary Question from Councillor L Gooch

Councillor Gooch thanked Councillor Ardley for his response. Councillor Gooch said Shelter had announced a doubling of the numbers of over 65s who were homeless and asked how the Council would combat this?

Response from Councillor Ardley

The Cabinet Member advised that Shelter had not contacted the Council nor highlighted this as an issue within the District.

Additional Response from Councillor Punt

With reference to the Homelessness Reduction Act, the Cabinet Member with responsibility for Housing advised that the Council would identify those people at risk of being homeless at an early stage and intervene, where possible, to address an individual's issues so that homelessness could, wherever possible, be avoided. An application by the Council for a grant from the Government for additional resources to facilitate this approach had been successful.

(g) Question from Councillor Y Cherry to the Cabinet Member for Community Health & Safety

Can the Council be informed as to the support that Waveney District Council is giving to Foodbanks across Waveney in the light of recent reductions in Foodbank provision?

Response from Councillor Rudd

Following the decision by Signpost East, who operated a number of Food Bank distribution centres and deliveries in Lowestoft and the surrounding area (reaching as far as Framlingham and Leiston), to cease operation at the end of October, local partners have worked together to ensure that Food Bank provision in the district continues. This is particularly important in light of recent increases in demand for food parcels following the introduction of Universal Credit.

Access Community Trust, The Salvation Army, The Trussell Trust, Lowestoft Rising and Waveney District Council have put together a package which has enabled food parcel distribution to continue from six sites, supported by either The Salvation Army or Access Community Trust. These sites are Marram Green Community Centre in Kessingland, Bridgeview Drop-in Centre and The Workspace in Lowestoft, Lowestoft Citadel, outside Leiston Town Council Offices and Beccles

The District Council has initially provided £5,000 to enable the replacement provision to operate between October and December 2017. The good news is that all Trussell Trust food vouchers already issued will be honoured and individuals and families in need in our local communities will still be able to access food, albeit from a more limited range of distribution centres.

A meeting was held with all Signpost East volunteers to see if any of them were willing to continue to provide support, and a number of them have registered with either Access Community Trust or The Salvation Army to continue their volunteering.

The partners listed above, plus local churches in Lowestoft and MP Peter Aldous, are working collaboratively to develop a sustainable food bank solution for January 2018 and beyond. The partnership response to the situation – including moving 22 tonnes of food in less than a week – demonstrates the level of commitment to ensuring that people in need in Waveney are still able to access emergency food parcels.

There were no Supplementary Questions.

In conclusion, the Leader of the Council wished to commend those Officers of the Council who had volunteered to help ensure Food Bank provisions continued, together with the Access Community Trust, The Salvation Army and Lowestoft Rising. The Leader of the Council said this was an excellent example of the community coming together in a time of need. The Leader of the Council added that the Council, through the work of the Housing and Council Tax Teams, would continue to ensure a smooth transition following the introduction of Universal Credit.

The meeting concluded at 9.05pm.

Chairman