

# Forest Heath District Council

**MINUTES** of the **CABINET** held at the District Offices, College Heath Road, Mildenhall on Tuesday 9 April 2013 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 R Dicker and T Simmons were also in attendance.

Also in attendance:

N Baker, Head of Planning and Regulatory Services  
R Combes, Valuation and Estates Manager  
I Gallin, Chief Executive  
P Heard, Legal Services Manager  
M Hosker, Health and Safety Manager  
R Leeks, Building Services Assistant Manager  
R Mann, Head of Resources and Performance  
K Points, Head of Human Resources and Organisational Development  
M Walsh, Head of Waste Management and Property Services  
L Watts, Director  
A Wilson, Director  
T Wright, Business Regulation and Licensing Manager  
H Hardinge, Committee Administrator

## **APOLOGIES**

There were no apologies for absence.

## 520. **PUBLIC PARTICIPATION**

Agenda Item 5. – Report No CAB13/078 'Review of Sex Establishment Licensing Policy'

Ms Sara Beckett, a Newmarket resident, addressed Cabinet in respect of the above item. She raised concerns on the scope of the review that was undertaken on the Policy; particularly with regard to the extent of the consultation that was carried out with Newmarket Town Council, in view of the Authority's first grant of a Sex Establishment Licence for a sexual entertainment venue (lap dancing club) having been for an operator in the town.

She also queried the level of information that was published on the Council's website in respect of the said application and voiced displeasure that the Sub-Committee that determined it (in 2012) did not contain a Newmarket Ward Member. She, therefore, questioned the degree to which the public had been listened to with regard to the Policy before the Cabinet.

521. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 5 March 2013 were unanimously accepted by the Cabinet as an accurate record and signed by the Leader.

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

The minutes of the following meetings were received:

West Suffolk Joint Staff Consultative Panel	30 January 2013
West Suffolk Joint Health and Safety Panel	18 February 2013

523. **WEST SUFFOLK JOINT HEALTH AND SAFETY PANEL – 18 FEBRUARY 2013 – MINUTE NO 22 ‘JOINT HEALTH AND SAFETY POLICY - AMENDMENTS’ (REPORT NO D297)**

Members were requested to note the recommendation listed under this item as it was to be considered by Cabinet later on the agenda under Report No CAB13/079.

524. **APPROVAL OF MINUTES**

With the vote being unanimous, it was

**RESOLVED:**

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

**KEY DECISIONS**

525. **REVIEW OF THE SEX ESTABLISHMENT LICENSING POLICY (REPORT NO CAB13/078)** (Key Decision Reference DEC12/01)

The Cabinet Member for Environment and Waste explained that following adoption of the Forest Heath District Council Sex Establishment Licensing Policy, in December 2011, it had been agreed for the document to be reviewed in 12 months' time.

Therefore, the report before Cabinet presented the outcome of the review and sought approval for the revisions to the Policy to be recommended to Council on 8 May 2013.

The Cabinet Member expressed his thanks to the Council's Licensing Officers for the work undertaken during the review.

Councillor W Hirst, in his capacity as a Newmarket Town Councillor, referred to Ms Beckett's comments made earlier in the meeting and, for the benefit of his fellow Cabinet Members, he outlined the means in which the Town Council responded to the consultation on the Policy review.

The Cabinet Member for Families and Communities also spoke on this item and expressed disappointment at the Policy before Members. He believed that the majority of Newmarket residents did not want sex establishments within their town and he argued the merit of the Authority setting a designated exclusion zone.

The Business Regulation and Licensing Manager responded to the Member's comments and made reference to examples of case law with regard to exclusion zones. He emphasised that all applications would be considered on their own merits.

In response to Ms Beckett's comments concerning the information included against licensing applications on the website, the Officer explained that the Council was not obliged to publish extensive detail in the public register, however, this could be found on the website as part of the documentation that was submitted to the Licensing Act 2003 Sub-Committee that determined the application.

The Legal Services Manager also made reference to Ms Beckett's earlier comments with regard to the membership of the Sub-Committee. He explained that Licensing Act 2003 Sub-Committees were formed using Members of the Council's Licensing Committee and, in order to reduce the risk of perceived bias, the Sub-Committees had always been appointed without using the relevant Ward Member(s).

The Cabinet Member for Families and Communities again addressed the meeting in response to the Officers comments. He also expressed the need for a future full scale 'root and branch' review of the Policy and proposed an amendment to the recommendation before Members, in that Paragraph 6.3 (g) of the Policy be amended to read: "important *public and* cultural facilities".

With the vote being unanimous, it was

**RECOMMENDED:**

That:-

1. The amendments and revisions to the Sex Establishment Licensing Policy be endorsed, subject to Paragraph 6.3 (g) being amended to read: "important *public and* cultural facilities"; and
2. The Head of Planning and Regulatory Services be authorised, in consultation with the Cabinet Member for Environment and Waste, to make any necessary amendments to the Appendices attached to the Policy, as may be required during the life of the document for operational reasons.

526. **JOINT HEALTH AND SAFETY POLICY – AMENDMENT 007, ANNEX I – SAFETY & ENVIRONMENTAL REQUIREMENTS FOR CONTRACTORS AND SUB-CONTRACTORS. AMENDMENT 008, INSTRUCTION 41 – VOLUNTEERING. AMENDMENT 009, ANNEX U – HOT WORKS PERMIT. AMENDMENT 010, ANNEX V – WORK PERMIT FOR EXTERNAL & INTERNAL ROOF WORK (REPORT NO CAB13/070)** (Key Decision Reference APR13/01)

The Cabinet Member for Resources, Governance and Performance sought approval for amendments to Instructions and Annexes within the Joint Health and Safety Policy.

With the vote being unanimous, it was

**RECOMMENDED:**

That the revised amendments 007 to 010 of the Joint Health and Safety Policy be approved, as set out in Appendices A – D of Report No CAB13/079.

527. **JOINT PAY POLICY STATEMENT 2013/2014 (REPORT NO CAB13/080)**  
(Key Decision Reference FEB13/04)

The Cabinet Member for Resources, Governance and Performance explained that Section 38(1) of the Localism Act 2011 required Local Authorities to produce an annual Pay Policy Statement, accordingly the report before Cabinet sought approval of the 2013/2014 Statement, for presentation to Council on 8 May 2013.

With the vote being unanimous, it was

**RECOMMENDED:**

That the Joint Pay Policy Statement for 2013/2014 be approved.

528. **SINGLE PAY AND REWARD STRATEGY (REPORT NO CAB13/081)** (Key Decision Reference FEB13/04)

The Cabinet Member for Resources, Governance and Performance made reference to Report No CAB13/081, circulated separately to the agenda following the closure of the ballot of the recognised trade union members on 27 March 2013.

Members of Unison had overwhelmingly supported the proposals in the new Single Pay and Reward Strategy, accordingly Cabinet was being asked to recommend approval of these to Council on 8 May 2013.

The Cabinet Member asked that his thanks be recorded to the Head of Human Resources and Organisational Development for her efforts in the development of the Strategy and this was echoed by the Leader.

Councillor T Simmons addressed the meeting and raised a question with regard to the way in which the rates of pay were determined for senior management (the Chief Executive, Directors and Heads of Service). The Head of Human Resources and Organisational Development and the Leader jointly responded and explained the process involved.

With the vote being unanimous, it was

**RECOMMENDED:**

That the Joint Chief Executive be given Delegated Authority, in consultation with the Portfolio Holders for Performance and Resources (SEBC) and Resources, Governance and Performance (FHDC), to sign and adopt the Collective Agreement with Unison that details the Councils' new Single Pay and Reward Strategy.

529. **GUINEAS CAR PARK IMPROVEMENTS (REPORT NO CAB13/082)** (Key Decision Reference APR13/05)

The Cabinet Member for Resources, Governance and Performance sought approval to carry out improvements to The Guineas Car Park, Newmarket in order to overcome anti-social behaviour at the facility and to better utilise the top deck.

The Cabinet Member for Health, Leisure and Culture spoke in support of this item and commended the use of the Waitrose Section 106 (S106) funding to improve the car park.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The content of the report be noted, including the operational issues and the proposed improvement works to The Guineas Car Park;
2. £150,000 of Waitrose S106 funding be allocated to improving The Guineas Car Park and introducing long-stay car parking on the top deck. This would negate the need to use the previously allocated capital funding for these improvements;
3. A further £21,000 be allocated from the Waitrose S106 funding to change the internal lights to LED type, paying back in 1.6 years and saving £124,000 of revenue costs over 10 years;
4. A further £25,000 be allocated from the Waitrose S106 funding to improve CCTV coverage in the car park;
5. A further £15,000 be allocated from the Waitrose S106 funding to improve decoration and fully compliment the introduction of long-stay parking on the top deck; and
6. On approval of the above Recommendations 1 – 5, the Council's revenue and capital budgets and the Council's Prudential Indicators be updated accordingly.

530. **ASSET MANAGEMENT PLAN REVIEW – 1-3 OUTFALL COTTAGES, LAUREATE SCHOOL ROAD, NEWMARKET (REPORT NO CAB13/083)** (Key Decision Reference JAN13/06)

The Cabinet Member for Resources, Governance and Performance asked Cabinet to recommend that 1-3 Outfall Cottages, Laureate School Road, Newmarket was declared surplus to the service requirements of the Council, he also presented Members with a range of options for its future use.

The Cabinet Member explained that the Council's Officers had approached Suffolk County Council with regard to this item and a response was expected within the next few days.

With the vote being unanimous, it was

**RECOMMENDED:**

That:-

1. 1-3 Outfall Cottages, Laureate School Road, Newmarket be declared surplus to the Council's requirements;
2. Suffolk County Council be given a time limited opportunity to make their best offer for 1-3 Outfall Cottages to enable expansion of Laureate School through negotiating a purchase or acceptable land swap; and
3. If a satisfactory deal cannot be agreed in a reasonable timescale with Suffolk County Council, the disposal by informal tender be undertaken to the interests identified in Report No CAB13/083 and any other suitable parties that come forward.

**NON KEY DECISIONS**

531. **DEVELOPING A WEST SUFFOLK CONTAMINATED LAND STRATEGY (REPORT NO CAB13/084)** (Key Decision Reference APR13/07)

The Cabinet Member for Environment and Waste explained that, in order to achieve a shared approach to policy and service delivery, a draft West Suffolk Contaminated Land Strategy had been developed which, once adopted, would replace Forest Heath's and St Edmundsbury's current strategies.

Cabinet approval was sought to undertake stakeholder consultation on the new joint Strategy and the Cabinet Member thanked the Officers concerned for the development of the document.

With the vote being unanimous, it was

**RESOLVED:**

That a stakeholder consultation on the proposed West Suffolk Contaminated Land Strategy, attached as Appendix 1 to Report No CAB13/084, be approved.

532. **BUSINESS START UP GRANT / LOAN SCHEME (REPORT NO CAB13/085)** (Key Decision Reference APR13/08)

The Cabinet Member for Economic Development and Tourism sought Cabinet approval to fund the extension of the current business start-up grant / loan scheme operated by Forest Heath District Council for a further period.

The Cabinet Member for Families and Communities spoke in support of this item and commended the operation of the scheme, particularly in the current economic climate.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The business start-up grant / loan scheme be extended by a further £18,000 (plus management fee), to be funded from the Strategic Plan allocation under EG2.1.; and
2. Delegated authority be given to the Head of Economic Development and Growth, in consultation with the Portfolio Holder for Economic Development and Tourism, to agree the details of the extension of the scheme with the scheme provider.

**533. ESTABLISHMENT OF A JOINT DIVERSITY WORKING PARTY (REPORT NO CAB13/086) (Key Decision Reference APR13/02)**

The Cabinet Member for Families and Communities sought approval to establish a Joint Diversity Working Party (of the Cabinets) across Forest Heath District Council and St Edmundsbury Borough Council.

The Cabinet Member explained that the Members of the Working Party would be appointed at the Councils' AGMs in May 2013.

With the vote being unanimous, it was

**RESOLVED:**

That a Cabinet Joint Working Party be established to operate as a Joint Diversity Working Party across both Forest Heath District Council and St Edmundsbury Borough Council, with Terms of Reference and Membership as set out in Appendix A of Report No CAB13/086.

**534. PERFORMANCE REPORTING AND THE ROLE OF THE PERFORMANCE AND AUDIT COMMITTEE (REPORT NO CAB13/087) (Key Decision Reference APR13/06)**

The Leader asked Cabinet to recommend approval for making the Council's Performance and Audit Committee a scrutiny committee.

The Head of Resources and Performance drew Members' attention to Paragraph 4.6 of Report No CAB13/087 and the reference therein to the consideration of the Council's Annual Statement of Accounts. She explained that since the report had been written Legal Services had confirmed that the Performance and

Audit Scrutiny Committee could have responsibility for this function as part of its role in considering the financial information of the Council.

With the vote being unanimous, it was

**RECOMMENDED:**

That:-

1. The Performance and Audit Committee be made a scrutiny committee (e.g. the Performance and Audit Scrutiny Committee) with effect from May 2013;
2. The number of Performance and Audit Scrutiny Committee meetings in a year be reduced to five;
3. The Performance and Audit Scrutiny Committee be not politically balanced and that the membership be increased from 9 to 10 members, to comprise 8 members of the Conservative Group and 2 members of the Opposition Group;
4. Council resolves to approve the arrangements for appointments to the Performance and Audit Scrutiny Committee to be made without compliance with the political balance requirements in SS15 and 16 of the Local Government and Housing Act 1989;
5. The Council's Monitoring Officer be given delegated authority to make the necessary adjustment to the Council's constitution to implement these changes; and
6. Financial information and Key Performance Indicators be reported to the Performance and Audit Scrutiny Committee.

535. **REVIEW OF THE LIST OF KEY DECISIONS (REPORT NO CAB13/088)**

Cabinet was asked to review the list of Key Decisions to be considered by Forest Heath District Council for the period April to May 2013.

With the vote being unanimous, it was

**RESOLVED:**

That the list of Key Decisions, for the period April – May 2013, attached as an Appendix to Report No CAB13/088, be noted.

The meeting closed at 6.50pm.