

Cabinet



Forest Heath
District Council

Minutes of a meeting of the **Cabinet** held on
Tuesday 9 December 2014 at **6.00 pm** at the **Council Chamber, District**
Offices, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

Leader James Waters

David Bowman Warwick Hirst
Rona Burt Robin Millar
Stephen Edwards

Councillors C Noble and T Simmons were also in attendance.

1. **Apologies for Absence**

Apologies for absence were received from Councillor Nigel Roman.

2. **Public Participation**

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

3. **Minutes**

The minutes of the Cabinet meeting held on 28 October 2014 were unanimously accepted as an accurate record and signed by the Leader.

4. **Minutes of Joint Committees, Working Groups and Other Groups**

The minutes of the following Working Group and Joint Panels were received:

Local Plan Working Group – 16 October 2014
West Suffolk Joint Emergency Planning Panel – 29 October 2014
West Suffolk Joint Health and Safety Panel – 10 November 2014

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

(a) **Local Plan Working Group - 16 October 2014**

Minute Number 283 - Single Issue Review (SIR) and Site Specific Allocations (SSA) Local Plan (LP) Update (Report No LOP14/020)

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 CAB/FH/14/009.

(b) **West Suffolk Joint Emergency Planning Panel - 29 October 2014**

Minute Number 7 - Terms of Reference - Amendment

Members were requested to note the recommendations listed under this item, as it was to be considered by Cabinet later on the agenda under Agenda Item 17.

(c) **West Suffolk Joint Health and Safety Panel - 10 November 2014**

There were no items the subject of formal report or proposition.

5. **Approval of Minutes**

It was moved, duly seconded and unanimously

RESOLVED:

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

6. **Houses in Multiple Occupation (HMO) Guidance and Standards (Report No CAB/FH/14/001)**

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the West Suffolk HMO Guidance and Standards document aligned the existing standards and fees for both Forest Heath and St Edmundsbury Councils and ensured a consistent approach towards dealing with HMOs and gaining compliance with the legislation and standards.

The proposed Guidance and Standards were contained within the Appendix to Report No CAB/FH/14/001.

With the vote being unanimous, it was

RESOLVED:

That the West Suffolk Houses in Multiple Occupation (HMO) Guidance and Standards and HMO licence fee, as contained in Appendix A to Report No CAB/FH/14/001, be approved.

7. **Recommendation of the Performance and Audit Scrutiny Committee - 26 November 2014: West Suffolk Fees and Charges Policy (Report No CAB/FH/14/002)**

The Cabinet Member for Resources, Governance and Performance presented this report which explained that the West Suffolk Fees and Charges Policy would create a single, clear and consistent approach to formulating, agreeing and reviewing the fees and charges set by the West Suffolk Councils.

The Performance and Audit Scrutiny Committee on 26 November 2014, also considered Report No PAS/FH/14/005 and the proposed Policy was contained within Appendix B to that report.

Whilst discussing this item, Councillor R J Millar referred to the specific arrangement with regard to the charges for the Pocket Car Parks within Newmarket and expressed his concern to ensure that there was flexibility within the Policy, to allow for impact on demand levels when setting prices. The Cabinet Member confirmed that this was the case and also agreed, that in relation to the Pocket Car Parks in Newmarket, then a separate review would need to be undertaken in relation to the current level of charges and the associated take-up of spaces.

With the vote being unanimous, it was

RESOLVED:

That the West Suffolk Fees and Charges Policy, attached as Appendix B to Report No PAS/FH/14/005, be approved.

8. West Suffolk Homelessness Strategy 2015 - 2018 (Report No CAB/FH/14/003)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that this Strategy set out what Forest Heath District Council and St Edmundsbury Borough Council, along with their partners, would do over the next three years to address and prevent homelessness, ensuring that there was sufficient suitable temporary accommodation and support for those who were homeless or threatened with homelessness.

The proposed Strategy was contained within Appendix 1 to Report No CAB/FH/14/003.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The draft West Suffolk Homelessness Strategy 2015-2018, as contained in Appendix 1 to Report No CAB/FH/14/003, be approved for consultation to the public, local authorities, voluntary and statutory agencies.
2. Following consultation, the amended Strategy be brought back to Cabinet for consideration in February 2015, with a recommendation to full Council for adoption.

9. Local Government Ombudsman Complaint Upheld - October 2014 (Report No CAB/FH/14/004)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that a complaint had been made through the Council

Complaints Process, which was partly upheld and following this, the complaint had also been made to the Local Government Ombudsman (LGO), who also upheld part of the complaint. The final decision of the Ombudsman was attached as Appendix 1 to Report No CAB/FH/14/004.

With the vote being unanimous, it was

RESOLVED:

That the Local Government Ombudsman (LGO) decision of maladministration and injustice, along with the payment of the recommended compensation of £150, be noted.

10. **Recommendation of the Performance and Audit Scrutiny Committee: 26 November 2014: Delivering a Sustainable Budget 2015-2016 and Budget Consultation Results (Report No CAB/FH/14/005)**

The Cabinet Member for Resources, Governance and Performance presented this report which explained that, in light of continuing financial challenges as a result of uncertainty in the wider economy and constraints on public sector spending, difficult financial decisions were needed to be taken. Taking the results of the budget consultation into account, the Cabinet had recommended several proposals in order to secure a balanced budget for 2015/2016.

The Performance and Audit Scrutiny Committee on 26 November 2014, considered Report No PAS/FH/14/008, which set out the context of the 2015-2016 budget process, including a summary of the budget consultation focus group results and the proposed savings and income generation items for delivering a balanced budget for 2015-2016.

With the vote being unanimous, it was

RECOMMENDED:

That, taking into account the public consultation results outlined in Appendix A to Report No PAS/FH/14/008:

1. The proposals, as detailed in Table 2 at paragraph 1.5.1 of Report No PAS/FH/14/008, be included.
2. The proposals, as detailed in paragraph 1.5.2 of Report No PAS/FH/14/008, be removed.

11. **Recommendation of the Performance and Audit Scrutiny Committee - 26 November 2014: Accounting for a Single West Suffolk Staffing Structure and the Move to a West Suffolk Cost Sharing Model (Report No CAB/FH/14/006)**

The Cabinet Member for Resources, Governance and Performance presented this report which explained a new approach to cost sharing for West Suffolk which recognised the shared nature of much of West Suffolk's service delivery and also recognised that the Councils remained separate legal entities. The

West Suffolk cost sharing model must, therefore, be transparent and comply with external audit requirements.

The Performance and Audit Scrutiny Committee on 26 November 2014, also considered Report No PAS/FH/14/006, which set out this new approach.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. As part of the 2015/2016 budget setting process and subject to external audit support, the proposed cost sharing model for income and employees costs, as detailed in Tables 2 and 3 and at paragraph 2.17 of Report No PAS/FH/14/006, be approved.
2. The proposed model, as detailed in Tables 2 and 3 and at paragraph 2.17 of Report No PAS/FH/14/006, be reviewed annually as part of the budget setting process with any necessary amendments to the model (in order to secure delivery against the principles set out in paragraph 2.12 of Report No PAS/FH/14/006, be reported through to the Performance and Audit Scrutiny Committee in the Autumn.

The Cabinet Member also expressed his appreciation to the Performance and Audit Scrutiny Committee, for taking the time to scrutinise the items contained within Report Nos CAB/FH/14/002, 005 and 006.

12. Local Council Tax Reduction Scheme and Technical Changes 2015/2016 (Report No CAB/FH/14/007)

The Cabinet Member for Resources, Governance and Performance presented this report which provided Members with an overview of the first year review (2013/2014) on the new Local Council Tax Reduction Scheme (LCTRS) and the technical changes on some empty properties and second homes, introduced from 1 April 2013.

This report also set out recommendations on the 2015/2016 Local Council Tax Reduction Scheme (LCTRS) and the technical changes from 1 April 2015.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The first year review for 2013/2014 be noted.
- and

RECOMMENDED:

That:-

2. No change be made to the current Local Council Tax Reduction Scheme for 2015/2016.
3. The 5% second homes discount be removed from 1 April 2015.

The Cabinet Member also wished to express his appreciation to the staff at the Anglia Revenues and Benefits Partnership for the successful implementation of the new Scheme.

13. **Council Tax Base for Tax Setting Purposes 2015/2016 (Report No CAB/FH/14/008)**

The Cabinet Member for Resources, Governance and Performance presented this report which set out the basis of the formal calculation for the Council Tax Base for the financial year 2015/2016.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The tax base for 2015/2016, for the whole of Forest Heath be 16,557.34 equivalent Band 'D' dwellings, as detailed in paragraph 1.4 of Report No CAB/FH/14/008.
2. The tax base for 2015/2016 for the different parts of its area, as defined by Parish or special expense area boundaries, be as shown in Appendix 2 to Report No CAB/FH/14/008.

14. **Single Issue Review (SIR) and Site Specific Allocations (SSA) Local Plan (LP) - Assessment of Reasonable Alternatives (Report No CAB/FH/14/009)**

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the consultation draft SSA and SIR LP documents were approved for consultation in early 2014. However, these consultations had been postponed on the basis that Officers needed to progress further work with their external consultants and continued dialogue with Counsel, to ensure that the supporting Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes were adequately robust for both LP documents.

It was now the contention of Counsel that further appraisal was required to ascertain whether or not more housing could be delivered within the District, within the Plan period to 2031, in order to facilitate more of the affordable housing need being met. Counsel had also advised that the distribution of the 'final' housing figure, did require further consideration in terms of 'reasonable alternatives'.

Since the report had been considered by the Local Plan Working Group on 16 October 2014, further detail had been included within the report, as to when the first consultation should commence. Taking into account the forthcoming Elections in May 2015 and the resulting Purdah period which would commence on 16 March 2015, Officers were proposing for this consultation to now commence in June 2015. This would not result in a change in the date for the adoption of the final Plan.

With the vote being unanimous, it was

RESOLVED:

To proceed with Option 2, as outlined in Report No CAB/FH/14/009, in preparing the Site Specific Allocations (SSA) and Single Issue Review (SIR) Local Plan (LP) documents, with consultation commencing in June 2015.

15. Developing a Community Energy Plan (Report No CAB/FH/14/010)

The Cabinet Member for Resources, Governance and Performance presented this report which set out investment proposals to develop a Community Energy Plan based on an appraisal of options for renewable energy generation.

This report summarised the business case and made recommendations regarding the viable options, which would establish a long term energy investment plan, generating stable revenue and energy cost savings for the Council, alongside its existing support for improved community energy efficiency. This would form the West Suffolk Councils' Community Energy Plan.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The development of a West Suffolk Community Energy Plan, be supported.
2. Appraisal of other energy-related options set out in the report with a view to receiving further investment proposals, be supported.

and

RECOMMENDED:

That:-

3. The following be allocated:
 - (a) £15,000 to continue the West Suffolk Greener Business Grant in support of energy efficiency improvements, as

outlined in paragraphs 1.1.4 and 1.1.5 of Report No CAB/FH/14/010.

- (b) £500,000 to improve business resource efficiency and install the next phase of solar schemes on Council property (Option 1), as outlined in Appendix A to Report No CAB/FH/14/010.
- (c) As part of the 2015/2016 budget setting process, £1.62 million over three years to develop rent-a-roof solar schemes in partnership with local businesses (Option 3), as outlined in Appendix A to Report No CAB/FH/14/010.
- (d) As part of the 2015/2016 budget setting process, £50,000 to cover the identification, detailed feasibility and associated community engagement activities in support of potential sites for larger scale solar and renewable energy generation technologies (Options 5 and 8) where supported and/or led by communities in the District, as outlined in paragraph 1.3.5 to Report No CAB/FH/14/010.

16. **Newmarket Market Licence Regulations (Report No CAB/FH/14/011)**

The Director presented this report which considered new draft Market Licence Regulations for Newmarket Market, for consultation with stall holders and set out proposals to improve the Market in Newmarket, including plans for a re-launch.

The proposed draft Market Licence Regulations were attached as Appendix A to Report No CAB/FH/14/011.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The draft Market Licence Regulations, as set out in Appendix A to Report No CAB/FH/14/011, be approved for consultation with the Newmarket Market Traders.
2. The proposed consultation timetable be agreed, as set out in paragraph 1.2.3 of Report No CAB/FH/14/011.
3. The three phrase approach to improve Newmarket Market, be agreed.
4. The Newmarket Market Liaison Group be re-established and a Member be appointed to the Group as a Markets Champion.

17. **Mildenhall Hub Project (Report No CAB/FH/14/012)**

The Director presented this report which updated the Cabinet on progress with the Mildenhall Hub project and outlined the next steps.

Whilst discussing this report, Councillor R J Millar raised questions as to how the community would be consulted/involved in the project, as the concept was for the Hub to be a community facility. The Director confirmed that the business case did extensively cover the issue of community ownership, but would also ensure that this was considered as part of the required due diligence work.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The completion of the business case for the Mildenhall Hub Project and its provisional findings, be noted.
2. Subject to the comments made by Councillor Robin Millar at the meeting with regard to community ownership, involvement and engagement, the next steps for the Project, as outlined in paragraph 1.6 of Report No CAB/FH/14/012, be noted.
3. The Leader of the Council be appointed to represent the Council on the Partner Board to manage the Project, as outlined in paragraph 1.6 of Report No CAB/FH/14/012.

18. **West Suffolk Joint Emergency Planning Panel - Amendments to the Panel's Terms of Reference**

On 29 October 2014, the West Suffolk Joint Emergency Planning Panel considered a substantive item relating to proposed amendments to its Terms of Reference to reflect the change in officer responsibility for Emergency Planning; to empower the Vice-Chairman to act in the Chairman's absence and to clarify that the emergency planning arrangements apply across the area of both authorities.

It was proposed that the existing paragraph 2.7 of the Terms of Reference, which reads as follows:

'At the discretion of the Chairman, in the event that either:

- (a) an emergency event arises which affects the area of either authority, or*
- (b) the risk of an emergency that affects the area of either authority is assessed as significant by Suffolk County Council's Head of Emergency Planning,*

an extraordinary meeting of the Panel may be called.'

be amended to:

*'At the discretion of the Chairman, **or if absent the Vice-Chairman,** in the event that either:*

(a) an emergency event arises which affects the area of either authority, or both authorities, or

*(b) the risk of an emergency that affects the area of either authority, **or both authorities,** is assessed as significant by the **District Emergency Planning Officer,***

an extraordinary meeting of the Panel may be called.'

With the vote being unanimous, it was

RESOLVED:

That paragraph 2.7 of the Terms of Reference for the West Suffolk Joint Emergency Planning Panel be amended to:

"At the discretion of the Chairman, or if absent the Vice Chairman, in the event that either:

(a) an emergency event arises which affects the area of either authority, or both authorities, or

(b) the risk of an emergency that affects the area of either authority, or both authorities, is assessed as significant by the District Emergency Planning Officer

an extraordinary meeting of the Panel may be called."

19. West Suffolk Data Protection Policy (Report No CAB/FH/14/013)

The Cabinet Member for Resources, Governance and Performance explained that compliance with the Data Protection Act was monitored and enforced by the Information Commissioner's Office (ICO). The ICO had the power to impose fines of up to £500,000 for a serious breach of one or more of the data protection principles and where the breach was likely to cause substantial damage or distress. This was in addition to any penalties imposed by the courts against individuals who unlawfully breached the DPA. ICO guidance therefore stressed that it was vital for all Council employees, members and contractors to understand the importance of protecting personal data; that they were familiar with the organisation's security policy and that they put its security procedures into practice.

This joint policy, attached as Report No CAB/FH/14/013 (based on that previously adopted by the Council) outlined the principles of the Data Protection Act 1998 (DPA) and identified how both Forest Heath District Council and St Edmundsbury Borough Council (jointly referred to as West Suffolk Councils throughout the policy) complied with the Data Protection Act. It aimed to give guidance on how the requirements of the Act applied to the work of the Councils.

The Acting Solicitor to the Councils also clarified that the adoption of this Policy could be determined by the Cabinet and would not need to be recommended onto Council.

With the vote being unanimous, it was

RESOLVED:

That the West Suffolk Data Protection Policy, provided as Report No CAB/FH/14/013, be adopted.

20. **Review of the Decisions Plan (Report No CAB/FH/14/014)**

The Cabinet was asked to review the Decisions Plan for the period December 2014 to May 2015.

With the vote being unanimous, it was

RESOLVED:

That the Decisions Plan for the period December 2014 to May 2015, attached as an Appendix to Report No CAB/FH/14/014, be noted.

21. **Urgent Business**

There were no items of Urgent Business raised.

The Meeting concluded at 7.00 pm

Signed by:

Chairman
