

Forest Heath District Council

MINUTES of the **CABINET** held at the District Offices, College Heath Road, Mildenhall on Tuesday 31 July 2012 at 6.00pm.

PRESENT:

Councillors:

J E Waters (Leader)	S J Edwards
N A Roman (Deputy Leader)	W Hirst
D W Bowman	R J Millar
Mrs R E Burt	

Councillors D W Gathercole, T Simmons and N Williams were also in attendance.

Also in attendance:

A Claydon, Strategic Director (Resources)
I Gallin, Chief Executive
P Heard, Legal Services Manager
N McCurdy, Strategic Director (Services)
A Newman, Environmental Health Manager
S Phelan, Head of Community Services
J Rees, Head of Corporate Development
H Hardinge, Committee Administrator

APOLOGIES

There were no apologies for absence.

119. **PUBLIC PARTICIPATION**

There were no questions/statements from members of the public.

120. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 3 July 2012 were unanimously accepted by the Cabinet as an accurate record and signed by the Leader.

121. **MINUTES OF JOINT COMMITTEES, WORKING GROUPS AND OTHER GROUPS**

The minutes of the following Working Group were received:

Anglia Revenues & Benefits Partnership Joint Committee	14 June 2012
West Suffolk Waste & Street Scene Services Joint Committee	15 June 2012
Shared Services Steering Group	20 June 2012
Joint Consultative Working Group	9 July 2012

122. **SHARED SERVICES STEERING GROUP – 20 JUNE 2012 – MINUTE NO 043. 'PLANNING SHARED SERVICE' (REPORT NO SSG12/021) (CONFIDENTIAL)**

Members were requested to note the recommendations listed under this item, as they were subject to a report later on the agenda (Report No CAB12/018).

123. **JOINT CONSULTATIVE WORKING GROUP – 9 JULY 2012 – MINUTE NO 248. 'TO CONSIDER THE FORMATION OF THE WEST SUFFOLK JOINT STAFF CONSULTATIVE PANEL' (VERBAL) (CONFIDENTIAL)**

Members were requested to note the recommendations listed under this item, as they were subject to a report later on the agenda (Report No CAB12/022).

124. **APPROVAL OF MINUTES**

With the vote being unanimous, it was

RESOLVED:

That the minutes of the respective Joint Committees, Working Groups and other Groups be approved, as amended, and that authority is hereby given for such action to be taken as necessary to give effect thereto.

125. **CORE STRATEGY SINGLE ISSUE REVIEW – ISSUES AND OPTIONS CONSULTATION (VERBAL)**

The Cabinet Member for Planning, Housing and Transport informed Members that the Issues and Options Consultation in respect of the Core Strategy Single Issue Review was formally launched on 31 July 2012 and would conclude on 25 September 2012.

Cabinet was also advised of the following consultation events scheduled throughout the District:

- 10 August 2012 at Mildenhall Market Place 9.00am – 3.00pm
- 14 August 2012 at Newmarket Market Place and the Guineas Shopping Centre 9.00am – 3.00pm
- 16 August 2012 at Brandon Market Place 9.30am – 12.30pm

The Cabinet Member explained that she would be in attendance at all events and she hoped that the relevant Ward Members would also be present.

Lastly, Cabinet was advised of a 'drop in' session that was to be held at the District Offices on 13 August 2012. The Cabinet Member added that she was also due to write to all Parish and Town Councils in the District offering to attend a meeting/host an event in their locality.

KEY DECISIONS

126. **DATA PROTECTION POLICY (REPORT NO CAB12/015)** (Forward Plan Reference JUL12(b)/06)

The Cabinet Member for Resources, Governance and Performance explained that whilst Forest Heath District Council was fully committed to compliance with the

requirements of the Data Protection Act 1998, it was good practice to review arrangements and, as such, a review of the Council's Data Protection Policy had been undertaken to ensure it continued to reflect best practice and legislation.

The main changes to the Policy were highlighted for the benefit of those present and Cabinet was advised that a joint Data Protection Policy between Forest Heath District Council and St Edmundsbury Borough Council would be produced in the future to reflect Shared Services arrangements, as soon as it was appropriate to do so.

With the vote being unanimous, it was

RESOLVED:

That the revised Data Protection Policy be adopted.

127. **JOINT WHISTLEBLOWING POLICY (REPORT NO CAB12/016)** (Forward Plan Reference JUL12(B)/05)

The Cabinet Member for Resources, Governance and Performance explained that it was considered good practice to review arrangements with regard to the Council's Whistleblowing Policy in order to ensure it continued to reflect best practice and legislation.

Furthermore, in view of the ongoing Shared Services agenda with St Edmundsbury Borough Council it was considered timely to amend the Policy to become a joint document between the two authorities.

The main changes to the Policy were highlighted for the benefit of those present and Cabinet was advised that the document would be subject to formal approval by Council.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The revised Joint Whistleblowing Policy be adopted; and
2. The Cabinet Member for Resources, Governance and Performance be given Delegated Authority to amend the Officer post titles, where necessary, regarding the reporting of whistleblowing concerns, following the Senior Management restructure.

128. **COMMUNITY RIGHT TO CHALLENGE – PROTOCOLS (REPORT NO CAB12/017)** (Forward Plan Reference JUL12(B)/15)

The Cabinet Member for Families and Communities explained that the Community Right to Challenge duty was placed on Local Authorities to consider and accept/reject expressions of interest from community groups who wished to run a Council service.

Cabinet was asked to recommend the corporate approach for receiving and assessing expressions of interest (EOI) under the new Right.

Members were informed that the report had been presented to St Edmundsbury Borough Council's Cabinet on 25 July 2012 who accepted it with two amendments, in that:

- The scheme be modified so that a Suffolk County Councillor for the relevant division was notified of an EOI and the decisions regarding it; and
- Decisions as to whether an EOI should be rejected, because it was considered frivolous or vexatious, should be a Member decision.

A document was tabled to the meeting which set out the relevant amendments required to Report No CAB12/017 and Appendices, should Cabinet support the changes as proposed by St Edmundsbury.

The Chief Executive added that the Borough Council's Cabinet had also requested that he contact Suffolk County Council with regard to this item in order to request that a reciprocal arrangement was mirrored in their policies with regard to notification of the relevant Borough and District Councillors.

The Cabinet Member thanked his fellow Cabinet Member for Resources, Governance and Performance who had contributed to the report. The Cabinet Member for Resources, Governance and Performance in turn, thanked the Head of Corporate Development and the Senior Policy Officer for the production of the report.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The proposed overall approach to dealing with the new Community Right to Challenge, as set out in Report No CAB12/017 and Appendix A, be agreed as amended to reflect the changes proposed by St Edmundsbury Borough Council's Cabinet and as tabled to the meeting;
2. The proposed approach to setting timescales during which expressions of interest can be made for services already contracted out, as set out in Appendix B of Report No CAB12/017, be agreed; and
3. The handling of expressions of interest under the Community Right to Challenge should be subject to a scheme of delegations, as set out in Appendix C of Report No CAB12/017.

129. **SHARED PLANNING SERVICE (REPORT NO CAB12/018)** (Forward Plan Reference JUL12(A)/01)

The Cabinet Member for Planning, Housing and Transport presented this report which sought approval for the integration of the Planning Service across Forest Heath District Council and St Edmundsbury Borough Council.

Members were advised that the report had been previously considered by the Shared Services Steering Group on 20 June 2012 and the recommendation would enable the integration of separate services into one, which would ensure an efficient and effective West Suffolk Planning Service remained fit for purpose whilst moving forward.

Councillor T Simmons was invited to address the Cabinet and he raised concerns with regard to the proposed reduction in enforcement resource. The Strategic Director (Services) explained that the one remaining dedicated post for enforcement would be to serve primarily as a focus for driving investigation and action forward; with all Planning Officers being made responsible for day-to-day enforcement duties and decisions, working differently and more effectively. The Cabinet Member for Resources, Governance and Performance added that this matter had also been raised at the meeting of the Shared Services Steering Group and Officers had provided reassurance with the proposed new way of working.

With the vote being unanimous, it was

RESOLVED:

That the integration of the Planning Service across both authorities as set out in the Business Case, be approved.

130. **CREATION OF A DOG CONTROL ORDER AT ASPAL CLOSE LOCAL NATURE RESERVE (REPORT NO CAB12/019)** (Forward Plan Reference JUL12(B)/13)

The Cabinet Member for Health, Leisure and Culture explained that due to an ongoing issue with dog fouling at the Aspal Close Local Nature Reserve in Beck Row there was local demand for the Council to make a Dog Control Order for the site.

Cabinet was asked to approve commencement of the legal process required to create such an Order, with the view to applying a future Order to the whole of the Forest Heath District, should it be deemed successful at Aspal Close.

The Cabinet Member explained that the report was in direct response to the community's concerns and was fully supported by the Parish Council. Lastly he drew attention to the mandatory consultation period and official Notices that the District Council was obliged to undertake.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The process of creating a Dog Control Order to create the offence of failing to remove dog faeces at Aspal Close Local Nature Reserve, be approved; and
2. The Cabinet Members for Health, Leisure and Culture and Environment and Waste be given Delegated Authority, in consultation with the Head of Community Services, to authorise the creation of any future Dog Control Order, taking into consideration any representations received.

131. **STATEMENT OF LICENSING POLICY (REPORT NO CAB12/020)** (Forward Plan Reference JUL12(B)/08)

The Cabinet Member for Environment and Waste explained that the Council's current adopted Statement of Licensing Policy was in need of review due to recent changes to the Licensing Act 2003.

The revised Policy, which although separate to, had in view of the Shared Services agenda been developed with St Edmundsbury Borough Council.

The main changes to the Policy were highlighted for the benefit of those present and Cabinet was advised that the Policy would be subject to formal approval by Council, following a consultation period.

Lastly, the Cabinet Member thanked all relevant Officers for their input into the production of the report.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The revised Statement of Licensing Policy be approved for public consultation; and
2. The Head of Environmental Services be authorised, in consultation with the Cabinet Member for Environment and Waste, to make any necessary amendments to the Policy, as a result of the public consultation, prior to submission to Council for approval.

NON KEY DECISIONS

132. **UPDATE OF THE COUNCIL'S PRUDENTIAL INDICATORS (REPORT NO CAB12/021)** (Forward Plan Reference JUL12(B)/09)

The Cabinet Member for Resources, Governance and Performance asked Cabinet to approve the Prudential Indicators which had been amended following the carry forward of capital budgets from 2011/2012 to 2012/2013

With the vote being unanimous, it was

RECOMMENDED:

That the amendments to the Prudential Indicators, as detailed in Report No CAB12/021, for the period 2012/2013 to 2015/2016 in line with the requirements of the Local Government Act 2003, be approved.

133. **FORMATION OF WEST SUFFOLK JOINT STAFF CONSULTATIVE PANEL (REPORT NO CAB12/022)** (Forward Plan Reference JUL12(B)/10)

The Cabinet Member for Resources, Governance and Performance explained that the proposal of joining together Forest Heath District Council's Joint Consultative Working Group with St Edmundsbury Borough Council's Joint Staff Consultative Working Party, to form a West Suffolk Joint Staff Consultative Panel, was to enable more effective working for West Suffolk.

It would provide a single consultation and negotiation mechanism with Unison for the development of shared policies, terms, conditions and practices. Informal discussions had taken place between the Members of the District Council's Working Group and Borough Council's Working Party at a joint meeting held on 9 July 2012; and both authorities supported this way forward.

Members were informed that the report had been presented to St Edmundsbury Borough Council's Cabinet on 25 July 2012 and they had approved the recommendations.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The West Suffolk Joint Staff Consultative Panel be formed in line with the draft Terms of Reference as attached to Report No CAB12/022, and the Joint Consultative Working Group be disbanded; and the necessary amendments be made to the Council's Constitution;
2. The three Forest Heath District Council Member representatives and two substitutes be appointed to the Panel, as follows:
 - Councillor S J Edwards
 - Councillor G Jaggard
 - Councillor T SimmonsSubstitutes: Councillor W Hirst and Councillor N Williams
3. The joint branch of Unison nominate their staff representatives and substitutes to the Panel.

134. **REVIEW OF THE FORWARD PLAN OF KEY DECISIONS (REPORT NO CAB12/023)**

The Leader of the Council asked Cabinet to review the Forward Plan of Key Decisions for the period August 2012 to March 2013.

With the vote being unanimous, it was

RESOLVED:

That the Forward Plan of Key Decisions, for the period August 2012 – March 2013, attached as an Appendix to Report No CAB12/022, be noted.

The meeting closed at 6.27pm.