

# Confirmed

Minutes of a Meeting of **Shadow Council** held in the **Champion Suite, High Lodge Leisure Limited, Haw Wood, Hinton, near Darsham** on **Monday 3 December 2018** at **6:30pm**

## **Members present:**

P Ashdown, E Back, M Barnard, M Bee, J Bidwell, S Bird, C Blundell, N Brooks, S Burroughes, P Byatt, A Cackett, G Catchpole, J Ceresa, M Cherry, Y Cherry, A Cooper, L Coulam, J Craig, M Deacon, J Fisher, S Gallant, T Gandy, T Goldson, A Green, T-J Haworth-Culf, C Hedgley, R Herring, G Holdcroft, M Jones, J Kelso, R Kerry, M Ladd, S Lawson, P Light, G Lynch, F Mortimer, T Mortimer, S Mower, P Mulcahy, J Murray, M Newton, L Nicholls, K Patience, M Pitchers, B Provan, C Punt, D Ritchie, C Rivett, K Robinson, M Rudd, A Smith, L Smith, S Woods.

## **Officers present:**

A Jarvis (Strategic Director), N Khan (Strategic Director), S Lewis (Business Solutions Manager), M Makin (Democratic Services Business Manager), S Taylor (Interim Chief Finance Officer and Section 151 Officer).

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Mr Khan, the Strategic Director, opened the Meeting.

### **1. Election of the Chairman of the East Suffolk Shadow Authority**

On the proposition of Councillor Bee, seconded by Councillor Herring, it was

#### **RESOLVED:**

That Councillor Stephen Burroughes be elected as the Chairman of the East Suffolk Shadow Authority.

### **2. Election of the Vice-Chairman of the East Suffolk Shadow Authority**

On the proposition of Councillor Herring, seconded by Councillor Bee, it was

#### **RESOLVED:**

That Councillor Tony Goldson be elected as Vice-Chairman of the East Suffolk Shadow Authority.

### **3. Election of the Leader of the East Suffolk Shadow Authority**

On the proposition of Councillor Herring, seconded by Councillor Rivett it was

#### **RESOLVED:**

That Councillor Mark Bee be elected as Leader of the East Suffolk Shadow Authority.

Councillor Bee thanked the outgoing Leader, Councillor Herring, for his work over the last three months.

Councillor Bee gave a summary of the work completed by Officers and Member Working Groups that was essential for the creation of East Suffolk Council since the last meeting of Shadow Council, along with the upcoming decisions that Shadow Council would be making at future meetings.

#### **4. Election of the Deputy Leader of the East Suffolk Shadow Authority**

On the proposition of Councillor Bee, seconded by Councillor Holdcroft, it was

##### **RESOLVED:**

That Councillor Ray Herring be elected as Deputy Leader of the East Suffolk Shadow Authority.

Councillor Herring thanked Members for electing him as Deputy Leader of the Shadow Authority.

#### **5. Apologies for Absence**

Apologies for absence were received from Councillors C Block, P Coleman, P Dunnett, G Elliott, J Ford, A Fryatt, S Geater, L Gooch, M Gower, S Harvey, C Hudson, D McCallum, C Poulter, D Savage, J Smith, C Topping, R Whiting, and N Yeo.

Councillor Mulcahy arrived at 6.36pm and Councillor Gandy arrived at 6.41pm.

#### **6. Declarations of Interest**

There were no declarations of interest.

#### **7. Minutes**

##### **RESOLVED:**

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

#### **8. Announcements**

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

The Chairman took the opportunity to note how impressed he had been by the various commemorations of the hundredth anniversary of the end of the First World War across communities in East Suffolk. He asked for it to be recorded that Shadow Council sent its thanks to those communities for their hard work in bringing the commemorations about.

#### **9. Questions from Members**

- (a) Question from Councillor M Deacon to the Leader of the Shadow Authority

Will this Council agree to the good practice of ensuring that the National Living Wage is the minimum amount to be paid to any employee of this Council?

Response from Councillor M Bee

The 2018/19 Pay Policy Statement confirms that staff on Salary Band 1b are our lowest paid employees. This is because no permanent and directly employed employee of the Council is paid at a Spinal Column Point (SCP) that is lower than SCP 11, other than Apprentices who are currently paid at the national Apprentice hourly rate.

The Pay Policy commits to the Councils retaining SCP 11 as the lowest pay rate for all permanent and directly employed staff until such a time that this is superseded by the National Living Wage (NLW). SCP 11 is £8.82 per hour and the NLW is £7.83 per hour for those aged 25 and over, set to rise to £8.21 per hour in April 2019. It is proposed that the good practice of ensuring that the National Living Wage is the minimum amount paid is reconfirmed in the 2019/20 annual Pay Policy statement.

Supplementary Question from Councillor M Deacon

Given this philosophy, can reassurances be given that the same criteria will be applied to any contractors undertaking work for the Council?

Response from Councillor M Bee

It has always been the practice of Suffolk Coastal and Waveney District Councils to encourage partners and contractors to follow the high standards that we set. It is the intention to do so in the future as East Suffolk Council.

(b) Question from Councillor P Byatt to the Leader of the Shadow Authority

With the establishment of the East Suffolk Council will there be an automatic merging of all investments into a single Pension Fund?

Response from Councillor M Bee

Yes.

Supplementary Question from Councillor P Byatt

Will this authority ensure that future pension investments are made into ethical funds and as they are reviewed, undertake moves of existing investments to ethical funds, keeping in mind the overriding rule to provide sustainable profit for future viability?

Response from Councillor M Bee

Suffolk County Council, as the Suffolk Pension Fund administrators, records both councils as separate employers and therefore monitors assets separately, which dictates the rate of employer contribution. The Suffolk Pension Fund does monitor the morality and the ethics of the investments that it undertakes and the suitability of investments such as in tobacco have been

debated in the past. It is a difficult balance to obtain as the Pension Fund needs to provide sustainable profit for future viability, as well as maintain good ethics.

## **10. Notices of Motion**

A Notice of Motion had been received from Councillor P Byatt:

‘This Shadow Council and its elected Councillors fully support and endorse the Equality and Diversity Policy. This Shadow Council recognises that this policy is one of the fundamental principles that contributes to the bedrock of the community.

Within the Council Chamber itself and the words and conduct of the Elected Members, this policy will be promoted by deeds and actions. This Council will take pleasure in leading by example, and thus will ensure that this policy is adhered to within the Council and, where applicable, the wider community it serves.

There are nine protected characteristic groups as listed in the policy. This Shadow Council will ensure that persons appointed to the posts of Chairperson, Vice-Chairperson, Leader and Deputy Leader of the Council will reflect and respect where possible these protected characteristics, and specifically, these posts will not all be occupied by persons of the same gender.’

Councillor Byatt proposed the Motion and considered that it was important that it was reflected in the Equality and Diversity Policy.

The motion was seconded by Councillor A Green, who reserved his right to speak.

The Chairman invited Shadow Council to debate the Motion.

The Deputy Leader of the Shadow Authority thanked Councillor Byatt for putting the motion forward. He noted that both Suffolk Coastal Council and Waveney District Council had individually agreed the joint Equality and Diversity Policy earlier in the year, and that it was part of a report to be considered later on the agenda, for all existing joint policies to be adopted for East Suffolk Council.

The Deputy Leader considered that in terms of the broad sentiments of the Motion, Shadow Council was agreed. He was of the opinion that the Motion needed to be refined and directed Members to a suggested amendment which had been circulated during the meeting.

The suggested amendment proposed to delete the final paragraph of the substantive motion, and replace it with the following:

‘There are nine protected characteristic groups as listed in the policy. While this Shadow Council believes it is essential to appoint on the basis of merit, it will also ensure that all appointments made by Members will reflect and respect where possible these protected characteristics.’

The Deputy Leader said that the suggested amendment retained the spirit of the substantive motion and so proposed the amendment. The amendment was seconded by Councillor Cackett, who reserved her right to speak.

The Chairman invited Shadow Council to debate the proposed amendment to the motion.

Councillor Bird spoke in favour of the amendment. He considered the substantive motion to be based on inaccuracies and would commit the Shadow Authority to inadvertent discrimination.

He spoke at length on the etymology of the word 'Chairman', focussing on the history of the word 'man' and its original meaning as all persons and not solely for male persons. He stated that he could not support the substantive motion as it would create positive discrimination by manufacturing gender discrimination and would prevent appointment on merit.

Following the conclusion of Councillor Bird's speech, the Chairman acknowledged that he had not sought the acceptance of the amendment from the Seconder.

Councillor Byatt responded that he had conferred with Councillor A Green and that he had accepted the proposed amendment. He added that the intention of the Motion was to ensure that the senior Members of East Suffolk Council did not become an 'old boys club' and to try and create a balance and show that the authority valued all genders.

The Chairman moved to the vote on the amended motion and it was by unanimous vote

**RESOLVED:**

That the Notice of Motion be unanimously approved, subject to the amendment agreed, the removal of the original final paragraph and the addition of the new final paragraph:

'There are nine protected characteristic groups as listed in the policy. While this Shadow Council believes it is essential to appoint on the basis of merit, it will also ensure that all appointments made by Members will reflect and respect where possible these protected characteristics.'

**11. East Suffolk Discretionary Council Tax Discounts**

The Council received report **REP9 (SH)** by the Cabinet Members with responsibility for Resource at Suffolk Coastal District Council and Waveney District Council, and the Cabinet Member with responsibility for Housing at Suffolk Coastal District Council.

The report was introduced by Councillor Lawson, the Cabinet Member with responsibility for Resources at Suffolk Coastal District Council and sought approval for an agreed set of East Suffolk discretionary council tax discounts that could be applied from 1st April 2019. The discretionary council tax discounts presented in the report were based on the council tax discounts that operated under Suffolk Coastal and Waveney District Councils following full alignment during 2018/19.

The report proposed to adopt the predecessor councils' discretionary council tax discount scheme without amendment.

Councillor Lawson referred to paragraph 1.3 of the report, which detailed the predecessor Council Tax Discounts as at 1 April 2018. He noted that the proposal in the report had been

reviewed by the Finance Member Working Group, Policy & Service Alignment Member Working Group and the Member Programme Board and approved without amendment.

The Chairman invited questions.

Councillor Patience referred to paragraph 1.3 of the report and asked for a definition of the difference between “Empty and Unfurnished” and “Empty and Uninhabitable”. Councillor Lawson advised that the former related to properties that were empty and could be furnished and inhabited, whereas the latter referred to properties both empty and uninhabitable.

There being no matters raised for debate, the Chairman moved to the recommendation. It was proposed by Councillor Lawson, Seconded by Councillor Provan and by a unanimous vote

#### **RESOLVED:**

That the following discretionary council tax discounts be adopted on behalf of the East Suffolk Council:

- a. **Empty and Unfurnished Discount:** empty and unfurnished properties will receive 100% discount for two weeks after which, full payment is due.
- b. **Empty and Uninhabitable Discount:** empty and uninhabitable properties will receive 25% discount for 12 months after which, full payment is due.
- c. **Long Term Empty Homes (a property that is empty more than six months but less than two years):** these properties will be charged at 100%.
- d. **Long Term Empty Premium (a property that has been empty for more than two years):** an added 50% will be charged after the property has been empty for two years or more.
- e. **Second Homes (properties that are substantially furnished but unoccupied):** second homes are not subject to a discount and will be charge at 100%.

## **12. Discretionary Business Rates Relief**

The Council received report **REP10 (SH)** by the Cabinet Members with responsibility for Resources at Suffolk Coastal District Council and Waveney District Council, and the Cabinet Members with responsibility for Economic Development at Suffolk Coastal District Council and Waveney District Council.

The report was introduced by Councillor Lawson, the Cabinet Member with responsibility for Resources at Suffolk Coastal District Council and sought approval for an agreed set of East Suffolk discretionary business rates reliefs that could be applied from 1st April 2019. The discretionary business rates reliefs attached at Appendix A to the report built on the discretionary business rates reliefs that operated under Suffolk Coastal and Waveney District Councils during 2018/19, with the differences resolved.

Shadow Council was asked to approve the East Suffolk discretionary business rates reliefs detailed within Appendix A.

He noted that the proposal in the report had been reviewed by the Finance Member Working Group and the Member Programme Board and approved without amendment.

The Chairman invited questions.

Councillor Byatt welcomed the specific reference to Lowestoft in paragraph 2.6 of the report. He asked who would be making decisions regarding discretionary business rates reliefs in Lowestoft, specifically in the Strategic Zone and if there would be meaningful dialogue with partner agencies for associated improvements in the area. Councillor Lawson advised that Cabinet would make the decisions based on Officer advice. He said that he was committed to working with Officers to get the right solutions and would remain so if he was part of that decision making process in the new council.

Councillor Deacon referred to Appendix B of the report, specifically section 7 of the report regarding External Considerations. He asked what the impact would be on these considerations if the UK was to leave the European Union. Councillor Lawson suggested that he compile an answer for Councillor Deacon, to be given outside of the meeting, to ensure it was fully accurate. Councillor Deacon accepted this response.

There being no matters raised for debate, the Chairman moved to the recommendation. It was proposed by Councillor Lawson, Seconded by Councillor Provan and by a unanimous vote

**RESOLVED:**

That the East Suffolk Discretionary Business Rates Reliefs as set out in Appendix A and the Local Discretionary Rate Relief Policy at Appendix B be adopted on behalf of East Suffolk Council, to come into effect from 1st April 2019.

**13. Appointment of External Auditors to the Shadow Authority and East Suffolk Council**

The Council received report **REP11 (SH)** by the Cabinet Members with responsibility for Resources at Suffolk Coastal District Council and Waveney District Council.

The report was introduced by Councillor Lawson, the Cabinet Member with responsibility for Resources at Suffolk Coastal District Council and summarised the arrangements for appointing external auditors to the Shadow Authority for the shadow period (25th May 2018 to 31st March 2019) and East Suffolk Council from 1st April 2019 onwards.

The Shadow Authority was required choose one of the following options by 31 December 2018:

- a. Establish a stand-alone Auditor Panel to make the appointment on behalf of the Shadow Authority and East Suffolk Council;
- b. Commence work on exploring the establishment of local joint procurement arrangements with neighbouring authorities (this would only apply to West Suffolk); or
- c. Opt-in to the national Sector Led Body, Smaller Authorities Audit Appointments for the Shadow Authority and Public Sector Audit Appointments Ltd for East Suffolk Council.

The report recommended that Option C was approved and both the Shadow Authority and East Suffolk Council 'opted in' to the national sector led bodies. Councillor Lawson explained that this was the most cost effective option and that East Suffolk Council would be able to opt in to the remaining four years of Suffolk Coastal District Council and Waveney District Council's appointing period with Ernst and Young LLP and would be able to renegotiate the rate.

There being no questions or matters raised for debate, the Chairman moved to the recommendations. It was proposed by Councillor Lawson, Seconded by Councillor Provan and by a unanimous vote

**RESOLVED:**

1. That the Shadow Authority accounts be prepared under the Smaller Authority audit procedures, and that delegated authority be given to the Interim Section 151 Officer to write to Smaller Authorities Audit Appointments to inform them that the Shadow Authority would like to be treated as opted in, and as such the auditor would be PKF Littlejohn (the appointees for Suffolk).
2. That East Suffolk Council takes up the option with PSAA to opt in to the remaining four years of the appointing period covering the accounts for 2019/20 to 2022/23 and that delegated authority be granted to the Interim Section 151 Officer to formally notify the PSAA of this intention.

**14. Shadow Regulatory Functions**

The Council received report **REP12 (SH)** by the Leader and Deputy Leader of the Shadow Authority. The report was introduced by the Leader of the Shadow Authority and proposed the creation of a Shadow Licensing Committee, a Shadow Planning Committee, as well as a Shadow Audit and Governance Committee to allow for regulatory functions to be carried out during the Shadow Period, as detailed at paragraph 1.2 of the report, should the need arise.

The Chairman invited questions.

Councillor Byatt welcomed the proposal to have north and south Shadow Planning Committees and asked if this approach would be taken by East Suffolk Council. The Leader suggested that this was the current intention for the new council.

There being no matters raised for debate, the Chairman moved to the recommendation. It was proposed by the Leader of the Shadow Authority, Seconded by the Deputy Leader of the Shadow Authority and by a unanimous vote

**RESOLVED:**

That the following Shadow Committees be established in accordance with what is set out in paragraphs 2.1 to 2.15 of this report:

- a. Shadow Licensing Committees (North and South) including Licensing Sub-Committees as appropriate

- b. Shadow Planning Committees (North and South)
- c. Shadow Audit and Governance Committee

## **15. Adoption of East Suffolk Council Policies**

The Council received report **REP13 (SH)** by the Leader and Deputy Leader of the Shadow Authority. The report was introduced by the Leader of the Shadow Authority proposed the adoption of existing Suffolk Coastal District Council and Waveney District Council policies and guidance as East Suffolk Council policies.

The report also requested that in order to prepare those policies for publication as East Suffolk Council documents, delegated authority be given to the Officers of the Shadow Authority to make any necessary consequential, grammatical or formatting changes to those documents – these would be minor changes that make no change to the intent or substance of the policy.

The Leader explained that when East Suffolk Council came into existence on 1 April 2019, it would take on all of the statutory functions previously exercised by the predecessor councils. In order to do so, the new council needed a suite of policies and guidance to operate under from that date.

The Chairman invited questions.

Councillor A Green noted that paragraph 2.6 of the report referred to East Suffolk Council being able to review and amend any policy when it came into existence and queried if this should have been included in the recommendation. The Leader explained that the policies would belong to the new authority once it came into existence, so such ability would be implied and did not need to be specified in the recommendation. This was confirmed by the Strategic Director.

There being no matters raised for debate, the Chairman moved to the recommendations. It was proposed by the Leader of the Shadow Authority, Seconded by the Deputy Leader of the Shadow Authority and by a unanimous vote

### **RESOLVED:**

1. That all of the existing policies and guidance documents prepared, adopted or held by Suffolk Coastal District Council and Waveney District Council be adopted as East Suffolk Council policies and guidance.
2. That the Officers of the Shadow Authority be given delegated authority to make all necessary grammatical or formatting changes required to all of the existing policies and guidance documents prepared, adopted or held by Suffolk Coastal District Council and Waveney District Council to convert them to East Suffolk Council policies/guidance.
3. That the making of the necessary changes to the East Suffolk website be commenced, in order to prepare for the publication of the East Suffolk council policies and guidance on 1 April 2019.

Before closing the meeting, the Chairman extended his thanks to High Lodge for their hospitality and to Sound4 Pro Audio for their hard work, and wished all present a Merry Christmas.

The Meeting concluded at 7.30pm