

Confirmed



Minutes of a Meeting of **Council** held in the Council Chamber, Melton Hill,
Woodbridge on **Thursday 25 September 2014 at 7.00pm**

Members present:

P Batho, J Bidwell, S Bird, C Block, C Blundell, M Bond, S Burroughes, P Coleman, A Cooper, M Deacon, P Dunnett, T Eastman, V Falconer, M Fellowes, A Fryatt, J Garfield, B Hall, G Harding, T Hawkins, T-J Haworth-Culf, R Herring, G Holdcroft, S Hudson, J Kerry, G Lynch, M Morris, A M Neale, M Newton, A Nunn, P O'Brien, D Savage, J Sennington, M Sharman, C Slemmings, A Smith, R Snell (Chairman), C Walker, R Whiting, K Williams.

Officers present:

S Baker (Chief Executive), A Charvonia (Strategic Director), K Davidson (Technical Manager – Suffolk Coastal Port Health Authority), M Edgerley (Principal Planner – Policy and Development), P Gore (Head of Environmental Services and Port Health), H Javadi (Chief Finance Officer), S Martin (Head of Internal Audit), P Ploch (Planning Officer – Policy and Delivery), A Osmanski (Strategic Director), D Reed (Planning Policy and Delivery Manager), P Ridley (Head of Planning and Coastal Management), C Roberts (Democratic Services Business Manager), M Simms (Food and Safety Manager), H Slater (Head of Legal and Democratic Services), S Taylor (Finance Manager - Compliance).

Others present:

M Emms (Managing Director – Suffolk Coastal Services and Waveney Norse)
J Stockwin - Works Project Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Andrews, D Ball, M Gower, R M Grimwood, S Harvey, C Hudson, J Kelso, J Marson, D McCallum, S Ogden, J Sayles, J B Slater, J Withey.

2. DECLARATIONS OF INTEREST

Councillor Blundell declared a Local Non Pecuniary Interest in item 9 as a member of Woodbridge Town Football Club.

3. MINUTES

Councillor Fellowes stated that she had sent her apologies and asked that they be included in the Minutes.

RESOLVED

That, subject to the above amendment, the minutes of the meeting held on 24 July 2014 were agreed as a correct record and signed by the Chairman.

4. ANNOUNCEMENTS

The Chairman announced that he had been invited by the Mayor of Ipswich to a World War I exhibition at the Town Hall. A number of schools and public bodies had contributed to the exhibition which had been extremely interesting. The Chairman also announced that he had

presented the Village of the Year awards to Walpole, the winning village and second placed Bredfield.

The Leader announced that new legislation had recently been passed regarding 'The Openness of Local Government Bodies Regulations 2014'. The Council would be amending its protocol for filming meetings to reflect the changes but would still be able to give protection for children, the vulnerable and other people who actively objected to being filmed. A protocol relating to filming would be emailed to all Councillors and the Head of Legal and Democratic Services would be liaising with Committee Chairmen regarding the filming of meetings.

The Leader also announced that a Member Briefing on the subject of Social Media had been planned for Monday 29 September at 6.00pm. The Briefing would be an introductory session by a very good tutor regarding twitter, blogging and Facebook. The Democratic Services team would be sending an email the next day as a reminder. The Leader invited as many Members as possible to attend.

5. WRITTEN QUESTIONS

There were no Written Questions.

6. NOTICES OF MOTION RECEIVED UNDER COUNCIL PROCEDURE RULE 7(3)

There were no Notices of Motion.

7. JOINT FOOD AND HEALTH AND SAFETY SERVICE PLAN 2014/15

Council received report **CL 18/14** by the Cabinet Member with responsibility for Community Health which had been produced in the format prescribed by the Food Standards Agency and had to be submitted for Member approval and reviewed to identify the Council's performance against the Service Plan. The Service Plan included information on the Council's performance in meeting targets and was recommended to Council for approval.

RESOLVED

- (a) That Council noted the Food Safety, Health and Safety and Port Health performance against the Service Plan.
- (b) That the Service Plan for 2014/15 be adopted.

8. COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE

Council received report **CL 19/14** by the Cabinet Member with responsibility for Planning and ICT regarding the Community Infrastructure Levy (CIL) which would assist with the delivery of key infrastructure and facilities required to support the level of growth identified within the Core Strategy. Subject to approval by the Examiner, the Council would be asked to consider the Examiner's final report before subsequent adoption and implementation of the CIL Charging Schedule.

Regarding the Council's Leisure Strategy consultation, Councillor Sharman referred to Sport England's disappointment at its designation being desirable but not critical.

In response to a question from Councillor Block regarding whether any changes had been made since the first round of consultation, the Principal Planner (Policy and Development) replied that the responses had all been reviewed, however it was considered that there were no changes required.

Referring to the recommendation giving delegated authority to the Cabinet Member and Head of Planning and Coastal Management, Councillor Williams asked why delegated authority had been proposed as there would be a draft document going to consultation and it would be more appropriate for a summary of the responses to come before Council following consultation to enable any revisions to the figures to be considered as they may be substantially amended.

The Cabinet Member responded that the Council was on a tight schedule to implement CIL. The public had been given an opportunity to put their views forward during the consultation period and the document would be submitted for independent examination by the Inspector.

Referring to page 75 of the papers, Councillor O'Brien stated that imposing CIL would make the Adastral Park scheme unviable. The Cabinet Member clarified that this scheme would require its own infrastructure via a Section 106 agreement as this was an important development for the authority and housing and infrastructure would be considered together.

Regarding the map on page 80 of the papers, Councillor Morris noted that most of Felixstowe and the Trimleys were within the low zone but not the East of Felixstowe which was within the mid zone. Councillor Holdcroft responded that this had been evidence based and the Inspector would be reviewing this evidence.

In response to a question from Councillor Blundell regarding whether CIL or Section 106 agreements would extend to cover the issues surrounding Adastral Park, the Head of Planning and Coastal Management replied that infrastructure would be considered when resolving the Adastral Park application.

Regarding the recommendations, Councillor Morris asked whether the Charging Schedule would be brought back before Council if there were major amendments. The Cabinet Member confirmed that agreement was being sought for minor modifications, however if the Inspector found serious flaws it would be brought back to Council.

RESOLVED

1. That Council approved the publication of the Draft Charging Schedule for a period of six weeks public consultation during October and November 2014.
2. That delegated authority be given to the Cabinet Manager with responsibility for Planning and ICT and the Head of Planning and Coastal Management following the public consultation period to agree any minor modifications suggested by consultation responses and submit the Draft Charging Schedule for Examination.
3. That delegated authority be given to the Cabinet Member with responsibility for Planning and ICT and the Head of Planning and Coastal Management during the Examination into the CIL Draft Charging Schedule to address minor modifications that may arise as part of the Examination.

9. STATEMENT OF COMMUNITY INVOLVEMENT

Council received report **CL 20/14** by the Cabinet Member with responsibility for Planning and ICT who advised that the Council would be consulting with the public and other stakeholders and any comments would be fed back into the planning system

In response to a question from Councillor Blundell regarding three planning sites coming forward and whether it would be possible to involve all three at the same time rather than individually, the Cabinet Member replied that those applications would be looked at in the round as they were interdependent.

Referring to page 187 of the papers, Councillor Morris asked whether the affordable housing requirement would be seriously taken into account. The Cabinet member responded that the Council wanted affordable housing, however if a developer came forward with a good reason not to provide this a decision had to be made whether the Council wanted housing with the affordable element or whether it needed housing built.

RESOLVED

1. That Council adopted the Statement of Community Involvement (Appendix A) in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.
2. That the Statement of Community Involvement (Appendix A) and the Consultation Statement (Appendix B) be published and made available in accordance with the required regulations.

10. APPOINTMENT OF JOINT INDEPENDENT REMUNERATION PANEL

Council received report **CL 21/14** by the Leader of the Council regarding a review of the current Independent Remuneration Panel arrangements. The Council had to review Members' allowances on the advice of the Panel and this process had been in place since 2003 but had not been revised since that date and it was important to have the revised process in place and the panel ready to sit in time for the new Council. Panel members would receive modest remuneration. Council was informed that Waveney District Council (WDC) had already agreed the paper.

The Head of Legal and Democratic Services commented that, although there would be a pool of five persons, only three would be drawn from that pool to carry out their review for Suffolk Coastal District Council (SCDC) and the reviews for SCDC and WDC would be separate.

RESOLVED

1. That the existing arrangements and membership of the Independent Remuneration Panel be revoked.
2. That Council approved the establishment of a joint pool of 5 Independent Remuneration Panel Members for Suffolk Coastal and Waveney District Councils, with 3 persons being able to constitute an Independent Remuneration Panel.
3. That Council approved the recruitment process for a joint pool of 5 Independent Remuneration Panel members across Suffolk Coastal and Waveney.
4. That Council granted delegated authority to the Strategic Director and Head of Legal and Democratic Services to shortlist, interview and appoint the pool of 5 independent persons following consultation with the Leaders of the Council for each authority.
5. That a fee of £200 plus travel expenses be paid to each Independent Remuneration Panel member on completion of a specific review of Members' Allowances.

11. AUDIT RESULTS REPORT

Council received report **CL 22/14** by the Cabinet Member with responsibility for Resources. The Audit Commission's Code of Audit Practice required Ernst and Young LLP to report on the work carried out to discharge their statutory audit responsibilities, together with any governance issues identified. Ernst and Young were expected to issue an unqualified audit opinion and conclude

that the Council had made appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources. The Auditors had attended the Audit and Governance Committee meeting and the Cabinet Member invited the Chairman of the Committee to report their findings.

Councillor Bond, Chairman of the Audit and Governance Committee informed Council that the Audit Commission's Code of Practice required Ernst and Young to report to the Audit and Governance Committee which they had done. The unqualified opinion demonstrated that the Council had prepared its financial statement well and the Value for Money opinion expected to conclude that the Council had made appropriate arrangements in its use of resources. Mr Harris, the responsible Ernst and Young director, had attended the Audit and Governance Committee meeting that week and had reported that Council staff had presented papers of good quality and in a timely manner. The financial year 2013/14 was the first year that Business Rate Retention had been introduced and had represented a challenge. It was against this backdrop that the audit results had been achieved due to the diligence, close supervision and hard work of the Chief Finance Officer and her team.

The Cabinet Member endorsed Councillor Bond's comments.

In response to a question from Councillor Williams regarding the time frames by which actions had to be taken as set out on page 224 of the papers, the Chief Finance Officer confirmed that they had all been completed.

Referring to page 226 of the papers, Councillor Morris enquired how the Council would bridge the cumulative budget gap. The Cabinet Member responded that the Council had a good track record of building efficiency savings across the authority.

RESOLVED

That Council noted the findings within the External Auditors report.

12. ANNUAL GOVERNANCE STATEMENT 2013/14

Council received report **CL 23/14** by the Cabinet Member with responsibility for Resources regarding the requirement by the Accounts and Audit Regulations 2011 for Councils to produce and approve an Annual Governance Statement by 30 September each year. Council was informed that Section 3 had been redesigned to show what mechanisms were in place and paragraph 4.11 in section 4 detailed the areas of control weaknesses highlighted by the Head of Internal Audit.

RESOLVED

That Council approved the Annual Governance Statement.

13. AUDITED STATEMENT OF ACCOUNTS 2013/14

Council received report **CL 24/14** by the Cabinet Member with Responsibility for Resources. The Accounts and Audit Regulations 2011 no longer required the Council to approve the Statement of Accounts before they were submitted, however the Council's Chief Finance Officer was required to sign the accounts by no later than 30 June following the end of the financial year, certifying that they presented a true and fair view of the financial position of the Council at 31 March 2014 and of its income and expenditure for the year ending on that date. There were no reported changes to the accounts and it was anticipated that the Council would receive an unqualified Value for Money opinion and an unqualified audit opinion on the 2013/14 Statement of Accounts.

RESOLVED

1. That Council reviewed the financial outturn for 3013/14.
2. That Council approved the Statement of Accounts.

14. **TREASURY MANAGEMENT OUTTURN REPORT 2013/14 AND MID YEAR REPORT 2014/15**

Council received report **CL 25/14** by the Cabinet Member with responsibility for Resources. The Treasury Management Policy Statement for 2013/14 required an annual report and mid year report to be produced by 30 September 2014 and approved by Council. The report reviewed the performance of the treasury management function including prudential indicators in 2013/14 and incorporated a look into the first half of 2014/15. A comparison of the 2013/14 Summary and the 2014/15 Summary to date was also provided.

RESOLVED

1. That Council approved the Annual Report on the Council's Treasury Management activity for 2013/14 incorporating the Mid Year review for 2014/15.
2. That Council noted the Prudential Indicators in Appendix A.

15. **CABINET MEMBERS' REPORT AND OUTSIDE BODIES REPRESENTATIVES' REPORT TO COUNCIL AND QUESTIONS**

Council received report **CL 26/14** which provided a summary by Cabinet Members of key issues within their portfolios and reports by representatives of outside bodies to Council.

Councillor A Nunn (Cabinet Member for the Green Environment)

In response to a question from Councillor Deacon regarding an update on car parking charges in Felixstowe which were scheduled to be reviewed some time ago, the Cabinet Member replied that this had been discussed and an answer would be provided shortly.

Referring to bullet point 2 on page 261 of the papers regarding waste collection, Councillor Block asked whether it was anticipated that management would be in a position to resolve this by the end of September. The Cabinet Member introduced Mark Emms, Managing Director of Suffolk Coastal Services and Waveney Norse, who advised that the same cycle of collections had been kept across the district but there had been some teething problems. It was projected that there would be £230,000 savings in the current financial year and £70,000 in the next financial year.

In response to a question from Councillor Sharman regarding the play equipment for Martello Park, the Cabinet Member deferred to the Cabinet Member for Customers, Communities and Leisure to respond. The Cabinet Member replied that she was awaiting an update from Planning.

Councillor Morris then referred to increased complaints regarding grass cutting and asked whether this had been due to cutbacks and suggested an option may include hiring more staff.

The Cabinet Member for the Green Environment responded that this had been an issue for many councils and assured Councillor Morris that there had been adequate staffing. Mr Emms commented that conditions had been perfect this year with grass growing out of control. They would be reviewing the grass cutting service to see how this could be delivered more effectively including the option of calling on temporary resources but also introducing more flexibility and effective use of resources.

Responding to a question from Councillor Fellowes regarding what could be put in place to ensure Town and Parish Councils were consulted in relation to potential changes to grass cutting regimes, the Cabinet Member confirmed that in the past any reductions in grass cutting schedules had been communicated but there had been no reductions in the past few years.

Councillor Sennington suggested that the grass be cut shorter. The Cabinet Member agreed to feed back comments.

Referring to the Financial Overview on page 260, Councillor Williams asked whether there was any financial information regarding car park income in relation to Felixstowe. The Cabinet Member agreed to provide this information via email.

Councillor Fryatt commented that he knew many people who had not received the letter informing them of the change to the bin collection day and rotation of the bins.

Councillor Garfield referred to a visit by Felixstowe Town Council to the Great Blakenham plant. This was an excellent operation which deserved praise.

Councillor G Holdcroft (Cabinet Member for Planning)

In response to a question from Councillor Blundell regarding details of the IPA boundary review, the Cabinet Member replied that the Board was not a decision making body but gathered evidence and the action notes should be published on the IBC website. The evidence would form part of the review of Suffolk Coastal's Local Plan in 2015 and the Cabinet Member agreed to speak with the Head of Planning and Coastal Management regarding what data could be put in the public domain.

Councillor Block drew attention to the Deben Estuary Plan and evidence which could be used within the sustainability proposal process which may be useful. The Cabinet Member thanked Councillor Block and agreed to see if there was any evidence which could inform this.

Regarding pre-application charging, Councillor Williams asked whether the charges were still considered to be relevant in the current economic climate and whether it would have any influence on applications coming forward as housing in the district increased. The Cabinet Member responded that developers wanted the certainty that this would give them and householders could still request pre-application advice.

Councillor Williams asked what steps would be taken to ensure applicants receiving pre-application advice would be aware that this advice was not an indication of the application being approved in order not to undermine Development Management Sub-Committees. The Cabinet Member assured Councillor Williams that it would be made clear that this was advice based on officers' expertise however Members had often voted contrary to officers' recommendations.

In response to a question from Councillor Williams regarding mechanisms which could be put in place to ensure that the Spa Pavilion contract would be robust to avoid any complications, the Cabinet Member replied that the best legal advice would be sought in this regard.

Referring to the Port of Felixstowe Local Authority meeting, Councillor Block enquired what was happening with regard to dredging and whether it was being used to refurbish the salt marsh. Councillor Kerry responded that the dredger went to an offshore dumping ground and he understood that they were going to use some at Mistley Port for a project on the River Stour.

In response to a question from Councillor Morris regarding a timescale for the three new passing loops on the Felixstowe branch line, Councillor Kerry replied that they had not given exact timescales. The Head of Planning and Coastal Management advised that there were ongoing discussions between APUK, Suffolk County Council and Network Rail regarding a Section 106 agreement to secure delivery of the loops and agreed to see if he could confirm a timescale.

Referring to Felixstowe CAB, Councillor Block asked whether a table of 'issues dealt with' could be provided, similar to that provided for Leiston, Saxmundham and District CAB. Councillor Sennington agreed to see if this information could be sourced.

16. EXEMPT / CONFIDENTIAL ITEMS

RESOLVED

That under Section 100(a)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

17. FELIXSTOWE SEAFRONT GARDENS RESTORATION PROJECT

Council received exempt report **CL 27/14** by the Cabinet Member with responsibility for Customers, Communities and Leisure which provided information regarding the Felixstowe Seafont Gardens Restoration Project. This item was recorded as a separate and full exempt minute.

RESOLVED

1. That the Council agreed to proceed with option 5.
2. That the Council agreed to the release of the total funding up to £1,879,000 to bridge the project funding shortfall.
3. That, subject to the approval of the additional funding (as set out in report CL 27/14) and HLF confirmation of the project budget, their grant percentage and consequential extension of the Grant Expiry Date, the Council agreed to award the contract for the Felixstowe Seafont Gardens Restoration Project (Works) to J Breheny Contractors Ltd for the sum of £3,030,677 on terms that protected the Council's interests.
4. That the Audit and Governance Committee would review the project at a suitable date.

The meeting concluded at 9.50 pm.