

# Forest Heath District Council

**MINUTES** of the **CABINET** held at the District Offices, College Heath Road, Mildenhall on Tuesday 3 September 2013 at 6.00 pm.

## **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 C Noble and T Simmons were also in attendance.

Also in attendance:

I Gallin, Chief Executive  
P Heard, Legal Services Manager  
G Lockey, Principal Growth Officer  
R Mann, Head of Resources and Performance  
S Phelan, Head of Housing  
M Smith, Planning Service Manager  
I Watson, Scientific Officer  
L Watts, Director  
A Wilson, Director  
S Turner, FHDC Cabinet Officer/Committee Administrator  
C Skoyles, SEBC Cabinet Officer/Committee Administrator

## **APOLOGIES**

There were no apologies for absence.

### 666. **PUBLIC PARTICIPATION**

Ms Sara Beckett, a Newmarket resident, addressed the Cabinet in respect of the following items which were due to be considered on the agenda:

- (a) Agenda Item 4 – Local Plan Working Group – 15 August 2013 – Minute Number 258 – Dates of Future Meetings

Ms Beckett raised concerns that the Local Plan Working Group had resolved to hold their meetings on 9 and 12 September 2013 and 17 and 30 October 2013, in confidential. She considered that this decision would have a detrimental effect for both the Forest Heath District Councillors and for their residents and also did not reflect the concept of the Government's 'localism' agenda.

- (b) Agenda Item 9 – Cambridgeshire Sub-Region Strategic Housing Market Assessment, Technical Report and Memorandum of Co-operation (Report No CAB13/102)

Ms Beckett referred to Appendix C (Memorandum of Co-operation between the local authorities in the Cambridge Housing Market Area) and raised concerns regarding the limited input from Forest Heath District Council, into this document, due to the absence from some of the meetings which had been held. Ms Beckett considered that this document should not be accepted as it did not adequately take into account the local circumstances and constraints for the Forest Heath district. Ms Beckett also explained that Officers had informed the Local Plan Working Group, at its meeting on 4 July 2013, that the Council had to accept the housing and job numbers contained within this Technical Report and she stated that this was actually not the case and the Council could choose not to accept these numbers.

Ms Beckett also referred to Appendix D (Additional Note relating to Population and Job Numbers for the Forest Heath District) and queried the legality of the consideration of this Appendix by the Cabinet, as it had not been circulated with the agenda papers and, therefore, was in contravention of the legal regulations in relation to the availability of agenda papers to the public.

**667. CONFIRMATION OF MINUTES**

The minutes of the Cabinet meeting held on 25 June 2013 were unanimously accepted as an accurate record and signed by the Leader.

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

The minutes of the following Joint Committees/Panel, Working Groups and other Groups were received:

Anglia Revenues and Benefits Partnership Joint Committee	13 June 2013
West Suffolk Waste and Street Scene Services Joint Committee	14 June 2013
West Suffolk Joint Health and Safety Panel	17 June 2013
Local Plan Working Group	4 July 2013
Local Plan Working Group	15 August 2013
Shared Services Steering Group	26 July 2013

Items the subject of formal report or proposition were as follows:-

**669. LOCAL PLAN WORKING GROUP – 4 JULY 2013 – MINUTE NO 250 – JOINT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD) (REPORT NO LOP13/005)**

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 CAB13/101.

670. **LOCAL PLAN WORKING GROUP – 4 JULY 2013 – MINUTE NO 252 – CORE STRATEGY SINGLE ISSUE REVIEW – RESPONSES TO REPRESENTATIONS (REPORT NO LOP13/007)**

Members were requested to note the recommendation listed under this item as this item would be considered by Cabinet at their meeting on 26 November 2013.

671. **LOCAL PLAN WORKING GROUP – 4 JULY 2013 – MINUTE NO 253 – JOINT FOREST HEATH DISTRICT COUNCIL AND ST EDMUNDSBURY BOROUGH COUNCIL LOCAL DEVELOPMENT SCHEME (REPORT NO LOP13/008)**

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 CAB13/103.

672. **LOCAL PLAN WORKING GROUP – 4 JULY 2013 – MINUTE NO 254 – CAMBRIDGESHIRE SUB-REGION STRATEGIC HOUSING MARKET ASSESSMENT TECHNICAL REPORT AND MEMORANDUM OF CO-OPERATION (REPORT NO LOP13/009)**

Members were requested to note the recommendations listed under this item as it was to be considered by Cabinet later on the agenda under Report No CAB13/102.

673. **LOCAL PLAN WORKING GROUP – 15 AUGUST 2013 – MINUTE NO 257 – JOINT STATEMENT OF COMMUNITY INVOLVEMENT (SCI) – PROPOSED CONSULTATION (REPORT NO LOP13/011)**

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 CAB13/104.

674. **APPROVAL OF MINUTES**

It was moved, duly seconded and unanimously

**RESOLVED:**

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

**KEY DECISIONS**

675. **DEVELOPING A WEST SUFFOLK CONTAMINATED LAND STRATEGY – POST STAKEHOLDER CONSULTATION (REPORT NO CAB13/098)** (Key Decision Reference: JUN13/01)

The Cabinet Member for Environment and Waste presented this report which explained that to achieve a shared approach to policy and service delivery for the people of West Suffolk and to meet the statutory obligations under Part 2A of the Environmental Protection Act 1990, Forest Heath District Council and St

Edmundsbury Borough Council had developed and consulted upon a draft West Suffolk Contaminated Land Strategy.

Once adopted, this would replace the Councils' current strategies. Appendix 1 to Report No CAB13/098 set out the proposed amendments to the draft Strategy which reflected comments made during the stakeholder consultation. The final version of the Strategy was set out in Appendix 3.

With the vote being unanimous, it was

**RECOMMENDED:**

That the formal adoption of the proposed West Suffolk Contaminated Land Strategy, as set out in Appendix 3 to Report No CAB13/098, be approved.

676. **DESIGNATED PERSONS (REPORT NO CAB13/099)** (Key Decision Reference: SEP13/03)

The Cabinet Member for Planning, Housing and Transport presented this report which provided information on the new arrangements which came into effect on 1 April 2013, whereby all tenant complaints made against their Registered Providers, would need be considered by a 'designated person', once the Registered Providers own internal complaints procedure had been exhausted, before consideration by the Housing Ombudsman.

A 'designated person' could be any Member of Parliament (MP), a councillor from the local housing authority or a designated tenant panel. Although a complainant would be able to ask any councillor to act as a designated person to help them resolve their complaint, it could be helpful for the Council to establish a more structured approach, whereby a number of Councillors with a broad knowledge of housing issues, were identified as being willing to act as designated persons.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The implications of the report and the additional responsibility placed upon local councillors with regard to the role of Designated Persons, be noted.
2. The following four Members be identified to act as Designated Persons, on behalf of Forest Heath District Council, in progressing housing complaints to the Housing Ombudsman Service:
  - (a) Mrs R E Burt (Cabinet Member for Planning, Housing and Transport)
  - (b) G Jaggard
  - (c) T Simmons
  - (d) One Member to be confirmed.

677. **TREASURY MANAGEMENT ANNUAL REPORT 2012/2013 (REPORT NO CAB13/100)** (Key Decision Reference: SEP13/04)

The Cabinet Member for Resources, Governance and Performance presented this report which provided the Cabinet with an overview of the Treasury Management activities for the 2012/2013 financial year.

With the vote being unanimous, it was

**RESOLVED:**

That the contents of the report be noted.

678. **JOINT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD) (REPORT NO CAB13/101)** (Key Decision Reference: SEP13/05)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the Local Plan Working Group had previously considered a draft Joint Affordable Housing Supplementary Planning Document (SPD) and recommended approval for consultation (8 May 2012 – Report No LDF12/086).

The public consultation had taken place between 2 November 2012 and 14 December 2012 and, in the light of comments received, Officers had made consequential changes to the draft SPD in order that it may be adopted. This document was set out in Appendix B to Report No CAB13/101.

The Local Plan Working Group, at their meeting on 4 July 2013, recommended to both the Cabinet and the Council that the Joint Affordable Housing Supplementary Planning Document (SPD) be adopted.

With the vote being unanimous, it was

**RECOMMENDED:**

That:-

1. The Joint Affordable Housing Supplementary Planning Document (SPD), as set out in Appendix B to Report No CAB13/101, be adopted.
2. The Acting Head of Planning, in consultation with the Portfolio Holder for Planning, Housing and Transport, be authorised to make any minor typographical, factual, spelling and grammatical changes to the Joint Affordable Housing Supplementary Planning Document (SPD), provided it does not materially affect its substance or meaning.

679. **CAMBRIDGESHIRE SUB-REGION STRATEGIC HOUSING MARKET ASSESSMENT, TECHNICAL REPORT AND MEMORANDUM OF CO-OPERATION (REPORT NO CAB13/102)** (Key Decision Reference: SEP13/06)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the National Planning Policy Framework (NPPF) required

local planning authorities to have a clear understanding of housing needs in their 'housing market area'. For St Edmundsbury Borough Council and Forest Heath District Council, the market area was the Cambridge Sub-region, which comprised the Cambridgeshire districts and the West Suffolk local authorities.

The local authorities in the Cambridgeshire Strategic Housing market Area had been working together to update the Strategic Housing Market Assessment for the area, as well as a supporting Technical Report and had prepared a Memorandum of Co-operation. The latter addressed the 'Duty to Co-operate' requirements of the Localism Act 2011.

This report was considered by the Local Plan Working Group on 4 July 2013, where some concerns had been expressed over the disparity of the ratio of jobs to homes for the Forest Heath District. In light of these concerns, Officers had produced an additional note to clarify the population and job numbers information for the Forest Heath District and this was set out in Appendix D to Report No CAB13/102.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The content of the Strategic Housing Needs Assessment update (attached as Appendix A to Report No CAB13/102) and Population, Housing and Employment Forecasts: Technical Report (Appendix B to Report No CAB13/102) be noted.
2. The position, as set out in the Memorandum of Co-operation (attached as Appendix C to Report No CAB13/102) in line with the provisions of the Localism Act 2011 and the Duty to Co-operate, be agreed.

**NON KEY DECISIONS**

680. **JOINT FOREST HEATH DISTRICT COUNCIL AND ST EDMUNDSBURY BOROUGH COUNCIL LOCAL DEVELOPMENT SCHEME (REPORT NO CAB13/103)** (Key Decision Reference: SEP13/07)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the Planning and Compulsory Purchase Act (2004), as amended by the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012, placed a requirement upon local planning authorities, (LPAs) to produce and keep up-to-date, a Local Development Scheme.

The Local Development Scheme (LDS) explained how and when the Council would prepare, consult, adopt and review local development plan documents, which together, would comprise the Local Plan for Forest Heath District Council and/or St Edmundsbury Borough Council. A new, joint LDS had now been prepared to cover both districts, reflecting the implementation of the shared Planning Service.

This report had also been considered by the Local Plan Working Group on 4 July 2013, where it had been recommended that the Scheme be approved for publication.

With the vote being unanimous, it was

**RESOLVED:**

That the Joint Local Development Scheme be approved for publication.

681. **JOINT STATEMENT OF COMMUNITY INVOLVEMENT (SCI) – PROPOSED CONSULTATION (REPORT NO CAB13/104)** (Key Decision Reference: MAY13/03)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the Planning & Compulsory Purchase Act required local planning authorities to prepare a Statement of Community Involvement (SCI), which was a strategy for involving the community in the local plan and planning application processes. Given the approach to a shared planning service for Forest Heath District Council and St Edmundsbury Borough Council, it was now considered appropriate to have a joint SCI that set out a consistent 'engagement' strategy for application across both authorities. Prior to the SCI being adopted by the respective Councils, it would be subject to a four week period of public consultation.

A consultation draft SCI was presented to the Sustainable Development Working Group of St Edmundsbury Borough Council on 27 June 2013 and to the Forest Heath District Council Local Plan Working Group on 4 July 2013. It was resolved by both 'groups' that further consideration of the draft SCI and recommendation as presented be deferred. The reason for this was to allow sufficient time for a revised user friendly, plain English version, to be produced and submitted to a subsequent meeting of the Local Plan Working Group and Sustainable Development Working Group for assessment.

This report was again considered by the Local Plan Working Group at their meeting on 15 August 2013, where minor amendments were proposed for incorporation into the document. The proposed Statement of Community Involvement (SCI) consultation draft was attached as Appendix A to Report No CAB13/104.

The Cabinet Member also explained that as the St Edmundsbury Borough Council Sustainable Development Working Party would not be considering this document until this evening, it was proposed for an additional recommendation to be included, to allow delegated authority to be given to the Acting Head of Planning, to agree all the amendments made by the Working Party, for incorporation within the final consultation document.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The revised draft joint Statement of Community Involvement (SCI), as set out in Appendix A to Report No Cab13/104, be approved for a period of public consultation.
2. Delegated authority be given to the Acting Head of Planning, in consultation with the Portfolio Holder for Planning, Housing and Transport, to agree all the amendments made by the St Edmundsbury Borough Council Sustainable Development Working Party at their meeting on 3 September 2013, prior to the public consultation.

682. **SUFFOLK GROWTH STRATEGY DELIVERY PLAN (REPORT NO CAB13/105)**  
(Key Decision Reference: SEP13/02)

The Cabinet Member for Economic Development and Tourism presented this report which explained that the Suffolk Growth Strategy (SGS) articulated the ambitions for economic growth held by the constituent local authorities in Suffolk.

This Delivery Plan would feed directly into the growth plans that each of the two Local Enterprise Partnerships were preparing and would enable future funding opportunities to be co-ordinated and supported.

The final Suffolk Growth Strategy document was launched at the Apex in Bury St Edmunds on 26 February 2013. Following this launch, work had been undertaken to produce the draft SGS Delivery Plan, which would evidence how the authorities would bring the aspirations for growth outlined in the Strategy, into reality. It was, therefore, important that the priorities for the West Suffolk region were articulated and evidenced for inclusion in the SGS Delivery Plan and subsequently in the LEPs' Plans for Growth.

Consultation with relevant members of the business community on each of the individual areas of the plan had been undertaken over the past few months. The Suffolk Growth Group had now approved the draft plan in its entirety for consultation with Members and other stakeholders.

The final draft Delivery Plan had been agreed by the Suffolk Leaders on 19 July 2013 (subject to ratification by individual Cabinets at a later date), after the Plan had been amended to reflect the current consultation.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The content of the draft Suffolk Growth Strategy Delivery Plan, as contained in Appendix A to Report No CAB13/105, be approved.



2. The Head of Economic Development and Growth, in consultation with the Portfolio Holder for Economic Development and Tourism, be given delegated authority to approve the final version of the Delivery Plan.

683. **GROWTH PLANS FOR THE NEW ANGLIA LOCAL ENTERPRISE PARTNERSHIP AND GREATER CAMBRIDGE/GREATER PETERBOROUGH LOCAL ENTERPRISE PARTNERSHIP (REPORT NO CAB13/106)** (Key Decision Reference: SEP13/08)

The Cabinet Member for Economic Development and Tourism presented this report which explained that the Local Enterprise Partnerships (LEPs) had been asked by the Government to develop growth plans for their areas. These plans would help coordinate economic development in local areas and prioritise investment by central government and local partners. As part of these plans, the Government had invited LEPs to develop a Structural and Investment Fund Strategy (SIFS) for use of the European Structural and Investment Funds for the period 2014-2020 in their local areas.

LEPs would ultimately be required to produce multi-year growth plans and the Government would provide detailed guidance on the required content of these in September 2013. The LEP growth plans provided the context for both the county and district level growth plans.

Since West Suffolk was part of both the New Anglia Local Enterprise Partnership (NALEP) and the Greater Cambridge Greater Peterborough Local Enterprise Partnership (GCGP), it was essential that the Council contributed to both growth plans. The two LEPs were at differing stages of development in terms of producing their plans. The GCGP was currently in the process of establishing a sub-group to draft the plan, whilst NALEP had already produced a draft growth plan, '*Towards a Growth Plan*', which was out for consultation until the end of August 2013 and formed Appendix A to Report No CAB13/106.

LEPs were required to submit their draft growth plans to Government in September 2013 and final growth plans were due to be submitted to Government in January 2014.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The content of the New Anglia Local Enterprise Partnership's '*Towards a Growth Plan*', as contained in Appendix A to Report No CAB13/106, be noted.
2. Comments on the New Anglia Local Enterprise Partnership's '*Towards a Growth Plan*', as contained in Appendix A to Report No CAB13/016, be submitted to the Head of Economic Development and Growth, to enable a West Suffolk response to the consultation to be prepared.

3. The Head of Economic Development and Growth, in consultation with the Portfolio Holder for Economic Development and Tourism, be given delegated authority to approve the final version of the New Anglia Local Enterprise Partnership's '*Towards a Growth Plan*'.
4. The Head of Economic Development and Growth, in consultation with the Portfolio Holder for Economic Development and Tourism, be given delegated authority to seek comments, on the draft version, and approve the final version, of Greater Cambridge Greater Peterborough Local Enterprise Partnership's Growth Plan.

684. **REVIEW OF LIST OF KEY DECISIONS (REPORT NO CAB13/107)**

The Cabinet was asked to review the list of Key Decisions to be considered by Forest Heath District Council for the period September 2013 to May 2014.

With the vote being unanimous, it was

**RESOLVED:**

That the List of Key Decisions for the period September 2013 to May 2014, attached as an Appendix to Report No CAB13/107, be noted.

685. **EXCLUSION OF THE PRESS AND PUBLIC**

With the vote being unanimous, it was

**RESOLVED:**

That, under Section 100A(4) of the Local Government Act 1972, the press and 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 prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**KEY DECISIONS**

686. **REGENERATION OF THE OLD BAKERY, MILDENHALL (REPORT NO CAB13/108X) (PARA 3)** (Key Decision Reference: APR13/03)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that Havebury Housing had made a successful bid to the Homes and Communities Agency (HCA) second round of Empty Homes funding which particularly targeted bringing commercial buildings back into use. Havebury had identified the Old Bakery, Mildenhall, which had been empty for a number of years, as a potential property which would deliver additional affordable housing units.

This report explained that the scheme would contribute towards meeting a number of the Council's strategic priorities: such as securing much needed affordable housing within Mildenhall, helping to bring empty homes back into

use, as well as improving the appearance of a prominent town centre site. It would also bring back into use a listed building.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The maximum capital grant, as set out in paragraph 4.16 of Report No CAB13/108X, to Havebury Housing, to cover the identified shortfall in funding for the Old Bakery regeneration scheme in Mildenhall, be approved.
2. The funding be subject to Havebury Housing securing planning permission, agreeing to an open-book funding approach and agreeing that the Council will not assume any of the risks associated with the development of the scheme.
3. The funding be subject to Havebury Housing agreeing to the Council having use of four units for temporary accommodation, for an initial period of five years.

The meeting closed at 7.06 pm.