

Minutes of the Council meeting held at Riverside, Canning Road, Lowestoft on **Wednesday, 16 November 2016** at **6.30 pm**.

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Members present:

M Bee (Chairman), S Allen, S Ardley, P Ashdown, E Back, S Barker, M Barnard, N Brooks, A Cackett, G Catchpole, J Ceresa, M Cherry, Y Cherry, J Craig, J Ford, T Gandy, T Goldson, L Gooch, I Graham, K Grant, A Green, L Harris-Logan, M Ladd, C Law, P Light, S Logan, F Mortimer, T Mortimer, J Murray, R Neil, L Nicholls, K Patience, M Pitchers, B Provan, C Punt, T Reynolds, D Ritchie, C Rivett, M Rudd, J Smith, L Smith, C Topping and S Woods

Officers present:

S Baker (Chief Executive), A Charvonja (Strategic Director & Monitoring Officer), M Fitzsimmons (Property Services), A Jarvis (Strategic Director), H Slater (Head of Legal & Democratic Services) and N Wotton (Democratic Services Manager)

**1. APOLOGIES**

Apologies for absence were received from Councillors G Elliott, J Groom, N Webb and S Webb.

**2. DECLARATIONS OF INTEREST**

Councillors S Ardley, E Back, S Barker, M Barnard, M Cherry, Y Cherry, J Craig, J Ford, T Gandy, L Gooch, I Graham, L Harris-Logan, C Law, S Logan, F Mortimer, T Mortimer, J Murray, R Neil, L Nicholls, K Patience, M Pitchers, T Reynolds, M Rudd, J Smith, N Webb and S Webb declared a Local Non Pecuniary Interest in Item 14 – Community Governance Review of the Unparished Areas of Lowestoft, as they were all currently Members of the Lowestoft Charter Trustees, which would be disbanded if a Town Council was created for Lowestoft.

**3. MINUTES**

**RESOLVED**

That the Minutes of the Meeting held on 21 September 2016 be approved as a correct record and signed by the Chairman.

**4. COMMUNICATIONS**

Devolution Meeting

The Chairman advised that there would be an Extraordinary Council meeting, followed by an Extraordinary Cabinet meeting on Wednesday, 23 November 2016. The meetings would be to consider the Draft Norfolk and Suffolk Combined Authority Order in respect of Devolution. All Members were requested to add the Extraordinary meetings to their diaries and to note that the start time was 7.30pm.

2 Urgent Items of Business

The Chairman of the Council announced that he had agreed to accept 2 urgent items of business for this meeting.

The first item of business related to the Appointment of Returning Officer, Electoral Registration Officer, Deputy Electoral Registration Officer, Monitoring Officer and Senior Information Risk Officer. The Special Circumstances for considering this item as a matter of urgency were that Mr Charvonja would be leaving the Council's employment on 31 December 2016 and in order to ensure continuity for these statutory roles, it was important that arrangements were in place to commence on 1 January 2017. Therefore

the report could not be delayed until the next scheduled meeting of the Council on 25 January 2017. This item would be considered as Item 10 at the meeting.

The second item of business related to the Proposed Granting of a Lease of Site 1 at the Rear of the Town Hall building in Lowestoft, in connection with the redevelopment by a franchisee of Burger King to provide a drive thru restaurant. The Special Circumstances for urgency was that the Council had been advised very recently that the lease must be completed by 22 November 2016 and therefore the report could not be delayed until the next scheduled meeting of the Council on 25 January 2017. It was noted that this report was confidential, therefore it would be necessary to exclude the Press and Public from the meeting for this item of business. This item would be considered as Item 17 on the agenda.

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

Leader of the Council

Arthur Charvonia

The Leader of the Council congratulated Arthur Charvonia on his recent appointment as Joint Chief Executive of Babergh and Mid Suffolk District Councils and it was noted that Arthur would be leaving the Council on 31 December 2016 to take up this new position.

Arthur had worked for Norfolk Police prior to joining Waveney in November 2005 as Principal Solicitor and in March 2007 he became Portfolio Manager for Legal and Democratic Services. He then took on the role of Assistant Chief Executive in July 2008 and later became one of the Strategic Directors in May 2014. He had played a key role throughout his career at Waveney and was our 'go to' person for a period of time and he had helped the Council to go from strength to strength.

The Leader reported that he spoke of Arthur's new role with mixed feelings, as he was very pleased for him and was proud that he was moving on to take on the most senior officer role in local government. Arthur would be remaining as part of the Suffolk family and would be much missed as an officer of Waveney and Suffolk Coastal District Councils.

Arthur's wise and mature outlook had served the Council well and would benefit Babergh and Mid Suffolk District Councils in the future.

Those sentiments were echoed by the Chief Executive, Chairman of the Council and Leader of the Labour Group and everyone took the opportunity to wish Arthur the very best for the future.

**6. NOTICES OF MOTION**

No Notices of Motion had been received.

**7. QUESTIONS FROM MEMBERS**

With the agreement of the Council, the Chairman changed the order of business to enable the reports 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. URGENT ITEM OF BUSINESS – APPOINTMENT OF RETURNING OFFICER, ELECTORAL REGISTRATION OFFICER, DEPUTY ELECTORAL REGISTRATION OFFICER, MONITORING OFFICER AND SENIOR INFORMATION RISK OFFICER**

The Chairman of the Council advised that the Special Circumstances for considering this item as a matter of urgency were that Mr Charvonja would be leaving the Council's employment on 31 December 2016 and in order to ensure continuity for these statutory roles, it was important that arrangements were in place to commence on 1 January 2017.

The Leader of the Council presented the report which sought to appoint to a number of Statutory positions, following the recent appointment of Arthur Charvonja, who currently holds these posts, as the new, shared Chief Executive Officer for Babergh and Mid Suffolk District Councils.

Members noted that there were certain posts which the Council, by statute, must appoint to. They were – Head of Paid Service, the 'Section 151' – Chief Finance Officer and the Monitoring Officer. Councils must also have a Returning Officer (RO) for elections and an Electoral Registration Officer (ERO).

In addition to his current role as Strategic Director, Monitoring Officer, Returning Officer and Electoral Registration Officer, Mr Charvonja was also the Senior Information Risk Officer.

It was therefore proposed that the role of Monitoring Officer be undertaken by the Head of Legal and Democratic Services, Hilary Slater, who was a qualified solicitor and had extensive experience of the role, having been MO for SCDC since 2004.

Members were advised that recently, the Elections Teams had been merged into one, and it was now an appropriate time to have a single Returning Officer / Electoral Registration Officer. It was proposed that the Chief Executive undertakes this role. Following the recent resignation of Sharon Shand as the Deputy Electoral Registration Officer, it was proposed that Karen Last be appointed to this role, as she had taken over as the shared Electoral Services Manager.

The role of Senior Information Risk Officer (SIRO) was required to ensure that information risks and their management were given a high priority within the organisation. It was proposed that Siobhan Martin, Head of Internal Audit, be appointed to this role, as she was already the Councils' Data Protection Officer and fulfilled the SIRO role for Ipswich Borough Council, as part of the Audit Partnership.

A Member queried what would happen should both the Electoral Registration Officer and Deputy Electoral Registration Officer become incapacitated. It was confirmed that those positions would be appointed to, as appropriate, to ensure continuity.

**RESOLVED**

1. To appoint Stephen Baker as the Returning Officer for Waveney District Council under section 35 of the Representation of the People Act 1983 with effect from 1 January 2017.
2. To appoint Stephen Baker as the Electoral Registration Officer for Waveney District Council under Section 8 of the Representation of the People Act 1983, effective from 1 January 2017.

3. To appoint Karen Last as the Deputy Electoral Registration Officer for Waveney District Council under section 8 of the Representation of the People Act with effect from 1 January 2017 and in the event that the Electoral Registration Officer is incapacitated, the Deputy Electoral Registration Officer be authorised to act as Electoral Registration Officer.
4. To appoint Hilary Slater as the Monitoring Officer for Waveney District Council with effect from 1 January 2017.
5. To appoint Siobhan Martin as the Senior Information Risk Officer for Waveney District Council with effect from 1 January 2017.

**11. REVIEW OF THE MEMBER DEVELOPMENT STRATEGY AND ASSOCIATED DOCUMENTATION**

The Leader of the Council presented the report which sought approval of the revised Member Development Strategy, which incorporated the Member Development Steering Group Terms of Reference, Elected Member Role Descriptions and Councillor Communications Guidelines.

It was noted that regularly reviewing the documentation which underpinned the Member Development processes and culture within Waveney District Council was good practice and would provide evidence for the Charter Plus Re-assessment in 2017.

The Leader advised that it was extremely important for Councillors to attend the training and briefing sessions which were provided on a regular basis. The majority of training sessions were provided by officers, however when external facilitators were used, it was important that as many Councillors attended as possible, to ensure value for money.

The Leader of the Labour Group commended the cross party work of the Member Development Steering Group and thanked the Democratic Services Officer for her hard work on supporting Member Development and collating evidence in support of the Charter Plus Re-assessment.

**RESOLVED**

1. That the revised Member Development Strategy attached at Appendix A to this report, incorporating the Member Role Descriptions, Member Development Steering Group Terms of Reference and Councillor Communications Guidelines, be adopted.
2. That the revised Member Role Descriptions be incorporated within the Council's Constitution, replacing the previous versions.

**12. REVIEW OF MEMBERS USE OF IT**

The Leader of the Council presented the report on the review of Members use of IT and the evaluation of the number of paper copies of agendas and meetings papers that will be produced for Councillors in future.

Following recommendations received by the Independent Remuneration Panel on 11 March 2015, Full Council had decided to limit any increase in Basic Allowances to a one off payment in 2015 of £1,000, which would be used to cover the expense of Councillors

purchasing IT equipment, which would assist them to undertake their duties as a Councillor.

Since June 2015, Members had been able to purchase their preferred choice of laptop or tablet to assist them in their role as a Councillor. Members have had sufficient time to become proficient in the use of their new equipment and advice and support has been available from the Council's ICT Team.

During January 2016, Members completed a survey to evaluate how their IT Allowance had been utilised. The results showed that 50% of Councillors were happy to use their IT packages to access the agendas and reports for Waveney District Council meetings. Many of the remaining 50% who would prefer to receive paper copies of the agenda papers stated that they felt unsure about going paperless but were willing to try and use their IT in this way.

It was therefore suggested that the use of paper copies of the agenda papers for Members be phased out, commencing with Cabinet, Overview & Scrutiny Committee and Audit & Governance Committee meetings. Members would instead receive a zipped folder by email, containing all of the papers, which they could then either access via the internet during the meetings or they could download the meeting papers in advance and save the files onto their IT equipment.

It was proposed that paper copies of the agenda papers would initially continue to be printed for Members for meetings of the Regulatory Committees (Licensing Committee and Planning Committee) and Full Council.

Further work would be undertaken by the Democratic Services Team, in liaison with the ICT Team, to ensure that the transition of moving to paperless meetings was as seamless as possible. Further training and support would be provided, as requested.

Members were reassured that any Councillors who required a paper copy of the meeting papers for accessibility reasons, would be able to continue to receive them.

**RESOLVED**

1. That the Council takes a phased approach to reducing the amount of paper copies, starting with the Cabinet, Overview & Scrutiny Committee and Audit & Governance Committees.
2. That meetings papers will initially continue to be printed for the Regulatory Committees (Licensing Committee & Planning Committee) and Full Council.
3. That spare copies of the meeting papers will continue to be provided for members of the public.
4. That the reduction in printing copies of meeting papers be monitored and additional support be provided to those Members that require it.
5. That Members use of IT at Council meetings be kept under review.

**13. REVIEW OF THE POLITICAL COMPOSITION OF THE COUNCIL AND COMMITTEE REPRESENTATION**

The Leader of the Council presented the report on the revised overall political balance of the Council and sought approval for the revised representation on some Council Committees. It was noted that the Annual Council meeting held on 18 May 2016 approved appointments to Committees, Working Groups and Councillor representation

on a wide range of diverse Outside Bodies, as part of the governance arrangements for the Council for the 2016/17 Municipal Year.

Since the Annual Council meetings, Councillors Nick and Sarah Webb, two of the three Ward Councillors for Whitton, and Councillor Rob Neil, one of the three Ward Councillors for Normanston, had resigned from the Waveney Labour Group to become Independent Councillors. As a consequence, the Labour Group must lose four seats on the Council's Committees and the Independents should gain those four seats.

It was proposed that Councillor S Webb remained on the Appeals and Disciplinary Committee as an Independent Member, that Councillor N Webb replaced Councillor L Harris-Logan on the Planning Committee, that Councillor N Webb remained on the Overview & Scrutiny Committee as an Independent Member and that Councillor R Neill remained on the Licensing Committee as an Independent Member.

#### **RESOLVED**

1. That the results of the review into the political proportionality of the Council and allocation of Committee seats on a politically proportionate basis be approved.
2. That the appointment of Councillor N Webb to the Planning Committee as an Independent Member for the remainder of his current term of office be confirmed.
3. That Councillor N Webb will remain on the Overview & Scrutiny Committee, as an Independent Member for the remainder of his current term of office.
4. That Councillor S Webb will remain on the Appeals & Disciplinary Committee, as an Independent Member for the remainder of her current term of office.
5. That Councillor R Neil will remain on the Licensing Committee, as an Independent Member for the remainder of his current term of office.
6. That the Substitution arrangements for the three Independent Members and the Green Party Member as an informal 'Minority Opposition Group' be approved.

#### **14. COMMUNITY GOVERNANCE REVIEW OF THE UNPARISHED AREAS OF LOWESTOFT**

The Leader of the Council presented the report, which sought approval to create a new Lowestoft Town Council and a new Oulton Broad Parish Council, following the outcomes of the Community Governance Review of the unparished areas of Lowestoft. It was noted that there had been concerns for many years, that there was a democratic deficit in Lowestoft, by virtue of being unparished.

This matter was raised again by the Cabinet in September 2014, where they requested that the Overview & Scrutiny Committee considered the issues in preparation for a Community Governance Review of the unparished areas of Lowestoft, and to develop draft Terms of Reference for such a review. A Task and Finish Group of the Overview & Scrutiny Committee met in 2015 and 2016 and their recommendations were considered and supported by the Overview & Scrutiny Committee, Cabinet and then Full Council in March 2016.

Full Council approved the Terms of Reference and commencement of the review at their meeting on 23 March 2016 and put in place a cross party Councillor Working Group to support each stage of the review.

The review process included 3 iterative stages of public consultation between April and October 2016. The full details of each of these stages, how they were publicised, conducted and the results were contained within the report and appendices.

Members noted that at each stage, residents living in the review area were encouraged to give their views via an online and hardcopy survey form. Other stakeholders were also asked to submit comments. There were also a series of drop in sessions at three venues in Lowestoft. Based upon the responses during the first two stages of consultation, the cross party Councillor Working Group developed the Final Proposal for final consultation during October 2016.

Full Council was being asked to consider the outcomes of the Community Governance Review as a whole and in particular the recommendation to create a new Lowestoft Town Council and a new Oulton Broad Parish Council.

A Member queried why there was no income shown for the allotments, and clarification was provided that the allotments generated no profit, they actually cost the Council money to provide.

With regard to the values of assets listed in the report, a Member queried why there were no monetary values attached to the Marina Theatre or the Pavilion at Royal Green and why some assets such as the crazy golf facility also at Royal Green and the Coopers Building had not been included. The Strategic Director and Monitoring Officer responded that the various assets were not going to be sold, simply transferred to any future Town Council, therefore no values had been attached to them, as it was not appropriate at this stage. The Marina Theatre was run by a Trust, not the Council, however they were in receipt of a subsidy from the Council to help them in their work and any profits from the Theatre were reinvested to improve the facility, therefore no profits were received by the Council. The Tourist elements at Royal Green were going to be retained by the Council, as they were tourist facilities, which was a District Council responsibility. It was noted that they did not make any profits and required further funding to improve their condition. The responsibility for car parks would also be retained by the District Council.

A Member queried section 4.6 in the report, which covered contracts for the provision of services for Lowestoft. They felt that there would be a conflict of interest, as Waveney Norse was a joint venture from which the District Council received a share of the profits, so the Town Council would have contracts which financially benefitted the District Council. It was reported that Waveney Norse did not get any profit from work undertaken in the District, they only made a profit on external work paid for by outside agencies or those outside the District, therefore there would be no conflict of interest. Clarification was provided that the contracts were in place to provide continuity of service when the Town Council took over, how the Town Council wished to proceed after that time was a matter for them to decide. They could choose to extend the contract, seek another provider or undertake the service in-house by employing more staff.

With regard to CCTV within Lowestoft, clarification was provided that this was funded by local businesses, in conjunction with Lowestoft Vision and was an important community safety asset.

In response to a query regarding the fountains at Royal Green, it was confirmed that they were not going to be transferred to the Town Council and they would remain the responsibility of the District Council, as part of the tourist attractions in the area.

A Member queried what would happen to the artefacts which were transferred to the care of Waveney District Council from Lowestoft Borough. It was reported that work was underway to look at all of the artefacts currently being held by the Council and these would be transferred back to Lowestoft Town Council, if appropriate. The number of artefacts involved was considerable and many were on loan, such as the Tom Crisp Victoria Cross, and were not owned by the District Council. Members were advised that a group of cross party Councillors would be meeting in due course to consider the artefacts. Confirmation was provided that there would be a comprehensive list of artefacts that would be transferred to Lowestoft Town Council and this would be included in the Vesting Order. Any artefacts not included within the Vesting Order at that time would be included at a later date.

A Member queried whether it would be appropriate to include a proviso to ensure that Town Hall could not be sold in the future. It was reported that Lowestoft Town Council would be a brand new authority, which would be autonomous and it would not be appropriate for the District Council to impose restrictions on what the Town Council could or could not do.

In response to a query from a Member, it was confirmed that the Community Infrastructure Levy (CIL) funding generated within Lowestoft had been allowed to accrue over time and this would also be transferred to the Town Council, so that they could decide how to spend the money. It was noted that there was approximately £17,000 of funds available for Lowestoft at the current time.

A Member queried why the Play Park at Rotterdam Road had not been included within the documentation. It was stated that the Play Park had not been included as it may be required as a landing pad for the third crossing. If it was required, the District Council would donate the land towards the project to help ensure that it was completed, which would negate the need for a Compulsory Purchase Order or a large fee to be paid for the site.

In relation to the assets which were going to be transferred to the Town Council, a Member queried whether the Town Council had to accept the transferred assets if those assets turned out not to be profitable. It was reported that all of the appropriate assets would be transferred to the Council and it would be up to the Town Council to decide whether or not they retained them. Members noted that the Town Councillors would be answerable to the electorate in this respect.

A Member queried whether there would be a reduction in the District Council's share of the Council Tax, as they no longer had to support facilities in Lowestoft which were not profitable, as they would in future be funded by the Lowestoft Town Council's precept for Lowestoft. It was confirmed that there would be no reduction and that there was still a significant budget gap which needed to be closed.



With regard to advice for the new Town Council, it was confirmed that all Town and Parish Councils had a Clerk. It was anticipated that there would be a Clerk, Deputy Clerk and 1 other member of staff for a Town Council the size of Lowestoft. The Strategic Director and Monitoring Officer reported that an interim Clerk would be appointed in January / February 2017 to assist in setting up the Town and Parish Councils and they would provide support for the first 6 months. It would then be up to the Town and Parish Councils to appoint permanent Clerks to the positions. Clarification was provided that most Clerks had the nationally recognised CILCA qualification, however others were very experienced in these matters, having been in post for many years. Reassurance was provided that the Town and Parish Councils would be free to appoint whoever they wanted as Clerk and decisions would involve cross party Members.

A Member remained concerned that the Marina Theatre served the whole of Waveney, not just Lowestoft, and should therefore remain a responsibility of the District Council. It was reported that Theatres were usually transferred to Town Council ownership and the Council was responsible for no other Theatres in the District. Clarification was provided that tourism was a District Council responsibility and the beach areas around Children's Corner were currently loss-making and required further investment.

During discussions, the Leader of the Council proposed that Council Procedure Rule 13.4 be suspended in relation to this item to allow Members to speak for longer than 5 minutes but that each Member shall only be allowed to speak once.

On being seconded and then put to the vote, the Motion was **CARRIED**.

The Leader of the Labour Group stated that the proposals for consideration this evening were significantly different to what had been expected and they felt that Councillors had not been given sufficient time to consider all of the details regarding the assets to be transferred and the budget prior to making their decision. They were also concerned about the following issues:

- That the public had not been fully consulted about the proposals, only a very small number of responses from the public had been received and this was not sufficiently representative of the area.
- The financial information including the precept level and proposed budget would not enable the Town Council to take on the projects that it wanted to or give them the opportunity to take the Town forward in the way they saw fit.
- The District Council also had a number of contracts in operation, which the Town Council would be obliged to honour, which meant that they were not able to make a number of decisions about services at an early stage.
- The precise costs around the TUPE arrangements for staff to move across to the Town Council were not listed or known, neither were their associated pensions costs or any deficits.
- How would Lowestoft Town Hall be renovated or maintained in future years? If the Town Hall was not suitable for use by the District Council, why should the Town Council have to put up with substandard conditions?
- All of the loss-making assets were being transferred to the Town Council, whilst the profit generating items were being kept by the District Council, therefore the division of assets was unfair and inequitable.
- As there were so many unknowns and concerns about the whole situation, it was likely that the Town Council was not financially viable in the longer term.

As such, it was stated that the Waveney Labour Group would be voting against the proposals and would be lobbying the Council and Peter Aldous MP for a Referendum on this matter, so that the voice of local residents could be fully heard and acted upon.

The Strategic Director provided clarity regarding the issues raised by the Leader of the Labour Group:

- The public had been fully consulted on the proposals and letters had been sent to all 28,000 households that were currently unparished. There had been three stages of consultation during 2016, which included 1 April to 13 May 2016, 11 July to 22 August 2016 and from 3 October to 31 October 2016. The Council received 261, 80 and 26 responses respectively from each consultation stage. Outside of the formal consultation periods, residents and stakeholders had still been able and encouraged to submit their views, comments and questions. The public had been consulted more widely than the Community Governance Review required by law and the public were presented with finance and asset transfer information at an early stage in the process.
- The financial information had been in the public domain for some time and had been included as part of the consultation process. The Town Council would be fully funded by the precept – the money collected from the residents in Lowestoft – and the new Town Council would have a balanced budget to work with. How the Town Council wished to proceed in future would be a decision for the Lowestoft Town Councillors.
- The contracts currently in place for the delivery of services in Lowestoft would be simply 'lifted and shifted' over to the Town Council in order to provide continuity and ensure that there was no gap in service provision. How the Town Council wanted to provide those services in the future would be a decision for the Town Councillors to make, they could negotiate other contracts or bring the service back in-house and employ their own staff, however that would be their choice, not the District Council's.
- There were no TUPE or pension deficit liability costs because no staff would be transferring over to the Town Council in this way. The position of Town Clerk and other positions as appropriate would be advertised externally and it would be an open and transparent recruitment process run by the Town Council. The District Council would assist with the creation of the Town Council by appointing an interim Town Clerk with sufficient experience in this respect, however the permanent position would be appointed to by the Town Council.
- The Town Hall was one of the assets which would be transferred to the Town Council and it would be up to the Town Council whether it used it as its headquarters or not. The Town Council could decide to stay there and use the rest of the building as a community asset in some way. The Town Council had been allocated £100,000 per year within its budget to pay for maintenance or repairs to the building as it saw fit. However, the District Council had not made any decisions regarding the future of the Town Hall, as it was not appropriate.
- The assets to be transferred to the Town Council were in keeping with the responsibilities of other Town Councils in the District and further afield. It was a District Council responsibility to manage car parks and the beach areas which came under the remit of Tourism. A large number of assets were in the District were the responsibilities of either Town Councils or District Councils and many of them were not profit making and required subsidies in order to continue to operate. It would be the decision of the Town Council whether or not to continue providing certain

services and to manage the funding of those services using the Town Council's precept. It was also appropriate that the District Council should take a strategic approach to tourism on a district wide basis and that the Town Council would be involved at a local level. It was also possible that there may be opportunities for further devolution of powers in this respect in the future.

- The budget had been carefully balanced to ensure that the current number of services could still be provided for the residents of Lowestoft within the limit of the precept. How the Town Council proceeded in the future would be their own decision and the Town Councillors would be answerable to the electorate.

A Member raised concerns that the proposed number of 20 Town Councillors for Lowestoft was too low, particularly when compared to other parishes in the District with fewer assets and responsibilities. The Strategic Director and Monitoring Officer reported that during the consultation process, the public were asked how many Councillors they wanted to have and the response was that a smaller number was preferred. The size of the Town Council could range from 15 to 22 Councillors, according to its population. Due to the warding arrangements and the need for Councillors to have the same number of electorate in their wards, it was confirmed that there should be 20 Councillors for Lowestoft and 12 for Oulton Broad.

There followed considerable discussion in this respect and many Members commented that the rest of Waveney had been supporting Lowestoft for some time and the parishing of Lowestoft would be welcomed by the population living outside Lowestoft. It was also noted that the District Council had retained responsibility for car parking in other Towns throughout the District and Lowestoft Councillors had not been critical of this in the past and were only raising concerns now that it was also happening in Lowestoft.

A Member commented that Lowestoft needed to have its own voice and Councillors, particularly if the District Council was to merge with Suffolk Coastal in the future. It was imperative that the Lowestoft Councillors would be able to lobby and debate in respect of the residents of Lowestoft, particularly if there was increasing devolution of powers in the future. The democratic deficit had to be filled and this was the most sensible way forward. It was noted that many of the Councillors who were Members of the Lowestoft Charter Trustees had repeatedly complained that they did not have any real responsibilities or purpose and were civic and ceremonial only – this was their chance to make a real difference to the residents of Lowestoft.

A Member stated that this was not a nanny state and therefore the ultimate decision on whether or not to form a Town Council should be taken by the residents, so that there was a strong mandate for this course of action. The public should be involved in this decision and we should trust the electorate. Comments were also made that the majority of assets which were to be transferred to the Town Council were in a very good state of repair, prior to being transferred over to other Town Council, which was financially beneficial for the Lowestoft Town Council.

The Leader of the Council stated that he had been disappointed with the direction of debate regarding this matter. There had been a very detailed and lengthy consultation process during which all the residents of the unparished areas had been able to contribute and provide their comments. Lowestoft and Oulton Broad needed to have their own Councillors working on their behalf to make sure that they were properly

represented. A balanced budget had been created for the Town Council and this could be amended and changed to meet the aspirations of the Town Councillors.

Members then requested that a Recorded Vote be undertaken in respect of the recommendations contained within the report.

Councillors who voted For the Recommendations (25)

Councillors S Allen, S Ardley, P Ashdown, E Back, M Barnard, M Bee, N Brooks, A Cackett, G Catchpole, J Ceresa, T Goldson, K Grant, M Ladd, C Law, P Light, F Mortimer, T Mortimer, B Provan, C Punt, D Ritchie, C Rivett, M Rudd, L Smith, C Topping and S Woods.

Councillors who voted Against the Recommendations (18)

Councillors S Barker, M Cherry, Y Cherry, J Craig, J Ford, T Gandy, L Gooch, I Graham, A Green, L Harris-Logan, S Logan, J Murray, R Neil, L Nicholls, K Patience, M Pitchers, T Reynolds and J Smith.

Councillors who Abstained from the Vote (0)

**RESOLVED**

1. That the Council recommends the creation of two new parishes - Lowestoft and Oulton Broad in accordance with the maps contained within Appendix A – pages 9 and 12 (Under section 87(1) of the Act).
2. That the Council recommends minor amendments to the parish boundary for Corton Parish Council in accordance with the map contained within Appendix A – page 22 (Under section 87(1) of the Act).
3. That the Council recommends that the names of the new parishes should be “Lowestoft” and “Oulton Broad” (Under section 87(5) of the Act).
4. That as both Lowestoft and Oulton Broad have more than 1,000 local government electors, as required by section 94(2) of the Act, the Council therefore recommends that the new parishes of Lowestoft and Oulton Broad should each have a parish council (Under section 87(6) of the Act).
5. That the Council recommends that the names of the new parish councils should be “Lowestoft Parish Council” and “Oulton Broad Parish Council”, and should therefore not use one of the alternative styles in section 17A of the Local Government Act 1972 (Under section 87(7) of the Act).
6. That the Council has had regard to the factors and questions in section 95 of the Act and concluded that the number of local government electors for the Lowestoft parish would make a single election of councillors impracticable or inconvenient. It is desirable that areas of Lowestoft should be separately represented on the new parish council. The Council recommends (Under section 89(2) of the Act) that the new Lowestoft parish should have seven wards and be represented by 20 councillors in total as set out below:

<b>Ward Name</b>	<b>Number of Town Councillors</b>
<i>Elmtree Parish Ward</i>	3
<i>Gunton Parish Ward</i>	2
<i>Harbour Parish Ward</i>	3
<i>Kirkley Parish Ward</i>	3
<i>Normanston Parish Ward</i>	3
<i>Pakefield Parish Ward</i>	3
<i>St. Margaret's Parish Ward</i>	3

7. That the Council recommends that the first election of councillors to the new local councils should be for two years and held on the ordinary day of elections in May 2017.
8. That the Council recommends that the second election of councillors to the new local councils should be held on the ordinary day of elections in May 2019, with elections being held every four years thereafter.
9. That the Council proposes to give effect to its recommendations in a Reorganisation Order to be made under section 86 of the 2007 Act. The Order will create a parish and parish council for Lowestoft and Oulton Broad and implement the other recommendations set out above. In addition, the Reorganisation Order will make provision about a number of other matters including the new councils' precepts for 2017/18; and the transfer of property, rights and liabilities to the new councils.

## 15. QUESTIONS FROM MEMBERS

### (a) Question from Councillor Y Cherry to the Leader of the Council

What are the estimated minimum costs for the former Lowestoft Town Hall building to be made safe and fit for purpose for a possible new Lowestoft Town Council? Further, can we be assured that this money will be devolved to the said Council to ensure that this building remains serving the community?

#### Response from Councillor C Law

As set out within the report the running costs of all transferred services, including the Town Hall building, will become the responsibility of the new Town Council. It will clearly be a matter for the Town Council to decide whether they wish to be based in the Town Hall and make it their administrative home, or whether to use it for other purposes.

In any event, in calculating the new Town Council's draft budget, approximately £100,000 has been included per annum to operate the Town Hall building.

In addition, some repair works have already been carried out by Waveney since we vacated the building.

#### Supplementary Question from Councillor Y Cherry

There was no Supplementary Question on this occasion.

(b) Question from Councillor M Cherry to the Cabinet Member for Resources & Welfare Reforms

The Government's twelve-week consultation period ended on September 26th on the matter of devolved areas to be funded through retained business rates; what representation was made by WDC to the consultation? Further, how much of this depends upon the final devolution deal?

Response from Councillor Barnard

The Government's Consultation was entitled "Self-sufficient local government: 100% Business Rates Retention". This consultation was seeking initial views on the reforms to the local government finance system that are intended to be introduced by the end of this Parliament. Unlike some other consultations, this was a chance to contribute to design of the new system, rather than comment on a specific set of proposals.

The Council submitted a comprehensive joint response with Suffolk Coastal District Council to this consultation, a copy of which will be circulated to Members.

A number of questions in the consultation relate to the specific matter of devolved areas to be funded through retained business rates. To some extent, this is a separate issue to the Devolution deal discussions that are currently taking place, as the initial focus has been more on what current funding streams to local authorities from the Government, principally Revenue Support Grant, could be funded from business rates. However, the consultation does make reference to the potential role of Combined Authorities in a number of areas, and they will undoubtedly feature in the final shape of the new system.

Further technical consultations and more detailed specific proposals are expected as the design of the new system progresses, and members will obviously be kept informed of these developments.

Supplementary Question from Councillor M Cherry

Thank you for your response. Was the response written by officers or yourself?

Response from Councillor M Barnard

Officers drafted the response and I made some changes to it, as I saw fit.

(c) Question from Councillor A Green to the Cabinet Member for Operational Partnerships & Lowestoft Rising

The Cabinet member for Operational Partnerships and our representative on the Suffolk Waste Management Board is aware of the very long queues at the Waste Tip in Hadenham Road on a Thursday, which appears to be caused by the closure of the tip on Wednesdays. Can we please be informed of what representation has been made to Suffolk County Council to get the Waste Tip reopened on a Wednesday?

Response from Councillor Ardley

Cllr Green, thank you for your question. As I pointed out in a recent email to you, my place of work is close to the Hadenham Road site and I myself have witnessed heavy traffic flow at times. This was certainly the case during the last school holiday period, the same time you initially put the question to me. I made a point of checking traffic build up the following week and there were no more vehicles, than is usual for the site.

As you are aware, the site is managed by Suffolk County Council and the District Council were not privy to conversations held, which resulted in the closure of the site on Wednesdays. It is the case that all 11 sites within Suffolk, have also seen this change. The busiest times of the week for these sites are at the weekend and bank holidays. The

quietest day of the week is consistently a Wednesday and therefore in the interest of efficiency the decision was taken to close. During the busier months (April – September) all sites will also open longer on a Thursday and weekends. Before implementing the revised opening times, surveys were carried out on site to gauge customer views on the proposal. 77% of people agreed with the proposed changes and less than 1% of people who usually visit on a Wednesday said they wouldn't be able to visit on an alternative day.

Based upon demand for the site and the results of the customer survey, I would not imagine there is any movement in the site reopening. However, if you and other residents feel strongly about this my only suggestion would be for a petition to be launched and submitted to the relevant Cabinet Member at Suffolk County Council.

Supplementary Question from Councillor A Green

Can we do a survey on usage of the site, as there would be less green waste being brought in over the winter months but much more during Spring and Summer. That road is very dangerous at times and is an accident waiting to happen.

Response from Councillor S Ardley

I have checked with colleagues and there has been no significant rise in the amount of green waste being brought to the site, following the recent charging for green bin collections. There have been some changes at the site, where they are now charging for items such as rubble or soil and they are getting more strict about the items that can be placed in the black bin. However, I think that the school holidays may have affected usage, with families tidying and clearing out their homes. We will keep monitoring the situation and will take any concerns to the Suffolk Waste Partnership if appropriate.

(d) Question from Councillor L Gooch to the Cabinet Member for Housing

Poor central 'planning' to alleviate homelessness causes an annual national spend of £330 million according to 'First' Local Government magazine; in the same edition of April 2016 three Councils - Spelthorne, Runnymede and Elmbridge - are reported as working together to provide a winter shelter as part of their statutory duty to accommodate rough sleepers. Which authorities or agencies will WDC be working with this autumn to protect these vulnerable residents?

Response from Councillor Allen

The Council treats the issue of rough sleeping very seriously and have a strong track record of addressing rough sleeping issues. Seven rough sleepers were identified in Waveney in November 2015 as part of the annual rough sleeping survey. To help address rough sleeping Waveney fund the Severe Weather Emergency Provision which is hosted by the Access Community Trust (Fyffe Centre). The Housing Needs Service refer single homeless households through to supported housing via the Suffolk Coordination Service. The supported housing providers include Genesis Housing Association, Access Community Trust and Home Group. Lastly, the Council works in partnership with Genesis Housing Association, Anglia Care Trust, Access Community Trust, Rainbow Credit Union and Private Landlords by offering Deposit Bonds or specialist accommodation. These schemes also link in with the Making Every Adult Matter (MEAM) Project/Lowestoft Interventions Group.

Supplementary Question from Councillor L Gooch

There was no Supplementary Question on this occasion.

(e) Question from Councillor J Murray to the Leader of the Council

Could the Leader of the Council advise us on the progress of the planned improvements to the Bridge Road, Oulton Broad Level crossing, as the new arrangements were supposed to be in place by October 2016?

Response from Councillor Law

Peter Aldous met with the two organisations last week to get a status update. Network Rail put the new kit in at Oulton Broad to allow faster opening and closure of the crossing as scheduled. There has been a slight delay in it becoming operational as Greater Anglia had to make an amendment to their timetable. We are told that it should be operational on the 28<sup>th</sup> November.

Supplementary Question from Councillor J Murray

(Councillor Murray clarified to members of the public that Member Questions had to be submitted 2 weeks in advance of the meeting, in order for them to appear on the Agenda.)

Can we ensure that the public are kept updated on progress, as these works should have been completed by the end of October?

Response from Councillor C Law

We are very conscious that we need to keep the public updated on progress and we released a Press Release on the work at Oulton Broad last week, which appeared in last week's Lowestoft Journal.

(f) Question from Councillor S Barker to the Leader of the Council

Will the Leader of the Council ask Peter Aldous MP for Waveney to lobby the government for extra funding to support the Social Mobility of young people in Waveney (Waveney stands at 318 out of 324 Districts in England) as Chloe Smith MP secured an extra £6 million last month from the government for young people in Norwich? (Norwich stands at 324/324 on the same index).

Response from Councillor Law

I understand that there was a detailed and comprehensive discussion about the social mobility report in the context of a wider report about hidden needs, deprivation and disadvantage at the Overview and Scrutiny Committee meeting on November 1st.

I can confirm that we will do whatever we can, including by working in association with our local MP, to lobby for additional resources (from a range of sources) to enable local and national partners to work together to address the social mobility issues identified in the report. It is essential that young people from Waveney from poorer backgrounds have the chance to get the qualifications they need to succeed in life and are able to convert these into a good job and decent standard of living.

Supplementary Question from Councillor S Barker

Social Mobility is extremely important and we need discuss it more. Kirkley is one of the most deprived Wards in the UK and we should be lobbying Government to give us more help and support to address those issues.

Response from Councillor C Law

There was no question there to respond to.

**N.B. THE CHAIRMAN ADJOURNED THE MEETING FROM 8.40 PM – 8.50PM TO ALLOW MEMBERS TO HAVE A COMFORT BREAK.**



**16. EXEMPT / CONFIDENTIAL ITEMS****RESOLVED**

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

**17. URGENT ITEM OF BUSINESS - LOWESTOFT – TOWN HALL SITE, MARINERS/COMPASS STREET**

The Chairman of the Council advised that the Special Circumstances for considering this item as a matter of urgency was that the Council had been advised very recently that the lease must be completed by 22 November 2016.

The Cabinet Member for Resources & Welfare Reforms presented the report which proposed the granting of a Lease of Site 1 at the Rear of the Town Hall building in Lowestoft, in connection with the redevelopment by a franchisee of Burger King to provide a drive thru restaurant.

**RESOLVED**

1. That the commitment of the sum, as discussed at the meeting, for the redevelopment relating to the non-listed part of the Lowestoft Town Hall site for commercial use be approved.
2. That the immediate commencement of site preparations works including procuring, awarding contracts and undertaking all other related works be approved.
3. That a Lease is agreed and completed with BK prior to any physical development on the site by BK. That Delegated Authority be granted to the Strategic Director, in consultation with the Cabinet Member for Resources & Welfare Reforms, to complete all necessary negotiations and transactions in relation to the development of Site 1 contained within this report on terms that best protect the Council's interest

The meeting was concluded at 9.20 pm

Chairman