

Minutes of a Meeting of **Shadow Council** held in the **Champion Suite, High Lodge Leisure Limited, Haw Wood, Hinton, near Darsham** on **Monday 28 January 2019** at **6:30pm**

Members present:

S Burroughes (Chairman), T Goldson (Vice-Chairman), S Ardley, P Ashdown, E Back, M Barnard, D Beavan, M Bee, S Bird, C Blundell, N Brooks, P Byatt, A Cackett, G Catchpole, A Cooper, L Coulam, J Craig, M Deacon, G Elliott, J Fisher, A Fryatt, S Gallant, S Geater, M Gower, A Green, T Green, S Harvey, TJ Haworth-Culf, C Hedgley, R Herring, G Holdcroft, C Hudson, M Jones, R Kerry, M Ladd, S Lawson, G Lynch, J Murray, M Newton, L Nicholls, C Poulter, B Provan, C Punt, C Rivett, K Robinson, M Rudd, A Smith, J Smith, L Smith, C Topping, M Vigo di Gallidoro, N Webb, S Webb.

Officers present:

S Baker (Chief Executive), K Cook (Democratic Services & Cabinet Business Manager), N Khan (Strategic Director), K Last (Electoral Services Manager), S Lewis (Business Solutions Manager), P Ridley (Head of Planning and Coastal Management), H Slater (Head of Legal and Democratic Services and Monitoring Officer), S Taylor (Chief Finance Officer & Section 151 Officer), A Welham (Senior Accountant), T Willis (Deputy Electoral Services Manager).

1. Apologies for Absence

Apologies for absence were received from Councillors J Bidwell, M Bond, J Ceresa, P Coleman, P Dunnett, T Gandy, D McCallum, F Mortimer, T Mortimer, S Mower, K Patience, M Pitchers, D Ritchie, D Savage, R Whiting, S Woods, and N Yeo.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes**RESOLVED**

That the Minutes of the Meeting held on 3 December 2018 be confirmed as a correct record and signed by the Chairman.

4. Announcements

The Chairman advised the Shadow Council that he had no formal announcements to make.

The Chairman, however, took the opportunity to acknowledge the very sad recent passing of Councillor John Groom, saying that Councillor Groom was an active Member of the East Suffolk Shadow Authority, and a Member of Waveney District Council. The Chairman stated that Councillor Groom was a hugely dedicated and respected public servant who had served Waveney as a ward councillor for Bungay since his first election in 2000; he was also a town councillor, the Town Reeve and had been Mayor of Bungay on three separate occasions. The Chairman, in

conclusion, advised Members that Councillor Groom's funeral would take place on 31 January 2019 at St Mary's Church in Bungay.

Shadow Council stood silent in Councillor Groom's memory

The Leader took the opportunity to congratulate Mr Taylor, on behalf of the Shadow Authority, on his recent appointment of Chief Finance Officer and Section 151 Officer; he stated that Mr Taylor had worked for both authorities for a number of years and had been a great support to Mrs Javadi, the former Chief Finance Officer and Section 151 Officer; Mr Taylor was, Councillor Bee stated, an obvious candidate and it was an easy appointment to make.

5. Questions from Members

(a) Question from Councillor J Smith to the Cabinet Members with responsibility for Operational Partnerships (WDC) and the Green Environment (SCDC)

Will this Council ensure that any enforcement agents working on our behalf uphold the highest industry standards?

Response from Councillor G Catchpole

Our partners, Suffolk Coastal and Waveney Norse, carry out enforcement on our behalf in relation to parking. This is the most significant element of parking that is carried out on behalf of the Council in terms of the numbers of penalties issued. As part of the new Council works there will be further Quality Assurance testing on the service they provide. At present, parking enforcement staff operate a Training and Procedure Manual which is a working document, updated annually. They manage and monitor the team's performance by using statistical information, appeals and complaints, which is shared with the Council when required. Norse are a member of the British Parking Accreditation on various car parks across both districts. They are also audited annually by the Council's Audit Team and complete any actions in a timely manner and in accordance with national standards.

Councillor J Smith stated that he did not have a supplementary question.

(b) Question from Councillor M Deacon to the Cabinet Members with responsibility for Resources

Do the members responsible for Resources recognise the massive contribution made by the CAB to the citizens of East Suffolk, particularly in our most deprived wards?

Response from Councillor S Lawson

The Council has a close working relationship with all CABs within its area and will build on that in the coming months and indeed years. We currently provide £78,000 to North East Suffolk Citizens Advice, £63,900 to Leiston and Saxmundham Citizens Advice and £57,700 to Felixstowe Citizens Advice. This level of funding is set to continue for the foreseeable future.

Supplementary Question from Councillor M Deacon

Councillor Deacon suggested to the Cabinet Members with responsibility for Resources that they must be aware of the drastic cuts to the CAB service currently being planned by Suffolk County Council, and its intention to cease funding in 2020. Councillor Deacon stated that many residents were suffering hardships, mainly due to years of austerity and the roll-out of Universal Credit; Councillor Deacon stated that they needed local professional help and, sometimes, just a sympathetic ear to listen. Given that not all residents had access to the internet, Councillor Deacon asked what the Council planned to do to ensure that residents would have access to this vital service.

Response from Councillor S Lawson

Councillor Lawson responded, stating that the budget was in place to provide the help to those that needed it; Councillor Lawson referred to revenue funding that might be available and said that, where appropriate, this would be considered too. In conclusion, Councillor Lawson stated that the Council would be working closely with CABs and full support would be provided. Councillor Haworth-Culf described the service as vital and stated that her wish was for the Council to work closely with the CABs to ensure that residents were supported.

(c) Question from Councillor J Murray to the Cabinet Members with responsibility for Community Health & Safety (WDC) and the Green Environment (SCDC)

Suffolk County Council owns, operates, leases or controls a number of facilities within the new Council's area which make use of bio-mass fuels. How many of those sit within this Council's boundaries?

Response from Councillor M Rudd

There are sixteen premises within Suffolk County Council's estate which have bio-mass boilers installed and which are located within the new East Suffolk Council's area: Cookley and Walpole Primary School; Hollesley Primary School; Knodishall Primary School; Rendlesham Primary School; Red Oak Primary School, Lowestoft; Eyke Primary School; Brampton Primary School, Beccles; Orbis Energy, Lowestoft; Barnby and North Cove Primary School, Beccles; Easton Primary School, Woodbridge; Edgar Sewter Primary School, Halesworth; Lowestoft Harbour Pupil Referral Unit; Pakefield School, Lowestoft; Benjamin Britten High School, Lowestoft; Riverside Children's Centre, Lowestoft; The Walpole Training Centre.

Supplementary Question from Councillor J Murray

Councillor Murray stated that it had been recommended that, where there was an introduction of significant bio-mass into the local infrastructure impact case studies should be undertaken to determine the potential air quality impact. Councillor Murray stated that it was the District Councils' responsibility to monitor air quality and she asked Councillor Rudd if she could report on the findings since the introduction of bio-mass fuel within East Suffolk.

Response by Councillor M Rudd

Councillor Rudd stated that bio-mass fuels had gone out of favour since Suffolk County Council installed bio-mass boilers in a number of their schools, because of their impact on air quality, particularly from particles. However, Councillor Rudd stated, Suffolk County Council boilers were generally small and were unlikely to omit air pollutants in excess of their air quality standards.

(d) Question from Councillor A Green to the Cabinet Members with responsibility for Resources

I quote from the latest Member Development Working Group Report that it has been proposed that all Councillors will receive “at least” £7500 as part of their Enabling Communities Budgets. Why has it been decided not to fix this figure?

Response from Councillor S Lawson

The Enabling Communities budget to be proposed for approval at the Shadow Council meeting on 28 February is that all 55 members have an individual enabling budget of £7,500 each. The reference in the Member Development Working Group report to “at least £7,500” was because officers had been asked to financially model a range of different enabling budgets, with £7,500 being the lowest individual budget modelled based on reducing members and a wider ward area to cover. The Member Programme Board supported the £7,500 individual enabling budget for recommendation to Shadow Council.

Councillor Green stated that he did not have a supplementary question.

(e) Question from Councillor P Byatt to the Leader and the Deputy Leader

What procedures do you follow in your current respective roles as Leaders of Waveney and Suffolk Coastal District Councils to ensure that Motions agreed at your Full Council meetings are acted upon?

Response from Councillor M Bee

Under the East Suffolk Shadow Council Procedure Rule 8(3), a question may be asked on any matter in relation to which the Shadow Council has powers or duties. The powers and duties of the Shadow Council are set out in paragraph 8.19 of The East Suffolk (Local Government Changes) Order 2018. The Shadow Council’s powers and duties do not include a responsibility for the motions agreed at either Waveney District Council or at Suffolk Coastal District Council. Moreover, the motions agreed at either the Full Council meetings of Waveney District Council, or the Full Council meetings of Suffolk Coastal District Council, are corporate decisions, made collectively by a simple majority of all of the Council members who are present and voting. Those decisions are implemented by the Council, acting corporately through its members and officers.

Supplementary Question from Councillor Byatt

Councillor Byatt stated that he had spent some time reviewing the last four years of Waveney District Council records; during that period the Labour Group had submitted 126 questions to Full Council meetings and there had been 10 motions during that time. Councillor Byatt asked

if, for the new East Suffolk Council, questions and motions could be followed up in full and reported back to councillors.

Response by Councillor M Bee

Councillor Bee responded stating that the new East Suffolk Council would endeavour to do this.

Councillor Byatt stated that he did not have a supplementary question.

6. Notices of Motion

A Notice of Motion had been received from Councillor P Byatt and Councillor M Deacon, on behalf of the Shadow Labour Group:

“This Council congratulates Waveney District Council and Access Community Trust for their success in setting up the Thin Ice Project in Lowestoft, to support homeless people during the current winter months. This Council will review the Project, and ensure that there is adequate funding for this Project to be put in place for the winter of 2019/20 to deal with anticipated need, and will extend the provision, where need is identified, across the whole of East Suffolk.”

Councillor Byatt advised Members that he had been approached by Councillor Bee and Councillor Herring, who had wished to share a draft amendment with him; having reviewed this he stated that he found it acceptable; he added that it was perhaps wishful thinking to expect the new East Suffolk Council to commit to something that it may not be able to do. Councillor Byatt stated that he, together with Councillor Deacon, did not want the project to disappear; he said that there were many homeless people in East Suffolk and it was important that they were supported. As such, Councillor Byatt stated that he was able to support the Amendment, which was then read to all Members by the Chief Executive - “This Council congratulates Waveney District Council and Access Community Trust for their success in setting up the Thin Ice Project in Lowestoft, to support homeless people during the current winter months. This Council will review and fully evaluate the Project. Depending upon the findings of this review, this Council will consider extending the provision across the whole of East Suffolk, where need is identified, along with the provision of adequate funding for this project for the winter of 2019/20.”

Councillor Byatt proposed the Amended Motion and stated that he did not want the Thin Ice Project to disappear.

The Amended Motion was seconded by Councillor Deacon, who reserved his right to speak.

The Chairman invited Shadow Council to debate the Substantive Motion.

Councillor Herring stated that he very much welcomed these types of initiatives; commenting on the Thin Ice project, he added that it appeared to be good value for money and it was important that a review took place so that it could be evaluated prior to the new Council making a decision. Councillor Herring concluded by stating that the new East Suffolk Council would be well placed to deliver services across the piece.

Councillor Gallant stated that, very often, the delivery of services like this were very much locally based so they could react to the need. Councillor Gallant thought that it would be foolhardy of the new Council to sign up to potentially delivering through one single provider

across East Suffolk; he suggested that part of the review would need to be not necessarily wanting to have one provider that would take on the contract for the whole of East Suffolk.

Councillor Bee stated that he very much supported the motion; it was, he said, important to have the evaluation, and he understood that after the first year of the project being in place, a review had been undertaken and, as a result of this, the service had been extended to include support for people during the day.

Councillor Deacon, having reserved his right to speak, stated that he did not have anything to add to the debate; however he, together with Councillor Byatt, thanked Members for their support.

The Chairman moved to the vote on the Amended Motion and it was by unanimous vote

RESOLVED

“This Council congratulates Waveney District Council and Access Community Trust for their success in setting up the Thin Ice Project in Lowestoft, to support homeless people during the current winter months. This Council will review and fully evaluate the Project. Depending upon the findings of this review, this Council will consider extending the provision across the whole of East Suffolk, where need is identified, along with the provision of adequate funding for this Project for the winter of 2019/20.”

7. Treasury Management Strategy Statement for 2019/20 and Treasury Management Investment Strategy for 2019/20

Shadow Council received report **REP24 (SH)** by the Cabinet Members with responsibility for Resources, which was introduced by Councillor Lawson. The report set out the Council’s Treasury Management Strategy for 2019/20 and the Treasury Management Investment Strategy for 2019/20 and covered the current treasury position, treasury indicators which limited the treasury risk and activities of the Council, prospects for interest rates, the borrowing strategy, and the investment strategy. The Treasury Management Strategy Statement at Appendix A provided Members with details of the economic background that the Council had been operating within, credit outlook and interest rate forecast. New for 2019/20 were the Treasury Management Indicators, which would help the Council measure and manage its exposure to treasury management risks. The indicators covered security, liquidity, interest rate exposure, maturity structure of borrowing, principal sums invested for periods longer than one year, operational boundary for external debt, and authorised limit for external debt. Annex A of Appendix A provided Members with Arlingclose’s economic and interest rate forecast as at October 2018. On 12 November 2018, the Council held £87.654m of borrowing and £127.28m of investments. Annex B of Appendix A provided a further breakdown. The Investment Strategy at Appendix B provided Members with detail on treasury management investments and commercial investments. It also provided detail on capacity and skills and culture that operated within the Council. It also detailed the investment indicator that operated as total risk exposure, how investment was funded, and rate of return received.

Councillor Beavan, referring to the table on page 29 of the report, asked if the Council had lost £1m; Members were advised that the table highlighted the purchase cost of three commercial shops; since these had been purchased the value had dropped; however they were still in the possession of the Council. The Chief Finance Officer explained that this had no impact on the bottom line of the Council due to the way that its capital was dealt with.

In response to a question from Councillor Elliott regarding investments, it was explained that the Council did not have any investments in the fossil fuel industry.

RESOLVED

That the Treasury Management Strategy Statement and the Treasury Management Investment Strategy for 2019/20 be approved.

8. Capital Programme for 2019/20 to 2022/23

Shadow Council received report **REP25 (SH)** by the Cabinet Members with responsibility for Resources, which was presented by Councillor Lawson. As part of the annual budget setting process, the Council was required to agree a programme of capital expenditure for the coming four years. The report set out the East Suffolk Council's General Fund Capital Programme at Appendix A and the Housing Revenue Account Capital Programme at Appendix B for the financial years 2019/20 to 2022/23.

The Capital Programme had been compiled taking into account the following main principles, to maintain an affordable four-year rolling capital programme, to ensure capital resources were aligned with the Council's Business Plan, to maximise available resources by actively seeking external and disposal of surplus assets, and not to anticipate receipts from disposals until they were realised. The General Fund Capital Programme included £90.34m of external contributions and grants towards financing the Council's £153.17m of capital investment for the Medium Term Financial Strategy period. This represented 59% of the whole General Fund Capital Programme.

Key investments for the General Fund were the Leisure Developments, such as Leiston Leisure Centre, Felixstowe Regeneration, Bungay Leisure Centre, and Lowestoft Beach Hut Replacements, along with Flood Alleviation, especially the Lowestoft Tidal Barrier Project, and commercial investment. Further details were set out in section four of the report. The Housing Revenue Account Capital Programme totalled £56.1m for the Medium Term Financial Strategy period and did not require any additional external borrowing to finance it. The Housing Revenue Account Capital Programme would benefit from £13.36m of external grants and contributions, which was 24% of the programme.

Key investments for the Housing Revenue Account were the housing redevelopment programme and the housing new build programme. Further details were set out in section four of the report. Section six of the report detailed the revenue implications arising from the Capital Programme, showing the capital charges for each year of the Medium Term Financial Strategy period, split between the General Fund and the Housing Revenue Account. Approval of the capital programme for 2019/20 to 2022/23 was required as part of the overall setting of the budget and Medium Term Financial Strategy.

Councillor Byatt stated that, very recently, there had been quite severe cliff fall at Pakefield; he acknowledged that the Environment Agency had responsibility for this, but he added that it was encroaching onto the land at the Pakefield Caravan Park and he felt that the Council should pay strict attention to what happened to the coast there, including possible reinforcing work.

Councillor Byatt then referred to the planned pods for South Lowestoft and said that he believed that they were now not going to proceed so that would change the dynamic of the costing of the replacement of the beach huts. Councillor Byatt asked what the downward estimation would be and whether that money could go elsewhere. Councillor Lawson stated that he was very familiar with the Pakefield area and it was his intention to discuss this issue with officers. In respect of the pods, Councillor Lawson stated that any money in the capital budget that could be utilised elsewhere would be; again, he would be discussing this with officers.

Councillor Topping stated that she was glad to see expenditure for the review and upgrade of public toilets in Lowestoft; Councillor Topping asked if there were similar plans for the rest of the Waveney area. Councillor Lawson responded, referring to all public conveniences across East Suffolk, and said that capital had been put aside and he would discuss this with officers.

Councillor Elliott stated that the Council was currently spending half a million on Waveney Norse vehicles, year on year, and was still taking on significant risk; Councillor Elliott asked if there was scope for saving money by bringing the Norse activities, when the contract ended, back under the control of the Council, and he asked when the contract would end. The Chief Finance Officer responded, stating that this would be a decision for the new Council to take; he could not answer the question prior to a review being undertaken and he added that the contract was scheduled to end in 2023.

RESOLVED

That the capital programme for 2019/20 to 2022/23 be approved.

9. Housing Revenue Account Budget

Shadow Council received report **REP26 (SH)** by the Cabinet Members with responsibility for Housing and Resources, which was introduced by Councillor Provan. The report brought together the Housing Revenue Account Budget for the period 2019/20 to 2022/23, together with a summary of its reserves and balances. The Housing Revenue Account budget was fully funded from existing funds to meet the Council's Housing Revenue Account spending plans, including the Capital Investment Programme and reserve balances as per the Housing Revenue Account Financial Business Plan. The Housing Revenue Account budget had previously been updated with the mandatory 1% rent reduction between 2016/17 and 2019/20. For the following five years from 2020/21, Local Authorities would be able to increase rents by Consumer Price Index +1%; the Consumer Price Index was reported as currently 2.2%. The Council was taking a prudent approach to dwelling rent budgets, assuming a 3% increase from 2020/21 to 2022/23, reducing to a 2% increase thereafter. The Council continued to collect rent and service charges on a fifty week basis. The proposed rent decrease of 1% gave an average weekly rent of £83.05 for 2019/20. The proposed average weekly General Service Charge for Grouped Homes in 2019/20 was £13.87. The Housing Revenue Account Repairs & Maintenance Programme was split between capital and revenue; the capital element was to be funded by the Major Repairs Reserve and the revenue element was to be funded from the income derived from rents. The 2019/20 Housing Repairs & Maintenance revenue budget had been set at £4.16m. This was considered sufficient to allow the Council to carry out all necessary works to maintain the decent homes standard in all its properties. The report also highlighted the major changes from the introduction of the Welfare Reforms Act 2012. The largest change during 2018/19 was the

removal of the Housing Revenue Account borrowing cap. This was previously set at £87.26m, and the current debt level was £76m. There was currently no requirement to make use of the additional borrowing. The budget proposals gave a forecast Housing Revenue account working balance for 2019/20 of £3.576m, maintaining it well above the minimum acceptable limit of 10% of total income, which was £2.056m.

Councillor Elliott referred to Councillor Provan's reference to making use of additional borrowing; he sought clarification that there was no requirement, or no intention. Councillor Provan confirmed that there was no requirement to make use of the additional borrowing.

In response to a further question from Councillor Elliott, who stated that he had a number of long term empty properties within his ward, it was confirmed that there was budget available in the Capital Programme for the purchase of long term empty properties.

Councillor Byatt referred to Universal Credit, and the fact that this had given cause for concern with landlords nationally. Councillor Byatt acknowledged the support given by the District Council but stated that it must put pressure on to ensure that there were other provisions to back people up. Councillor Provan agreed with this.

Councillor Topping referred to page 50 of the report, and in particular paragraph 3.10; Councillor Topping noted that rent arrears as at 31 March 2018 were at £921k, compared to a £511k as at 31 March 2016. This was an increase of £410k in two years. Councillor Topping stated that this caused her concern and she felt it had a strong correlation with Universal Credit, and she asked how closely the situation was being monitored. Councillor Cackett commented that this had recently been discussed at a Waveney District Council Scrutiny Committee meeting and it was possible that this matter would be considered by the new East Suffolk Scrutiny Committee.

Councillor Elliott, at this point, stated that he wished to raise a point of order, he stated that he felt Members had been pressured during questions to move quickly into debate. Councillor Elliott's view was that if members were given sufficient time to ask questions this could sometimes eliminate the need for debate.

RESOLVED

1. That the following be approved:
 - (a) The Housing Revenue Account Budget for 2019/20, and the indicative figures for 2020/21 to 2022/23;
 - (b) Movements in Reserves and Balances;
 - (c) Weekly housing rent decrease of 1% for 2019/20, giving an average weekly rent of £83.05 over a 50 week collection period; and
 - (d) Service Charges and associated fees for 2019/20.
2. That changes affecting public and private sector housing and welfare be noted.

10. Review of Polling Districts, Polling Places and Polling Stations

Shadow Council received report **REP27 (SH)** by the Leader and the Deputy Leader of the Shadow Authority. The report stated that all local authorities must conduct a compulsory review of Parliamentary polling districts and polling places. This current review must have been started and completed between 1 October 2018 and 1 January 2020. This review had to be carried out to accommodate the consequential changes to parish wards resulting from the Local Government Boundary Commission's warding pattern. The consultation process was now complete.

Councillor Topping stated that she understood there was a move away from using schools as polling stations, and she asked how many the Council would be using. Members were advised that this was correct; the policy, in general, was not to use schools; however this was not always possible and the intention was to use one school.

Councillor A Smith commented on the quality of the maps within the report, which he felt were difficult to interpret. Councillor Gallant suggested that a map for each district area would be helpful and it was agreed that improved maps would be provided, thereby giving clarity.

Councillor Byatt congratulated the Elections Team on the mammoth task that it had undertaken.

RESOLVED

That the Polling Districts, Polling Places and Polling Stations review for 2018/19 as per Appendices A, B and C be adopted.

11. Calendar of Meetings from May 2019 to May 2020

The Council received the draft Calendar of Meetings from May 2019 to May 2020 **REP28 (SH)**.

Councillor Cackett commented that, as the calendar was drafted, the Scrutiny Committee would be meeting on six occasions; Councillor Cackett expressed concern that six meetings would not be sufficient and asked if the Scrutiny Committee could change this. It was clarified that additional meetings could be added if and when required.

Concern was expressed by some Members that there was not the opportunity for the Planning Committee to meet during the month of May and that Planning decisions would be delayed. In responding, the Head of Legal and Democratic Services provided clarification stating that for the period 1 April 2019 to 6 May 2019, when newly elected councillors would take office, provisions had been put in place whereby meetings of a Shadow Planning Committee and Shadow Licensing Committee could take place. From 6 May 2019, until the new Planning Committee was in place, and members had been trained, there were provisions in place to deal with urgency and the Head of Planning and Coastal Management had delegated authority to make decisions in urgent circumstances and those could then be reported, if necessary, to the first ordinary meeting of the Planning Committee.

Councillor A Smith stated that he wished to place on record that many would be concerned regarding the proposal for the new Planning Committee to commence meetings at 2.00 pm; Councillor Smith stated that he would encourage the new Committee to consider this after a few

months. Councillor Byatt agreed, adding that he was concerned that a 2.00 pm start could be difficult for members of the public. Councillor Byatt concluded by stating that a review after one year would be essential.

Councillor Craig expressed concern that there were only eight Full Council meetings proposed and that there would not be an opportunity for Questions and Motions until the July meeting. Councillor Bee responded, stating that the pattern was similar to that currently in place for Waveney District Council; he added that there were opportunities for Extraordinary Meetings if required; in conclusion Councillor Bee did not think this was a matter for concern. Councillor Herring concurred with Councillor Bee, adding that it was better to have a programme of meetings, and add to it if necessary, rather than to cancel meetings.

RESOLVED

- (a) That the Head of Legal and Democratic Services, in consultation with the Leader of the Council, be given delegated authority to make any necessary changes to the Calendar of Meetings throughout the year; and
- (b) That the draft schedule of the dates of meetings of East Suffolk Council, its Cabinet and Committees be approved.

12. East Suffolk Constitution

The Council received report **REP29 (SH)** by the Leader and the Deputy Leader of the Shadow Authority which set out that Part 2 Section 37 of the Local Government Act 2000 stated that all Local Authorities must prepare and keep up to date a constitution. For the creation of East Suffolk Council on 1 April 2019 under the East Suffolk (Local Government Changes) Order 2018, a constitution would need to be adopted in order for the new Council to function and operate appropriately and within law.

Councillor Bee, in introducing the report, advised Members that the draft Constitution was the product of many hours of work, both by members and officers; Councillor Bee gave thanks to the Head of Legal and Democratic Services, the Business Solutions Manager and others who had worked diligently over recent months to produce the draft Constitution.

Councillor Bee drew Members' attention to a document which was tabled and contained suggested changes to the draft Constitution as follows - "Planning Committee – Terms of Reference" on page 21 of Appendix A; and changes to Committee Procedure Rules 1.8 – 1.10 on page 147 of Appendix A, in respect of Appointment of Substitute Members of Committees. Members were advised that the Monitoring Officer had been consulted in respect of the proposed changes and had given her support for these.

Councillor Bee stated that the above two suggested changes now formed a substantive part of the proposal.

Councillor Herring added his thanks to officers, and referred to the tremendous job that Olwen Dutton, a consultant, had done; she had brought a new approach, making the Constitution more accessible and readable; this, Councillor Herring added, was welcomed. Councillor Herring stated that, no doubt, as the Constitution was used over the coming months, there would be minor changes that would need to be made.

Councillor Gallant referred Members to the document which had been tabled, and firstly referred to the Committee Procedure Rules and paragraph 1.8, which stated “A member of a committee or sub-committee who is unable to attend a meeting may arrange for a substitute Member to take their place at the meeting. Members must have undertaken the appropriate training relevant to the Committee on which they are substituting.” Councillor Gallant asked if “..... the appropriate training” should be replaced with “..... any appropriate training”

Councillor Gallant further referred Members to the Planning Committee Terms of Reference, paragraph 3.7, which stated “Each area Planning Committee has responsibility for the delegated functions set out in these Terms of Reference within its designated area, provided that the Strategic Planning Committee can decide that either area Planning Committee can determine an application or matter which is outside of its designated area, because of the location or impact of that application or matter.” Councillor Gallant suggested that this may be difficult to operate as the Strategic Planning Committee was scheduled to meet four times per year. Councillor Gallant asked what opportunity the Committee would have to take those decisions and he further asked if there was a delegation in place so that matters could be dealt with swiftly. Councillor Herring responded, stating that Planning colleagues were supportive of this proposal; however it could be reviewed and refined as appropriate to ensure that timely decisions could be taken; there needed to be, Councillor Herring stated, flexibility in the Planning system to accommodate this. Councillor Fryatt agreed regarding the need for flexibility.

Councillor A Smith stated that he agreed with the comments made by Councillor Gallant in respect of the Planning Committee; he felt that there needed to be a process where the Leader, in conjunction with the Chairmen of the Planning Committees, and the relevant officer/s could make an adjustment; the Council needed to be able to react on less than a four month basis. Councillor Herring responded, stating that this would have to be managed, perhaps by delegation, to include the relevant Cabinet Member.

Councillor Elliott referred to the two Local Plans, and the north and south boundaries; he suggested that it may be better to align the two committees based on the two Local Plans. Councillor Fryatt acknowledged this suggestion, but felt that if officers could work with two Local Plans, as they did, then the Planning Committees could too.

Councillor Deacon, turning to the new Council’s Scrutiny Committee, stated that the Cabinet style of governance had been adopted for the new Council; Councillor Deacon believed that it was very important that the Council had a proper Scrutiny Committee, which was impartial and transparent. To that end, he asked for a reassurance that it would be politically balanced and he also felt it would be right and proper if the Chairman or Vice-Chairman was a member of the Opposition Group. Councillor Bee gave an assurance that the Scrutiny Committee would be politically balanced; he added that the chairmanship would be a matter for the new Council to decide. Councillor Herring referenced the Local Government Act 2000 and stated that it set out that the Scrutiny Committee should be free from any political whip and that it should be politically balanced.

Councillor Beavan referred to page 63 of the Constitution, and paragraph 11.4 regarding Motions; Councillor Beavan suggested that this was a much better way of working, instead of what was currently happening, ie negotiating during a meeting. Councillor Bee responded, stating that he thought Councillor Beavan was referring to a recent meeting of Waveney District

Council; Councillor Bee stated that Councillor Beavan had received a response from the Chairman of Waveney District Council concerning this matter. Councillor Bee acknowledged that there could be ways in which, rather than spending a whole evening discussing something, when actually there was a straightforward and clear point of proposal that could be taken, ie a letter could be written or it could the matter in question could be considered by the Scrutiny Committee; that could, Councillor Bee stated, be a better use of Members' time.

Councillor Byatt referred again to the Scrutiny Committee, he asked why the Constitution referred to political proportionality for other committees, but not the Scrutiny Committee. Councillor Byatt added that there were two places where councillors could be held to account, they were Full Council and Scrutiny Committee; he stated that it was important that scrutiny worked well.

Councillor Byatt referred to citizens' rights, he stated that the Waveney District Council Constitution stated that citizens may request that any Cabinet decision be called in to the Overview and Scrutiny Committee, the new draft East Suffolk Constitution did not include this. Councillor Byatt asked what had happened to the citizens' rights. Secondly, Councillor Byatt stated, citizens may be called to give evidence at Overview and Scrutiny Committee meetings; if the Council did not give its citizens the right to challenge the Council through scrutiny, it had taken something away from their rights.

Councillor Bee stated that the success of good scrutiny was that anyone could attend a meeting, listen to the questions and debate, and not know which political party the members came from. The members were, Councillor Bee stated, simply considering the issues and relevant information and Councillor Bee described how scrutiny had a valuable role in supporting and challenging Cabinet, and also looking at issues of local concern.

Councillor Bee, at this point, quoted, as follows, from the draft East Suffolk Constitution "The Scrutiny Committee supports and challenges the work of the Cabinet and the Council as a whole. They also hold inquiries into matters of local concern in which citizens often take part. These sometimes lead to reports and recommendations which advise the Cabinet, the Council as a whole, and, in some cases, outside agencies, on policies, budgets, and service delivery." As such, Councillor Bee stated, citizens could be involved, either to be questioned or to be part of the whole scrutiny process. In conclusion, Councillor Bee stated that it was the intention that all members of the community could be involved in scrutiny.

The Chairman, at this point, reminded Shadow Council about the opportunity for citizens to raise petitions and how they would be considered by the Council.

Councillor Byatt, again, raised the issue of the need for transparency and he stated that the people who would vote for the East Suffolk Councillors needed to be confident that those councillors would act in their best interests.

Councillor Blundell referred to the suggestion that members elected to the new Council would be supplied with laptops and that they would be expected to work electronically. Councillor Blundell referred to large documents, which he said could be difficult to read online, and asked for an assurance that, when requested, paper copies would be provided. In response, Councillor Bee confirmed that a pragmatic approach would be taken; he referred to both councils having an

ambition to be as paperless as possible; however, in respect of large documents, these could be considered on a case by case basis.

RESOLVED

That the East Suffolk Constitution as attached at Appendix A be adopted, subject to the following amendments:

Appointment of Substitute Members of Committees

- 1.8 A member of a committee or sub-committee who is unable to attend a meeting may arrange for a substitute Member to take their place at the meeting. Members must have undertaken any appropriate training relevant to the Committee on which they are substituting.
- 1.9 Substitute Members will have all the powers and duties of any ordinary Member of the Committee or sub-committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 1.10 Substitute Members may attend meetings in the following capacities only:
 - (a) to take the place of the ordinary Members for whom they are the designated substitute, by giving notice of the substitution via their political group arrangements prior to commencement of the meeting, either in writing or verbally, to an Officer in the Council's Democratic Services Team;
 - (b) Where the ordinary Member will be absent for the whole of the meeting.

3. PLANNING COMMITTEE - Terms of Reference

Introduction

Planning Committee North and Planning Committee South (Area Planning Committees)

- 3.1 Each area Planning Committee shall consist of nine Members
- 3.2 The quorum for each area Planning Committee will be five.
- 3.3 The area Planning Committees shall be known as the Planning Committee North and the Planning Committee South.
- 3.4 There is also a Strategic Planning Committee which covers the whole of the District.

General delegations

- 3.5 There will be a pool of at least 25 Members nominated by the political groups, according to the political balance of the Council, to be available to serve on the area Planning Committees, from which 9 Members will be drawn, also according to the political balance of the Council, to serve on each of the area Planning Committees.

- 3.6 The Terms of Reference for the area Planning Committees shall be subject to any restrictions set out in this Constitution including matters reserved for Council or for Officers of the Council.
- 3.7 Each area Planning Committee has responsibility for the delegated functions set out in these Terms of Reference within its designated area, provided that the Strategic Planning Committee can decide that either area Planning Committee can determine an application or matter which is outside of its designated area, because of the location or impact of that application or matter.
- 3.8 Details of the parishes which fall into each area Planning Committee can be found on the Council's website.
- 3.9 Each area Planning Committee shall meet at least monthly; Planning Committee North shall meet meeting on the second Tuesday of each the month and Planning Committee South shall meet meeting on the fourth Tuesday of each the month, with extra or fewer meetings being called as necessary.

Before closing the meeting, the Chairman wished everybody a safe journey home.

The Meeting concluded at 8.28 pm