

Minutes of the re-scheduled Cabinet Meeting held at Riverside, 4 Canning Road, Lowestoft on **Wednesday, 18 July 2018 at 4.00pm**

Cabinet Members present:

Councillors M Bee (Chairman), G Catchpole, M Ladd, B Provan, C Punt, D Ritchie, C Rivett and M Rudd.

Assistant Cabinet Members present:

Councillors P Ashdown, N Brooks, J Ceresa and C Topping.

Also in attendance:

Councillors P Byatt, A Cackett, M Cherry, Y Cherry, G Elliott and S Woods.

Officers present:

S Baker (Chief Executive), R Best (East Suffolk Communities Manager), K Bonning-Schmitt (Communities Apprentice), G Butler (Building Services Manager), T Howarth (Principal Environmental Health Officer), A Reynolds (Environmental Protection Manager), L Rogers (Financial Manager for Financial Planning), T Rudd (Valuer) and N Wotton (Democratic Services Manager).

1 APOLOGIES

There were no apologies for absence received on this occasion.

2 DECLARATIONS OF INTEREST

Councillor G Catchpole declared a Local Non Pecuniary Interest in Item 6 – Puddingmoor and Waveney Meadows, Beccles – as he was a Beccles Town Councillor and Vice Chairman of the Beccles Town Council's Assets Committee.

Councillor C Topping declared a Local Non Pecuniary Interest in Item 6 – Puddingmoor and Waveney Meadows, Beccles – as she was a Beccles Town Councillor and Chairman of the Beccles Town Council's Assets Committee.

During discussion on Item 6 – Puddingmoor and Waveney Meadows, Beccles – Councillor G Elliott declared a Local Non Pecuniary Interest as he was a rate payer of the Waveney, Lower Yare and Lothingland Internal Drainage Board.

3 MINUTES

RESOLVED

That the Minutes of the Cabinet Meeting held on 13 June 2018 be approved as a correct record and signed by the Chairman.

4 ISSUES ARISING FROM THE OVERVIEW & SCRUTINY COMMITTEE OR THE AUDIT & GOVERNANCE COMMITTEE

(a) The Overview & Scrutiny Committee

The Chairman of the Overview & Scrutiny Committee reported that the Committee had been very disappointed to learn that they would not be able to comment on the draft Annual Governance Statement, as they had in previous years. The final version of the Annual Governance Statement would only be presented at the Joint Audit & Governance and Overview & Scrutiny Committee at the meeting on 25 July 2018, at which only the Audit & Governance Committee Members would be able to vote for its approval. It was confirmed that this was disappointing, however this was due to changes to the deadlines made by central government and Full Council had previously granted delegated authority for the approval of the Annual Governance Statement to the Audit & Governance Committee

(b) The Audit & Governance Committee

There were no matters to report on this occasion.

5 HOUSES IN MULTIPLE OCCUPATION – EXTENSION TO MANDATORY LICENSING REQUIREMENTS

The Cabinet Member for Housing informed the Cabinet that the Assistant Cabinet Member for Housing would be presenting this report, as it related to private sector housing.

The Assistant Cabinet Member for Housing presented the report which set out the changes introduced by the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018. The changes brought smaller properties into the scope of licensing, with the potential for a significant increase in the number of licences issued by the Council.

The regulations would come into force on 1 October 2018 and the licensing applications should have been submitted by that date. The aim of the regulations was to improve the standards of Houses in Multiple Occupation (HMOs) and to improve the living standards of the tenants. It was noted that there were currently 8 HMOs in Waveney and the Government had estimated that nationally, there could be as many as 180,000 properties brought into licencing by the changes, unfortunately there was very little data available at a local level. However, working from historic information, rent deposit guarantee information, Council Tax data and information from landlords and lettings agents, the best estimate at this stage was an increase of between 200 and 300 HMO properties across East Suffolk.

Members were advised that it was anticipated that the implementation of the new regulations would be cost neutral. However it was proposed to have a twelve month pilot period to ascertain the actual level of demand and to review the resource requirements for the longer term thereafter.

The licences would last for a maximum of five years and those landlords who came forward voluntarily would, in most cases, be granted a five year licence. Those who did

not apply for a licence before 1 October 2018 would have the term of their licence reduced to between 1 and 3 years, based upon a risk assessment and it is hoped that this will encourage early applications. The licence fee was £655, with an additional £21 per room, above 5 rooms.

The Cabinet Member for Housing then moved the recommendations contained within the report, which were duly seconded. The Cabinet Member for Housing reported that this was a good opportunity to raise the standards of housing in HMOs and to make sure that they were safe for their tenants. It was also important for landlords to meet their obligations.

A Member commented on the unknown number of HMOs that may be within the district. Following discussions, all Members were encouraged to report any concerns they may have in relation to Housing, to enable officers to go and inspect the properties that may be of concern.

RESOLVED

1. That Delegated Authority be granted to the Principal Environmental Health Officer (Private Sector Housing) to sign and issue licences under the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.
2. That Delegated Authority be granted to the Principal Environmental Health Officer (Private Sector Housing) to sign and serve Civil Penalty Notices under section 249A of the Housing Act 2004 in pursuance of financial penalties and that review of decisions be undertaken by the Head of Service or equivalent.
3. That the proposal to reduce the licence period from five years to a lesser period of between one and three years, where landlords do not meet the deadline of 1 October 2018 for submission of applications, be approved.

6 PUDDINGMOOR AND WAVENEY MEADOWS, BECCLES, LAND DRAINAGE

The Cabinet Member for Resources informed Members that the Assistant Cabinet Member for Resources would present this report.

The Assistant Cabinet Member for Resources presented the report, which sought approval for a proposal to address the issue of flooding at Puddingmoor and Waveney Meadows and at adjoining land in Beccles. It was noted that in 2017, there had been significant flooding issues at this site, due to heavy rains and the water did not recede. This caused many issues including restricted access to leasehold properties and facilities on the land. For clarification, it was noted that Waveney District Council have the freehold interest in the area known at Puddingmoor, whilst Beccles Town Council have the ownership responsibilities for Waveney Meadows.

It was noted that the existing flap valve structure of the dyke system needed to be replaced, however the cost of this was prohibitive at £500,000. It was therefore proposed that the dyke system be realigned to exit via Barsham Marshes, which would cost approximately £80,000, including contingency.

Members noted that some flooding had occurred in the past due to settlement of the river flood bank and this was currently being rectified by the Environment Agency (EA).

A Member queried the level of financial contribution from other parties, for their contribution towards the cost of these works. It was reported that it was not possible to say at this time, however negotiations were ongoing and all parties were supportive of the proposed works. It was confirmed that the Legal Department were proactively contacting the other parties in order to obtain the necessary permits and authority to commence the work.

In response to a query, it was confirmed that work was due to commence on realigning the dyke system on 3 September 2018. This was because the nearby Beccles Lido was due to close on that date, therefore there would be significantly less traffic and disruption for local residents. A Member queried the date of the closure of the Lido and suggested that it may be the 9 September instead. It was reported that this would be confirmed outside of the meeting.

Members were supportive of the proposals and reminded those present of the need for regular maintenance of these drainage systems, to ensure that future problems were avoided or kept to a minimum.

A Member took the opportunity to thank the Cabinet Member for Operational Partnerships and the Assistant Cabinet Member for Resources for their ongoing hard work in this respect. They also confirmed that ongoing maintenance was essential and they queried the map attached as Appendix A to the report, as they felt the location of the drainage structure was incorrectly shown.

During discussion on this item, Councillor G Elliott declared a Local Non Pecuniary Interest as he was a rate payer of the Wavney, Lower Yare and Lothingland Internal Drainage Board.

RESOLVED

1. That Delegated Authority be granted to the Strategic Director, to authorise the expenditure of £80,000 (inc VAT) to carry out the remedial works.
2. That Delegated Authority be granted to the Strategic Director, to undertake negotiations and agree financial contributions from other parties to offset against the overall cost above.

7 REFURBISHMENT OF EAST POINT PAVILION, LOWESTOFT

The Cabinet Member for Resources presented a report, which sought approval to develop concept designs and feasibility studies for the option to redevelop the East Point Pavilion site and the surrounding areas. It was noted that the Pavilion was in a highly prominent position and had been constructed in the late 1990s, with part grant funding from the European Development Fund, with a 20 year life expectancy.

The Pavilion was fully glazed, including the roof, with polycarbonate. The Council was unable to let the premises on longer term leases until the building's Energy Performance

Rating (G) had been addressed, as it was below the minimum level at which the Council could legally enter into a lease. The costs of addressing the existing required repairs and bringing the building up to a modern standard, which included an improved Energy Performance Rating, was estimated at £455,000 plus VAT.

The Pavilion has had various uses over the years, mostly connected with catering and children's soft play. Part of the building was previously used as a Tourist Information Centre.

A number of options had been considered for the site, however it was decided the further work was required, in order to be fully informed on how best to redevelop the site. It was therefore proposed that further investigation be undertaken, with preliminary design work, for the main building.

A Member commented that should the Pavilion be demolished, it was important that work commenced quickly on redeveloping the site. It would not be popular with the public if the site was left undeveloped for a considerable length of time. The Cabinet Member for Tourism & Economic Development reported that all the available options were being considered for the site and the further investigation work would supplement this. It was important to make the correct decisions for this important site.

A Member queried whether the Council would redevelop the site or whether it would be private enterprise. It was confirmed that it was too early to tell at this stage, however all proposals would require a robust business case.

In response to a query from a Member, it was confirmed that Wayne Hemingway was in support of redeveloping the sea front and it was important that this site linked in with any future works on the sea front, to ensure the cohesive appearance of the whole area. It was noted that the current location of the toilets was inappropriate, as they were on the wrong side of the building and gave an unfavourable first impression of the site.

Members commented that there was a need to provide public toilets and changing facilities, including those for the disabled, in that area, as there was significant demand. It was also suggested that any future toilets or changing facilities should be free to use. Members were informed that it was too early to consider such details at this point in the process. Further information was required and any future development of the site needed to have a long term future and longer life span than the Pavilion.

RESOLVED

1. That the expenditure up to £30,000 for further investigation and preliminary design work of the main building be approved.
2. That a bid to the Coastal Revival Fund to support the work to the *surrounding area*, reflecting the overall vision be approved.

8 PROPOSED TRANSFER OF LAND AT GUNTON WARREN, LOWESTOFT FROM LOWESTOFT TOWN COUNCIL TO WAVENEY DISTRICT COUNCIL

The Cabinet Member for Resources presented a report which sought approval for the land that was owned by Lowestoft Town Council at Gunton Warren, Lowestoft, to be transferred back to Waveney District Council. As part of the establishment of Lowestoft Town Council, several property assets were transferred freehold to the Town Council, which included land at Gunton Warren, Lowestoft. However, part of the land was incorrectly omitted from the transfer process to Lowestoft Town Council and this land remained in the ownership of Waveney District Council.

The vast majority of the land in that area was currently leased to Suffolk Wildlife Trust, as the tenant. The lease required the tenant to manage the land in accordance with an agreed management plan and to generally carry out all duties and obligations connected to the land. It was also recognised that Suffolk Wildlife Trust need to have a sole landlord, rather than two.

The proposed freehold transfer of the land edged red at Appendix A to the report, from the Lowestoft Town Council back to Waveney District Council was a way of addressing the need for Suffolk Wildlife Trust to have a sole landlord. It would also help ensure a consistent approach to the management of Gunton Warren as a whole. The proposed disposal would be subject to the statutory Open Space Disposal process under the Open Spaces Act 1906. The situation regarding that part of Gunton Warren retained by Waveney District Council was the subject of the Cabinet report REP1852 previously approved in April 2018. The intention at that time was for this land to be transferred to Lowestoft Town Council.

Members noted at the time that Lowestoft Town Council was not under any obligation to accept the transfer of the land from Waveney District Council. Lowestoft Town Council subsequently refused to accept the proposed transfer from Waveney District Council. The main reason for their refusal, was the discovery, since April 2018, of significant historic oil pollution at Gunton Warren, which was believed to be linked to the wrecking of the Eleni V in 1978. As part of the clean up process, some oil seems to have been placed in pits excavated to the rear of the beach and covered with a layer of sand. The presence of the oil was not known at the time of Lowestoft Town Council being established and assets were being transferred. Recently, a layer of this oil had become exposed. Upon inspection, it was not felt that the oil residue would present a major risk in environmental, financial or economic terms and it was planned that the oil would be closely monitored in the future. A sample of the oil deposit was circulated to the Cabinet, Councillors and Press, for their information by the Environmental Protection Manager.

Members commented that Suffolk Wildlife Trust were managing the site well and their work had reduced the amount of anti social behaviour significantly in the area. They queried the length of the lease that had been granted to Suffolk Wildlife Trust and it was reported that the lease was for 11 years and there were 5 years still remaining.

A Member reported that the Council was responsible for the coastline, therefore it made sense to have the land transferred back to the District Council.

A Member suggested that the nearby car park could also be transferred back to the District Council, however it was reported that the car park was a separate issue and could not be debated at this meeting.

RESOLVED

1. That the freehold transfer of the land at Gunton Warren, Lowestoft, shown edged in red on the plan annexed to this report, from the Lowestoft Town Council to Waveney District Council, be approved, for nil consideration.
2. That Delegated Authority be granted to the Head of Operations and Strategic Management, acting in consultation with the Cabinet Member for Resources, and the Head of Legal and Democratic Services, to agree the details of the transfer on terms that best protect the Council's interests.
3. That it be noted that Lowestoft Town Council are not willing to accept the transfer of land at Gunton Warren, edged green on the plan annexed to this report, from Waveney District Council, as approved under Cabinet Report REP1852 and, this being the case, this land will be retained by Waveney District Council.

9 FINANCIAL YEAR OUTTURN FOR 2017/18

The Cabinet Member for Resources presented a report which provided an overview of the Council's financial performance for 2017/18 in respect of the General Fund, Reserves, the Capital Programme and Collection Fund. It was noted that the Council's accounts for the year ending 31 March 2017 had been prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2017/18 (The Code) issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). In England and Wales, the local authority Code constitutes 'proper accounting practice' under the terms of section 21(2) of the Local Government Act 2003.

From 2017/18 onwards, the Audit and Accounts 2015 Regulations (the Regulations) brought forward the timetable for the closure of the accounts. The date for signing and dating the Statement of Accounts was 31 May, whilst previously it was 30 June, and for the approval and publication 31 July, whilst previously it was 30 September. On 31 May, the Council had signed and dated its Statement of Accounts for the year ended 31 May 2018 and published them on the East Suffolk Website.

Members were pleased to note that through careful and effective financial management, the Council had delivered savings and achieved additional income, during 2017/18. For 2017/18 the outturn position on net expenditure was a surplus of £1,083 million. With additional income from Business Rates the overall outturn position for the Council for the year was £1.287 million, which was a very favourable position. It was also noted that the balance on the Council's General Fund Earmarked Reserves had increased by £2.360 million to £11.502 million, as at 31 March 2018.

Members took the opportunity to commend the work of the Chief Finance Officer and her Team and thanked them for their work, which had left the Council in a strong financial position.

RESOLVED

1. That the details of the draft outturn position for 2017/18 together with Reserves and Balances as at 31 March 2018 be noted.
2. That the audited Statement of Accounts will be submitted for approval to the Audit and Governance Committee on 25 July 2018.
3. That £15,000 from the outturn surplus for 2017/18, to be set aside for 'Celebrating Success' of Waveney District Council, (transfer from the In-Year Savings Reserve to the Carry Forward Reserve in 2018/19) be approved.
4. That the use of the Housing Benefit reserves and the DWP funding (£122k), set aside in the Customer Services Reserve to fund costs to the Council associated with the migration of the Revenues and Benefits system for East Suffolk, be approved.
5. That the use of the In-Year Savings Reserve to fund the Council's contribution to the Suffolk Office of Data and Analytics (SODA) of £20k per annum in 2018/19 and 2019/20 be approved.

10 REVISED EAST SUFFOLK EQUALITY AND DIVERSITY POLICY

The Cabinet Member for Customer Services presented the report which sought approval of a revised Equality and Diversity Policy, which outlined the Council's aim of encouraging a supportive and inclusive culture amongst its workforce, striving to promote diversity and eliminating all forms of unlawful and unfair discrimination.

Members noted that the Equality Act was passed in 2010, which included specific duties for public bodies, including local authorities, who must have 'due regard' to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between those who share a protected characteristic and those who don't (equality of opportunity)
- Foster good relations between those who share a protected characteristic and those who don't (community cohesion)

The Act identifies nine protected characteristics which were:

- Age
- Ethnicity
- Race
- Gender
- Religion and Belief
- Sexual Orientation
- Marriage or Civil Partnership
- Disability
- Pregnancy or maternity

In addition to the nine protected characteristics identified above, East Suffolk Councils have also decided to include social and economic status as a characteristic that would be considered, which included community issues such as low income and rural isolation.

Members were advised that Member training sessions on the new Equality and Diversity Policy would be taking place in due course. The Leader of the Council reported that Equality and Diversity was taken very seriously and would be included within the Member Induction Training for all Councillors elected to East Suffolk Council.

A Member commended the work undertaken to date and queried the terminology used for Sexual Orientation, as they felt that the term Gender Orientation may be more appropriate. Members were advised that the Policy was in accordance with national guidelines, which had been developed following extensive consultation with the various groups within the protected characteristics, who had chosen the wording to be used.

In response to a query, it was confirmed that the Equality and Diversity Policy had been approved by the Suffolk Coastal District Council's Cabinet, at their recent meeting.

A Member queried whether the Council would be able to provide a template Equality and Diversity Policy, for use by Town and Parish Councils. It was confirmed that a template policy would be provided and training on Equality and Diversity would be provided to Town and Parish Councils, in due course.

RESOLVED

That the revised East Suffolk Equality and Diversity Policy be approved.

11 EXEMPT/CONFIDENTIAL ITEMS

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following 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 of the Act.

12 RECYCLING PERFORMANCE PAYMENTS

The Cabinet Member for Operational Partnerships presented a report which outlined the new proposed settlement that the Council will receive for Recycling Performance Payments, on a three yearly basis.

RESOLVED

1. That the proposed new level of Recycling Performance Payments from 2019 onwards be approved.
2. That Waveney District Council continues its support for the joint Suffolk Waste Partnership Manager role and the Resource Efficiency Fund.

The meeting concluded at 5.10 pm.

Chairman