

Forest Heath District Council

MINUTES of the **SPECIAL COUNCIL** held at the District Offices, College Heath Road, Mildenhall on Wednesday 26 September 2012 at 6.00 pm.

PRESENT:

Councillors:

E Stewart (Chairman)	G Jaggard
C J Barker (Vice-Chairman)	M J Jefferys
M J Anderson	Mrs C F J Lynch
D W Bowman	J W McGhee
Mrs R E Burt	C Noble
A Drummond	N A Roman
S J Edwards	W E Sadler
D W Gathercole	J E Waters
W Hirst	A J Wheble
R D S Hood	N Williams
T J Huggan	

Also in attendance:

D Beighton, Principal Planner
I Gallin, Chief Executive
P Harvey, Service Manager (Corporate Development)
P Heard, Legal Services Manager/Monitoring Officer
R Mann, Accountancy Services Manager
N McCurdy, Strategic Director (Services)
L Pope, Head of Finance, ICT and Audit
S Turner, Committee Administrator (Team Leader)

Carl Pettitt, Audit Manager, Audit Commission
Mary Springer, Principal Auditor, Audit Commission

APOLOGIES

Apologies for absence were received from Councillor D W Bimson, W J Bishop, R Dicker, R J Millar, T Simmons and M K Smith.

180. **PUBLIC PARTICIPATION**

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

181. **APPROVAL OF THE 2011/2012 STATEMENT OF ACCOUNTS AND COMMUNICATION OF AUDIT MATTERS TO THOSE CHARGED WITH GOVERNANCE 2011/2012 (REPORT NO COU12/589)**

The Chairman introduced this item and welcomed Carl Pettitt and Mary Springer from the Audit Commission, who were at the meeting to present their 2011/2012 Annual Governance Report to Members. The Chairman informed Members that the Council had achieved a 'near perfect' audit and commended Officers on this achievement.

The Cabinet Member for Resources, Governance and Performance introduced the report which set out the process for the approval of the 2011/2012 Statement of Accounts. The report also covered the issues arising from the Audit Commission's audit of the financial statements and those issues which they were formally required to report under the Audit Commission's Code of Audit Practice and International Standards on Auditing (UK & Ireland) (ISA(UK&I)) 260 – "Communication of Audit Matters with those charged with Governance" – Annual Governance Report (AGR).

The Cabinet Member explained that the Audit Commission would be intending to issue an unqualified opinion. It had also been concluded that the Council had made the proper arrangements to secure value for money service to its residents. The Cabinet Member wished to thank Officers and the Audit Team for all of their hard work in producing a good set of accounts and a thorough audit thereof.

Mr Pettitt presented the Annual Governance Report (Attachment 2) and summarised the findings arising from the audit of the Accounts for 2011/2012. He confirmed that the District Auditor was proposing to issue an unqualified audit opinion on the Council's Accounts and an unqualified Value for Money conclusion, in that proper arrangements were in place to secure economy, efficiency and effectiveness in the Council's use of resources.

The Council's unaudited 2011/2012 Statement of Accounts had been updated to reflect the adjustments recommended by the Audit Commission from their audit work (Attachment 2 of Report No COU12/589). It was noted that these adjustments did not affect the overall financial position of the Council.

On behalf of the External Audit Team, Mr Pettitt also wished to thanked the Cabinet Member and the Council's Finance Team for their co-operation and assistance in providing information and responding to audit queries on a timely basis.

It was moved by Councillor S J Edwards, seconded by Councillor N A Roman and with the vote being unanimous, it was

RESOLVED:

That:-

1. The 2011/2012 Statement of Accounts, as attached at Attachment 1, along with the matters raised in the Attachment 2 (the Annual Governance Statement) of Report No COU12/589, be noted.

2. The adjustments to the financial statements included in this report (Appendices 2 and 3 of Report No COU12/589) be noted.
3. The letter of representation (Attachment 2; Appendix 4 of Report No COU12/589), on behalf of the Authority before the District Auditor issues his opinion and conclusion, be approved.
4. The 2011/2012 Statement of Accounts, including the Annual Governance Statement, be approved and signed and dated accordingly.

182. **JOINT DEVELOPMENT MANAGEMENT POLICIES – SUBMISSION VERSION CONSULTATION (REPORT NO COU12/590)** (Forward Plan Reference: JUL12(A)/03)

The Cabinet Member for Planning, Housing and Transport presented the latest version of the Joint Development Management Policies, for Members to approve before consultation commenced, as the 'submission version', prior to submission to the Secretary of State.

Members were reminded that consultation had taken place earlier in the year on the 'preferred options' and this version of the document sought to comment upon and respond to, where appropriate, the representations received. It was reported that 343 representations had been received and these were summarised in Working Paper 1 of the report. Also shown within this Working Paper, was the Officer response to these representations, which had been compiled jointly between Forest Heath District Council and St Edmundsbury Borough Council.

The Cabinet Member explained that the document had been previously considered by the Local Plan Working Group on 26 July 2012 (which resolved to recommend that the document be approved without amendment) and the Joint Development Management Policies Committee on 23 August 2012 (who also agreed its content, without further amendment). The resolution of the Joint Committee was also 'noted' by the Cabinet on 4 September 2012.

Following this exercise, final approval of the document would be required, prior to submission to the Planning Inspectorate. This was anticipated as being undertaken in Spring 2013, with the document being adopted in Autumn 2013.

Following on from a question raised by Councillor T J Huggan regarding the detail of the consultation process and the involvement of Parish Councils, the Principal Planner explained that the consultation exercise was anticipated to commence on 19 October 2012, for an eight week period. The advertising of this consultation exercise would be undertaken in the normal manner, with contact being made, in writing, to those on the Council's contact list, along with the Parish Councils. The consultation would also be published on the Council's website.

Councillor T J Huggan also raised concerns with regard to those Parish Councils who would not be meeting within this eight week period. The Cabinet Member explained that those Parish Councils would be able to apply for an extension to allow for the submission of their response.

The Council were requested to agree the document for consultation.

It was moved by Councillor Mrs R E Burt, seconded by Councillor W Hirst and with the vote being unanimous, it was

RESOLVED:

That:-

1. The document be approved for public consultation, as the joint 'submission version' Development Management Policies Development Plan Document (as set out in Working Paper 2 of Report No COU12/590).
2. The resolution of the Joint Development Management Policies Committee to authorise the Joint Interim Head of Planning, in consultation with the Chairman of the Joint Development Management Policies Committee, to make any necessary minor typographical, grammatical or similar textual changes to the draft prior to publication for consultation purposes, be noted.

183. **FINANCIAL PERFORMANCE REPORT (REVENUE AND CAPITAL): APRIL TO JUNE 2012 (REPORT NO COU12/591)** (Forward Plan Reference: SEP12/08)

The Cabinet Member for Resources, Governance and Performance presented this report and explained that this report provided Members with information regarding the Council's financial performance for the period April to June 2012.

This was the first time that Members had seen the new financial reporting format, which included both the revenue and capital budgets together and which highlighted the key issues which affected the Council's finances. The Council's forecast capital was anticipated to fall in line with the budget provision.

The summary position on revenue currently showed a slight forecasted overspend at the year end, primarily in fee generating budgets (such as business unit rental income and planning application income). Members were working together with Officers to bring this position back into balance over the coming months. Part of this work would also involve the generation of further savings in 2012/2013 from the sharing of services with St Edmundsbury Borough Council.

This report had also been considered by Cabinet on 4 September 2012 and was being recommended for approval.

Councillor T J Huggan referred to the planning application income and asked whether consideration had been given to the introduction of fees for pre-application discussions on major planning developments. The Cabinet Member for Planning, Housing and Transport acknowledged that this issue had been raised previously by Members and would be taken forward by the Head of Planning and brought back to Members for consideration in due course.

It was moved by Councillor S J Edwards, seconded by Councillor Mrs R E Burt and with the vote being unanimous, it was

RESOLVED:

That:-

1. The 2012/2013 revenue and capital budget positions for the first three months of the financial year, be noted.
2. The amendments to the Prudential Indicators as detailed in Report No COU12/591 and in Appendix G, for the period 2012/2013 to 2015/2016 in line with the requirements of the Local Government Act 2003, be approved.
3. The revenue budget virements, as outlined in Appendix E to Report No COU12/591, be noted.

184. **TREASURY MANAGEMENT ANNUAL REPORT 2011/2012 (REPORT NO COU12/592)** (Forward Plan Reference: SEP12/03)

The Cabinet Member for Resources, Governance and Performance presented this report which provided an overview of the Treasury Management activities for the 2011/2012 financial year.

The overall amount of interest on investments in respect of the 2011/2012 financial year totalled £822,000. This represented an increase of £85,000 against the budget of £737,000 as forecasted in the Council's Medium Term Financial Strategy. The actual income from interest on investments was higher than budgeted, primarily due to higher than expected cash holdings which had arisen from underspends on the Capital Programme.

Members were also being requested to amend the Annual Treasury Management and Investment Strategy and supporting Code of Practice, as outlined in paragraphs 7. to 12. of Report No COU12/592, to increase the limit for the Lloyds Banking Group of £6.5m.

The Cabinet Member also thanked all staff and Councillors involved on the excellent financial outturn for the financial year 2011/2012.

It was moved by Councillor S J Edwards, seconded by Councillor D W Bowman and with the vote being unanimous, it was

RESOLVED:

That:-

1. The contents of this report be noted.
2. The Annual Treasury Management and Investment Strategy and supporting Code of Practice, be amended, to include an increased

limit for the Lloyds Banking Group of £6.5m as outlined in paragraphs 7. to 12. of Report No COU12/592.

185. **JOINT WHISTLEBLOWING POLICY (REPORT NO COU12/593)** (Forward Plan Reference: JUL12(B)/05)

The Cabinet Member for Resources, Governance and Performance presented this report which 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 were to make the Policy more transparent and explicit in its nature for Officers, Members and the Public and to also make it fully consistent with the Anti-Fraud and Anti-Corruption Strategy. The revised Policy also required the Internal Audit Manager to be informed of all whistleblowing events and was responsible for maintaining a register of all such events.

A copy of the proposed revised Joint Policy was attached as Appendix A to the report.

It was moved by Councillor S J Edwards, seconded by Councillor J E Waters and with the vote being unanimous, it was

RESOLVED:

That:-

1. The revised joint Whistleblowing Policy (Appendix A to Report No COU12/593) between Forest Heath District Council and St Edmundsbury borough Council be adopted.
2. The Portfolio Holder for Resources, Governance and Performance be given delegated authority to amend the Officer post titles, where necessary, regarding the reporting of whistleblowing concerns referred to within the Policy, following the upcoming senior management restructure.

186. **CHANGES TO THE CONSTITUTION CONSEQUENTIAL UPON THE MANAGEMENT RESTRUCTURE (REPORT NO COU12/594)**

The Monitoring Officer presented this report which explained that to ensure the delegations to Officers were effective upon the completion of the current management restructure, this report requested Members to agree amendments to the Constitution, which consisted mainly of the replacement of old job titles and designations with the new job titles.

It was moved by Councillor S J Edwards, seconded by Councillor Mrs R E Burt and the vote being unanimous, it was

RESOLVED:

That:-

1. The amendments, as set out in the revised Constitution document referred to (Paragraph 5. of Report No COU12/594), to take effect from the date of implementation of the new structure.
2. Delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to make further minor consequential changes arising from changes in job title or duties, which do not materially affect the terms of the Constitution.

187. **CHANGES TO THE CONSTITUTION TO REFLECT THE CREATION OF THE WEST SUFFOLK JOINT STAFF CONSULTATIVE PANEL AND THE NEW REGULATIONS FOR PUBLICISING KEY DECISIONS (REPORT NO COU12/595)**

The Monitoring Officer presented this report which noted the changes to the Council's Constitution to reflect the creation by the Cabinet, of the West Suffolk Joint Staff Consultative Panel (Appendix A) and to also note the changes in the arrangements for the publicising of key decisions with effect from 10 September 2012 (Appendix B).

It was moved by Councillor E Stewart, seconded by Councillor A J Wheble and with 20 voting for the motion and with 1 abstention, it was

RESOLVED:

That the following changes to the Council's Constitution be noted:

1. The formation of the West Suffolk Joint Staff Consultative Panel (as set out in Appendix A to Report No COU12/595).
2. The changes to the arrangements for publication of key decisions (as set out in Appendix B to Report No COU12/595).

188. **URGENT BUSINESS**

Community Right to Bid – Delegation to Officers (Forward Plan Reference: SEP12/13)

The Chairman allowed this urgent item of business to be considered as the Communities Minister had announced that the Community Right to Bid was now effective from 21 September 2012.

The Service Manager (Corporate Development) explained that the Cabinet, at its meeting on 4 September 2012, had agreed to the recommendation that responsibility be delegated to Officers for dealing with nominations of assets of community value, made under the Community Right to Bid. This proposal, therefore, resulted in a change to the Council's Constitution and Members were being requested to agree to this Officer delegation.

Members were also informed that the Council had already been notified of interest from a community wanting to nominate an asset of community value. Any nominations received, would need to be considered promptly, in line with the regulations.

It was moved by Councillor J E Waters, seconded by Councillor C Noble and with the vote being unanimous, it was

RESOLVED:

That delegated responsibility be given to Officers to deal with nominations made under the Community Right to Bid (keeping Members informed as appropriate (ie the appropriate Portfolio Holder, District Council Ward Member and Suffolk County Council Ward Member).

The meeting closed at 6.35 pm.