

Forest Heath District Council

MINUTES of the **SPECIAL COUNCIL** held at the District Offices, College Heath Road, Mildenhall on Wednesday 25 September 2013 at 6.00 pm.

PRESENT:

Councillors:

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

Also in attendance:

R Almond, Development Manager
J Bowes, Head of Legal & Democratic Services
R Mann, Head of Resources & Performance
F Osman, Democratic Services Manager
L Watts, Director
A Wilson, Director
H Hardinge, Committee Administrator & FHDC Scrutiny Support

APOLOGIES

Apologies for absence were received from Councillors D W Bimson, D W Bowman, C Noble and M K Smith.

712. **COUNCILLOR S COLE**

The Chairman welcomed Councillor Simon Cole to the Council, as the District Councillor for Exning following the By-Election held on 11 July 2013.

713. **PUBLIC PARTICIPATION**

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

714. **RESULTS OF THE DISTRICT BY-ELECTION FOR THE EXNING WARD (VERBAL)**

The Director reported that at the by-election for the Exning Ward held on 11 July 2013, Simon Cole had been elected as an Independent Member.

Councillor Cole had joined the District Council's Opposition Group, meaning there was no overall change to the political balance; however, there was a report later on the agenda for Council to review the membership of its Committees following the by-election.

715. **TREASURY MANAGEMENT ANNUAL REPORT 2012/2013 (REPORT NO COU13/637)** (Key Decision Reference SEP13/04)

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

Members were reminded of the challenging financial times local authorities found themselves in. The Cabinet Member also informed Council that the Co-operative Bank PLC had been downgraded further, meaning that Forest Heath had placed no further monies with the banking provider, whose contract with the authority expired in 2014 and would therefore be subject to review at that point.

A number of Members raised questions with regard to the Council's level of capital expenditure. The Cabinet Member responded and assured those present that capital was not being used to support revenue expenditure.

Attention was also drawn to the cost of change during the last 12 months, as a result of the implementation of the shared services structure with St Edmundsbury Borough Council, however, in the long-term this would deliver significant savings for the future.

It was moved by Councillor A J Wheble, seconded by Councillor E Stewart and with 22 voting for the motion and with 1 abstention, it was

RESOLVED:

That the Treasury Management Annual Report 2012/2013, set out in Report No COU13/637 and Appendices, be noted.

716. **J H ANDREWS CHARITY – APPOINTMENT OF TRUSTEES (REPORT NO COU13/638)**

The Cabinet Member for Resources, Governance and Performance explained that in the 1930s a Mr J H Andrew established a small Charity in his will. He gave the sum of £100 to be invested, with the income used to provide coal at Christmas for the deserving widows of the town of Newmarket. The Charity had trustees who were Members of the Newmarket Urban District Council and was operated on behalf of the Council by the Treasurer.

When Local Government was re-organised in the early 1970s, the Treasurer of the new Forest Heath District Council, then Mr Ray Bolton, continued to administer the Charity and Councillors of the new authority continued as trustees. Over time, the income from the investment and accumulated funds became insufficient to purchase the coal and the number of people who still relied on coal fires also lessened, so the benefit of continuing the Charity decreased.

Accordingly, Council was being asked to appoint three Newmarket Councillors as trustees of the dormant Charity in order to close it, with the agreement of the Charity Commission, and transfer any remaining funds to another charitable purpose related to the town of Newmarket.

The Cabinet Member proposed that Councillors C J Barker, G Jaggard and W E Sadler be appointed as trustees and this was duly seconded by Councillor Mrs C F J Lynch and with the vote being unanimous, it was

RESOLVED:

That Councillors C J Barker, G Jaggard and W E Sadler be appointed as trustees of the J H Andrews Charity, for the purpose of closing the Charity and passing its funds to another charitable purpose in the town of Newmarket.

717. **WANGFORD PARISH – COMMUNITY GOVERNANCE (REPORT NO COU13/639)**

The Cabinet Member for Resources, Governance and Performance informed Council that Wangford, one of the parishes of the Forest Heath District, did not have a Parish Council. It currently had six electors, apparently having declined in numbers as a result of the planting of Thetford Forest after the First World War and the development of the Lakenheath Air Base which commenced during the Second World War.

A Parish Meeting was called by the District Councillors for the Brandon West Ward (Councillors D W Bimson and T Simmons) in June 2013 but none of the six electors attended. Accordingly, it was being suggested that a Community Governance review was carried out in order to consider alternative future arrangements for the Parish which would be presented to Council to determine in the New Year.

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

RESOLVED:

That:-

1. The Council undertakes a Community Governance Review in respect of the future arrangements for the governance of the Parish of Wangford; and
2. The results of the review are reported back to Council for decision on the matter.

718. **REVIEW OF THE MEMBERSHIP OF THE COUNCIL'S COMMITTEES FOLLOWING THE DISTRICT COUNCIL BY-ELECTION FOR THE EXNING WARD (REPORT NO COU13/640)**

This report set out the changes to the membership of the Council's Committees following the District Council by-election for the Exning Ward.

The Head of Legal & Democratic Services explained that whilst there was no change to the political balance as a result of the by-election, the Opposition Group were required to review their membership on the Council's Committees.

Members were advised that the Working Groups, Joint Committees, Panels and other groups that reported directly to the Cabinet would also be reviewed by the Cabinet at their meeting on 15 October 2013.

It was moved by Councillor T J Huggan, seconded by Councillor W J Bishop and with the vote being unanimous, it was

RESOLVED:

That the changes to the membership of the Council's Committees, for the remainder of 2013/2014, be agreed as follows:

- (a) Development Control Committee (17)
(The Chairman and Vice Chairman not to be Cabinet Members)

To comprise no more than the minimum number of Members necessary to allow appointment on the basis of one Member for each ward. The obligation to achieve political balance necessitates more than one Member for that Ward, but no more.

The following Wards only have one Member representative:

1. Exning – S Cole
2. Icení – Mrs R E Burt
3. Manor – T J Huggan
4. South – Mrs C F J Lynch

M K Smith (Chairman)	D W Gathercole
A Drummond (Vice Chairman)	W Hirst
M J Anderson	T J Huggan
C J Barker	G Jaggard
W J Bishop	Mrs C F J Lynch
D W Bowman	T Simmons
Mrs R E Burt	E Stewart
S Cole	A J Wheble
R Dicker	

- (b) Licensing Committee (10)
(The Chairman and Vice Chairman not to be Cabinet Members)

R Dicker (Chairman)	Mrs C F J Lynch
M J Anderson (Vice Chairman)	J W McGhee
D W Bimson	N A Roman
W J Bishop	T Simmons
S Cole	E Stewart

- (c) Appeals Committee (7) (Chairman elected at individual meetings)
(Members of this Committee must not be Cabinet Members)

C J Barker	A Drummond
W J Bishop	T Simmons
S Cole	A J Wheble
R Dicker	

719. **PETITIONS SCHEME (REPORT NO COU13/641)**

The Cabinet Member for Families and Communities informed Members that Forest Heath District Council had an existing e-petitions system with mySociety under a contract that was due to expire in December 2013.

The cost of the system was £2,231 (including VAT) per annum. To date, the Council had received a total of two online petitions, with only one of the two having enough signatures to be considered by full Council.

In this context it was recommended that the Council ended its contract with mySociety and from 6 December 2013 would instead accept e-petitions through free software that was readily available online via a number of providers.

The Cabinet Member stressed that in amending its petitions scheme the Council was making it clear that it continued to accept e-petitions created using free online software. There would be no negative impact on local people wishing to submit an e-petition and there would no longer be a cost to the council in providing this facility.

A number of Members raised concern that the electorate were unaware of e-petitions and how these were dealt with by the Council. The Cabinet Member explained that the Authority's Communications Strategy was in the process of being developed and he would ensure that it contained full reference to the use of petitions.

It was moved by Councillor R J Millar, seconded by Councillor S Cole and with the vote being unanimous, it was

RESOLVED:

That the Council amends its petitions scheme by terminating the contract with mySociety, and from 6 December 2013 would make provision for the completion and submission of e-petitions via free online providers.

720. **FRAMEWORK FOR THE SHARED PLANNING SERVICE (REPORT NO COU13/642)**

The Cabinet Member for Planning, Housing and Transport informed Members that the Head of Planning & Regulatory Services had left the authority for pastures new earlier that day, after over four years with Forest Heath District Council and latterly also St Edmundsbury Borough Council. She introduced Rachel Almond to the meeting, who had recently been appointed to the post of Development Manager across both authorities.

The Cabinet Member explained that an essential part of the business case for the Shared Planning Service across Forest Heath District Council and St Edmundsbury Borough Council was to ensure that there was a single and consistent way of operating across the two Planning Authorities.

Following a series of joint Member workshops which considered the basis on which the Shared Planning Service would operate, the report before Members set out the detailed changes required to put these single operating procedures in place, and included proposals to change the Constitution to incorporate these changes (specifically Recommendation 5, as set out in Paragraph 2 of Report No COU13/642).

The report had been considered by Forest Heath District Council's Development Control Committee on 4 September 2013 and St Edmundsbury Borough Council's on 5 September 2013. Council was now being asked to approve the necessary changes to the Council's Constitution in order to enable the amended procedures to take effect.

The Development Manager advised Members that the report made reference to a commencement date of 1 October 2013 for the new single operating procedures. However this was not going to be practical, as prior to launching the new system across both authorities a number of seminars/briefings on the new way of working needed to take place for both Members and Officers; accordingly the Officer agreed to inform all Councillors of the commencement date, once confirmed.

As was the case at the Development Control Committee on 4 September 2013, yet more comments were made with regard to the Members' Planning Code of Good Practice attached as Appendix 7. Members supported the Committee's recommendation that this document be subject to a fundamental review by way of the establishment of a joint (with St Edmundsbury Borough Council) Member task and finish group of the authorities' Development Control Committees. A specific request was made to ensure that reference to lobby groups was included within the future developed version of the document.

In response to questions, the Head of Legal & Democratic Services confirmed that until the outcome of such a review the Code of Practice which currently existed within Forest Heath District Council's Constitution would still apply. At the request of the Cabinet Member, the Head of Service also agreed to circulate additional clarification in respect of Appendix 7 to all District Councillors.

The Cabinet Member advised Council that the intention was for Forest Heath's Development Control Committee on 2 October 2013 to consider an additional item of urgent business in order to appoint Members to the Joint Task and Finish Group, this would also then be considered by St Edmundsbury's Development Control Committee at their meeting on 3 October 2013 so that the Borough Councillor nominations could similarly be made.

It was moved by Councillor Mrs R E Burt, duly seconded and with 22 voting for the motion and with 1 abstention, it was

RESOLVED:

That the necessary changes to the Council's Constitution be approved in respect of:

- i. Deleting from the Protocol Section of the Council's Constitution reference to 'Planning Advice Note 1 - Having Your Say on Planning Applications';
- ii. Inclusion of the amended Scheme of Delegation to the Head of Planning and Regulatory Services (planning matters); and
- iii. Inclusion of the amended Decision Making Protocol, Part 7 of the Constitution.

The meeting closed at 6.43pm.