

Cabinet



Forest Heath
District Council

Title:	Agenda																
Date:	Tuesday 9 December 2014																
Time:	6.00 pm																
Venue:	Council Chamber District Offices College Heath Road Mildenhall																
Membership:	<p>Leader James Waters</p> <p>Deputy Leader Nigel Roman</p> <table border="0"> <thead> <tr> <th>Councillor</th> <th>Portfolio</th> </tr> </thead> <tbody> <tr> <td>David Bowman</td> <td>Economic Development and Tourism</td> </tr> <tr> <td>Rona Burt</td> <td>Planning, Housing and Transport</td> </tr> <tr> <td>Stephen Edwards</td> <td>Resources, Governance and Performance</td> </tr> <tr> <td>Warwick Hirst</td> <td>Health, Leisure and Culture</td> </tr> <tr> <td>Robin Millar</td> <td>Families and Communities</td> </tr> <tr> <td>Nigel Roman</td> <td>Deputy Leader/Environment and Waste</td> </tr> <tr> <td>James Waters</td> <td>Leader</td> </tr> </tbody> </table>	Councillor	Portfolio	David Bowman	Economic Development and Tourism	Rona Burt	Planning, Housing and Transport	Stephen Edwards	Resources, Governance and Performance	Warwick Hirst	Health, Leisure and Culture	Robin Millar	Families and Communities	Nigel Roman	Deputy Leader/Environment and Waste	James Waters	Leader
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																
Quorum:	Three Members																
Committee administrator:	Sharon Turner FHDC Cabinet Officer/Committee Administrator Tel: 01638 719237 Email: sharon.turner@westsuffolk.gov.uk																

Agenda

Page No

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Public Participation

Members of the public are invited to put questions/statements of not more than 3 minutes duration relating to items to be discussed in Part 1 of the agenda only.

3. Minutes

1 - 8

To approve as a correct record the minutes of the Cabinet meeting held on 28 October 2014 (herewith).

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

To receive and consider the recommendations arising from the proceedings of the following (herewith):

(a) Local Plan Working Group - 16 October 2014

9 - 14

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

15 - 18

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

19 - 22

KEY DECISIONS

5. Houses in Multiple Occupation (HMO) Guidance and Standards

23 - 38

Report No: **CAB/FH/14/001**

Cabinet Member: Rona Burt

Lead Officer: Simon Phelan

6. Recommendation of the Performance and Audit Scrutiny Committee - 26 November 2014: West Suffolk Fees and Charges Policy

39 - 42

Report No: **CAB/FH/14/002**

Cabinet Member: Stephen Edwards

Chairman of the Performance and Audit Scrutiny Committee: Colin Noble
Lead Officer: Rachael Mann

NON KEY DECISIONS

- | | | |
|------------|---|----------------------------|
| 7. | West Suffolk Homelessness Strategy 2015 - 2018 | 43 - 68 |
| | Report No: CAB/FH/14/003
Cabinet Member: Rona Burt | Lead Officer: Simon Phelan |
| 8. | Local Government Ombudsman Complaint Upheld - October 2014 | 69 - 78 |
| | Report No: CAB/FH/14/004
Cabinet Member: Rona Burt | Lead Officer: Andy Newman |
| 9. | Recommendation of the Performance and Audit Scrutiny Committee: 26 November 2014: Delivering a Sustainable Budget 2015-2016 and Budget Consultation Results | 79 - 84 |
| | Report No: CAB/FH/14/005
Cabinet Member: Stephen Edwards
Chairman of the Performance and Audit Scrutiny Committee: Colin Noble
Lead Officer: Rachael Mann | |
| 10. | 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 | 85 - 92 |
| | Report No: CAB/FH/14/006
Cabinet Member: Stephen Edwards
Chairman of the Performance and Audit Scrutiny Committee: Colin Noble
Lead Officer: Rachael Mann | |
| 11. | Local Council Tax Reduction Scheme and Technical Changes 2015/2016 | 93 - 102 |
| | Report No: CAB/FH/14/007
Cabinet Member: Stephen Edwards
Lead Officers: Rachael Mann and Paul Corney | |
| 12. | Council Tax Base for Tax Setting Purposes 2015/2016 | 103 - 114 |
| | Report No: CAB/FH/14/008
Cabinet Member: Stephen Edwards | Lead Officer: Rachael Mann |

13. Single Issue Review (SIR) and Site Specific Allocations (SSA) Local Plan (LP) - Assessment of Reasonable Alternatives **115 - 126**

Report No: **CAB/FH/14/009**

Cabinet Member: Rona Burt

Lead Officer: Steven Wood

14. Developing a Community Energy Plan **127 - 146**

Report No: **CAB/FH/14/010**

Cabinet Member: Stephen Edwards

Lead Officer: Peter Gudde

15. Newmarket Market Licence Regulations **147 - 182**

Report No: **CAB/FH/011**

Cabinet Member: David Bowman

Lead Officer: Liz Watts

16. Mildenhall Hub Project **183 - 198**

Report No: **CAB/FH/14/012**

Cabinet Member: James Waters

Lead Officer: Alex Wilson

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

Cabinet Member: Robin Millar

Lead Officer: Alan Points

Amendments to Terms of Reference

Summary and reasons for recommendation

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 is 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.'

Recommendation

It is **RECOMMENDED** that paragraph 2.7 of the Terms of Reference for the West Suffolk Joint Emergency Planning Panel be amended in accordance with the above.

18. West Suffolk Data Protection Policy

199 - 218

Report No: **CAB/FH/14/013**

Cabinet Member: Stephen Edwards

Lead Officer: Joy Bowes

Summary and Reason for Recommendation

Compliance with the Data Protection Act is monitored and enforced by the Information Commissioner's Office (ICO). The ICO has 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 is likely to cause substantial damage or distress. This is in addition to any penalties imposed by the courts against individuals who unlawfully breach the DPA. ICO guidance therefore stresses that it is vital for all Council employees, members and contractors to understand the importance of protecting personal data; that they are 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 Forest Heath District Council) outlines the principles of the Data Protection Act 1998 (DPA) and identifies how both Forest Heath District Council and St Edmundsbury Borough Council (jointly referred to as West Suffolk Councils throughout the policy) comply with the Data Protection Act. It aims to give guidance on how the requirements of the Act apply to the work of the Councils.

Recommendation

It is **RECOMMENDED** that, subject to approval by full Council, the Data Protection Policy, provided as Report No CAB/FH/14/000, be adopted.

19. Review of the Decisions Plan

219 - 238

Report No: **CAB/FH/14/014**

Cabinet Member: James Waters

Lead Officer: Ian Gallin

20. Urgent Business

Such other business, which in the opinion of the Leader and as set out Paragraphs 15 and 16 of Part 4E of the Access to Information Rules, should be considered as a matter of urgency to be specified in the minutes.

Forest Heath District Council

MINUTES of the **CABINET** held at the District Offices, College Heath Road, Mildenhall on Tuesday 28 October 2014 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 M J Anderson and T Simmons were also in attendance.

Also in attendance:

W Brown, Estates Surveyor
P Heard, Legal Services Manager
R Mann, Head of Resources and Performance
S Phelan, Head of Housing
K Points, Head of Human Resources and Organisational Development
L Watts, Director
A Wilson, Director
T Wright, Business Regulation and Licensing Manager
S Turner, FHDC Cabinet Officer/Committee Administrator

APOLOGIES

There were no apologies for absence.

180. **PUBLIC PARTICIPATION**

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

181. **CONFIRMATION OF MINUTES**

The minutes of the Cabinet meeting held on 16 September 2014 were unanimously accepted as an accurate record and signed by the Leader.

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

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

West Suffolk Joint Growth Steering Group	8 September 2014
Anglia Revenues and Benefits Partnership Joint Committee	11 September 2014
West Suffolk Joint Staff Consultative Panel	15 September 2014

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

183. **ANGLIA REVENUES AND BENEFITS PARTNERSHIP JOINT COMMITTEE – 11 SEPTEMBER 2014 – MINUTE NUMBER 27/14 – WAVENEY AND SUFFOLK COASTAL DISTRICT COUNCILS (AGENDA ITEM 8)**

Members were requested to note the recommendations listed under this item, as it was to be considered by Cabinet later on the Cabinet later on the agenda under Report No CAB14/175.

184. **ANGLIA REVENUES AND BENEFITS PARTNERSHIP JOINT COMMITTEE – 11 SEPTEMBER 2014 – MINUTE NUMBER 32/14 – ENFORCEMENT AGENCY (AGENDA ITEM 13)**

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 CAB14/175.

185. **WEST SUFFOLK JOINT STAFF CONSULTATIVE PANEL – 15 SEPTEMBER 2014 – MINUTE NUMBER 036 – JOINT WORKFORCE STRATEGY 2014-2016 (REPORT NO JSP14/008)**

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 CAB14/170.

186. **WEST SUFFOLK JOINT STAFF CONSULTATIVE PANEL – 15 SEPTEMBER 2014 – MINUTE NUMBER 037 – JOINT ADOPTION POLICY & PROCEDURE AND JOINT FLEXIBLE WORKING POLICY (REPORT NO JSP14/009)**

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 CAB14/169.

187. **APPROVAL OF MINUTES**

It was moved, duly seconded and unanimously

RESOLVED:

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

KEY DECISIONS

188. **HOUSING AND HEALTH CHARTER FOR SUFFOLK (REPORT NO CAB14/168)** (Decisions Plan Reference: OCT14/05)

The Cabinet Member for Planning, Housing and Transport presented this report which explained that the partner organisations of the Suffolk Health and Wellbeing Board were being asked to endorse the Housing and Health Charter,

which set out eight commitments for how the organisations would work together to improve the integrated delivery of housing, health and social care.

This Charter had also been considered and endorsed by the St Edmundsbury Borough Council Cabinet at their meeting on 21 October 2014.

The Cabinet wished to ensure its views regarding the process for delivery of the commitments, including seeking a joined up approach between planning, housing and health were fed back to the Health and Wellbeing Board.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The content of the Housing and Health Charter for Suffolk be noted and the comments made in connection with having a more integrated approach to the delivery of housing, health and social care, be fed back to the Health and Wellbeing Board.
2. The principles and commitments set out in the Housing and Health Charter for Suffolk (as contained in Appendix A to Report No CAB14/168) be endorsed.

189. **NEW JOINT (WEST SUFFOLK) HUMAN RESOURCES POLICIES: FLEXIBLE WORKING POLICY AND ADOPTION POLICY AND ADOPTION POLICY AND PROCEDURE (REPORT NO CAB14/169)** (Decisions Plan Reference: OCT14/09)

The Cabinet Member for Resources, Governance and Performance presented this report which explained that the West Suffolk Adoption Policy and Procedure and the West Suffolk Flexible Working Policy had been reviewed in accordance with current employment legislation and the ACAS best practice in mind.

The proposed changes to these documents were outlined in paragraphs 4.4 (Flexible Working) and 4.5 (Adoption Leave) of Report No CAB14/169.

With the vote being unanimous, it was

RESOLVED:

That the Adoption Policy and Procedure (as contained in Appendix A to Report No CAB14/169) and the Flexible Working Policy (as contained in Appendix B to Report No CAB14/169) be adopted.

NON KEY DECISIONS

190. **JOINT WORKFORCE STRATEGY 2014-2016 (REPORT NO CAB14/170)** (Decisions Plan Reference: OCT14/06)

The Cabinet Member for Resources, Governance and Performance presented this report which explained that Forest Heath District Council and St

Edmundsbury Borough Council had an approved shared Strategic Plan and Medium Term Financial Strategy to support its delivery. The Workforce Strategy set out how the Councils would recruit and work with its communities to ensure the Councils had the people, skills and behaviours they needed to ensure that the priorities in the West Suffolk Strategic Plan were delivered.

The Joint Workforce Strategy had also been considered and endorsed (subject to amendment) by the St Edmundsbury Borough Council Cabinet on 21 October 2014 and the Cabinet were also requested to consider these amendments.

With the vote being unanimous, it was

RESOLVED:

That the Workforce Strategy for West Suffolk 2014-2016, as contained in Appendix A to Report No CAB14/170, be approved, subject to the following additions of the values and amendments, as shown in bold, italics under the relevant headings (as proposed by the St Edmundsbury Borough Council Cabinet):

- (a) (Page 1) - Introduction (third bullet point):
*At the same time we are committed to being a fair and good Employer of Choice that values, recruits and supports people to be **Bold, Energetic, Responsible and Working Together...**;*
- (b) (Page 5) - The Vision and Workforce Strategy (third paragraph):
*...We want everybody to feel involved in how we deliver our services and to work together to deliver **what our councillors, customers and residents need...**;*
- (c) (Page 7) - Our Workforce Strategy - 1. Skills and Behaviours Development (first bullet point):
*To have visionary and ambitious managers and leaders who can develop, motivate and lead out workforce, **and work with councillors within a political environment**, to deliver our services effectively in challenging times...*

191. **REGULATION OF COSMETIC PIERCING AND SKIN COLOURING BUSINESSES (REPORT NO CAB14/171)** (Decisions Plan Reference: OCT14/08)

The Cabinet Member for Environment and Waste presented this report which detailed proposed regulatory changes for registering all businesses and persons undertaking cosmetic piercing and skin-colouring within the Forest Heath District Council area. These measures were intended to increase health protection and reduce the risk of transmission of blood-borne virus infections.

With the vote being unanimous, it was

RECOMMENDED:

That the new byelaws, as contained in Appendices 1 and 2 of Report No CAB14/171, be approved.

192. **WEST SUFFOLK SHOP FRONT AND ADVERTISEMENT DESIGN GUIDANCE – PUBLIC CONSULTATION DRAFT (REPORT NO CAB14/172)**

The Cabinet Member for Planning, Housing and Transport presented this report which presented the consultation draft of the West Suffolk Shop Front and Advertisement Design Guidance.

This Supplementary Planning Document (SPD) would provide detailed guidance on the design of new and replacement shop fronts throughout the district. The guidance covered matters such as general design principles; materials and colour; signage and lighting; blinds and canopies and security measures.

Members commended Officers on the production of this document.

With the vote being unanimous, it was

RESOLVED:

That the draft West Suffolk Shop Front and Advertisement Design Guidem as contained in Appendix A to Report No CAB14/172, be approved for public consultation

193. **WEST SUFFOLK STREET NAMING AND NUMBERING PROCEDURE (REPORT NO CAB14/173)**

The Cabinet Member for Environment and Waste presented this report which explained that the new West Suffolk Street Naming and Numbering Procedure (as set out in Appendix A) provided a framework in which Forest Heath District Council and St Edmundsbury Borough Council could operate their respective street naming and numbering function effectively for the benefit of its residents, businesses and visitors.

With the vote being unanimous, it was

RESOLVED:

That the West Suffolk Street Naming and Numbering Procedure, as contained in Appendix A to Report No CAB14/173, be approved.

194. **PROPOSED DEVELOPMENT OF 11 INDUSTRIAL UNITS: SAM ALPER COURT, NEWMARKET (REPORT NO CAB14/174)**

The Cabinet Member for Resources, Governance and Performance presented this report which sought an 'in principle' approval of the release of capital funding, in the region of £1.67million, for the construction of 11 new industrial units, with associated photovoltaic provisions, at Sam Alper Court, Newmarket.

This proposal aimed to provide an annual income stream for Forest Heath District Council in rent, business rates and PV feed-in tariffs and energy sales, whilst providing additional industrial space and aiding economic growth.

Members also wished to commend the Estates Surveyor on the development of these proposals.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The business case outlining the proposed development at Sam Alper Court, Newmarket, as contained in Appendix A to Report No CAB14/174 (Exempt), be approved.
2. £1.67m be allocated from capital reserves to fund the construction of industrial units.

195. **REPORT FROM THE ANGLIA REVENUES AND BENEFITS PARTNERSHIP JOINT COMMITTEE: 11 SEPTEMBER 2014 (REPORT NO CAB14/175)**

(Decisions Plan Reference: ARP/SEP14/01 and OCT14/11)

The Cabinet Member for Resources, Governance and Performance presented this report which explained that on 11 September 2014, the Anglia Revenues and Benefits Partnership (ARP) Joint Committee considered various substantive items of business.

Two of these items of business (Waveney and Suffolk Coastal District Councils; Enforcement Agency) also required approval from the partner authorities, and the recommendations are as set out in paragraphs 4.12 and 4.19 of Report No CAB14/175.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The majority of the content of Report No CAB14/175, being the report of the Anglia Revenues and Benefits Partnership Joint Committee, be noted;
 - (a) Waveney and Suffolk Coastal District Councils**
2. (i) Waveney District Council and Suffolk Coastal District Councils become full members of the Anglia Revenues and Benefits Partnership.
 - (ii) the Operational Improvement Board be given delegated authority to negotiate a new Anglia Revenues Partnership agreement to include Waveney District and Suffolk Coastal District Councils as full members of the Anglia Revenues and Benefits Partnership.

and

RECOMMENDED:

That:-

(a) Enforcement Agency

3. One of the two Directors, in consultation with the Portfolio Holder for Resources, Governance and Performance, be given delegated authority to introduce a shared Enforcement Agency for the Anglia Revenues and Benefits Partnership (St Edmundsbury Borough Council, Forest Heath District Council, Fenland District Council, Breckland Council and East Cambridgeshire District Council) Waveney District Council and Suffolk Coastal District Council through discussion via the ARP Operational Improvement Board, as outlined in Appendix A to Report No CAB14/175 and detailed in the full business case appraisal presented to the Anglia Revenues and Benefits Partnership Joint Committee.

196. **REVIEW OF THE DECISIONS PLAN (REPORT NO CAB14/176)**

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

With the vote being unanimous, it was

RESOLVED:

That the Decisions Plan for the period October 2014 to May 2015, attached as an Appendix to Report No CAB14/176, be noted.

The meeting closed at 6.23 pm.

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FOREST HEATH DISTRICT COUNCIL

LOCAL PLAN WORKING GROUP

THURSDAY 16 OCTOBER 2014

4.00 PM - 5.30 PM

Members Present

Mrs R E Burt (Chairman)
W J Bishop
W Hirst
R D S Hood

M J Jefferys
Mrs C F J Lynch
W E Sadler
T Simmons

Councillors D W Gathercole and C Noble were also in attendance.

Also in attendance

M Magnusson, Planning Officer
B Nicholas, Principal Planner
S Robertson, Senior Planning Officer
M Smith, Place Shaping Manager
S Turner, FHDC Cabinet Officer/Committee Administrator

Apologies

Apologies for absence were received from Councillor R J Millar.

Substitutes

There were no substitutes at the meeting.

SCHEDULE OF RECOMMENDATIONS

	ITEMS OF BUSINESS	RECOMMENDATION
282	<p><u>SCHEDULE OF RECOMMENDATIONS FROM THE MEETING OF THE LOCAL PLAN WORKING GROUP HELD ON 8 MAY 2014</u></p> <p>The schedule of recommendations from the meeting held on 8 May 2014 were received and noted.</p>	NOTED
283	<p><u>SINGLE ISSUE REVIEW (SIR) AND SITE SPECIFIC ALLOCATIONS (SSA) LOCAL PLAN (LP) UPDATE (REPORT NO LOP14/020)</u></p> <p>The Planning Officer presented this report which explained that the consultation draft SSA and SIR LP documents were approved for a consultation in early 2014, at the Cabinet meeting of 26 November 2013. Subsequent to this and, as most recently reported to Members of Local Plan Working Group (LPWG) on 8 May</p>	

	ITEMS OF BUSINESS	RECOMMENDATION
	<p>2014, the consultations had been postponed on the basis that Officers needed to progress further work with their external consultants and continue dialogue with Counsel, to ensure that the supporting Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes were adequately robust for both LP documents.</p> <p>Officers received further advice from Counsel, on 25 June 2014, specifically with regard to progress to-date in preparing the SIR LP SA/SEA. It was the contention of Counsel that further appraisal was required to ascertain whether or not more housing could be delivered within the District, (given the 'constraints' and provisions of the NPPF) within the plan period to 2031, in order to facilitate more of the affordable need being met. Counsel had also advised that the distribution of the final housing figure would require further consideration in terms of 'reasonable alternatives'.</p> <p>The report outlined two Options which would be available moving forward:</p> <p><u>Option 1:</u> Proceed with the Strategic Housing Market Assessment (SHMA) Technical Report, derived figure of 7,000, (3,742 affordable), dwellings within the plan period to 2031. Council to progress with consultation as planned on the Submission/Regulation 19 version of the SIR LP and the Further Issues and Options/Regulation 18 version of the SSA LP.</p> <p>In undertaking this Option, the SIR LP document would be adopted in March/April 2016, with the SSA LP document being adopted in October/November 2016.</p> <p>Officers were advising that this was not a preferred option, as there was too greater risk of challenge and the potential for further delays in the longer term, should the Council be 'forced' to reconsider their housing strategy at a later date.</p> <p><u>Option 2:</u> Undertake further appraisal of the District's ability to deliver more housing and, as a consequence, an uplift in AH provision. Bring forward a 'new style' LP combining both SIR and SSA LPs, (from the Regulation 18 Issues and Options stage).</p> <p>In undertaking this Option, the combined SSA/SIR LP document would be adopted in October/November</p>	

	ITEMS OF BUSINESS	RECOMMENDATION
	<p>2016.</p> <p>Officers were advising that this was the preferred option.</p> <p>Members were requested to consider the possible options moving forward, in light of Counsel's advice.</p> <p>Councillor M J Jefferys expressed disappointment that the Working Group had not met since May 2014 and considered that Members should have been notified earlier of these issues and the resultant further delay in the Council being able to adopt these documents.</p> <p>Councillor W E Sadler also referred to the external advice from both the Consultants and Counsel and requested that the costs of this advice be provided. Officers agreed that this information would be provided to Members accordingly.</p> <p>That:-</p> <ol style="list-style-type: none"> 1. The content of the report be noted. 2. The Cabinet be recommended to agree to proceed with Option 2, as outlined in Report No LOP14/020, in preparing the Site Specific Allocations (SSA) and Single Issue Review (SIR) Local Plan (LP) documents. 	
284	<p><u>RED LODGE WASTEWATER TREATMENT/SEWERAGE CAPACITY STUDY (REPORT NO LOP14/021)</u></p> <p>The Planning Officer presented this report which explained that at the meeting of the Local Plan Working Group on 30 October 2013, it was recommended that Officers commissioned an independent review with regard to waste water treatment capacity at Red Lodge, to be able in part, to qualify (or otherwise), the position of Anglian Water, as relayed at that meeting.</p> <p>The key findings of this independent review were:</p> <ul style="list-style-type: none"> - The 2021 embargo (on development) was no longer required in terms of compliance with volumetric discharge consents/water quality targets. - The 2021 embargo was no longer required in terms of WRC hydraulic/process capacity. 	

	ITEMS OF BUSINESS	RECOMMENDATION
	<ul style="list-style-type: none"> - The sewerage network capacity was not considered to present a constraint to the proposed development (as identified within the emerging SIR LP) and did not warrant a 2021 embargo on further development. - The current proposed trajectory (as identified within the emerging SIR LP) offered sufficient timeframes for AWS to assess, investigate, design and commission additional capacity post 2021, as required. <p>Members also requested for a copy of the Study to be provided to Red Lodge, Tuddenham and Herringswell Parish Councils, for their information.</p> <p>Councillor W E Sadler expressed his view that the commissioning of this review had been unnecessary, as it was the responsibility of Anglian Water to ensure that the infrastructure was capable of meeting the required demand and requested that the costs of commissioning this Study be provided to Members. Officers stated that advice would be taken as to how the costs of this Study could be disseminated to Members.</p> <p>That the content of the Red Lodge Wastewater Treatment/Sewerage Capacity Study, as presented at Appendix A to Report No LOP14/021, be noted.</p>	NOTED
285	<p><u>FIVE YEAR HOUSING LAND SUPPLY (REPORT NO LOP14/022)</u></p> <p>The Senior Planning Officer presented this report which explained that an assessment had been undertaken of the five year supply of housing land in Forest Heath District as at 31 March 2013. This covered the period 1 April 2013 to 31 March 2018.</p> <p>This assessment demonstrated that Forest Heath had a 5.1 year supply of housing land, including a 5% buffer. This assessment was based on monitoring data at 31 March 2013 and included updates on the planning status of deliverable sites.</p> <p>The Officer referred to Page 97 of the report and reported on some minor amendments on the figures contained. These corrections did not affect the overall housing land supply figures (amendments highlighted in bold below):</p>	

	ITEMS OF BUSINESS	RECOMMENDATION
	<p><i>Five year supply addressing unmet supply since 2011</i></p> <p><i>Shortfall units 2011-2013</i> <i>Equates to (1,896/351 = 5.4)</i> <i>Plus 5% buffer (1,896/368.5 = 5.1)</i></p> <p>Members noted that as the period in which the five year land supply covered was as at 31 March 2013, Officers were now working on updating this information for publication in early 2015. If there were significant changes in the housing land supply, then this would be reported to the Local Plan Working Group, in the first instance.</p> <p>Members commended and congratulated Officers on the achievement of this five year housing land supply and associated buffer.</p> <p>That:-</p> <ol style="list-style-type: none"> 1. The content of the five year housing supply assessment as at 31 March 2013, as set out in the Appendix to Report No LOP14/022, be noted. 2. The five year housing supply assessment, as at 31 March 2013, be published for use in development management. 3. Officers to regularly update and publish a five year housing land supply assessment, for use in development management. Any significant changes to the housing land supply, to be reported to the Local Plan Working Group, in the first instance. 	<p>NOTED</p> <p>RESOLVED</p> <p>RESOLVED</p>
286	<p><u>ANY OTHER BUSINESS</u></p> <p>The following items of Other Business were raised:</p> <p>(a) <u>Brandon Relief Road</u> Councillor W J Bishop referred to the recent scoping report on the Brandon Relief Road, which was proposing a reduction in housing from 2,500 to 1,500. Councillor Bishop requested that Officers considered the detail of this latest report, in relation to the Site Specific Allocations for Brandon.</p> <p>(b) <u>Implementation of the Local Plan Process</u> Following on from Minute No 283. above, Councillor M J Jefferys requested for the Members of the Local Plan Working Group to be</p>	

	ITEMS OF BUSINESS	RECOMMENDATION
	<p>kept fully informed, at the earlier opportunity, of any delays with the implementation of the Local Plan process.</p> <p>(c) <u>Joint Development Management Policies Document – Main Modifications Consultation</u> Councillor W Hirst requested Officers to provide further information with regard to this consultation.</p> <p>The Place Shaping Manager explained that following the Examination in Public which had taken place in July 2014, the modifications as proposed by the Planning Inspector, had been received on 9 October 2014. These modifications were now subject to consultation and this was being held from 16 October 2014 to 27 November 2014.</p> <p>Representations on this consultation could be made both online and electronically. Representations must be specific and only relate to the proposed main modifications. If representations had been previously submitted during the pre-submission consultation, then the same documents did not need to be re-submitted as the Inspector would have already taken these into account through the Examination process.</p> <p>All valid representations would be passed, in full, to the Inspector for his consideration. The Inspector would decide if any additional hearing sessions were required and who may participate in such sessions.</p>	

WEST SUFFOLK JOINT EMERGENCY PLANNING PANEL
Minutes of a meeting held on Tuesday 29 October 2014 at 5.00 pm
in Room GFR14, West Suffolk House, Bury St Edmunds

PRESENT: Forest Heath District Council (FHDC)
 Councillor D W Bowman (Vice-Chairman)
 Councillor T Wheble (substituting for Councillor
 N A Roman)

St Edmundsbury Borough Council (SEBC)
 Councillor J Thorndyke (Chairman)
 Councillor T Beckwith
 Councillor P Chung (substituting for Councillor Mrs
 S A Stamp)
 Councillor Mrs P A Warby

1. Substitutes

The following substitutions were declared:

Councillor T Wheble for Councillor N A Roman; and
Councillor P Chung for Councillor Mrs S A Stamp

2. Election of Chairman

It was proposed, seconded and

RESOLVED:-

That Councillor J Thorndyke be elected Chairman.

3. Election of Vice-Chairman

It was proposed, seconded and

RESOLVED:-

That Councillor D W Bowman be appointed Vice-Chairman.

4. Apologies for Absence

Apologies for absence were received from Councillors Mrs R E Burt, A Drummond, N A Roman and Mrs S A Stamp.

5. Minutes

The minutes of the meeting held on 9 October 2012 were confirmed as a correct record and signed by the Chairman.

6. Declarations Of Interest

None declared.

7. Terms of Reference - Amendment

The Panel considered a narrative as follows:

'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 is proposed that the existing paragraph 2.7 of the Terms of Reference i.e.

'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.'



RECOMMENDED:

That paragraph 2.7 of the West Suffolk Joint Emergency Planning Panel's Terms of Reference be amended as detailed above.

8. Suffolk Flood Review Workshops

Officers gave an oral update on these workshops which had been held post the flooding events in the County during last Winter. The incidents of localised flooding that had occurred had given rise to demands for sandbags to be supplied to householders. However, the situation had been that whilst the County Council maintained a limited stock of sandbags these were to be used solely for strategic purposes. The joint view of Suffolk local authorities had been not to keep stocks of sandbags for general issue to households as they were not regarded as an effective measure of protection in most instances, particularly in situations of flash flooding. This approach had been reviewed but it had been agreed that the current policy should be adhered to. However, alternative ways to help householders in areas which had been consistently flooded would be investigated. These were to disseminate information on other flood prevention measures, such as flood bags or flood boards, which were available commercially and to encourage community resilience by supporting locally based solutions. The Panel were further informed that the National Flood Forum had agreed to support two pilot schemes in Suffolk to provide a response to potential local flooding incidents. These would be at Southwold (Waveney District Council) and Chelmondiston (Babergh District Council). In relation to the specific problems of flooding in St Edmundsbury Borough at Gardiner Close in Bury St Edmunds officers advised that the causes of this were being remedied by Anglian Water

and the County Council remedied including works to storm drains and clearance work being planned along the upper reaches of the River Linnet.

Members referred to specific flooding incidents within their wards and expressed concern about the difficulties in getting the appropriate authority to take action. Officers advised that the County Council as lead authority on flooding issues, had a dedicated telephone line (01473 260929) and link floods@suffolk.gov.uk for flooding incidents to be reported and in arranging a response officers would liaise with other agencies as appropriate. The Panel requested that information be sought from the Environment Agency, the County Council and Internal Drainage Boards as to what works were planned currently in respect of flooding problems in both Forest Heath District and St Edmundsbury Borough. These when added to works programmed by the Borough Council in respect of the River Lark would give an overview of which problems were being addressed and those which were not. The Panel also stressed that it was essential that the relevant authorities and landowners kept the rivers and watercourses (including ditches) clear. The Panel requested that a member of the Suffolk County Council Flood Management team be invited to the next meeting to facilitate further discussion of the issues.

9. Emergency Planning and Business Continuity: Update

The Panel received and noted Report F158 (previously circulated) which gave an overview of recent emergency planning issues as follows:

- (a) restructure of Joint Emergency Planning Unit and officers responsible for emergency planning in Forest Heath District and St Edmundsbury Borough;
- (b) two Emergency Incidents;
- (c) Training and Exercises;
- (d) Community Emergency Planning;
- (e) Business Continuity; and
- (f) Performance and Capability Assessment, attached as Appendix A to the report.

Officers further reported that approval was anticipated of a bid to the National Lottery Awards for All Fund for training of Community Emergency Planning Groups. A map showing those parishes which had established Community Emergency Planning Groups was tabled. The Panel was advised that copies of the Suffolk Community Resilience Newsletter were e-mailed to Clerks to parish and town councils and that Emergency Planning Officers attended meetings of these local authorities where requested to encourage the setting up of new groups. Approaches would also be made to other village organisations, such as Womens' Institutes, if normal channels of contact proved to be unresponsive. A survey would be carried out in the early part of 2015 to establish what level of engagement towns and parishes had in relation to emergency planning. Workshops were being staged this month on Winter Emergency Planning issues. Panel members and

other Councillors were asked to encourage involvement at parish/community level in respect of their wards.

In relation to the Performance and Capability Assessments, officers advised in relation to the red coding on Business Continuity that small businesses and voluntary organisations did not meet the required standard to be included in this assessment and that experience had been that larger businesses were often apathetic towards this matter. An induction session on Emergency Planning would be arranged post the elections next May for all Members. On staffing the Panel was advised that there were mutual aid arrangements with other local authorities in Suffolk to provide key staff. Whilst staffing levels were above the minimum approaches were being made to seek further volunteers from Suffolk County Council staff based at West Suffolk House. Recruitment of such staff with relevant skills and experience would be particularly useful in operating rest centres.

10. Dates of Future Meetings

The following dates of future meetings were approved:

Thursday 12 February 2015 at Forest Heath District Council Offices;
and
Thursday 22 October 2015 at West Suffolk House.

Both meetings to commence at 5.00 p.m

The meeting concluded at 6.00 p.m.

**J THORNDYKE
CHAIRMAN**

West Suffolk Joint Health and Safety Panel



Minutes of a meeting of the **West Suffolk Joint Health and Safety Panel**
held on
Monday 10 November 2014 at 4.00 pm at the **Conference
Chamber, West Suffolk House**, Western Way, Bury St Edmunds

Present:

Chairman Tony Simmons

Forest Heath District
Council

Rona Burt
Andy Drummond
Tony Simmons

St Edmundsbury
Borough Council

Derek Redhead
Frank Warby

Officers

Martin Hosker
Nigel Dulieu
Tony Edwards
Chloe Hunt

1. **Substitutes**

No substitutions were declared.

2. **Apologies for Absence**

Apologies were received from Councillor Patrick Chung (St Edmundsbury Borough Council).

3. **Minutes**

The minutes of the meeting held on 16 June 2014, were confirmed as a correct record and signed by the Chairman.

4. **Declarations of Interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

5. **Minutes: Joint Health and Safety Group**

The Joint Panel received and noted Paper F167 (previously circulated) which incorporated the minutes of the Joint Health and Safety Group meeting held on 2 September 2014.

6. **Accidents/Incidents involving Employees and Members of the Public: 1 April 2014 to 30 September 2014**

The Joint Panel received and noted Report F168 (previously circulated) which included, at Appendix A, statistics relating to incidents involving employees and incidents involving members of the public from 1 April 2014 to 30 September 2014 for both Forest Heath District Council and St Edmundsbury Borough Council. Appendix A contained, where available, comparative data for the previous two financial years.

The Health and Safety manager drew relevant issues to the attention of the Joint Panel, including providing details on the type and location of incidents/accidents experienced by employees and members of the public during the reporting period. Figures for absence due to stress and depression had reduced from those reported for the year 2012-2013.

The Joint Panel considered the report and asked a number of questions to which responses were provided.

7. **Health and Safety Training**

The Health and Safety Manager informed the Joint Panel that an 'e-learning platform' was due to be launched across West Suffolk and Anglia Revenues Partnership. This would provide online module training in the following areas: fire safety, display equipment, fire safety, manual handling and risk assessment. The platform would automate reminders to staff and managers.

8. **Emergency Evacuation Wardens**

A review had recently been carried out to update the Emergency Evacuation Wardens in both West Suffolk House and the District Offices in Mildenhall. The system needed to take into account that staff worked flexibly across both buildings. West Suffolk House had 17 zones with 3 wardens per zone. The District Offices in Mildenhall had been divided into seven zones. As the Customer Access team on the first floor would have a permanent presence, they would be responsible for three of these zones. A practice was due to take place in the coming weeks.

9. **Drugs and Alcohol Update**

The Health and Safety Manager reported that over 170 tests had been undertaken over the past 2 years. Out of these tests, 11 had been 'non negative' for cannabis and 2 for alcohol. In addition four agency workers had 'non-negative' results and one agency worker had refused to take the test and therefore had not been taken on.

10. **Christmas Fayre Safety Plan**

The Health and Safety Manager outlined arrangements to be made for the management of this event which was to be held between Thursday 17 and Sunday 30 November 2014.

Park and Ride would again be provided at Claas at Saxham throughout the four days, Park and Walk facilities would also be provided at Olding Road and West Suffolk College during the weekend and visitors could arrive by train and walk to the event.

The Joint Panel reviewed a map which detailed the designated zones, the two emergency rendezvous points and gave the locations for the CCTV cameras and first aid points, as well as the CCTV cameras. High risk areas for crowd management had also been identified and the Health and Safety Manager explained the process by which staff would estimate the crowd and assess the level using a traffic light system. Although the numbers attending in 2013 had increased, the crowd level had never exceeded Green; this could be due to the additional opening on Thursday evening. Hotspots would be constantly monitored by staff and at certain trigger levels, procedures such as using barriers to provide a one way system would be implemented.

There would be a firework display on Thursday evening at the bottom of Abbey Gardens but it was not anticipated that this would cause any problems with crowds.

A recent meeting with the Chief Inspector of Police had recently taken place where the Safety Plan had been scrutinised. Although the UK Threat Level was severe, it was considered that the threat for this particular event would be low.

11. Health and Safety News: Updates

The Health and Safety Manager gave a verbal update to the Joint Panel.

12. Dates of Future Meetings

The Joint Panel agreed the following dates of future meetings:

- Monday 16 February 2014 at 4.00pm at Forest Heath District Council offices
- Monday 15 June 2014 at 2.00pm at West Suffolk House

The Meeting concluded at 4.59 pm

Signed by:

Chairman

Cabinet



Forest Heath
District Council

Title of Report:	Houses in Multiple Occupation(HMO) Guidance & Standards	
Report No:	CAB/FH/14/001	
Decisions plan reference:	Dec14/06	
Report to and date/s:	Cabinet	9 December 2014
Portfolio holder:	Rona Burt Cabinet Member for Planning, Housing & Transport Tel: 01638 712309 Email: rona.burt@forest-heath.gov.uk	
Lead officer:	Simon Phelan Head of Housing Tel: 01638 719440 Email: simon.phelan@westsuffolk.gov.uk	
Purpose of report:	To request formal adoption of standards and fees	
Recommendation:	It is <u>RECOMMENDED</u> that: (1) The Cabinet formally adopts the HMO standards and licence fee.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>		
Consultation:	<ul style="list-style-type: none"> HMO landlords, letting agents, eastern Landlords Association and tenants of HMOs were consulted. No responses were received which would require any changes 	
Alternative option(s):	<ul style="list-style-type: none"> Not applicable 	

Implications:			
Are there any financial implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Resources are associated with staffing costs with the licence fee covering the administration of the licence The previous flat rate for Forest Heath was £500 and St Edmundsbury was £150. The proposed fee is £500 	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> HMO legislation is met through adoption and implementation 	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Legal, health and reputational	Medium	Approval and implementation of the guidance & standards	Low
		Adequate resource in service	
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Cabinet – 15 July 2014 – Report No CAB14/158 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=129&MeetingId=1594&DF=15%2f07%2f2014&Ver=2)	
Documents attached:		Appendix - HMO Guidance & Standards 2014 (including appendices)	

1. Key issues and reasons for recommendation(s)

1.1 Housing Act 2004 duties

- 1.1.1 The Council has a statutory duty, under the Housing Act, to inspect, licence and ensure satisfactory standards in HMOs. This document details the approach, standards and licensing fee to be consistently implemented and enforced as appropriate across West Suffolk.
- 1.1.2 HMOs pose a higher risk to the health of tenants, than single occupied dwellings, but also provide necessary accommodation for mainly single people often on lower incomes. The aim is to ensure safe and well managed HMOs in the private rented sector.
- 1.1.3 Larger HMOs (those with 3 or more storeys and 5 or more persons) are required to be licenced and there is a fee to cover the cost of this process; the proposal is that it should be £500.

1.2 Consistent Approach

- 1.2.1 A West Suffolk HMO Guidance and Standards document has been developed. It aligns the existing standards and fees for both Councils, and ensures a consistent approach towards dealing with HMOs and gaining compliance with the legislation and standards.
- 1.2.2 Consultation has taken place throughout West Suffolk focussing on HMO landlords, HMO tenants, Eastern Landlords Association and letting agents. Response has been supportive and not requiring any changes to the document
- 1.2.3 It is necessary for the standards and fee to be approved by the formal council process as we will use this to ensure compliance and as the basis for any future enforcement.

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Houses in Multiple Occupation Guidance and Standards 2014

1. Introduction

The term 'Houses in Multiple Occupation' (HMO) describes a type of dwelling that includes bedsits and similar shared accommodation. A detailed definition can be found in the Housing Act 2004 (see Appendix 1) which also describes the types of HMOs that are subject to mandatory licensing (see Appendix 2).

HMOs provide a valuable source of affordable accommodation. Young and professional single people, students and migrant workers predominantly access this type of accommodation, where there is a higher level of transience than may be found in other sectors of the private housing market. As a whole there are more residents on low incomes in the HMO sector.

This procedure seeks to achieve a good standard of accommodation and to address problems often associated with HMOs; for example disrepair, lack of amenities, inadequate fire safety provisions and poor management. The West Suffolk Housing Strategy identifies Houses in Multiple Occupation as a priority area for the monitoring of standards within the private rented sector. Forest Heath and St Edmundsbury Councils will work in partnership with external agencies such as Suffolk Fire and Rescue Service, and private landlords and tenants of HMOs, to achieve the aims and objectives of this policy.

2. Aim

- (a) To safeguard the health, safety and well-being of residents within West Suffolk who live in houses in multiple occupation by ensuring the application and maintenance of standards in these properties.
- (b) To contribute towards the delivery of West Suffolk's Housing Strategy
- (c) To contribute to the West Suffolk Strategic Priority 3: Homes for Our Communities

3. Objectives

To achieve the overall aim we have identified five objectives, to:

- Develop our knowledge on the number of HMOs in West Suffolk
- Promote good standards in HMOs and provide information and advice to landlords and tenants
- Encourage co-operation between landlords and tenants
- Eliminate poor property and poor management standards in HMOs
- Meet the legislative obligations for HMO licensing

4. Implementation

The Public Health & Housing team within Housing Services is principally responsible for private sector housing and will therefore play the lead role in implementing HMO standards. Our objectives will be achieved by engaging in a positive dialogue with landlords, tenants, letting agents and other internal and external partners.

4.1 To develop our knowledge we will:

- Carry out surveys to identify HMOs
- Maintain and update a database of known HMOs
- Liaise with other organisations to determine trends which may lead to the creation of HMOs
- Exchange information with other council services, such as Anglia Revenue Partnership, Planning & Regulatory Services and Waste Management
- Share knowledge with Suffolk Fire and Rescue Service and University Campus Suffolk
- Work with local estate and letting agents
- Act upon information from the public and their local Members
- Work with housing colleagues through the West Suffolk Letting Partnership (WSLP)

4.2 To ensure satisfactory standards we will:

- Carry out proactive routine inspections of HMOs in accordance with our hazard weighted risk assessment programme (see Appendix 3)
- Inspect newly identified HMOs within a maximum of 6 months and incorporate them into the inspection programme
- Advise landlords of any category 1 and category 2 hazards identified under the Housing Act 2004 Housing Health and Safety Rating System (HHSRS)
- Advise landlords and agents of the requirements of the HMO Management regulations
- Consult with Suffolk Fire and Rescue Service in accordance with the HMO protocol adopted by all Suffolk local authorities
- Take enforcement action where appropriate and necessary in accordance with good practice
- Liaise with colleagues in Planning and Regulatory Services, and Housing Services
- Work with other organisations such as Trading Standards (flammable furnishings) and the Health & Safety Executive (gas safety) to ensure the interests of the tenants are fully protected

4.3. Meeting our obligations for licensing:

The Housing Act 2004 introduced mandatory national licensing for all houses in multiple occupation of three storeys or more, occupied by five or more persons. We operate a mandatory licensing scheme and have raised awareness of the legislative requirements through the local press and landlords forums; we will:

- Advise owners of their obligations to licence HMOs

- Process licence applications (for which there is a fee – see Appendix 2) within three months
- Maintain a register of licensed HMOs
- Ensure that all HMOs subject to licensing attain the standards required by the licence
- Inspect each licensed HMO at least once every five years
- Advise landlords and letting agents on the requirements of the HMO management regulations
- Take enforcement action where HMO owners evade licensing

4.4. To promote good standards we will:

- Provide information and advice to letting agents and individual landlords through discussions, our landlord information pack and site visits
- Provide guidance through our amenity standards (see Appendix 4)
- Have regular meetings of our landlords forums
- Encourage landlords and letting agents to join an accredited landlords association

4.5. To encourage co-operation between landlords and tenants we will:

- Raise awareness of the statutory requirements particularly regarding termination of tenancy
- Encourage landlords to manage properties in accordance with best practice
- Advise and support responsible landlords in dealing with tenants causing problems with anti-social behaviour
- Advise tenants on their tenancy rights and provide information on general housing rights and responsibilities

4.6 Partnership with University Campus Suffolk

University Campus Suffolk has developed a code of practice for landlords wishing to make accommodation available to their students. Landlords are required to comply with the code which specifies a high standard of repair, safety, amenity and housing management. Applications for accreditation are made through the University. We will:

- Encourage all landlords to adopt the University Campus Suffolk Standards
- Inspect properties for landlords wishing to have accreditation under the University Campus Suffolk scheme

5. Review

This document will be reviewed annually or when there are changes to council policy, Government, guidance, legislation or other circumstances that would deem this appropriate and necessary.

Appendices:

- Appendix 1- Definition of a House in Multiple Occupation(HMO)
- Appendix 2 -Licensing Houses in Multiple Occupation
- Appendix 3- HMO Inspection programme
- Appendix 4- Houses in Multiple Occupation Amenity Standards

Useful/relevant guidance:

- LACORS HOUSING-FIRE SAFETY (2008)
- Regulatory Reform (Fire safety) Order Sleeping Accommodation Guidance (2006)
- RICS Private rented sector code of practice (2014)
- Asset Skills HHSRS Guide
- HMO Joint Protocol between Suffolk Fire & Rescue Service and the District & Borough Councils (2007 and supplementary guidance 2008)
- University Campus Suffolk Accommodation Code of practice (2010)

Appendix 1

Definition of a House in Multiple Occupation (HMO)

Under the Housing Act 2004, if you let a property which is one of the following types it is a House in Multiple Occupation:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

In order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

What counts as a self contained unit of accommodation?

A self contained unit is one which has inside it a kitchen (or cooking area), bathroom and toilet for the exclusive use of the household living in the unit.

If the occupiers need to leave the unit to gain access to any one of these amenities that unit isn't self contained.

Is a block of flats an HMO?

A purpose built block of flats is not an HMO. However, an individual flat within it might be if it is let to 3 or more tenants (at least one of whom is unrelated). The flat will not be subject to mandatory licensing.

If the block is a house which has been converted entirely into self-contained flats the conversion will be regarded by local housing authorities as an HMO if it does not comply at least with the standards of the 1991 Building Regulations and if more than one third of the flats are let out on short leases. These blocks of flats will not be subject to mandatory HMO licensing.

What is a household?

The following are 'households' for the purposes of the Housing Act 2004:

Members of the same family living together including:

- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex).
- Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.
- Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent.
- Any domestic staff in the household are also included if they are living rent-free in accommodation provided by the person for whom they are working.

Therefore three friends sharing together are considered three households. If a couple are sharing with a third person that would consist of two households. If a family rents a property they are a single household. If that family had an au-pair to look after their children that person would be included in their household.

Are there any exceptions to the definition of HMOs?

Certain types of properties are not classed as HMOs for the purpose of the Housing Act 2004 HMO management and licensing requirements, these include:

- A two person flat share; a property, or part of a property, lived in by no more than two 'households' each of which consists of just one person.
- A property where the landlord and his household is resident with up to 2 tenants.
- Buildings occupied entirely by freeholders or long leaseholders.
- Buildings managed or controlled by a public body (such as the police or the NHS), a local housing authority or a registered social landlord.
- A building where the residential accommodation is ancillary to the main use of the building, for example, religious buildings, conference centres etc.
- Buildings which are already regulated (and where the description of the building is specified in regulations), such as care homes, bail hostels etc. (however, domestic refuges are not exempt).

Appendix 2

Licensing Houses in Multiple Occupation

Which Types of HMO need a licence?

Under the national mandatory licensing scheme an HMO must be licensed if it is a building consisting of three or more storeys and is occupied by five or more tenants in two or more households.

How do I work out how many storeys there are?

When counting the number of storeys in the building you need to include:

- basements and attics if they are occupied or have been converted for occupation by residents or if they are in use in connection with the occupation of the HMO by residents
- any storeys which are occupied by you and your family if you are a resident landlord
- all the storeys in residential occupation, even if they are self-contained
- any business premises or storage space on the ground floor or any upper floor

You do not need to count basements and ground floors used for business or storage unless the basement/ground floor is the only, or principal, entrance to the HMO from the street.

Licence Fee

The licence fee is **£500**

Appendix 3

HMO Inspection programme

HMOs on our data base are inspected on a regular basis. The frequency is determined on a risk assessment basis and programmed inspections are carried out, every one, two, three or five years. Higher risk properties are inspected annually and the lower risk properties five yearly.

Risk factors include number of storeys, fire precautions, the housing health & safety rating system, amenities and management.

All newly identified HMOs will be inspected within six months and incorporated into the inspection programme.

Risk Factor	Category	Score
Number of storeys	1	5
	2	10
	3	15
	4+	30
Fire Precautions HHSRS hazard (24)	Full fire protection	0
	Partial fire protection	20
	No fire protection	40
Amenities HHSRS hazards (16), (17) & (18)	Satisfactory	0
	Unsatisfactory minor	5
	Unsatisfactory major	10
HHSRS Other hazards	No hazards	0
	Lower score category 2 (F-J)	5
	Category 2 hazards (D & E)	10
	Category 1 hazards (A-C)	20
Management	Confident	0
	Reasonably confident	15
	Little confidence	30
	No confidence	60
	HMO check	160

Inspection frequency

Score	Inspection frequency
5-10	Five Yearly
15-55	Three Yearly
60-80	Two Yearly
85-160	Yearly
165+	Six Monthly

Appendix 4

Houses in Multiple Occupation Amenity Standards

All houses are assessed using the housing health & safety rating system as defined by the Housing Act 2004. Houses should not contain any category 1 hazards.

The following standards relate specifically to houses in multiple occupation and are a guide for the minimum standard which should be achieved. There may be variations to take into account particular circumstances for individual properties.

Schedule of amenity provisions in relation to number of persons	
1 – 5 persons	<p>At least 1 bathroom and 1 WC (the bathroom and WC may be combined).</p> <p>At least 1 kitchen, not more than 1 floor distance from furthest bedroom. Where there is more than 1 floor distance an additional kitchen should be provided, or, a dining room provided on the same floor as the kitchen.</p>
6 –10 persons	<p>At least 2 kitchens, not more than 1 floor distance from furthest bedroom. Where there is more than 1 floor distance a dining room should be provided on the same floor as the kitchen.</p> <p>Or</p> <p>1 large kitchen with dining room, with 2 sets of facilities - dependant upon the actual number of tenants.</p> <p>2 bathrooms AND 2 separate WCs with wash hand basins (WHBs); one of the WCs can be contained within one of the bathrooms</p>
10 + persons	<p>At least 2 kitchens, not more than 1 floor distance from furthest bedroom. Where there is more than 1 floor distance a dining room should be provided on the same floor as the kitchen.</p> <p>Or</p> <p>1 large kitchen with dining room, with sets of facilities dependant upon the actual number of tenants.</p> <p>3 bathrooms AND 3 separate WCs with WHBs (but two of the WCs can be contained within the bathrooms)</p>

NB A bathroom must contain a full sized bath/shower and a wash hand basin. Where a separate toilet is provided the room should contain a wash hand basin.

Space Standards

All rooms should be of suitable size the following is a guide to a minimum room size:

Bedroom:

Bedroom only with separate shared living room

1 person	6.5m ²
2 persons	11.0m ²

Bed-sitting room where there is no separate living room

1 person	10.0m ²
2 persons	15.0m ²

Bed-sitting room containing cooking facilities

1 person	13.0m ²
2 persons	18.0m ²

Unless related, persons should not be required to share bedrooms. It is accepted, however, that some groups may wish to share rooms.

Living room

To be provided where bedrooms are not large enough for use as bed-sitting rooms

1-5 persons	11.0m ²
6 -10 person	16.5m ²
11-15 persons	21.5m ²
16+ persons	25.0m ²

Dining room

To be provided as an alternative to a living room or where a bed-sitting room is provided which is more than one floor distance away from a kitchen:

1 - 5 persons	11.0m ²
6 - 10 persons	16.5m ²
11-15 persons	21.5m ²
16 + persons	25.0m ²

Kitchen/diners are acceptable, where the dining area is separate from cooking and sink areas and is of the above dimensions.

Kitchen

Kitchens shall be provided no more than one floor away from any occupied rooms, unless a dining area is available as detailed. Kitchens must not be located within the fire escape route.

Each kitchen for up to 5 persons should have a minimum floor area of 7m² and be provided with the following:

- 1 cooker with 4 rings, oven and grill (alternatively a microwave oven may be substituted for one or two of the rings)
- 1 sink with hot water, cold drinking water, base unit and drainer and tiled splash back
- 1 single wall or floor cupboard per person for food storage (minimum size 1x 500mm standard unit) or
- 1 double wall or floor cupboard for food storage per 2 persons (minimum size 1 x 1000mm standard unit)
- 1000mm x 600mm worktop for food preparation per 3 persons **or**
- 2000mm x 600mm worktop for food preparation per 5 persons
- 1 standard fridge per 3 persons (with separate shelf for each person) **or**
- 1 large fridge per 5 persons (with separate shelf for each person)
- A sufficient number of suitably located electrical sockets (a minimum of 4 double sockets is recommended)
- Separate cooker panel for electric cookers.

NB cooking facilities in a single bed-sitting room may be a portable appliance such as a two ring oven and grill may be substituted for a full cooker.

The kitchen shall be of sufficient area for the safe provision of all necessary facilities. Cookers shall not be placed adjacent to doorways and there shall be sufficient floor space for the safe retrieval of items from the oven and for the safe circulation of occupants generally.

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Cabinet



Forest Heath
District Council

Title of Report:	Recommendation of the Performance and Audit Scrutiny Committee: 26 November 2014 West Suffolk Fees & Charges Policy	
Report No:	CAB/FH/14/002	
Decisions plan reference:	Oct14/02	
Report to and dates:	Performance and Audit Scrutiny Committee	26 November 2014
	Cabinet	9 December 2014
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance and Performance Tel: 01638 660518 Email: Stephen.edwards@forest-heath.gov.uk	
Chairman of the Committee:	Colin Noble Performance and Audit Scrutiny Committee Tel: 07545 423795 Email: colin.noble@forest-heath.gov.uk	
Lead officer:	Rachael Mann Head of Resources and Performance Tel: 01638 719245 Email: rachael.mann@westsuffolk.gov.uk	
Purpose of report:	On 26 November 2014, the Performance and Audit Scrutiny Committee considered Report PAS/FH/14/005 which informed Members of a Draft West Suffolk Fees and Charges Policy to create a single, clear and consistent approach to formulating, agreeing and reviewing the fees and charges set by the West Suffolk councils.	
Recommendation:	It is <u>RECOMMENDED</u> that, the West Suffolk Fees and Charges Policy, attached as Appendix B to Report PAS/FH/14/005 be approved.	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input checked="" type="checkbox"/> No, it is not a Key Decision - <input type="checkbox"/> (iv) Decisions which raise new issues of policy;	
<i>The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:		• See Report PAS/FH/14/005	
Alternative option(s):		• See Report PAS/FH/14/005	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/005	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/005	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/005	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/005	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/005	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
See Report PAS/FH/14/005			
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		See Report PAS/FH/14/005 to Performance and Audit Scrutiny Committee: West Suffolk Fees and Charges Policy	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 Key Issues

1.1.1 In summer 2014, a review of the West Suffolk councils' fees and charges was carried out by the councils' Senior Auditors from the Resources and Performance team. The review examined the ways in which fees and charges were currently set by West Suffolk, when charging for the provision of a service. Interviews were carried out with staff from across West Suffolk.

1.1.2 The fees and charges that can be set by West Suffolk for the provision of services to residents or other businesses vary depending on the legislative basis behind them. Statutory fees and charges are set by government with the councils having no control or very little (within a range) over pricing, whilst discretionary services are defined as those that a council is authorised but not required to provide. The review work only covered those fees and charges where the councils had control over their setting and also excluded Council Tax and Business Rates.

1.1.3 The main findings from the review were as follows:

- benchmarking showed that in large part, West Suffolk's fees and charges were comparable with other authorities in Suffolk;
- the process for setting fees and charges varied between services and between the two councils. Different considerations were taken into account, with little consistency of approach to issues such as cost recovery compared to encouraging changes in behaviour;
- many of the processes for setting fees and charges had not been revisited for some time and did not reflect the Medium Term Financial Strategy theme of encouraging a more commercial approach to the setting of fees and charges.

1.1.4 West Suffolk's fees and charges are agreed annually through the budget setting processes for both councils. The recommendations made in this annual process come from officers, working with portfolio holders and within the councils' governance framework, who undertake work to set fees and charges at an appropriate level. In order to improve this process, a West Suffolk Fees and Charges Policy has been drafted, with these key features.

- It equips officers with a clear, consistent and concise **policy** which they must follow when formulating, agreeing and reviewing existing and / or recommending new fees and charges across West Suffolk, outside of where legislation provides for this.
- It provides **guidance** (service toolkit) in determining the level of fees and charges to set, including the factors that need to be considered when charges are reviewed (such as methods and costs of collection, impact on service users) and the need to record the decision-making process in order to demonstrate that decisions have been subject to a transparent and balanced process.

1.1.5 In particular, the new documents:

- require services to carry out more active use of benchmarking / market intelligence when setting fees and charges to ensure that those across West Suffolk are comparable with others and where there are differences these are understood and justified;
- present services with parameters (such as different pricing modules) in which to calculate different levels of fees and charges, so that they are considered and set at a level which will increase the proportion of income contributed by users of services where appropriate, rather than the costs being met from the general tax payer and via central government grants. There are also clear links to the councils' encouragement of more commercial behaviours with West Suffolk acting as a contractor where services are transferable and can be provided to others generating income opportunities for the councils;
- permit Heads of Service to approve proposed fees and charges, unless an assessment has determined that the fee or charge has significant public interest; in these instances, the proposed charges will be put forward to the Portfolio Holder;
- it ensures that services review their fees and charges on an annual basis; with opportunities to optimise income considered within the overall West Suffolk budget setting process; and
- it encourages channel shift with service delivery moving towards the lowest costs channels (including online) in order to achieve greater efficiency and to reduce costs.

1.1.6 The Performance and Audit Scrutiny Committee considered the Draft West Suffolk Fees and Charges Policy and has put forward a recommendation as set on the front page of this report.

Cabinet



Forest Heath
District Council

Title of Report:	West Suffolk Homelessness Strategy 2015-2018	
Report No:	CAB/FH/14/003	
Decisions plan reference:	Dec14/02	
Report to and date:	Cabinet	9 December 2014
Portfolio holder:	Rona Burt Planning, Housing and Transport 01638 712309 rona.burt@forest-heath.gov.uk	
Lead officer:	Simon Phelan Head of Housing 01638 719440 simon.phelan@westsuffolk.gov.uk	
Purpose of report:	<p>The Strategy sets out what the West Suffolk councils, along with their partners, will do over the next three years to address and prevent homelessness, ensuring that there is sufficient suitable temporary accommodation and support for those who are homeless or threatened with homelessness.</p> <p>The Homelessness Act 2002 requires all Councils to produce a Homelessness Strategy at least every five years.</p>	
Recommendation:	<p>It is RECOMMENDED that, Cabinet approve that the draft strategy is made available for consultation to the public, local authorities, voluntary and statutory agencies.</p> <p>Following consultation it is also recommended that the amended Strategy be brought back to Cabinet for consideration in February 2015, then for recommendation to Full Council for adoption.</p>	

<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i></p>	
<p>Consultation:</p>	<ul style="list-style-type: none"> • Stakeholders have been consulted as part of the Homelessness Review and their views have been incorporated in developing the draft strategy. • The strategy will go out for a six week stakeholder and public consultation from 10 December 2014.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Not to produce a strategy. However the Council would be in breach of its statutory requirements.
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • The outcomes of the strategy should result in overall savings to West Suffolk by: • Eliminating the use of costly Bed & Breakfast. The Councils spent £220,000 in 2013/2014 on Bed & Breakfast. This figure is expected to reduce to £130,000 in 2014/2015. • Increasing the numbers of successful homeless prevention cases, so reducing the need for costly homelessness assessments. Research from the homelessness charity, Shelter, indicates the cost to a Local Authority per homeless prevention case is £826 and the minimum cost of a homeless case is £2112.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • Not to produce a strategy would mean that the Council would be in breach of its statutory requirements.

<i>Are there any equality implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • Equality Impact Assessment attached.	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Non-engagement of Partners	Medium	Development of multi-agency partnerships	Low
Insufficient Temporary Accommodation	Medium	Provide identified re-provision of temporary accommodation	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix 1 - Draft - West Suffolk Homelessness Strategy 2015-2018 Appendix 2 - West Suffolk Homelessness Strategy - Equality Impact Assessment	

1. Key issues and reasons for recommendation(s)

- 1.1 This Strategy will support priorities set out in West Suffolk's Strategic Plan. In particular:
- Priority 2: Resilient families and communities that are healthy and active
 - Priority 3: Homes for our communities
- 1.2 Councils are required to carry out a homelessness review of their area and produce a strategy to:
1. Address the causes of homelessness in the area.
 2. Introduce initiatives to prevent homelessness wherever possible.
 3. Provide sufficient temporary accommodation for those households that are or may become homeless.
 4. Ensure that appropriate support is available for people who have previously experienced homelessness in order to prevent it happening again.
- 1.3 This is the first joint West Suffolk Homelessness Strategy. Previously Forest Heath District Council and St Edmundsbury Borough Council have had their own.

West Suffolk Homelessness Strategy 2015-2018

Foreword:

In recent years, housing in our area has become less and less affordable. For some people, it has meant staying put in an unsuitable home, or passing up a job opportunity because a house move is simply out of the question. For others, the consequences have been more extreme, with more and more people facing homelessness.

As the Councillors responsible for leading West Suffolk's housing agenda, we are fully committed to seeing the actions in this strategy taken forward. Together, we will work across our councils and with our partners to make sure those who are affected by homelessness receive timely advice and assistance.

Cllr Rona Burt, Portfolio Holder for Planning, Housing and Transport,
Forest Heath District Council.

Cllr Anne Gower, Portfolio Holder for Housing, St Edmundsbury Borough
Council

1. Introduction

The Homelessness Act 2002 requires all councils to produce a Homelessness Strategy at least every five years. Councils are required to carry out a homelessness review of their area and produce a strategy to:

1. Address the causes of homelessness in the area.
2. Introduce initiatives to prevent homelessness wherever possible.
3. Provide sufficient temporary accommodation for those households that are or may become homeless.
4. Ensure that appropriate support is available for people who have previously experienced homelessness in order to prevent it happening again.

This is the first joint West Suffolk Homelessness Strategy. Previously Forest Heath District Council and St Edmundsbury Borough Council have had their own. References to "West Suffolk" in this document refer to both councils, working together.

This Strategy will support priorities set out in West Suffolk's Strategic Plan (2013-15). In particular:

- Priority 2: Resilient families and communities that are healthy and active

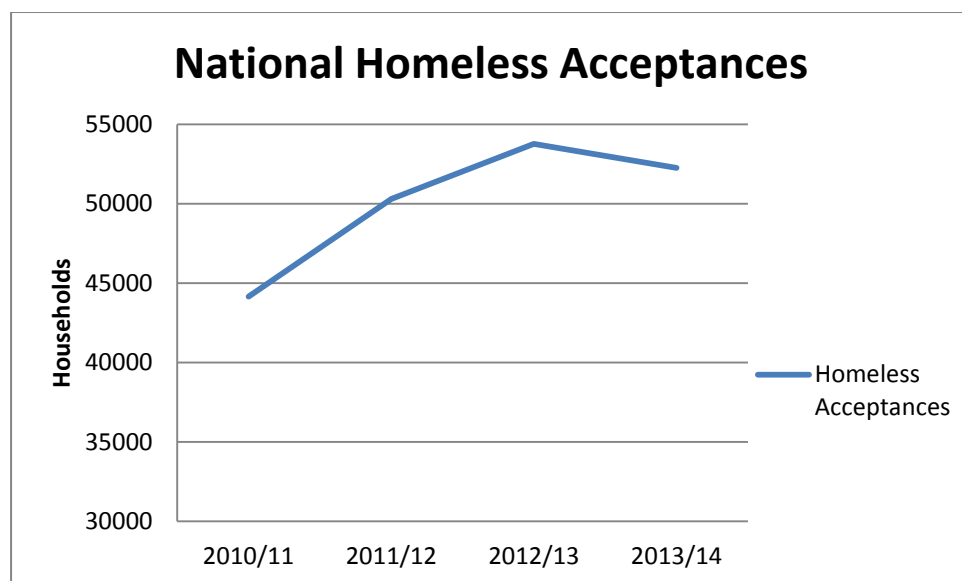
- Priority 3: Homes for our communities

Both councils have recently adopted a West Suffolk Housing Strategy 2015–2018, the priorities set out in the strategy which specifically relate to homelessness are expanded upon within this document.

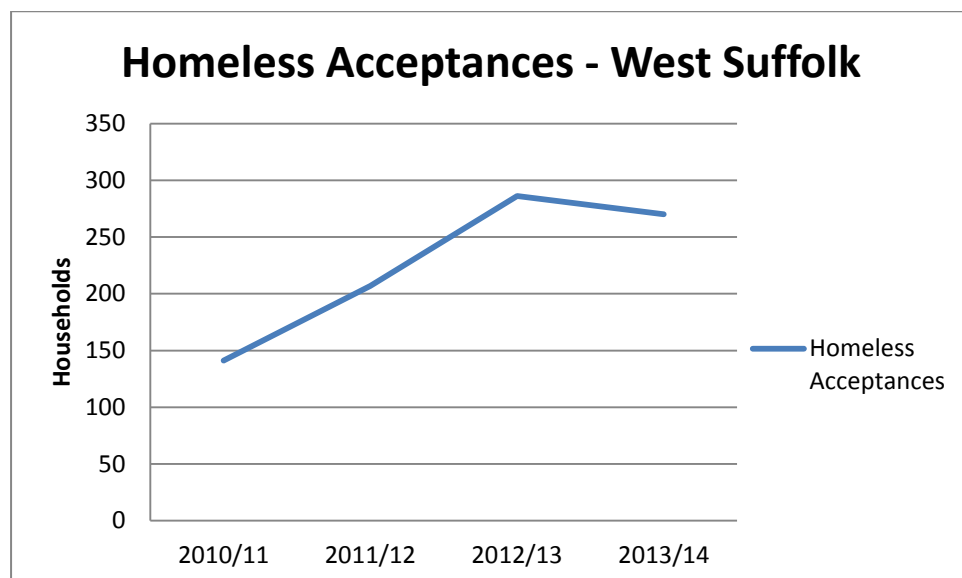
2. Homelessness Context

2.1 Level of Homelessness

Nationally the rate of homeless acceptances, where a local authority has a duty to find accommodation for a household, has increased overall in the last four years, a trend which is reflected in West Suffolk.



Source: www.gov.uk/government/collections/homelessness-statistics



Source: www.gov.uk/government/collections/homelessness-statistics

Unless action is taken, the number of cases where West Suffolk has a duty to provide accommodation for homeless households is anticipated to remain at between 250 and 300 households per year.

2.2 Age profile of homeless households

Analysis of homelessness acceptances show that younger and middle aged people are affected more by homelessness than older people. The table below shows the breakdown by age group of homeless households housed by West Suffolk from April 2010 – March 2014.

Age	Number	Percentage
16-24	321	36%
25-44	457	51%
45-59	84	9%
60+	33	4%

Source: www.gov.uk/government/collections/homelessness-statistics

2.3 Stakeholder and Partner Survey

As part of the review of homelessness across West Suffolk, questionnaires were sent to over 40 individuals at 22 stakeholder and partner organisations in July 2014 (attached at Appendix 1). A response rate of 32% was achieved.

The questionnaire asked what issues partners had identified regarding homelessness and what they and others, including West Suffolk, could do to prevent homelessness and support homeless households.

Several themes emerged, including barriers to accessing suitable housing, which included:

1. Lack of affordable properties,
2. The need for earlier interventions, partnership working, information sharing which would identify and enable problems to be resolved before the situation becomes a crisis,
3. The process of moving applicants on through the Housing Register (Home-Link) has become much slower, largely as a result of increased demand for 1 bed properties,
4. Partners generally reported that the causes of homelessness were those relevant to themselves, eg: a Registered Provider (RP) would report that rent arrears was the biggest cause of homelessness. This could demonstrate a lack of awareness of issues affecting other partners (for example change in personal circumstances or change in benefits eligibility),

5. Difficulties in sourcing housing and support for customers with complex/multiple issues and/or a history of not being able to manage their accommodation needs.

Some of these barriers will be directly addressed through this Strategy and the West Suffolk Housing Strategy.

3. Addressing the causes of homelessness in the area.

The main causes of individuals/families being homeless within West Suffolk are in line with national trends. The loss of private rented accommodation is now the biggest cause of homelessness rather than the traditional cause of eviction by parents, other relatives or friends. The other major cause of homelessness is relationship breakdown (violent and non-violent).

Causes of Homelessness in West Suffolk	2010 - 2014
Eviction by family or friends	28%
Non-violent relationship breakdown	9%
Violent relationship breakdown	13%
Mortgage arrears	3%
Loss of private rented accommodation	35%
Other eg: discharge from hospital or prison	12%

Source: www.gov.uk/government/collections/homelessness-statistics

West Suffolk has already within two of its key strategies, the Housing Strategy (2015-18) and the Families and Communities Strategy 2013, taken steps to address some of the root causes of homelessness.

The Housing Strategy's main priority areas are:

1. increasing the supply of new homes so as to accommodate our growing population, promote economic growth, improve affordability and reduce homelessness,
2. making the best use of existing housing so as to allocate housing efficiently and improve the quality, sustainability and suitability for an ageing population,
3. support the provision of specialist housing and support for those who need it.

This homelessness strategy will give particular emphasis to increasing the provision of specialist housing i.e.: temporary accommodation for homeless households and providing timely support for those threatened with homelessness.

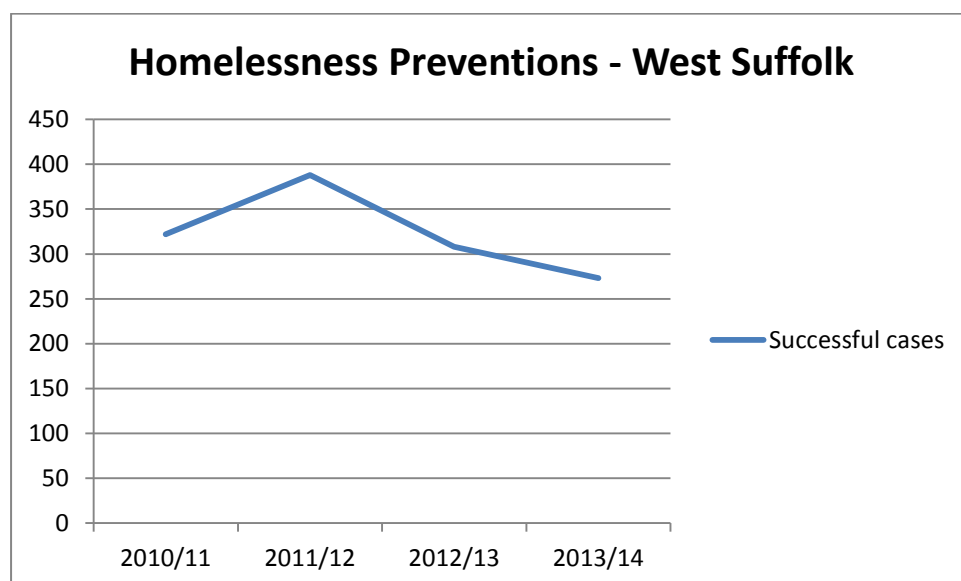
The Families and Communities Strategy emphasises the advantages of early intervention and the empowerment of communities to identify problems early and address situations before they escalate into a crisis. However this, in some circumstances requires intervention by the councils.

Through the actions set out in these strategies we will aim to actively assist and alleviate the pressure on households, who could otherwise become homeless.

Increasing the availability of affordable housing will also help to provide accommodation for those living in overcrowded conditions in the family home, as well as for those struggling to find and afford private rented properties.

4. Introducing initiatives to prevent homelessness wherever possible.

The graph below shows that the number of successful homelessness prevention cases has fallen over the last few years. A prevention case is where the Council has actively worked with a household to prevent their homelessness. In addition to the Housing Options Team there are a wide range of activities across the Council such as benefits advice and addressing anti-social behaviour which contribute to preventing homelessness. This reduction in numbers has occurred despite the fact that the level of resources committed to preventing homelessness has remained constant.



Source: www.gov.uk/government/collections/homelessness-statistics

This trend can be seen as a reflection of the difficulties of finding and maintaining affordable accommodation in the private rented sector and the high demand for social housing. A snapshot survey in July 2014 found that only 5% of available private rented properties in St Edmundsbury and 9% in Forest Heath had rental levels that could be fully met by Housing Benefit.

In order to address this trend West Suffolk will need to explore new and innovative ways of improving homelessness prevention, working in partnership with other organisations. We have signed up to the "Housing and Health Charter for Suffolk" demonstrating our commitment for joint working with other agencies, such as the West Suffolk Lettings Partnership to deliver shared agendas and services.

Our Housing Strategy has already identified a number of specific actions that we will be working on to prevent homelessness.

We will:

- Develop good quality, easily accessible housing advice materials, including web-based material which reflect the diversity of applicants' needs and abilities
- Continue to work in partnership with other key agencies to prevent individuals and families from getting into a housing crisis.

In addition we will complete the Government's GOLD Standard Challenge for homelessness. The challenge is a local authority sector led peer review scheme designed to help local authorities deliver more efficient and cost effective homelessness prevention services. The challenge comprise of 10 points that Local Authorities are required to achieve. These are set out below and the Action Plan at appendix 2 details how we are going to achieve the GOLD Standard.

1. To adopt a corporate commitment to prevent homelessness which has buy in across all local authority services
2. To actively work in partnership with the voluntary sector and other local partners to address support, education, employment and training needs
3. To offer a Housing Options prevention service to all clients including written advice
4. To adopt a No Second Night Out model or an effective local alternative
5. To have housing pathways agreed or in development with each key partner and client group that include appropriate accommodation and support
6. To develop a suitable private rented sector offer for all client groups, including advice and support to both client and landlord
7. To actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme

8. To have a homelessness strategy which sets out a proactive approach to preventing homelessness, reviewed annually to be responsive to emerging needs
9. To not place any young person aged 16 or 17 in Bed and Breakfast accommodation
10. To not place any families in Bed and Breakfast accommodation unless in an emergency and for no longer than 6 weeks.

The stakeholder and partner survey also identified several specific proposals which could be used to help prevent homelessness and support homeless households. We have incorporated a number of these proposals in the Action Plan (at Appendix 2), which include developing:

1. Improved hospital and prison discharge protocols.
2. Home security scheme for victims of domestic violence.
3. More flexible use of Discretionary Housing Payments (DHP)
4. Expansion of a Private Rented Scheme into West Suffolk for applicants with complex issues

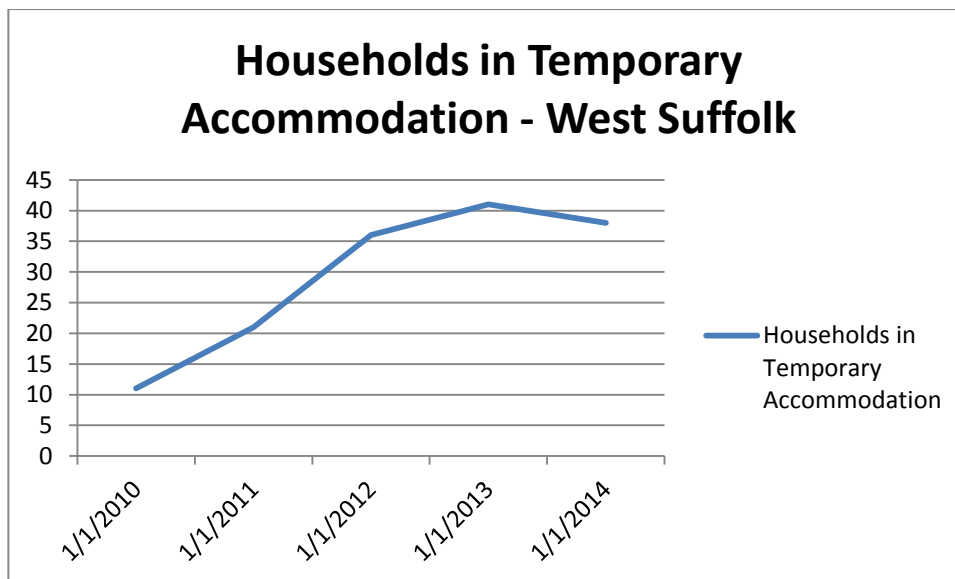
5. Providing sufficient temporary accommodation for those households that are or may become homeless.

The majority of homeless households that West Suffolk has a duty to source accommodation for are small families, with one or two children, with the next biggest group being single people. This trend points to the growing need for smaller units of accommodation both as temporary accommodation and for permanent housing.

Household Composition of homeless households – West Suffolk	2010-2014
Single person	18%
Couple	7%
Pregnant woman, no other children	13%
Family with 1 child	37%
Family with 2 children	18%
Family with 3 or more children	7%

Source: www.gov.uk/government/collections/homelessness-statistics

With the numbers of homeless households in temporary accommodation mirroring the trend of homelessness acceptances it is anticipated that West Suffolk will need permanent access to around 45 units of temporary accommodation, at anyone time, in the future.



Source: www.gov.uk/government/collections/homelessness-statistics

Currently West Suffolk has access to self-contained temporary accommodation, provided by Registered Providers, but has to supplement this accommodation with the use of bed & breakfast.

The Housing Strategy sets out that West Suffolk should increase:

“the amount of temporary accommodation available for individuals and families in crisis housing need, to reduce the use of Bed and Breakfast accommodation.”

Within the lifetime of this Homelessness Strategy we aim to:

- minimise the use of bed & breakfast to the extent it is only used in an emergency and
- ensure that enough suitable temporary accommodation is available and that it is in the right location for homeless households to access support, maintain employment and education.

A breakdown of the last four years homelessness duty accepted cases shows where homeless households have originated from

Area	Homeless Acceptances 2010/2014
Newmarket	22%
Brandon	13%
Mildenhall	10%
Haverhill	19%
Bury	36%
Total	100%

Source: West Suffolk Homeless Database

In order that the location and numbers of available temporary accommodation reflects where homeless households are originating from, we will look to change the profile of our temporary accommodation to that proposed in the table below.

Area	Current units		Proposed units	
Newmarket	10	29%	10	22%
Brandon	8	23%	8	17%
Mildenhall	0	0%	3	7%
Haverhill	10	29%	10	22%
Bury	7	20%	15	33%
Total	35	100%	46	100%

Source: West Suffolk Homeless Database

This would retain the units in Newmarket and Brandon, whilst new temporary accommodation would need to be provided in Mildenhall.

In Haverhill, whilst the numbers of units remain the same, there would have to be new provision of 10 units, due to the expiry of the lease on the current temporary accommodation in 2015.

In Bury an additional eight units would be needed, but the council has recently bought a five bedroom property which will go some way to meeting this need.

Breakdown by size

In order to provide suitable sized temporary accommodation for homeless households it is proposed that the type of temporary accommodation should be as follows.

Area	A room with shared facilities	Studio/1 bed Flat	2 bed Flat	3 bed Flat
Brandon		6	2	
Newmarket			10	
Haverhill		3	7	
Mildenhall	3			
Bury St Edmunds	10		5	
Total	13	9	24	0

To achieve this West Suffolk will work with partners to deliver innovative, cost effective solutions in-line with the Housing Strategy's aim that:

"By April 2015 we will identify and deliver new funding models for delivering open market, private rented and affordable housing."

Details of the specific actions around temporary accommodation are included in the Action Plan at Appendix 2.

6. Ensuring that appropriate support is available for people who have previously experienced homelessness in order to prevent it happening again.

There is a low rate of recurring homelessness where West Suffolk has accepted a duty to house households more than once. Less than 1% of cases approach the councils again for assistance in the 2 years after being housed. However, analysis of the data regarding households who have approached the councils as being potentially homeless, shows that a significant proportion of them (15%), have accessed assistance from the Housing Options Team more than once. Although information is not available to show if the reason they have returned is as a result of lack of support in finding and maintaining accommodation, it would be a natural assumption that this is one of the reasons.

The Housing Strategy has already identified the need for the provision of specialist housing and support, and included these specific actions:

- Continue to engage with partners on specific multi-agency homeless prevention projects to improve the support given to young people across West Suffolk,
- Set up a Task and Finish Group to develop a West Suffolk model for housing chronically excluded adults,
- Continue to lead the county-wide partnership to develop a strategy for “move-on” of marginalised adults.

A key element of supporting those threatened with homelessness is early intervention. As part of this work we will, in conjunction with partners, develop a “Making Every Intervention Count” programme which will feature:

- Multi agency teams and service integration
- Joint commissioning, data sharing and data analysis
- Community resilience being supported by the voluntary sector

Details of the specific actions around the prevention of recurring homelessness are included in the Action Plan at Appendix 2.

7. Conclusion

This strategy identifies the steps needed to achieve the four keys aims of addressing the causes of homeless, preventing homelessness, having suitable temporary accommodation and support for those threatened with homelessness.

The action plan at Appendix 2 details how West Suffolk will build on existing strategies and partnerships and develop new partnerships to achieve these aims.

Appendix 1



West Suffolk Homelessness Review

Completed by:

Position in Organisation:

What is your organisation currently doing, or planning to do to:

- Prevent homelessness
- House homeless households

(please include any policies, action plans, initiatives)

What do you see as the barriers to homelessness prevention (including any council or government policies)?

What would you like to see West Suffolk Councils doing to address homelessness?

How could you work with the Councils and other partners to address homelessness?

From your experience of dealing with homelessness and housing issues, what do you regard as the main causes of homelessness?

What trends and patterns in homelessness have you noticed over the past two years?

Please return to:

Tony Hobby – Housing Options Manager
District Offices
College Heath Road
Mildenhall
IP28 7EY

tony.hobby@westsuffolk.gov.uk

Appendix 2 – ACTION PLAN

No	Action	Priority Area	Funding	By when?	Outcomes & Monitoring	Lead Officer	Key Partners
1	Develop Housing Advice Materials	Homelessness Prevention Initiatives	Existing budget - Homelessness Prevention Fund	Dec 2015	Report Web site hits, Customer Service enquiries.	Team Leaders – Housing Options	Customer Services.
2	Implement Young Persons Housing Protocol	Homelessness Prevention Initiatives	Existing budget - Homelessness Prevention Fund	Jan 2016	Reduced numbers of Homeless young persons, reports to SHOG.	Housing Options Manager	Children & Young People Services
3	Hospital and Prison discharge protocols.	Homelessness Prevention Initiatives	Existing budget - Homelessness Prevention Fund	April 2016	Successful homeless preventions. Report numbers.	Housing Options Manager	Health, Probation, Prison Service
4	Achieve GOLD Standard	Homelessness Prevention Initiatives	Existing budget - Homelessness Prevention Fund	April 2016	Award of Gold Standard	Housing Options Manager	Local Authority Peers
5	Develop flexible use of Discretionary Housing Payments (DHP)	Homelessness Prevention Initiatives	Discretionary Housing Payments Budget	April 2016	Successful homeless preventions. Report numbers.	Housing Business and Partnership Manager	Anglia Revenue Partnership

	Action	Priority Area	Funding	By when?	Monitoring	Lead Officer	Key Partners
6	Home security scheme for victims of domestic violence.	Homelessness Prevention Initiatives	Existing budget - Homelessness Prevention Fund	Sept 2016	Successful homeless preventions. Report numbers.	Housing Options Manager	Police, Registered Providers
7	Replacement for Heron House, Haverhill	Sufficient Temporary Accommodation	Capital Funding/ Housing Company - to be identified.	August 2015	New provision operational	Housing Options Manager	Registered Providers
8	Eliminate use of Bed and Breakfast - provide alternative accommodation.	Sufficient Temporary Accommodation	Capital Funding/ Housing Company - to be identified	August 2016	B&B useage	Housing Options Manager	Registered Providers
9	Develop - Multi Agency Safeguarding Hub (MASH)	Support to prevent recurring homelessness.	To be determined	Sept 2015	MASH outcomes reporting	Housing Options Manager	Children & Young People Services, Adult Care, Police, Health, Probation

	Action	Priority Area	Funding	By when?	Monitoring	Lead Officer	Key Partners
10	Make Every Intervention Count (MEIC)	Support to prevent recurring homelessness.	To be determined	April 2017	To be determined	Housing Options Manager	Children & Young People Services
11	Develop model for housing chronically excluded adults	Support to prevent recurring homelessness.	To be determined	April 2018	To be determined	Housing Business & Transformation Manager	Supported Housing Providers, Health, Adult Care Services, Suffolk Co-ordination Service

West Suffolk – Equality Impact Assessment

Name of strategy, project or policy to be assessed	
West Suffolk Homelessness Strategy 2015-18	
Lead officer completing assessment	Job title
Tony Hobby	Housing Options Manager

Summary:

Equality Impact Assessment

1. What is the main purpose of the strategy?

To set out what West Suffolk, along with its partners, will do over the next three years to address and prevent homelessness, ensuring that there is sufficient suitable temporary accommodation and support for those who are homeless or threatened with homelessness.

2. List the main activities of the project/policy (for strategies list the main policy areas):

1. Address the causes of homelessness in the area.
2. Introduce initiatives to prevent homelessness wherever possible.
3. Provide sufficient temporary accommodation for those households that are or may become homeless.
4. Ensure that appropriate support is available for people who have previously experienced homelessness in order to prevent it happening again.

3. Who are the main stakeholders?

Residents
 Voluntary and community sector
 Suffolk County Council – Children and Young People services, Adult Care Services
 Registered Providers
 Police
 Probation
 Housing Providers
 Users of the service

4. What outcomes are wanted from this strategy?

This strategy identifies the steps needed to achieve the four keys aims of addressing the causes of homeless, preventing homelessness, having suitable temporary accommodation and support for those threatened with homelessness.

The action plan details how West Suffolk will build on existing partnerships and develop new partnership to achieve these aims.

5. Are there any concerns that the strategy could have a differential impact in terms of equality?

The table below highlights where we believe the project will have a positive or negative impact on a particular group.

	Explanation
Gender	The Homelessness Strategy plans positively for the residents in West Suffolk and will benefit all homeless people regardless of gender. We monitor the gender profile of homeless cases and will take action if required.
Race	The Homelessness Strategy will have no negative impact upon people in terms of race. It plans positively for the residents in West Suffolk and will benefit all homeless people regardless of race.
Disability	We expect the strategy to have a positive impact on this group. The re-provision of temporary accommodation will facilitate the provision of more suitable and accessible accommodation.
Sexual Orientation	The Homelessness Strategy will have no negative impact upon people in terms of sexual orientation. It plans positively for the residents in West Suffolk and will benefit all homeless people regardless of sexual orientation.
Age	<p>Older people (60 +):</p> <p>The Homelessness Strategy will have no negative impact upon older people in terms of age. It plans positively for the residents in West Suffolk and will benefit all homeless people regardless of age.</p> <p>Younger people:</p> <p>We expect the strategy to have a positive impact on this group. The strategy includes plans to engage with partners on specific multi-agency homeless prevention projects to improve the support given to young homeless people across West Suffolk. We monitor the age profile of homeless cases and will take action if required.</p>

Belief or Religion	The Homelessness Strategy will have no negative impact upon people in terms of belief or religion. It plans positively for the residents in West Suffolk and will benefit all homeless people regardless of belief or religion.
Language	The Homelessness Strategy will have no negative impact upon people in terms of language. It plans positively for the residents in West Suffolk and will benefit all homeless people regardless of language. Translation services are available to ensure language is not a barrier.
Social inclusion and rural isolation	<p>Low Income:</p> <p>We expect the strategy to have a positive impact on this group. Households on a low income are likely to have fewer options available to them than those on a higher income when threatened with homelessness. This strategy seeks to assist such affected people.</p> <p>Rural Isolation:</p> <p>The Homelessness Strategy will have no negative impact upon people in terms of rural isolation. It plans positively for the residents in West Suffolk and will benefit all homeless people.</p> <p>Social Inclusion:</p> <p>We expect the strategy to have a positive impact on the provision of specialist housing and support as we plan to set up a task and finish group to develop a model for housing chronically excluded adults and will continue to lead on the county-wide partnership to develop a 'move-on' strategy for marginalised adults.</p>
Other Groups	No other group has been identified that the Homelessness Strategy will impact upon. It plans positively for the residents in West Suffolk and will benefit all homeless people.

6. Are key elements of people's lives affected by this strategy for example finance, accommodation, welfare?

The Strategy could have a positive impact for all people threatened with homelessness living in West Suffolk as it is aimed at improving Housing/Accommodation and Health and Wellbeing.

7. Could the strategy discriminate against any group(s) either directly or indirectly? If yes, please state how.

No

8 a) If there are any negative impacts, how could you minimise or remove any negative impact?

N/A

8 b) How could you improve the strategy, project or policy's positive impact?

The Homelessness Strategy and action plan in place to deliver it will continue to be reviewed and monitored. This will help to ensure that we plan positively for the future of those threatened with homelessness in the area.

9. If there is no evidence that the strategy, policy or project promotes equality, equal opportunities or improved relations – how could it be adapted so that it does?

N/A

10. What consultation has been carried out on the strategy? Please include details of any equality monitoring carried out.

Consultation with stakeholders and members of the public occurred in December 2014 – January 2015.

11. Do you have data available which monitors the impact of the policy on minority groups? If not, please explain how you intend to continue monitoring the impact of this strategy, policy or project

Equality monitoring for housing is conducted by:-

- Collecting data for our Homelessness Database, giving us information on age, disabilities and ethnic origin of people who are homeless or threatened with Homelessness.

We will continue to use this data to monitor the impact of the Homelessness Strategy

12. Next steps: Based on your assessment, what changes, if any do you need to make? Tick one of the following and provide an explanation of why this is the action you are taking.

Action*	Tick ✓ relevant	Explanation of action
No major change	✓	
Adjust the policy		

Continue the policy		
Stop and remove the policy		

Please sign and date this form, keep one copy and send one copy to the relevant Director and one to the Policy Team.

Name: Tony Hobby

Signed:

Date:

If you have identified any negative impact which is possibly discriminatory and not intended and / or of high impact, you must amend your policy/strategy and/or contact the Policy Unit to discuss remedial action

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Cabinet



Forest Heath
District Council

Title of Report:	Local Government Ombudsman Complaint Upheld – October 2014	
Report No:	CAB/FH/14/004	
Decisions plan reference:	Dec14/09	
Report to and date:	Performance and Audit Scrutiny Committee	26 November 2014
	Cabinet	9 December 2014
Portfolio holder:	Rona Burt Portfolio Holder for Planning, Housing and Transport Tel: 01638 712309 Email: rona.burt@forest-heath.gov.uk	
Lead officer:	Andy Newman Public Health and Housing Manager Tel: 01638 719276 Email: andy.newman@westsuffolk.gov.uk	
Purpose of report:	Mr X is a Disabled Facilities Grant (DFG) applicant, dissatisfied with the service that he has received. Mr X took a complaint through the Council Complaints Process which was partly upheld, and following this he took his complaint to the Local Government Ombudsman (LGO) who also upheld this part of his complaint.	
Recommendation:	It is <u>RECOMMENDED</u> that, the Cabinet <u>notes</u> the Local Government Ombudsman decision of maladministration and injustice and endorses the payment of the recommended compensation of £150.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

Consultation:	<ul style="list-style-type: none"> N/A 		
Alternative option(s):	<ul style="list-style-type: none"> Should the Council not have accepted the recommendations or agreed to pay the compensation the Local Government Ombudsman would have reported that fact. As the recommendation was in line with our own investigation complaint findings, it was considered sensible to agree with the recommendations and make the payment. 		
Implications:			
Are there any financial implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> The compensation would be paid from the Housing budget. 	
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any equality implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> The Equalities Act 2010 requires that Councils make reasonable adjustments to assist disable people overcome barriers to use their services. 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Negative image of Council. Further complaints.	Medium	Fully accept LGOs recommendations. Review procedures.	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		N/A	
Documents attached:		Appendix 1 – Local Government Ombudsman decision	

1. Key issues and reasons for recommendation

1.1 Local Government Ombudsman Complaint Upheld – October 2014

1.1.1 Mr X applied to the Council for a DFG to adapt his bathroom, following a referral by his Occupational Therapist in June 2012. Initially his DFG was being overseen by the Home Improvement Agency however Mr X became dissatisfied with their approach and requested a different way to make his application. The Council then attempted to help Mr X make his application, but he chose instead to make a complaint about the service that was being offered in this regard.

1.1.2 The LGO accepted that the Council failed to respond to Mr X's request for assistance in making his complaint. Due to his disability Mr X found writing difficult and was unable to easily submit his complaint in the requested format. The Council is expected, in accordance with the Equality Act 2010, to make reasonable adjustments for disabled people and the LGO did not believe that this requirement was sufficiently met. Mr X ought to have been offered an alternative to requiring his complaint in writing which to him was a barrier to making that complaint.

Mr X's complaint regarding the progress of his DFG application was not justified in the opinion of the LGO, it was the complaint process where the Council ought to have provided assistance where requested. Furthermore the Head of Planning & Regulatory Services, responsible for DFG at this time, did respond to MR X's complaint and offered to meet with him. It is reasonable to suggest that the emphasis was placed on progressing his DFG at the same time as considering his complaint.

1.1.3 The LGO did, in considering the other elements of Mr X's complaint, conclude that the Council could not be held responsible for the delay in progressing the DFG. Indeed, considerable resource has been employed to assist Mr X to make his application, which has now reached the approval stage. Unfortunately, Mr X has not been able to agree to a builder commencing works therefore the adaptation is regrettably still outstanding. This has been a very challenging and complex case despite a Social Worker and independent advocate working with relevant officers to assist with the progress of this DFG.

1.1.4 Mr X also complained to the LGO about the restriction in communications that was put in place, however, this was not upheld. The restriction was put in place, across the Council, to reduce the amount of time that Mr X was spending with various officers and to focus him on his DFG. He was given one officer to liaise with on his DFG, and the LGO considered this a reasonable approach.

1.1.5 It is suggested that the Council Complaint Process is considered, and that the associated guidance is reviewed to ensure that suitable and reasonable adjustments are made when recording and responding to complaints from disabled residents. If disabled residents, as in the majority of cases, utilise the Home Improvement Agency then the Council has discharged and met this duty in terms of the application process. We will, however, need to consider what is compliant in terms of applications where the resident does not wish to utilise the Agency, and this can form part of the overall review of the adaptations service which is ongoing.

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13 October 2014

Complaint reference:
14 000 852

Complaint against:
Forest Heath District Council

The Ombudsman's final decision

Summary: The Council took adequate steps to help Mr X complete his application for a Disabled Facilities Grant. The application was not delayed by the Council's fault and it did not place unfair restrictions on Mr X's communications about the matter. But the Council was at fault for failing to give Mr X the assistance he needed to make a complaint.

The complaint

1. The complainant, whom I shall refer to as Mr X, complained the Council:
 - delayed his application for a Disabled Facilities Grant (DFG) to fund adaptations to his bathroom;
 - did not make reasonable adjustments to its procedures to allow him to pursue complaints about the Council's handling of the DFG application;
 - unfairly restricted his communications with the Council without notice or right of appeal.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. If there has been fault, the Ombudsman considers whether it has caused an injustice and if it has, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)

How I considered this complaint

3. I considered the papers Mr X submitted and discussed the complaint with him by telephone.
4. I considered the Council's response to the complaint and the supporting documents it supplied.
5. I gave Mr X and the Council an opportunity to consider my provisional view of the complaint and took their further comments into account before I reached a final decision.

What I found

Disabled Facilities Grant (DFG) application

6. Disabled Facilities Grants (DFG) are provided under the terms of the Housing Grants, Construction and Regeneration Act 1996. Councils have a statutory duty to provide grant aid to disabled people for a range of adaptations.

-
7. Grants are only approved if a council accepts the adaptations are necessary and appropriate to meet the needs of a disabled person. The assessment of need and recommended adaptations are usually supplied by an occupational therapist.
 8. In addition to a completed grant application form applicants must submit details of the works and estimated costs. Applicants can seek advice and assistance from Housing Improvement Agency (HIA). In addition to advising on the application process HIA's can offer technical advice, supply plans, and arrange contractor quotations.
 9. Councils must determine DFG applications within 6 months of receiving a completed application. Works should normally be completed within twelve months of the grant being approved.
 10. Mr X was severely disabled. An Occupational Therapist determined he needed adaptations to his bathroom to enable him to manage his personal hygiene without carer assistance. The Occupational Therapist submitted her report to the Council in June 2012.
 11. In accordance with its normal practice the Council referred the report to a local HIA to assist Mr X with his DFG application. The HIA was contracted to the Council to supply those services and so was acting on its behalf.
 12. Mr X experienced difficulties working with the HIA. The Council contacted him to discuss the DFG process and encouraged the HIA to complete the application as soon as possible. The HIA continued to discuss the scheme with Mr X and completed a schedule of works at the end of November 2012. The plans incorporated Mr X's preference for an external waste pipe, met the occupational therapists recommendations, and were agreed by the Council.
 13. Mr X remained unhappy with the HIA and did not agree the proposed schedule of works. Concerned the application was not progressing the Council wrote to Mr X in January 2013 and suggested a meeting of all parties to discuss the schedule. The Council explained it was otherwise open to Mr X to proceed with his application without the HIA's support.
 14. Mr X complained about the Council's letter. The Council encouraged Mr X to continue with his DFG application while it dealt with his complaint. Noting Mr X's preference for a single point of contact, the Council later nominated an officer to assist Mr X with his application. Mr X did not accept the proposal until late August. By then his DFG application had expired.
 15. The Council's officer met Mr X in September 2013. She helped him to complete a new application form and discussed his concerns about the proposed schedule of works. The officer twice revised the schedule following consultation with the Occupational Therapist and Building Control and after further discussion with Mr X.
 16. By December the officer the officer had prepared a schedule of works that accommodated some of Mr X's preferences. The Council explained that other works, including additional tiling, were not considered necessary to meet his assessed needs and so could not be funded under the grant. But it included those works in the schedule to save Mr X the trouble of arranging them separately.
 17. Mr O refused to sign the schedule because he did not understand it. The Council reissued the schedule with an explanatory note and offered to meet Mr X to talk through any concerns. Mr X telephoned the Council in early January and was told only the nominated officer would discuss the DFG application with him. Mr X

complained about the handling of his calls and did not contact the officer to discuss his application further until the end of March.

18. The officer further considered Mr X's request for additional tiling and again discussed the matter with the Occupational Therapist. When she met Mr X at his home she explained the additional tiling could not be included without a further occupational therapy assessment. Mr X declined the officers offer to explain the remaining proposed works and signed the schedule.
19. The Council asked two contractors to quote for the works. They visited Mr X's home and he confirmed he was happy for either to complete the adaptations to his bathroom. Mr X arranged finance to cover the works not covered by the DFG grant and the Council approved his application shortly afterwards.
20. The adaptations to Mr X's bathroom were due to be completed in August 2014. But when the contractor emailed the Council expressing concern about its communications with Mr X he decided he did not want the company to do the works. The adaptations to Mr X's bathroom remain outstanding.

Conclusions

21. I do not find Mr X's DFG application was delayed as a result of fault by the Council.
22. The Council could not determine the application until it received an agreed schedule of works and estimated costs for the adaptations. And it could not fund works that were not necessary to meet Mr X's needs as determined by the Occupational Therapist.
23. Mr X had some initial difficulties agreeing a schedule with the HIA in 2012. But I am satisfied the Council made adequate efforts to resolve the matter.
24. When Mr X was unable to progress the application with support from the HIA the Council agreed to help him. I am satisfied it then took adequate and timely action to assist Mr X and, so far as possible, to accommodate his wishes in respect of the adaptations. Once it had all the necessary information the Council approved the DFG application without delay. So I do not find it was at fault.
25. The adaptations to Mr X's home should have been completed in August. I note Mr X's reasons for refusing to allow the contractor to do the works. But I do not find the continuing delay in completing the adaptations is the result of fault by the Council.

Request for reasonable adjustments

26. Councils must make reasonable adjustments to overcome barriers to disabled people using their services (*Equalities Act 2010*).
27. Mr X wanted to complain about a letter he received from the Council in January 2013. Because of his disability, Mr X found it difficult to submit his complaint in writing. He asked the Council to listen to his oral complaint and send him a written summary for agreement. The Council did not record or respond to his request.
28. The Council later acknowledged it had failed to consider Mr X's request. And that, in consequence, it had misinterpreted his complaint and caused him the avoidable expense of employing someone to put his complaint in writing.
29. Mr X made a similar request for help when he made a further complaint in January 2014. When he discussed the matter with an officer by telephone Mr X was told to contact the Citizens Advice Bureau. But within a few days the Council offered to refer Mr X's to an advocacy service that would be able to provide help he needed free of charge.

Conclusions

30. The Council's failure to respond to Mr X's request for assistance with his complaint in 2013 was fault. Mr X incurred avoidable administration costs, inconvenience and frustration as a result.
31. The Council's telephone response to Mr X's request for assistance in January 2014 was inadequate. But it promptly offered to arrange appropriate advocacy services to help Mr X and I do not find he was disadvantaged.

Restrictions on Mr X's communication with the Council

32. The Council wrote to Mr X about his DFG application in January 2014. It advised Mr X that he should only contact the nominated case officer about his application and that other officers had been instructed not to discuss the matter with him. The letter was delivered to Mr X by hand.
33. When Mr X called the Council later that month officers refused to discuss the application with him and terminated his calls in accordance with the Council's instructions.

Conclusions

34. The Council was entitled to manage its communications with Mr X. The restrictions placed on his communication applied only to his DFG application and did not prevent him making complaints or talking to officers about other matters.
35. The Council told Mr X only the nominated officer would discuss the application with him. The intention was to manage the DFG process. Mr X's communications were not restricted under the Council's policy for dealing with unreasonably persistent complainants and rights of review and appeal did not apply.
36. Mr X was aware of the restrictions before he telephoned the Council later in January. It remained open to him to discuss and progress his DFG application with the nominated officer. So I do not conclude Mr X was caused serious injustice when other officers terminated his telephone calls. Nor do I find the application process was delayed by the Council's decision.
37. I find no fault with the Council's actions here.

Agreed action

38. The Council agreed to:
 - apologise to Mr X and pay him £150 to cover his administration costs and to acknowledge the frustration and trouble he was caused by its fault;
 - review its procedures for recording and responding to requests for reasonable adjustments to help disabled people pursue complaints.

Final decision

39. Mr X's application for a Disabled Facilities Grant was not delayed as a result of fault by the Council. And it did not place unfair restrictions on Mr X's communications that hindered its completion.
40. But the Council's failure to give Mr X the help he needed to pursue his complaint was fault. The agreed action is a satisfactory way to resolve the injustice he was caused.

Investigator's decision on behalf of the Ombudsman

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Cabinet



Forest Heath
District Council

Title of Report:	Recommendation of the Performance and Audit Scrutiny Committee: 26 November 2014 Delivering a Sustainable Budget 2015-16 and Budget Consultation Results	
Report No:	CAB/FH/14/005	
Decisions plan reference:	Oct14/02	
Report to and dates:	Performance and Audit Scrutiny	26 November 2014
	Cabinet	9 December 2014
	Council	10 December 2014
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance and Performance Tel: 01638 660518 Email: Stephen.edwards@forest-heath.gov.uk	
Chairman of the Committee	Colin Noble Performance and Audit Scrutiny Committee Tel: 07545 423795 Email: colin.noble@forest-heath.gov.uk	
Lead officer:	Rachael Mann Head of Resources and Performance Tel: 01638 719245 Email: rachael.mann@westsuffolk.gov.uk	
Purpose of report:	On 26 November 2014, the Performance and Audit Scrutiny Committee considered Report PAS/FH/14/008 , which set out the context of the 2015-16 budget process, including a summary of the budget consultation focus group results and the proposed saving and income generation items for delivering a balanced budget for 2015/16.	

Recommendation:	<p>It is RECOMMENDED that, taking into account the public consultation results outlined in Appendix A to Report PAS/FH/14/008, Cabinet:</p> <p>(1) includes the proposals, as detailed in Table 2 at paragraph 1.5.1 of Report PAS/FH/14/008; and</p> <p>(2) removes the proposals, as detailed in paragraph 1.5.2 of Report PAS/FH/14/008.</p>		
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>		
<p>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</p>			
Consultation:	<ul style="list-style-type: none"> • See Report PAS/FH/14/008 		
Alternative option(s):	<ul style="list-style-type: none"> • See Report PAS/FH/14/008 		
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Report PAS/FH/14/008 	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Report PAS/FH/14/008 	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Report PAS/FH/14/008 	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Report PAS/FH/14/008 	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • See Report PAS/FH/14/008 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
See Report PAS/FH/14/008			
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		See Report PAS/FH/14/008 to Performance and Audit Scrutiny Committee: Delivering a Sustainable Budget 2015-16 and Budget Consultation Results	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 Future budget pressure and challenges

- 1.1.1 Forest Heath continues to face considerable financial challenges as a result of uncertainty in the wider economy and constraints on public sector spending. In this context, and like many other councils, we have to make difficult financial decisions.
- 1.1.2 The Medium Term Financial Strategy (MTFS), approved at Full Council on 26 February 2014 (Report COU14/662), sets out the current and future financial pressures and challenges facing Forest Heath. Our MTFS document also sets out the approach that Forest Heath District Council will take to the sound management of its finances over the next two years.
- 1.1.3 Report PAS/FH/14/008 provided information on the budget gap; budget assumptions and the methodology for securing a balanced budget for 2015-16.

1.2 Budget consultation

- 1.2.1 A public consultation exercise was carried out over the summer in order to inform the budget setting process and help councillors to make decisions about the 2015/16 budget. The purpose of the consultation was to gauge public opinion on the main savings/income generating options and to test views on a range of issues relating to the council priorities and themes in the MTFS, such as channel shift, families and communities and our commercial approach.
- 1.2.2 The consultation exercise included five public focus groups and four town and parish council focus groups. Focus groups are an opportunity to test public opinion and can be used to discuss both specific ideas and general concepts. During the focus groups opinions were sought on specific ideas which could generate budget savings.

Extract from Report: PAS/FH/14/008

1.2.3 **1.5 Budget proposals for 2015-16**

*1.5.1 The Performance and Audit Scrutiny Committee is asked to support and recommend to Cabinet the **inclusion of the following proposals**, as detailed in Table 2 below, taking into account the consultation results outlined in **Appendix A**, in order to progress securing a balanced budget for 2015/16. It may be helpful to read **Appendix A** first before considering the proposals below.*

Table 2: Budget proposals for 2015/16

	2015/16
Description	£'000 Pressure/ (Saving)
Budget gap	1,100
Budget saving proposals	

<i>Budget challenge day – including supplies and service efficiencies identified through shared services</i>	<i>(278)</i>
<i>Contract efficiencies through new banking arrangements</i>	<i>(10)</i>
<i>Contract efficiencies through waste tipping arrangements</i>	<i>(50)</i>
<i>Further shared service staffing structural savings, (taking into account increase in planning and enforcement staff linked to report COU14/696).</i>	<i>(29)</i>
<i>Grants and contributions review</i>	<i>(70)</i>
<i>Income generation - waste and street cleansing services</i>	<i>(13)</i>
<i>Income generation – ICT income, shop mobility and street name and numbering</i>	<i>(11)</i>
<i>Income generation from photovoltaics – linked to last two years’ average levels</i>	<i>(42)</i>
<i>Income – additional planning fee income linked to report COU14/696.</i>	<i>(85)</i>
<i>Income through Business Rate Retention Scheme – S31 grants compensating for the central Government’s imposed inflation cap on business rates (announced December 2013) and retention of renewable energy business rates growth under the new scheme. Final share of business rates growth, including from the Suffolk Pool, to be determined – update to be provided at January 2015 meeting</i>	<i>(220)</i>
<i>Further reduction in Leisure Management Fee</i>	<i>(82)</i>
<i>Further reduction in business mileage</i>	<i>(5)</i>
<i>Reduction in printing costs for officer committee papers</i>	<i>(6)</i>
<i>Office space partnership – more efficient use of existing sites</i>	<i>(10)</i>
<i>West Suffolk Letting Partnership income generation</i>	<i>(5)</i>
<i>Removal of Discretionary Rate Relief budget (now part of Business Rates Retention Scheme)</i>	<i>(21)</i>
<i>Reduction in Housing Benefit payment assumptions and subsidy income</i>	<i>(105)</i>
<i>Reduction in external audit fees</i>	<i>(18)</i>
<i>Waste management back office support and in-cab technology efficiency savings</i>	<i>(14)</i>
<i>Additional budget pressures</i>	
<i>Increase in bad debt provision</i>	<i>10</i>
<i>Increase in utilities and business rates – inflation linked</i>	<i>36</i>
<i>Remaining Budget Gap *</i>	<i>72</i>

** Proposals for the remaining balance will be presented to this committee in January 2015, at this point in time we believe the 2015/16 budget is achievable.*

- 1.2.4 **1.5.2** *A number of potential savings/income generation options were explored as part of the budget consultation exercise (as detailed in Appendix A). Taking into account the consultation results, it is recommended that a number of these proposals are not pursued for the 2015/16 budget. The Performance and Audit Scrutiny Committee is asked to recommend to Cabinet **that the following proposals are not pursued:***

- (a) **Charging for replacement bins:** *The council should not introduce a charge for bins that have been lost or deliberately damaged by the householder. Whilst there was public support for this in principle, it was recognised that there would be practical problems in terms of implementation and collecting payment. However, the council will continue to monitor requests for bins and usually charge if a household requires three or more replacement bins a year.*

Recommendation: *That the Performance and Audit Scrutiny Committee supports the removal of this 2015/16 budget proposal. However, the council will continue to monitor requests for bins and charge (if appropriate) a household which requires three or more replacement bins a year.*

- (b) **Use of volunteers:** *The council will (where it makes financial and operational sense) continue to encourage volunteers and support them as appropriate.*

Recommendation: *That the Performance and Audit Scrutiny Committee supports the continued exploration of this area, however a financial savings target is not included within the 2015/16 budget.*

- 1.2.5 The Performance and Audit Scrutiny Committee was advised that some of the budget consultation areas still require further work and are likely to be the subject of individual business case over the coming months. The Performance and Audit Scrutiny Committee is asked to note these areas.

1.3 **Performance and Audit Scrutiny Committee**

- 1.3.1 The Performance and Audit Scrutiny Committee considered and **noted** the progress made on delivering a balanced budget for 2015-16.
- 1.3.2 The Performance and Audit Scrutiny Committee scrutinised the consultation results and asked questions to which responses were provided and has put forward recommendations as set out on page two of this report.

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Cabinet



Forest Heath
District Council

Title of Report:	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	
Decisions plan reference:	Oct14/02	
Report to and dates:	Performance and Audit Scrutiny Committee	26 November 2014
	Cabinet	9 December 2014
	Council	10 December 2014
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance and Performance Tel: 01638 660518 Email: Stephen.edwards@forest-heath.gov.uk	
Chairman of the Committee:	Colin Noble Performance and Audit Scrutiny Committee Tel: 07545 423795 Email: colin.noble@forest-heath.gov.uk	
Lead officer:	Rachael Mann Head of Resources and Performance Tel: 01638 719245 Email: rachael.mann@westsuffolk.gov.uk	

Purpose of report:	<p>On 26 November 2014, the Performance and Audit Scrutiny Committee considered Report PAS/FH/14/006, which informed Members of the:</p> <p>i) allocation of the single staffing structure across the West Suffolk partnership between Forest Heath District Council and St Edmundsbury Borough Council has to date been driven by the savings generated from the baseline position back in 2012; and</p> <p>ii) a new approach to cost sharing for West Suffolk which recognises the shared nature of much of west Suffolk's service delivery and recognises that the councils remain separate legal entities. The West Suffolk cost sharing model must therefore be transparent and comply with external audit requirements.</p>
Recommendation:	<p>It is <u>RECOMMENDED</u> that:</p> <p>(1) Subject to the approval of full Council, as part of the 2015/16 budget setting process and subject to external audit support, the proposed cost sharing model for income and employee costs as detailed in Table 2 and 3 and at paragraph 2.17 of Report PAS/FH/14/006, be approved.</p> <p>(2) The proposed model, as detailed in Table 2 and 3 and at paragraph 2.17 of Report 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 PAS/FH/14/006), be reported through the Performance and Audit Scrutiny Committee in the Autumn.</p>
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><i>The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i></p>	
Consultation:	<ul style="list-style-type: none"> • See Report PAS/FH/14/006
Alternative option(s):	<ul style="list-style-type: none"> • See Report PAS/FH/14/006
Implications:	

Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/006	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/006	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/006	
Are there any legal and/or policy implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/006	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report PAS/FH/14/006	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
See Report PAS/FH/14/006			
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		See Report PAS/FH/14/006 to Performance and Audit Scrutiny Committee: Accounting for a single West Suffolk staffing structure and the move to a West Suffolk Cost Sharing Model	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

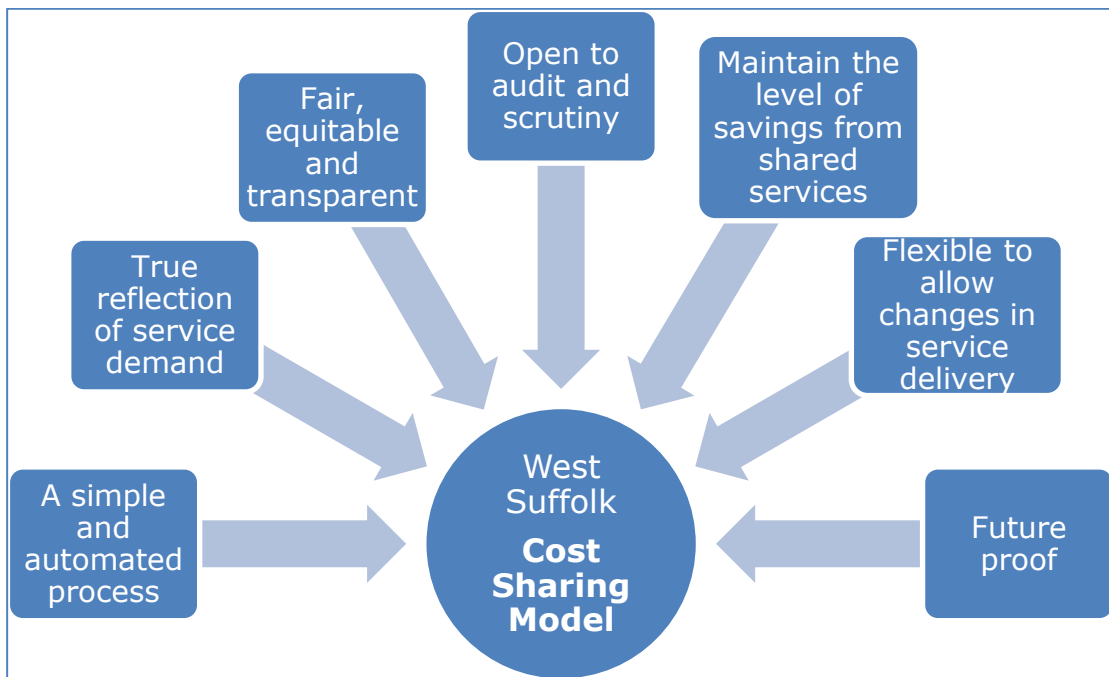
1.1 Summary and reasons for recommendations

- 1.1.1 A total of £3.5million of savings has been achieved to date from the West Suffolk shared services agenda (excluding those savings delivered through the Anglia Revenues Partnership), with further in year savings due from the sharing of supplies and services and through joint contracts and efficiencies.
- 1.1.2 The allocation of the single staffing structure across the West Suffolk partnership between Forest Heath District Council and St Edmundsbury Borough Council has to date been driven by the level of savings generated from the baseline position back in 2012.
- 1.1.3 To date, the sharing of the savings has been deemed to be balanced across the two councils and acceptable to external auditors. However, recharging each council for the savings from shared services is a very labour intensive and retrospective process which, once completed each quarter, typically results in an overall sharing of costs that could have been achieved more simply from cost sharing the operational costs (of salaries for example) at the outset. Also, the current process causes some confusion for members and officers when managing and monitoring budgets and considering future costs and savings for the partnership as information is not live.
- 1.1.4 A new approach to cost sharing for West Suffolk is required that both recognises the shared nature of much of West Suffolk's service delivery, and recognises that the councils remain separate legal entities. The West Suffolk cost sharing model must therefore be transparent and comply with external audit requirements.
- 1.1.5 A new cost sharing model will deliver the following benefits to West Suffolk:
- a simpler cost sharing model that is easy to communicate and understand;
 - an automated system of recharging for costs that continually gives a true reflection of service demand for both councils;
 - an open and transparent mechanism which more easily enables the cost of a service to be shown for Forest Heath, St Edmundsbury and combined for West Suffolk; and
 - real time information available for costs throughout the financial year to allow budgets to be managed and monitored and for faster decisions to be made based on the most accurate and informative data

1.2 Extract from Report: PAS/FH/14/006

1.2.1 *2.12 Proposed West Suffolk Cost Sharing Model*

It is essential that a cost sharing model for West Suffolk is cost effective for the taxpayer and does not result in either council subsidising the other. Overall the model needs to meet the following principles:



1.2.2 2.13 Support is required from members for the model that will underpin cost sharing between the two councils. It is proposed that the West Suffolk cost sharing model is based on the sentiments of the agreed 2011 saving sharing mechanism and the link to the cost driver of population and household numbers within West Suffolk. The table below shows the cost split for employee costs. The cost of supplies and services will gradually be added into the cost sharing model as the contracts become shared by the two councils:

Table 2 – West Suffolk cost sharing model – Employee and supplies and services costs

Heading	Split FHDC:SEBC	Reasoning
Employee costs shared – Leadership Team	50:50	Split based on leading and supporting two political bodies
Employee costs shared services – Employee cost service linked to an asset	35:65 Direct to the relevant council	This split is based on impact rather than on time spent working for each council. Employees directly linked to an asset, for example The Apex, should be recharged 100% to the council that owns the asset.

<i>Employee cost where the 35:65 split is not Supported</i>	<i>Other</i>	<i>Listed at 2.17 of this report</i>
<i>Supplies and Services – shared services</i>	<i>35:65</i>	<i>To be gradually added into the cost sharing model as the contracts become shared by the two councils</i>
<i>Supplies and Services – linked to an asset or service delivery model</i>	<i>Direct to the relevant council</i>	<i>Supplies and services directly linked to an asset, for example The Apex, should be recharged 100% to the council that owns the asset. Supplies and services linked to a service delivery model, i.e. in-house or outsourced will be charged directly to the council that commissioned that delivery model</i>
<i>Supplies and Services – where the 35:65 split is not supported</i>	<i>Other</i>	<i>Listed at 2.17 of this report</i>

- 1.2.3 2.15 *The table below shows some principles for a percentage share of income that is linked to employee costs and commercial activities across the two councils. Agreement to share certain levels of income is necessary as this income could be the driver for the level of staff resource. For example the West Suffolk ICT service has service level agreements with a variety of external partners but the service is delivered by West Suffolk employees and both councils would be charged a share of their costs in the above model.*

Table 3 – West Suffolk cost sharing model – Income

Heading	Split FHDC:SEBC	Reasoning
<i>Income – not linked to an asset</i>	<i>35:65 or relevant employee cost split</i>	<i>Income that is linked to a commercial activity that is run by West Suffolk, for example trade waste or building control should be shared using the employee cost split for that service. Another example is the service level agreements that Human Resources, ICT and the Internal Audit have in place with external partners. The income from these services should be split using the agreed cost split for that service i.e. 35:65 or as detailed in paragraph 2.17</i>

<i>Income from an asset</i>	<i>Direct to the relevant council</i>	<i>Forest Heath and St Edmundsbury own a portfolio of properties and these bring in a significant amount of income from events or business rent (for example the Guineas shopping centre in Newmarket). The income from these properties should be retained at 100% by the relevant council.</i>
<i>Statutory function – member decision</i>	<i>Direct to the relevant council</i>	<i>Members are required to make decisions on planning applications, premises licences, taxi licences etc. Where a decision has been made by one council and a fee is to be paid, this fee should be retained 100% by the relevant council.</i>

1.2.4 **2.17 Challenge on the proposed model**

The main 35:65 cost share assumption has been challenged with various statistics by Internal Audit and the Policy Team across a range of service level cost drivers. The result of the challenge has shown that the 35:65 cost share assumption can be applied in principle to most services provided by the councils, with the exception of those detailed in Tables 2 and 3 and the following:

- Property Services 40 (FHDC):60 (SEBC), link to current income split between the West Suffolk Councils; and*
- Trade Commercial Services 25 (FHDC):75 (SEBC), link to current income split between the West Suffolk Councils; and*
- Ability to vary where there is a significant difference in service not necessarily linked to an asset, but there is a clear decision by one or both Councils to work separately (such as the Chairman civic functions for Forest Heath and the Mayoralty function at St Edmundsbury).*

1.2.5 It is proposed that the model is 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 PAS/FH/14/006), reported through to Performance and Audit Scrutiny Committee in the Autumn.

1.3 **Performance and Audit Scrutiny Committee**

1.3.1 The Performance and Audit Scrutiny Committee scrutinised the report in detail and has put forward recommendations as set out on page two of this report.

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Cabinet



Forest Heath
District Council

Title of Report:	Local Council Tax Reduction Scheme and Council Tax Technical Changes 2015/2016	
Report No:	CAB/FH/14/007	
Decisions plan reference:	Dec14/04	
Report to and dates:	Cabinet	9 December 2014
	Council	10 December 2014
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance and Performance Tel: 01638 660518 Email: stephen.edwards@forest-heath.gov.uk	
Lead officers:	Paul Corney Head of Anglia Revenues Partnership Tel: 01842 756437 Email: paul.corney@angliarevenues.gov.uk	
	Rachael Mann Head of Resources and Performance Tel: 01638 719245 Email: rachael.mann@westsuffolk.gov.uk	
Purpose of report:	<p>This report provides Members with an overview of the first year review (2013/14) 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.</p> <p>This report also sets out recommendations for members on the 2015/2016 Local Council Tax Reduction Scheme (LCTRS) and the technical changes from 1st April 2015.</p>	

Recommendation:	<p>It is RECOMMENDED that, Cabinet:</p> <p>a) Note the 1st year review for 2013/2014.</p> <p>b) Recommend to Full Council that no change be made to the current Local Council Tax Reduction Scheme for 2015/2016.</p> <p>c) Recommend to Full Council that the 5% second homes discount be removed from 1st April 2015.</p>
<p>Key Decision:</p> <p>(Check the appropriate box and delete all those that do not apply.)</p>	<p>Is this a Key Decision and, if so, under which definition?</p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</p>	
Consultation:	<ul style="list-style-type: none"> As detailed in the body of the report
Alternative option(s):	<ul style="list-style-type: none"> Changing the current LCTR scheme is not required from a financial perspective, as the current schemes are operating effectively, delivering a cost - neutral position.
Implications:	
<p>Are there any financial implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> As outlined in the body of the report.
<p>Are there any staffing implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none">
<p>Are there any ICT implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none">
<p>Are there any legal and/or policy implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> As outlined in the body of the report
<p>Are there any equality implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> An equality impact assessment was undertaken as part of the development of the 2013/2014 scheme in 2012. As there are no changes to the LCTR scheme the equality impact assessment is unchanged.

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Recovery of Council Tax. There is a risk of a lower level of collection of Council Tax	High	Continue with the 2014/15 scheme. ARP to closely to monitor non-payment from working age claimants.	Medium
Recovery of administration costs. The number of people paying Council Tax may increase and we will need to consider the impact on resources needed to collect this money.	Medium	Monitor resources. A range of measures will continue to be offered to affected people to help them pay, such as Direct Debit	Low
Demand. There is a risk of a higher demand on the LCTR Scheme.	High	ARP to closely monitor caseload. The major precepting authorities will share the financial risks associated with LCTRS. Representatives from Forest Heath and other Suffolk billing authorities and Suffolk County Council are continuing to work together to monitor the county-wide framework.	Medium
Ward(s) affected:	All Wards		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	<p>Report No COU13/610 - Local Council Tax Support 2013/2014 – Extraordinary Council – 16 January 2013 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=172&MeetingId=1664&DF=16%2f01%2f2013&Ver=2)</p> <p>Report No COU13/611 - Council Tax for council tax base setting purposes 2013/14 and changes to the level of discounts and exemptions in respect of second homes and some empty properties – Extraordinary Council – 16 January 2013 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=172&MeetingId=1664&DF=16%2f01%2f2013&Ver=2)</p> <p>Report No COU13/654 - Local Council Tax Reduction Scheme and Council Tax Technical Changes 2014/15 – Council – 11 December 2013</p>		

	(https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=172&MeetingId=1674&DF=11%2f12%2f2013&Ver=2)
Documents attached:	Appendix A: 1 st Year review data

1. Key issues and reasons for recommendation(s)

- 1.1 The government replaced Council Tax Benefit with a Localised Council Tax reduction Scheme (LCTRS) from the 1st April 2013. This meant that Forest Heath had to decide upon a local means tested scheme to replace Council Tax Benefit.
- 1.2 The Government's aims in making this change were:
- To transfer the system to local control; and
 - To reduce by 10% the amount of support paid to those finding it hard to pay council tax, in order to meet the Government's funding cut.
- 1.3 In creating a local scheme Forest Heath also aimed to:
- Make provision to protect vulnerable people; and
 - Support work incentives for claimants created by the Government's wider welfare reform
- 1.4 At the same time Councils were given the discretion to increase council tax income; to charge up to 100% for some previously exempt properties, to charge up to 100% in respect of furnished empty properties (usually referred to as holiday homes), to charge up to 100% in respect of second homes and to charge up to 50% empty homes premium for properties that had been empty for over 2 years.
- 1.5 In offering these new powers to increase council tax income from empty properties the Government were seeking to influence owners to bring empty homes back in to use.
- 1.6 Following consultation, the Council decided to meet the cost of the Government's 10% cut by requiring working age claimants to pay 8.5% more of the council tax charge than previously; and by changing the discounts/exemptions available to owners of second homes and empty properties as detailed in paragraph 1.8.
- 1.7 Limiting the increase for working age claimants meant that the council received a year one transitional grant from Government, however the funding has not been offered again in 2014/15. Forest Heath protected War Pensioners from the reduction in maximum benefit and also removed Second Adult Rebate for working age claimants from our schemes.
- 1.8 Forest Heath also used their powers to increase council tax income as follows:

Table 1

Discounts	2012/13	2013/14 & 2014/15
Class A, empty, unfurnished and undergoing major repairs to render habitable	100% exemption for 12 months maximum	30% discount for a twelve month period
Class C, empty, substantially unfurnished	100% exemption for 6 months maximum	One month exemption or of 100%
Second homes	10% discount	5% discount
Empty homes premium (property empty for more than 2 years)	Pay 100%	Pay 150%

2. 1st Year Review 2013/14 - Behavioural and Administrative impacts

- 2.1 A number of customers receiving LCTRS had not had to pay any Council Tax in the past. Having to pay 8.5% of the council tax charge represented a significant cultural change and this led to a very large increase in calls to the offices and over the phone in 2013/14. Anecdotally, national and local welfare groups have commented that working age welfare customers have struggled to adjust to the introduction of this and the wider Welfare Reforms simultaneously.
- 2.2 As can be seen in Appendix A the number of reminders and summons increased greatly and the amount of further recovery work increased too. In 2014/15 the number of customers querying bills and the issue of reminders and summons has reduced back to the sort of levels we saw in 2012/13.
- 2.3 The council's aim was to achieve a balance in charging an amount of council tax to encourage working age claimants back in to work whilst setting the amount charged at an affordable and recoverable level.
- 2.4 By setting the amount payable on LCTRS at 8.5% of the charge, in most cases, where a customer is not paying we can effect recovery through attachment to benefit within a year and so the charge, with costs, is recoverable. If the amount payable was much higher than it is likely that debt would not be recoverable and there would be a danger of creating a culture of non-payment of council tax.
- 2.5 National research shows that any further increase in the amount payable for working age LCTRS customers could increase administration costs and have a detrimental effect on collection rates.
- 2.6 The technical changes introduced from 1st April 2013 created a number of enquiries into the offices, which have in 2014/15 reduced back to the sort of levels we saw in 2012/13. Appendix A details the number of empty properties recorded between 2012/13 and 2013/14. The data indicates that the policy change may have had some influence on owners to bring empty homes back in to use.

3. 1st Full year review 2013/14 – Financial Impacts

- 3.1 Appendix A to this report shows the collectable council tax for any case that has at some point in the year received a discount under the CTRS. The debit shown in Appendix A includes the whole amount charged for in the year including the discounted periods.
- 3.2 Council Tax accounts where there has been a period of LCTRS awarded show a collection rate of nearly 90% in year one of the scheme, whilst the target was to achieve this level of collection after 2 years. As expected collection has partly relied upon a significant increase in arrangements to deduct Council Tax from DWP Benefits (see Appendix A - attachments to benefit). For comparison purposes the in-year collection was 97.12%.
- 3.3 Forest Heath have seen a reduction in LCTRS caseload of 8% compared to early 2012/13 levels. A very small number of LCTRS customers have also received Housing Benefit reductions attributed to the Welfare Reform changes from April

2013, namely the Spare Room Subsidy Restriction and the Benefit Cap, with little demand for Exceptional Hardship payments which can be applied for using a specific application form available for this purpose.

- 3.4 In assessing the anticipated LCTRS expenditure for 2013/14 a growth in caseload was anticipated and an assumption for bad debt was factored in to the budget. The actual LCTRS expenditure was £305,000 less than the budget. Going forward we assume neutral changes to the caseload as, whilst unemployment is decreasing, a major employer reducing staff significantly, ceasing to trade or relocating is difficult to predict.
- 3.5 The recovery in respect of the changes to other discounts, as detailed in Appendix A has also performed at estimated levels. Collection in respect of second homes has been particularly successful. The effect of withdrawing the 5% discount on second homes, like many other authorities, is also shown.

4. Financial and resource implications

- 4.1 Forest Heath continues to come under significant pressure from central government grant reductions. The Local Council Tax Support Grant received in 2013/2014 was a separately identifiable grant amount received as part of the council's grant settlement and therefore the Council was able to identify the amount that it had been reduced by (10%). However it has been confirmed by the Department of Communities and Local Government that this amount will not be separately identifiable going forward. Forest Heath is anticipating, based on our provisional 2015/2016 settlement figure, up to a 24% reduction in our central government grant.
- 4.2 The recommended continuation of the current schemes covered by this report is intended to continue to deliver a 'cost neutral scheme' against the original 10% government grant reduction. The impact of the 2015/2016 24% reduction in central government grant is therefore required to be addressed elsewhere and will form part of the council's wider Medium Term Financial Strategy review and 2015/2016 budget setting process.

5. Proposals for 2015/16 LCTR scheme

- 5.1 Based on the overall findings of the first year review outlined above in sections 2 and 3, and the monitoring information for 2014/15 contained at Appendix A, the recommendation is to continue the LCTR scheme in its current form, including applying the current 2014/2015 level of applicable amounts #within the LCTRS, for 2015/2016.

#An applicable amount is the amount that the government says that a family needs to live on each week. When your applicable amount has been calculated it is then compared with your income to work out the council tax reduction entitlement for which you are eligible.

- 5.2 Due to the fact that the LCTRS is not changing this year there is no requirement to undertake specific consultation.

6. **Proposals for 2015/16 technical changes**

- 6.1 Based on the overall findings of the first year review outlined above in sections 2 and 3, and the monitoring information for 2014/15 contained at Appendix A, the recommendation is to:
- Remove the current 5% discount for second home owners to bring us in line with many other ARP partners: and
 - to continue the empty homes technical changes as per the current years 2014/15 scheme

Table 2

Discounts/exemptions	2015/16
Class A, empty, unfurnished and undergoing major repairs to render habitable (formally exempt Class A)	30% discount for a twelve month period
Empty, substantially unfurnished properties (formally exempt Class C)	One month exemption only 100%
Second homes	Proposal to charge 100%
Empty homes premium (property empty for more than 2 years)	Pay 150%

7. **Legal and policy implications**

- 7.1 The National Council Tax Reduction Scheme for Pensioners will be determined by Central Government whilst the Local Council Tax Reduction scheme for people of working age is determined by each local authority. The scheme may be altered each year, giving the Council the opportunity to take into consideration any local factors or budget constraints. Subsequent amendments may require further consultation and agreement.
- 7.2 The Council's Constitution gives the Head of Resources and Performance delegated power 'to manage the Revenues and Benefits function' including appointing officers of Anglia Revenues and Benefits Partnership (ARP) to carry out debt recovery and criminal prosecutions and for the administration of the Localised Council Tax Reduction Scheme (LCTRS).

Appendix A

Forest Heath Recovery of debt				2014/15 (full year comparison) @ 7/10/14
LCTRS awarded	Expenditure £3,431,000	Budget £3,736,000	Difference £305,000	Expenditure £3,228,560
LCTRS Exceptional hardship	£0.00	£50,000	£50,000	
Ctax Technical change	Revenue generated	Budget	Difference	
Second Homes	£12,997.18	£13,007.00	(£9.82)	£13,530.00
Long term empty – empty/unoccupied for over 6 months	No change	No change	-	-
Long term premium – additional 50% - empty more than 2 years	£51,606.56	£76,954.04	(£25,347.48)	£62,424.67
Class A – empty and unoccupied due to major repairs	£30,538.02	£58,096.45	(£27,558.43)	£14,839.51
Class C empty and unoccupied	£342,213.93	£334,678.33	7535.60	£395,604.61
Total	£437,355.69	£482,735.82	(£45,380.13)	£486,398.79
Type of additional charge	Percentage collected			
LCTRS 8.5% charged to claimant	89.42%			
Second Homes	98.47%			
Long term empty – empty/unoccupied for over 6 months	93.91%			

Appendix A

Long term premium – additional 50% - empty more than 2 years	95.59%
Class A – empty and unoccupied due to major repairs	97.79%
Class C empty and unoccupied	94.63%
Total	92.87%

Modelling changes:

Discount	Discount amendment	Change + income/ (cost)
Second Home	0%	+ 12,997.18

Forest Heath Recovery	2012/13	2013/14
Reminders and final notices	17,200	18,551
Summons	2,460	2,994
Liability Orders	2,059	2,316
7 & 14 day letters	2,293	2,531
Attachment to Earnings	504	513
Attachment to Benefit	397	548
Bailiff	1,186	1,060
Total	26,099	28,513

Forest Heath number of properties	2012/13	2013/14
Second Homes	175	179
Empty/unoccupied < 6 months	419	395
Empty/unoccupied > 6 months	245	202
Empty unoccupied – major repairs	12	20
Empty/unoccupied > 2 years	119	89
Total	970	885

Cabinet



Forest Heath
District Council

Title of Report:	Council Tax Base for Tax Setting Purposes 2015/2016	
Report No:	CAB/FH/14/008	
Decisions plan reference:	Dec14/10	
Report to and date:	Cabinet	9 December 2014
	Council	10 December 2014
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance and Performance Tel: 01638 660518 Email: stephen.edwards@forest-heath.gov.uk	
Lead officer:	Rachael Mann Head of Resources and Performance Tel: 01638 719245 Email: rachael.mann@westsuffolk.gov.uk	
Purpose of report:	To set out the basis of the formal calculation for the Council Tax Base for the financial year 2015/2016.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that, Full Council approves:</p> <p>(1) the tax base for 2015/2016, for the whole of Forest Heath is 16,557.34 equivalent Band 'D' dwellings, as detailed in paragraph 1.4; and</p> <p>(2) the tax base for 2015/2016 for the different parts of its area, as defined by Parish or special expense area boundaries, are as shown in Appendix 2.</p>	
Key Decision: (Check the appropriate box and delete all those that <u>do not</u> apply.)	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
<p><i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i></p>		

Consultation:	<ul style="list-style-type: none"> The tax base figures provided within Appendix 2 of the report have been communicated to town and parish councils so they can start to factor these into their budget setting process. 		
Alternative option(s):	<ul style="list-style-type: none"> N/A 		
Implications:			
Are there any financial implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> The Council Tax Base calculations are used to determine the Revenue Support Grant received by the Council, and the level of Council Tax set by the Council. Once approved, the Tax Base for Council Tax collection purposes of 16,557.34 will be included in the Council's Medium Term Financial Strategy. 		
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
The Council's ability to collect Council Tax income in the current economic climate.	High	Two separate collection rates have been applied to the tax base calculations in respect of collectability. Communication plan in place.	Medium
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix 1: CTB1 Return made to Central Government on 17 October 2014. Appendix 2: 2015/2016 Tax Base for each Parish and Town Council and for Forest Heath District Council	

1. Key issues and reasons for recommendation(s)

1.1 The Council Tax Base

1.1.1 The Council Tax Base of the Council is the total taxable value at a point in time of all the domestic properties in its area, projected changes in the property base and the estimated collection rate.

1.1.2 The total taxable value referred to above is arrived at by each dwelling being placed in an appropriate valuation band determined by the Valuation Office, with a fraction as set by statute being applied in order to convert it to a Band 'D' equivalent figure. These Band 'D' equivalent numbers are then aggregated at a district wide level and are also sub totalled for parishes. This has to be done by the Council responsible for sending the bills out and collecting the council tax ('the billing authority'). In two tier areas, district councils fulfil this function.

1.1.3 The Council Tax Base is used in the calculation of Council Tax. Each authority divides its total Council Tax required to meet its budget requirements by the Tax Base of its area to arrive at a Band 'D' Council Tax.

1.2 Calculation of the tax base for tax setting purposes

1.2.1 The calculation of the tax base for tax setting purposes consists of three stages:

(a) Calculation of the tax base for Revenue Support Grant purposes as at 6 October 2014;

(b) analysis of Band 'D' equivalents over each of the Parish areas; and

(c) adjustment of the Band 'D' equivalents to reflect changes in the tax base as a result of valuation changes, exemptions, discounts and a collection rate.

1.3 Tax base for Revenue Support Grant purposes

1.3.1 The Tax Base return CTB1 is summarised at Appendix 1. This shows the analysis of properties across the eight Bands for the following classifications of liability:

(a) properties attracting 100% liability;

(b) properties with an entitlement to a 25% discount;

(c) properties with an entitlement to a 50% discount;

(d) properties with an entitlement to a 100% discount;

(e) exemptions;

(f) discounts, including local council tax reduction scheme discounts; and

(g) Disabled Relief Adjustments.

1.3.2 The figures used to make the above calculations are derived from the Valuation List as deposited on 8 September 2014, and as amended to reflect any errors or omissions so far detected in reviewing that list.

1.4 Analysis of Band 'D' Properties

1.4.1 The Band 'D' Properties figure as at 6 October 2014 of 17,085.5 as quoted in the CTB1 form has been updated as at 6 November 2014 to allow for:

(a) technical changes outlined in report **XXX**; and

(b) potential growth in the property base during 2015/2016 taken from an average of the housing delivery numbers for those sites within the local plan and those that have planning permission, adjusted for an assumed level of discounts/exemptions within that growth of property base.

1.4.2 An allowance is then made for losses on collection, which assumes that overall collection rates will be maintained at approximately 97.5%. In addition to this collection rate change, an adjustment has been made to allow for the collectability of the council tax arising from the Local Council Tax Support scheme, which has been assessed at 90%. **The resulting Tax Base for Council Tax collection purposes has been calculated as 16,557.34** which is an increase of 164.96 on the previous year.

1.4.3 The Table below shows the actual number of dwellings in each tax band based on the current valuations which are discounted to 1 April 1991 and the percentage in each band. There has been no national revaluation since that date.

Band	Number of Chargeable dwellings adjusted for discounts etc	Relevant Proportion	Relevant Amount	Tax Band values as at 01/04/1991 (£)	Actual Number of dwellings (on Valuation List)	Actual Number of dwellings as a percentage
@ *	7.35	5/9	4.1			
A	3,832.54	6/9	2,555.0	Up to 40,000	6,499	22.3%
B	7,016.55	7/9	5,457.3	40,001 to 52,000	9,757	33.4%
C	4,104.81	8/9	3,648.7	52,001 to 68,000	5,889	20.2%
D	2,485.52	9/9	2,485.5	68,001 to 88,000	3,960	13.6%
E	1,175.95	11/9	1,437.3	88,001 to 120,000	1,900	6.5%
F	538.50	13/9	777.8	120,001 to 160,000	691	2.4%
G	379.16	15/9	631.9	160,001 to 320,000	429	1.4%
H	43.95	18/9	87.9	Over 320,000	55	0.2%
Total	19,584.33		17,085.5		29,180	100.0%
Actual taxbase after applying technical changes and collection rate			16,557.34			

* Disabled reduction results in charging the property at one band lower (1/9th)

than its actual band. The @ figure relates to Band A properties (1/9th below a band A charge) which are eligible for a disabled reduction.

1.5 Precept Payment Arrangements for 2015/2016

1.5.1 In line with the delegated authority to administer the Council's financial affairs as outlined in the Constitution, the arrangements for the scheduling of the precept payments for 2015/2016, will be determined by the Head of Resources and Performance (Chief Financial Officer).

1.5.2 It is expected that the payments schedule for Parish and Town Councils will take the same form as previous years:

AMOUNT OF PRECEPT	AMOUNT OF PAYMENTS
Under £4,000	Full payment Monday, before 1 May 2015
£4,000 - £10,000	50% payment Monday, before 1 May 2015 50% payment Monday, before 1 August 2015
Over £10,000	50% payment Monday, before 1 May 2015 15% payment Monday, before 1 August 2015 35% payment Monday, before 1 October 2015

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CTB(October 2014)

Calculation of Council Tax Base

Please e-mail to : ctb.statistics@communities.gsi.gov.uk
Please enter your details after checking that you have selected the correct local authority name

Ver 1.0

Please select your local authority's name from this list

Check that this is your authority : **Forest Heath**
E-code : **E3532**
Local authority contact name : **Sharon Goddard**
Local authority telephone number : **01842 756464**
Local authority fax number : **01842 756513**
Local authority e-mail address : sharon.goddard@angliarevenues.gov.uk

CTB(October 2014) form for Forest Heath

Completed forms should be received by DCLG by Friday 17 October 2014

Dwellings shown on the Valuation List for the authority on Monday 8 September 2014	Band A entitled to disabled relief reduction COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
Part 1										
1. Total number of dwellings on the Valuation List		6,499	9,757	5,889	3,960	1,900	691	429	55	29,180
2. Number of dwellings on valuation list exempt on 6 October 2014 (Class B & D to W exemptions)		526	894	1,124	1,178	637	108	29	4	4,500
3. Number of demolished dwellings and dwellings outside area of authority on 6 October 2014 (please see notes)		3	0	2	1	0	0	0	0	6
4. Number of chargeable dwellings on 6 October 2014 (treating demolished dwellings etc as exempt) (lines 1-2-3)		5,970	8,863	4,763	2,781	1,263	583	400	51	24,674
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 6 October 2014		11	35	31	37	12	11	3	4	144
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	11	35	31	37	12	11	3	4		144
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	11	5,994	8,859	4,769	2,756	1,262	575	401	47	24,674
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 6 October 2014	2	3,102	3,090	1,195	618	221	99	61	3	8,391
9. Number of dwellings in line 7 entitled to a 25% discount on 6 October 2014 due to all but one resident being disregarded for council tax purposes	0	45	107	44	19	10	4	1	0	230
10. Number of dwellings in line 7 entitled to a 50% discount on 6 October 2014 due to all residents being disregarded for council tax purposes	0	2	4	3	0	5	1	6	2	23
11. Number of dwellings in line 7 classed as second homes on 6 October 2014		47	41	32	18	22	9	10	6	185
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 6 October 2014		126	165	88	66	37	13	4	3	502
13. Number of dwellings in line 7 classed as empty and receiving a discount on 6 October 2014 and not shown in line 12.		19	38	35	19	4	3	2	1	121
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 6 October 2014.		38	33	17	7	6	3	2	0	106
15. Total number of dwellings in line 7 classed as empty on 6 October 2014 (lines 12, 13 & 14).		183	236	140	92	47	19	8	4	729
16. Number of dwellings that are classed as empty on 6 October 2014 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		85	98	59	28	20	8	3	1	302
16a. The number of dwellings included in line 16 above which are empty on 6 October 2014 because of the flooding that occurred between 1 December 2013 and 31 March 2014 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
17. Number of dwellings that are classed as empty on 6 October 2014 and have been for more than 6 months and fall to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 16 above. Do NOT include any dwellings included in line 16A above.		0	1	3	4	1	0	0	0	9
18 Line 16 - line 16a - line 17. This is the equivalent of line 16c on the CTB(October 2013) and will be used in the calculation of the New Homes Bonus.		85	97	56	24	19	8	3	1	293
19. Number of dwellings in line 7 where there is liability to pay 100% council tax	9	2,741	5,546	3,443	2,075	994	456	319	35	15,618
20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium	2	3,253	3,313	1,326	681	268	119	82	12	9,056
21. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	10.5	5,204.4	8,035.9	4,433.9	2,581.1	1,199.7	546.8	381.0	44.0	22,437.05

CTB(October 2014)

Calculation of Council Tax Base

Please e-mail to : ctb.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct local authority name

Ver 1.0

CTB(October 2014)

Calculation of Council Tax Base

Please e-mail to : ctb.statistics@communities.gsi.gov.uk
Please enter your details after checking that you have selected the correct local authority name

Ver 1.0

22. Reduction in taxbase as a result of the Family Annex discount	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) ((line 21 - line 22) x line 23)	5.8	3,469.6	6,250.1	3,941.2	2,581.1	1,466.2	789.8	635.0	87.9	19,226.7
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2013-14 (to 1 decimal place)										
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)	19,226.7									

Part 2

27. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	10.50	5,204.40	8,035.85	4,433.85	2,581.05	1,199.65	546.80	381.00	43.95	22,437
28. Reduction in taxbase as a result of the Family Annex discount	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
29. Reduction in taxbase as a result of local council tax support	3.15	1,371.86	1,019.30	329.04	95.53	23.70	8.30	1.84	0.00	2,852.72
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) ((line 27 - line 28 - line 29) x line 30)	4.1	2,555.0	5,457.3	3,648.7	2,485.5	1,437.3	777.8	631.9	87.9	17,085.5
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2013-14 (to 1 decimal place)	0.0									
33. Tax base after allowance for council tax support (to 1 decimal place) (line 30 col 10 + line 31)	17,085.5									

Certificate of Chief Financial Officer

I certify that the information provided on this form is based on the dwellings shown in the Valuation List for my authority on 8 September 2014 and that it accurately reflects information available to me about exemptions, demolished dwellings, disabled relief, discounts and premiums applicable on 6 October 2014 and, where appropriate, has been completed in a manner consistent with the form for 2013.

Chief Financial Officer : Date :

Ver 1.0

Local authority contact name : Sharon Goddard
Local authority telephone number : 01842 756464
Local authority fax number : 01842 756513
Local authority e-mail address: sharon.goddard@angliarevenues.gov.uk

Now open the sheet called Validation to see if there are any inconsistencies in your form

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Parish Estimates 2015/2016

Parish/Town	Taxbase 2015/2016 (Number of Band D Dwellings)
Barton Mills	344.78
Beck Row	808.15
Brandon (and Wangford)	2,325.82
Cavenham	45.69
Dalham	128.21
Elveden	97.40
Eriswell	139.50
Exning	686.25
Freckenham	129.40
Gazeley	242.33
Herringswell	97.48
Higham	70.75
Icklingham	137.91
Kentford	149.54
Lakenheath	1,237.74
Mildenhall	2,556.85
Moulton	510.95
Newmarket	5,184.43
Red Lodge	1,235.09
Santon Downham	85.68
Tuddenham	149.42
Worlington	193.97
Total	16,557.34

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Cabinet



Forest Heath
District Council

Title of Report:	Single Issue Review(SIR) and Site Specific Allocations (SSA) Local Plan (LP) – Assessment of Reasonable Alternatives	
Report No:	CAB/FH/14/009	
Decisions plan reference:	Dec14/07	
Report to and date/s:	Local Plan Working Group	16 October 2014
	Cabinet	9 December 2014
Portfolio holder:	Rona Burt Portfolio Holder for Planning, Housing and Transport Tel: 01638 712309 Email: rona.burt@forest-heath.gov.uk	
Lead officer:	Marie Smith Place Shaping Manager Tel: 01638 719260 Email: marie.smith@westsuffolk.gov.uk	
Purpose of report:	To consider alternative options with regard to preparing the Site Specific Allocations and Single Issue Review Local Plan documents.	
Recommendation:	That Cabinet proceed with Option 2, as outlined in Report No CAB/FH/14/009 and as recommended by the Local Plan Working Group on 16 October 2014, in preparing the Site Specific Allocations (SSA) and Single Issue Review (SIR) Local Plan (LP) documents.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>		

Consultation:	• See paragraph 5.1.		
Alternative option(s):	• See paragraph 3.1		
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See paragraph 6.1	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See paragraph 8.1	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
See paragraph 4.12			
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Local Plan Working Group – 16 October 2014 – Report No LOP14/020 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=171&MeetingId=1771&DF=16%2f10%2f2014&Ver=2)	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 Summary

- 1.1.1 The consultation draft SSA and SIR LP documents were approved for a consultation in early 2014, at the Cabinet meeting of 26 November 2013. Subsequent to this and as most recently reported to Members of Local Plan Working Group (LPWG) on 8 May 2014, the consultations have been postponed on the basis that Officers need to progress further work with their external consultants and continue dialogue with Counsel, to ensure that the supporting Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes are adequately robust for both LP documents.
- 1.1.2 Officers received further advice from Counsel, specifically with regard to progress to date in preparing the SIR LP SA/SEA on 25 June 2014.
- 1.1.3 It is the contention of Counsel that further appraisal is required to ascertain whether or not more housing can be delivered within the District, (given the 'constraints' and provisions of the NPPF), within the plan period to 2031 in order to facilitate more of the affordable need being met. Counsel has also advised that the distribution of whatever housing figure is finally 'settled upon' does require further consideration in terms of 'reasonable alternatives'.

1.2 Strategic Priorities

- 1.2.1 The SIR and SSA LP documents relate to all three priorities contained within the West Suffolk Strategic Plan, (2014-16).

2. Key Issues

- 2.1 The consultation draft SSA and SIR LP documents were approved for consultation by Cabinet on 26th November 2013. Subsequent to this and as most recently reported to LPWG on 8th May 2014, the consultations have been postponed whilst Officers work with their consultants and seek continued dialogue with Counsel, to ensure that the supporting SA/SEA documents are sufficiently robust and therefore less susceptible to legal and 'soundness' challenges at a later date. (Advice received to date would suggest that the Authority is not as yet in a 'robust' enough position to progress with consultation).
- 2.2 A concise summary of progress following the Cabinet meeting of 26 November 2013, is presented within the table below.

Date/Period	Stage/Progress
26 November 2013	Consultation draft SIR 'Submission', (Regulation 19 stage), and SSA 'Issues and Options', (Regulation 18 stage), LP documents approved for consultation early in 2014 by Cabinet.
December/January 2013/2014	Consultation draft SIR and SSA LP documents finalised and published ready for consultation.
19 December 2013	Advice from consultants - Legal advice ought to be sought on the risk of legal challenge should the Authority wish to proceed, as planned, with

	assessment of new alternative options within the context of the SA/SEA Report to accompany the Submission/Regulation 19 stage SIR LP. Further and in order to incorporate a range of additional 'reasonable alternatives' for consideration, there may be a need to add another stage of preparation for the SIR LP, (i.e. a further Issues and Options/Regulation 18 stage). The Authority was reluctant to take this course given recent Counsel's advice as it pertained to a similar matter in relation to the Joint DM Policies LP.
23 January 2013	Advice received from Counsel. In terms of moving forward the Council should: a) Complete the update of baseline information in support of the SA/SEA Scoping Report, b) Review its evidence of objectively assessed housing needs, (OAN), c) Consult with statutory consultation bodies on the scope and level of detail to be included in the SA/SEA, d) In light of the above consultation, undertake the SA/SEA itself, e) The Authority should then use the results of the SA to inform the final form of the SIR LP.
11 February 2014	Teleconference with consultants to consider Counsel's recent advice and the future work programme. The scoping report would be finalised and a workshop would take place to consider 'reasonable alternatives', (specifically as these related to the SIR LP), to be considered by statutory consultees alongside consultation on the scoping report itself. The Council were advised by their consultants that they should seek advice from Counsel as to whether or not it was reasonable to revisit the overall housing numbers, (i.e. reasonable alternatives to 7,000 dwellings), given there was a memorandum of co-operation in existence between all SHMA participating Authorities.
February - April 2014	Further work undertaken by consultants and officers in terms of finalising the scoping report, (baseline environmental information), and generating 'reasonable alternatives' for consideration by statutory bodies alongside the scoping report and ultimately within the context of the SA/SEA documents themselves. The 'reasonable alternatives' workshop was held on 21st February 2014.
8 May 2014	Progress report to LPWG – Members informed as to why there was a delay in going out to consultation on the SIR and SSA LPs, (i.e. the requirement to do further work on the SA/SEA documents). At this stage it was envisaged that

	the next 'rounds' of consultation would be undertaken simultaneously and that for the SIR LP the Council would be consulting on the 'Submission', (Regulation 19), version whilst for the SSA LP the Council would be consulting on the 'Further Issues and Options', (Regulation 18) version.
12 May 2014	Consultants advise that the Council should not consult statutory bodies on the reasonable alternatives, (to be consulted upon alongside the Scoping Report), until Counsel's advice had been received on whether or not the overall housing number should be revisited in terms of reasonable alternatives.
20 June 2014	Advice from consultants – Council's preferred 'route' of twin tracking the SIR, (Proposed submission/Regulation 19), and SSA, (Further Issues and Options/Regulation 18), processes is not sufficiently robust and they were consequently not prepared to continue working with the Council on such a basis.
25 June 2014	Further Advice note received from Counsel with regard to the adequacy of the assessment of reasonable alternatives to date as these related to the quantum and distribution of housing growth within the District. The advice was clear insofar as the assessment of reasonable alternatives to the requirement of 7,000 dwellings should be revisited.
July- August 2014	Consideration of possible options moving forward, (in light of Counsel's latest advice note).
Today	The opportunity has presented itself to consider taking a step back in terms of the SIR LP and start, from the (further) Issues and Options/Regulation 18 stage. This would allow the production of a LP that combines both SIR and SSA LPs and allows the assessment of reasonable alternatives to be explored in a robust manner.

2.3 To boost significantly the supply of housing, the NPPF tells local planning authorities that they should.....

'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.....'(NPPF, para. 47).

2.4 Although 'objectively assessed', Counsel has questioned if the SHMA, (Technical Report), derived housing requirement figure of 7,000, (3,742 affordable), dwellings in the plan period, (2011-2031), are sufficient to 'convince' the Planning Inspectorate that the Authority has gone as far as it reasonably can in meeting its full and objectively assessed needs (OAN) for both market and **affordable** housing (as is practicably achievable in market /

viability, terms and having regard to issues of 'sustainability' and reasonableness which include the District's environmental constraints).

- 2.5 Counsel's concerns centre on the affordable housing, (AH), element, (3,742 dwellings), which constitutes some 53% of the total requirement of 7,000 dwellings. On the basis of 30% delivery, (in accordance with adopted Core Strategy policy CS9), 'across the board', only 2,100 affordable dwellings would be delivered, or 61% of the total AH need within the plan period. As Counsel has pointed out in their advice note, this is likely to be of concern to the Planning Inspectorate.
- 2.6 Indeed, it is the contention of Counsel that in undertaking the aforementioned assessment, (the identification of the 'full' needs, unconstrained by any policy or deliverability issues, and the assessment of how much of the 'full' needs should be met in the relevant plan area, having regard to the policies in the NPPF), *the Authority is likely to find that there is some scope to increase overall provision so as to deliver more AH but probably that it is not realistic or reasonable to expect the District to be able to meet the full need for AH.*
- 2.7 There is a risk that if the Authority were to proceed with the SHMA, (Technical Report), derived figure of 7,000 dwellings, without first exploring whether or not this figure can be 'stretched', the Authority's growth strategy could be found unsound at the examination stage and or could be prone to legal challenge at a later date.
- 2.8 It should be noted that any further appraisal will not necessarily reveal potential for increasing the housing 'target' and any 'final' figure must be 'sustainable'.
- 2.9 Further, it is Counsel's contention that further assessment of the reasonable alternatives, in terms of the distribution of growth, will be required but only after the final 'target' figure has been 'settled upon'.
- 2.10 It is fair to say that other SHMA participating Authorities have advanced their Local Plans using their SHMA, (Technical Report), housing requirement figures, namely Fenland District Council and St Edmundsbury Borough Council. However, all Authorities growth strategies will be assessed on their own merits, for example, having regard to their own 'constraints' and their own policies as these relate to the provision of AH and as these appear within their respective Local Plans.
- 2.11 As identified in the table below and in terms of a potential 'option' moving forward, it may even be wise to go back a stage in the preparation of the SIR LP and progress the SIR and SSA LP documents in combination from the same 'Further Issues and Options', (Regulation 18), Stage. Although this may mean not having an adopted 'replacement' Policy CS7 as early as may otherwise be the case, it will allow time for the 'reasonable alternatives' in terms of quantum, distribution and phasing of housing growth to be adequately considered alongside the 'reasonable alternatives' as these relate to the allocation of specific sites (to deliver this housing) and for such assessment to be adequately reported within the context of the respective SA/SEA document(s).

- 2.12 Bringing forward the SIR and SSA LPs together is more likely to convince the Planning Inspectorate that both plans are deliverable, (i.e. there are sufficient deliverable sites in the right places and at the right time to deliver the strategic housing policy). Further, with both evidence bases being consistent and produced in 'parallel', there would be no requirement to undertake a further review of the strategic housing policy prior to adopting the SSA Plan, (as would be required, to ensure consistency, if the LPs are brought forward independently of each other and at different stages).

Risk Assessment of 'Options' moving forward

Option	Potential Risk(s)	Potential benefit(s)
<p><u>Option 1:</u> Proceed with the SHMA, (technical Report), derived figure of 7,000, (3,742 affordable), dwellings within the plan period to 2031. Council to progress with consultation as planned on the Submission/Regulation 19 version of the SIR LP and the Further Issues and Options/Regulation 18 version of the SSA LP.</p>	<p>A planning Inspector may deem that the LPA has not gone as far as it reasonably can go in meeting its OAN particularly for AH as presented within the SIR LP. <u>Officers advise that this is not a preferred option as there is too great a risk of challenge and the potential for further delays in the longer term should the Authority be 'forced' to re-consider their housing strategy at a later date.</u></p>	<p>The Authority <u>could</u> have a replacement policy CS7 in place sooner than may be the case with option 2 below.</p>
<p><u>Option 2:</u> Undertake further appraisal of the District's ability to deliver more housing and as a consequence an uplift in AH provision. Bring forward a 'new style' LP combining both SIR and SSA LPs, (from the Regulation 18 Issues and Options stage).</p>	<p>There is likely to be further delay in going out to consultation on the SIR and SSA LP documents in the short term. There is the risk that ultimately the Authority may not have an adopted replacement Policy CS7 as soon as might be the case with option 1 above.</p>	<p>The SIR and SSA documents will be more robust in terms of adequate appraisal of reasonable alternatives, (as evidenced within the supporting SA/SEA documents), and as a consequence less susceptible to challenge and issues of 'Soundness' in the medium to long term. Help to demonstrate to the Planning Inspectorate the plan is deliverable. No need to undertake a further review of the housing strategy</p>

		ahead of the SSA LP adoption, (which might be the case if the plans are brought forward independently of each other and at differing stages in their development). <u>Officers advise that this is the preferable option.</u>
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Sequence of events with estimated dates for bringing forward each option

Option 1		Option 2
Minimum 6 week consultation on the Regulation 18 stage 'Further Issues & Options' SSA LP document and the Regulation 19 stage 'Submission' SIR LP document. January/February 2015.		Minimum 6 week consultation on the Regulation 18 stage 'Further Issues & Options' SIR/SSA LP document. March 2015. Final Document for Consultation to be agreed by Cabinet 17th February 2014 Likely date for Consultation to commence 10th March 2014 8 week consultation period includes: <ul style="list-style-type: none"> • Workshops in 3 Towns and 2 Key Service Centres • Attendance at Parish Council meetings upon request
SIR document (Option 1)	LP	SSA LP document (Option 1)
Regulation 19 'Submission' stage SIR LP document submitted to the Secretary of State. June/July 2015.	Representations received during 6 week consultation period inform the preparation of a Regulation 19 stage 'Submission' SSA LP document. June/July 2015.	Representations received during 6 week consultation period inform the preparation of a draft Regulation 19 stage 'Submission' SIR/SSA LP document. June-July 2015.
'Submission' draft SIR LP document examined by	Minimum 6 week consultation period on the Regulation	Minimum 6 week consultation period on the Regulation 19 Stage 'Submission' SIR/SSA LP document. October/November 2015.
		Regulation 19 'Submission' stage SIR/ SSA LP document submitted to the Secretary of State.

Inspector. October 2015.	19 Stage 'Submission' SSA LP document. October 2015.	January/February 2016.
Consultation on proposed modifications made to 'Submission' draft SIR LP document. December / January 2015.	Regulation 19 'Submission' stage draft SSA LP document submitted to the Secretary of State. January/February 2016.	'Submission' draft SIR/SSA LP document examined by Inspector. May/June 2016.
Inspector's report received. February / March 2016.	'Submission' draft SSA LP document examined by Inspector. May/ June 2016.	Consultation on proposed modifications made to 'Submission' draft SIR/SSA LP document. July/August 2016.
Adoption of SIR LP document. March / April 2016.	Consultation on proposed modifications made to 'Submission' draft SSA LP document. July/August 2016.	Inspector's report received. September/October 2016.
	Inspector's report received. September/October 2016.	Adoption of combined SSA/SIR LP document. October/November 2016.
	Adoption of SSA LP document. October / November 2016.	

NOTE: Should consultation not take place in the pre-election period, but commence June this would not result in a change in the final date for adoption of the Plan.

3. **Other options considered**

- 3.1 The SIR 'Issues and Options'/Regulation 18 stage considered hypothetical or potential scenarios, (or 'options'), for establishing the District's housing requirement and sought opinion on each of these. The document also sought opinion on how the Authority should respond to specific environmental and physical constraints in distributing this housing across the District. The 'submission'/Regulation 19 stage consultation draft document established an overall housing requirement for the District based on the Cambridge Sub-Region SHMA and Technical Report; however it has not considered reasonable alternatives to stretch that 7,000 overall annual requirement higher to deliver the affordable housing backlog.

4. **Community Impact**

- 4.1 The SIR and SSA LP documents will be subjected to consultation alongside their requisite Sustainability Appraisal, (incorporating SEA), and Habitats Regulation Assessment, (HRA), documents.

5. **Consultation**

- 5.1 The preparation of the SIR and SSA LP documents are iterative processes. A previous round of consultation on the **SIR** 'Issues and Options', (Regulation 18 stage), took place between 31st July 2012 and 25th September 2012. The responses received during this period of consultation were subsequently considered by Officers and Members, (LPWG meeting 4th July 2013), and were used to inform the 'Submission', (Regulation 19 stage), consultation draft document. In terms of the **SSA** LP document, Planning Committee approved a 'Final Issues and Options', (Regulation 18 stage), Consultation document in April 2010, although the document did not proceed to the formal consultation stage in view of the High Court Challenge. A revised Regulation 18 consultation was prepared and reported to Members in November 2014 along with the proposed submission CS SIR, both documents have not been issued for consultation.

6. **Financial and Resource implications**

- 6.1 The SIR and SSA LP document preparation can be delivered within the planning service budget for 2014/15.

7. **Risk/opportunity assessment**

- 7.1 Failure to proceed with the preparation of the SSA and SIR LP documents through to adoption will leave the Authority with an incomplete Local Plan, leading to less control over planning matters across the district.

The Council needs to demonstrate timely progress with the Local Plan which will gain weight in the development management process as the Local Plan is prepared. At the same time, the Council also needs to prepare the relevant robust and sufficient evidence to deliver a sound Local Plan.

8. **Legal and Policy Implications**

- 8.1 The Planning and Compulsory Purchase Act, (2004), requires Forest Heath DC to prepare and keep an up-to-date Development, (Local), Plan. An effective Development, (Local), Plan is essential for the continuation of an effective planning service.

Consideration also needs to be given to the requirements of ss2 and 4 of the Local Government Act 1986 and the Code of Recommended Practice on publicity. The Act and Code require local authorities to be particularly careful about the material they publish during the pre-election period (often known as 'purdah'). It must not give the appearance that it is designed to affect support for any particular political party. Given the purpose of the documents going out to consultation, that they are under the Forest Heath brand, and have been created by a long process involving members who are not only from the

majority party, officers consider that they cannot reasonably be construed as intending to influence political support, and that consequently the risk of a successful challenge to the process is low.

Members do need to be aware, however, that in order to comply with the Act and the Code, during 'purdah' no material will be published, or any views or proposals reported, in such a way that they can be identified with individual members or groups of members. In practical terms this means that no assistance can be given to any member with such things as statements, press releases or responses to questions.

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Cabinet



Forest Heath
District Council

Title of Report:	Developing a Community Energy Plan	
Report No:	CAB/FH/14/010	
Decisions plan reference:	Dec14/03	
Report to and dates:	Cabinet	9 December 2014
	Council	10 December 2014
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance and Performance Tel: 01638 660518 Email: stephen.edwards@forest-heath.gov.uk	
Lead officer:	Peter Gudde Environment Officer Tel: 01284 757042 Email: peter.gudde@westsuffolk.gov.uk	
Purpose of report:	To put forward investment proposals to develop a Community Energy Plan based on an appraisal of options for renewable energy generation. This report summarises the business case and makes recommendations regarding the viable options which, if approved, would establish for the first time 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.	

Recommendation:	<p>It is <u>RECOMMENDED</u> that:</p> <ul style="list-style-type: none"> (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; (3) subject to the approval of full Council, the following be allocated: <ul style="list-style-type: none"> (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/xxx; (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/xxx; (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/xxx; and (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/xxx.
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i></p>	
Consultation:	See paragraphs 3.1-3.4
Alternative option(s):	See paragraph 4.1

Implications:			
Are there any financial implications? If yes, please give details		Yes <input checked="" type="checkbox"/> See paragraphs 5.1-5.5	
Are there any staffing implications? If yes, please give details		Yes <input checked="" type="checkbox"/> See paragraphs 6.1-6.2	
Are there any ICT implications? If yes, please give details		No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> See paragraphs 7.1-7.3	
Are there any equality implications? If yes, please give details		Yes <input checked="" type="checkbox"/> See paragraphs 8.1-8.3	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Financial - The projects do not achieve the predicted financial returns	High	Conservative assumptions made. Industry advice has been sought in developing the financial models. Project investment will be tightly controlled to achieve highest Feed-In Tariffs, or cease project investment should Government cut the tariffs to make the financial model unsustainable	Medium
Legal - Gain permissions and licences to operate	High	Seek legal advice before progressing options	Medium
Economic – lack of market demand	Medium	Carry out soft market testing. Refine the offer and go to test market again before launching	Low
Technological – Complexity of the technologies	Medium	Initial focus is on a mature, low technological risk.	Low
Community – Public concern. Lack of effective engagement and communication to explain and win support	High	Develop an engagement and communications plan	Medium
Ward(s) affected:		All Ward/s	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	

Documents attached:	Appendix A: Outline of the options considered Appendix B: Summary of the options appraisal Appendix C: Budget Consultation – Additional public focus group summary of findings August 2014
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1. Key issues and reasons for recommendation(s)

1.1 Heading

1.1.1 In the recently published Community Energy Strategy, the Secretary of State for Energy and Climate Change has called on local authorities to provide the stimulus and support to community renewable energy. The Government has also re-iterated its policy on solar energy that it wishes to see the "Big 6" energy companies become the "Big 60,000" with community-owned solar. Government sees local authorities as key to this "democratisation" of the energy supply.

1.1.2 Every Council in England has a responsibility under the Home Energy Conservation Act, alongside wider health and wellbeing responsibilities, to tackle fuel poverty and help households become more energy efficient. Through our participation in the Suffolk Climate Change Partnership, Forest Heath District Council has been able to help local households, communities and businesses access independent advice and support to make sustainable energy choices¹, reduce the impact of energy cost volatility and move from fossil fuels.

1.1.3 Forest Heath District Council has already demonstrated leadership by:

- Improving energy efficiency and achieving a 40% reduction in carbon emissions by 2014 compared to a 2008 baseline
- Installing 185kWp² of renewable energy generation on its own property
- Publishing its Home Energy Conservation Act Plan setting out the help the Council will provide to help householders insulate their homes
- Actively participating in initiatives including the Warm as Toast and Suffolk Energy Action insulation programmes and the multi-award winning Suffolk Warm Homes Healthy People winter fuel poverty project
- Supporting and promoting community and business support services provided by Suffolk Climate Change Partnership offering Greener Business Grants to small and medium sized businesses to assist them become more energy efficient and save money.

Excluding officer time, all the community-focussed initiatives are delivered at an annual revenue cost to the Council of £17,000.

1.1.4 Improvements in energy efficiency deliver immediate savings generally with short financial paybacks. In addition, achieving certain levels of building energy efficiency is a requirement for the highest renewable energy tariffs. Since its launch in 2011, the West Suffolk Greener Business Grant has contributed to the improvement in efficiency of 62 businesses in West Suffolk from a pot of £60,000 provided by West Suffolk Local Strategic Partnership. The performance of this fund is set out in Table 1.

¹ Alongside help provided by the Council, examples of what is available includes energy efficiency advice for small and medium-sized business through the Suffolk Environmental Business Advisor and Suffolk Carbon Leaders, domestic insulation programmes through Suffolk Energy Action and community energy support from the Suffolk Community Advisor – www.greensuffolk.org

² kWp – kilowatt peak – the generating capacity of the installation

Number of businesses supported	Amount granted	Predicted value of energy savings to the businesses		Predicted CO ₂ savings	
		Annual	Over the expected lifetime of the measures	Annual	Over the expected lifetime of the measures
62	£46,165	£52,500	£827,000	220 tonnes	4,150 tonnes

Table 1 – West Suffolk Greener Business Grant

The fund has been used by businesses to match-fund either their own capital or other funds, for example Grants for Growth funded by the European Regional Development Fund.

1.1.5 It is proposed, therefore, that as part of the broader support to business the Council allocates £15,000 to top up the grant pot. A similar amount will be sought from St Edmundsbury Borough Council so that the grant can continue to be offered to help local businesses cut costs by becoming more energy efficient which in return will support our strategic priority to stimulate economic growth across West Suffolk.

1.1.6 By combining our current energy efficiency work with a renewable energy investment programme the Council would be able to fulfil the following outcomes:

- A long term, sustainable source of revenue for the Council
- Households, businesses and communities in West Suffolk which are less reliant on fossil-based energy
- Locally-owned renewable energy generation to the benefit of the local taxpayer.

1.1.7 With St Edmundsbury, this can form the basis of a West Suffolk Community Energy Plan comprising:

- Continued support to residents to insulate their homes and improve energy efficiency – delivered through our participation and promotion of Suffolk Energy Action and other schemes as they become available
- Continued support to vulnerable residents during the winter – delivered under the Suffolk Warm Homes Healthy People programme
- Continued resource efficiency advice and support to businesses and communities – delivered through our participation in the Suffolk Climate Change Partnership
- Subject to Council approval, continued capital funding to improve business energy efficiency – using the West Suffolk Greener Business Grant to unlock other capital within the business or from elsewhere
- Subject to Council approval, capital financing of renewable energy in the community.

1.2 **Options Appraisal**

1.2.1 Following informal discussion with cabinet members over the summer and autumn, officers have undertaken an options appraisal of a range of renewable energy generation opportunities in order to develop a business

case for the renewable energy investment programme. The appraisal has focussed on solar photovoltaics (Solar PV) since the technology is now mature in the UK market and has a relatively low technological risk.

1.2.2 The following options have been considered in the appraisal:

- 1 Developing more solar on Council property
- 2 Developing a "rent-a-roof" solar scheme for homes
- 3 Developing a "rent-a-roof" solar scheme for local business
- 4 Buying an operational solar farm
- 5 Building a new solar farm
- 6 Buying electricity from a local solar farm
- 7 Brokering investment in renewable energy on behalf of local communities
- 8 Other renewable energy technologies.

A description of each option and an outline of the appraisal findings are given in Appendix A.

1.2.3 A summary of the options appraisal is set out in Appendix B. The options appraisal shows that there are opportunities to develop a portfolio designed to deliver the outcomes set out in 1.1.6.

1.3 Proposals based on the findings from the options appraisal

1.3.1 The option to buy an operational solar farm (Option 4) may be reported separately to Cabinet should it prove a viable option.

1.3.2 It is recommended that the council approves the proposal to develop more solar on council property (Option 1) and a rent-a-roof scheme for local businesses (Option 3).

1.3.3 Further market research is required on the option to develop a rent-a-roof scheme for homes (Option 2) and the option to broker investment in renewable energy on behalf of local communities (Option 7). A future report will be sent for Cabinet to consider on these two options.

1.3.4 In addition the options an "Invest-to-save" proposal is included for energy efficiency improvement to the Guineas Car Park lighting which is not included within existing budgets or the Council's Repair and Maintenance Programme provisions.

1.3.5 It is estimated that the total cost to develop a solar farm site (Option 5) eligible to the Feed-In Tariff (up to 5MW capacity) would be in the region of £5 to £6 million. At this time, no feasible sites have been identified.

1.3.6 It is recommended that a feasibility and community engagement fund of £50,000 is established in order to develop viable community-supported or led renewable energy schemes (Options 5 and 8) which meet the outcomes set out in 1.1.6. Any viable business cases will be presented in a future report.

1.3.7 Based on a capital investment of £2.12m and assuming lower end returns and upper end costs, the viable options could deliver potential revenue of

£206,000 per annum in Year 1, moving towards £290,000 per annum in Year 10. This Feed-In Tariff component would be index-linked over a 20 year period. The predicted Internal Rate of Return from this investment has been calculated and presented in this report BEFORE taking account of loan interest and principal repayment BUT after taking account of operating costs. Taken together, the proposals are close to achieving the 10% investment threshold of the Council's Medium Term Financial Strategy. Additional value will be gained where the energy is used onsite, displacing grid supply.

1.3.8 Initial analysis is also underway of the potential opportunities that arise from renewable heat technologies such as Anaerobic Digestion and biomass (Option 8). These are now supported through the Renewable Heat Incentive and can generate commercial returns in the region of 15% compared to around 8-10% for solar PV. Renewable heat technologies also make a significant carbon saving contribution given that most of the energy used in buildings is for heating and cooling. The findings of this options appraisal will be presented in a future report.

1.3.9 A summary of the costs and financial returns of each option is presented in the Table 2. These exclude the additional value to the consumer of any tariff discount which the Council may be able to offer.

Option	Capital cost	IRR ³	Revenue/Saving after operating costs	
			Year 1	Year 10
Improve energy efficiency	£75,000 ⁴	21%	£25,000	£38,000 ⁵
Option 1 Develop more solar on council property	£425,000	9.3%-10.0%	£37,000	£51,000
Option 3 Develop a "rent-a-roof" solar scheme for local businesses	£1.62 million over three years (£540,000 pa)	9.75%	£144,000 (by year 3)	£201,000
Total	£2.12 million	-	£206,000	£290,000

Table 2 – Investment returns

1.3.10 Investing in the viable options would open up associated opportunities and benefits for both the Council and local communities:

- Energy generation in community ownership – the initial delivery model is based on the Council being the primary investor. The Council could retain ownership or look to develop a shared ownership model whereby individuals or community groups take an investment stake
- Sell electricity to local consumers – where energy generation is at a business or community building as in the Option 3, the electricity could be sold for use on site

³ an indicator of the net benefits expected from a project over its lifetime, expressed as a percentage comparable to the interest rates

⁴ The total scheme cost is £100,000 with the remaining £25,00 already funded from a S106 agreement

⁵ Assuming 5% per annum indexation of energy costs

- Invest revenue from renewable energy into the community – it would be a sound approach to follow UK Government advice to allocate some of the surplus for initiatives like local energy efficiency measures or supporting the running costs of community buildings in the locality
- Energy security and carbon savings – the proposed options, if developed, would make a significant impact in both cases.

1.3.11 By developing an investment programme, the Council will be in a strong position to be able to offer householders and local businesses an integrated energy advice and support service through our work with the Suffolk Climate Change Partnership. This would also help support inward investment by helping communities and businesses gain more effective access to support funding like the Energy Companies Obligation, Grants for Growth and Rural Community Energy Fund.

2. Additional supporting information

2.1 The proposals bring together economic, social and environmental benefits by:

- Delivering sustainable, long term financial benefit for the Council to achieve its Medium Term Financial Strategy
- Showing community leadership by helping to deliver legally-binding national targets to reduce greenhouse gas emissions and to generate more electricity from renewable energy
- Developing wider economic benefits, for example by using local suppliers during the construction phase, and supporting local businesses taking up energy efficiency and renewable energy
- Helping local communities access low cost energy.

2.2 Option 7 may, when fully evaluated, allow the Council to establish an electricity tariff offer to local residents.

2.3 The New Anglia Local Enterprise Partnership is leading nationally on the green economy. These proposals support this aspiration and could in the longer term allow local businesses take economic advantage from the energy savings that may accrue, while some may move into the energy sector to build a local supply chain.

3. Consultation

3.1 Although no formal consultation has been undertaken on the options, informal discussions have been held with a range of potential stakeholders to gather information to assess each option and test the market.

3.2 Feedback from budget consultation public focus groups held in Newmarket and Mildenhall during August 2014 revealed a range of views about renewable energy generation; these are presented in Appendix C. There are public concerns about renewable energy in general and solar in particular. The options appraisal has identified the risks raised and taken into consideration the views that were expressed during the consultation. Any specific schemes will need, therefore, to be sympathetic to these risks and concerns.

3.3 Should the Council approve any of the options, an engagement and

communications plan will be put together. This will support any formal consultations required by the planning process should any larger schemes be brought forward.

- 3.4 Several of the options can be delivered with our partner, St Edmundsbury Borough Council. A separate report will be considered by St Edmundsbury's members and should both Councils approve the proposals, discussions will be held with internal and external stakeholders to shape the shared delivery model.

4. Alternative option

4.1 Doing nothing

Lack of investment capital has been cited as a block to householders, communities and business taking action to improve energy efficiency and uptake of renewable energy generation themselves. This block would continue to hold back our communities and businesses if the Council chose not to support the opportunities presented in this report.

5. Financial implications

- 5.1 The predicted financial returns to the Council are summarised in 1.3.9. The revenue from the Feed-In Tariff is index-linked according to OFGEM-approved contracts for 20 years while electricity will continue to be developed so long as the panels remain operational. The viable options are predicted to generate stable, long term revenue which would contribute to meeting the Council's Medium Financial Strategy.
- 5.2 In addition, local communities and businesses partnering with the Council could receive discounted electricity, enhancing the overall value of the projects. Typically, it is considered that electricity from roof-mounted solar could be offered at a tariff at least 10% cheaper than the current grid offer.
- 5.3 It is difficult to predict long-term trends of energy prices. The demand for energy is probably the single most significant factor affecting price. UK Government predicts that average domestic dual fuel bills, for example, will increase by 18% in real terms between 2010 and 2020⁶. Other energy commentators are predicting higher increases and significant price volatility for domestic and commercial energy consumers.
- 5.4 The ability to hedge against electricity price volatility could be advantageous to the Council; this may be possible through developing a portfolio of energy generation schemes. Prices could be linked to a less volatile index compared to market prices for electricity, allowing the Council and participating businesses the ability to plan their utility budgets with more confidence.
- 5.5 The Council may need to borrow in order to finance the majority of these proposals and the most likely source of external financing would be prudential borrowing which is currently available at a rate of approximately 3.5%. These investments have been assessed against the Internal Rate of Return needed to cover borrowing. However, the Council's Treasury Management

⁶ Energy Prices -Standard Note: SN/SG/4153 House of Commons Library. 31 January 2014

activities will determine when the Council will actually need to enter into external borrowing.

6. Staffing implications

- 6.1 Should the proposals be approved, there will be pressure placed on the Council's capacity and technical capability to deliver, particularly with larger more complex schemes. However, the financial models supporting the options incorporate an allocation of resources (staff and operational budget) for the management of the projects should they be taken forward.
- 6.2 Subject to Council approval, a project delivery team will be put together which will move any proposals that are viable forward to the point of delivery. Once schemes are operational, the size and nature of this team will be kept under review to ensure that it reflects the resources required and financial returns generated.

7. Legal and policy implications

- 7.1 The Council has the power to generate and sell electricity and heat as described in this report by virtue of the Local Government (Miscellaneous Provisions) Act 1976 (as amended in 2010).
- 7.2 Legal advice has been sought to establish whether any of the options would require a trading company to be established. Furthermore, there may be circumstances where a special purpose vehicle may be required, for example where a joint venture is the best approach to delivering one of the viable options. With the exception of Option 4, neither of these structures is likely to be needed at the initial stages of developing any of the options. However, these may be required at a later date. Advice has, therefore, been sought to understand the costs and benefits including taxation implications.
- 7.3 The proposals contribute positively to all three of the Council's strategic priorities as outlined previously.

8. Equality implications

- 8.1 An initial screening Equalities Impact Assessment has been undertaken which has determined that there will be no differential impact on any diversity group arising from the proposals.
- 8.2 The proposals could deliver financial value to the Council which would benefit local communities in the District; directly where larger scale community-led or supported renewable energy could be developed further; and indirectly with the revenue reducing the Council Tax burden.
- 8.3 In the longer term, where excess energy generation can be exported to the grid, the Council could explore the development of a social electricity tariff, which could be offered to households struggling to afford their energy bills.

Appendix A – Outline of the options considered

Option 1: Developing more solar on Council property

Council properties have been identified which could accommodate the next phase of solar installations. At the same time, an energy efficiency improvement has been identified for which there is no funding in the Council’s Property Maintenance programme. A “without commitment” procurement process has been undertaken; the financial and carbon savings are set out in Table 1.

Site/item	Capital investment	Annual income/Savings for the Council ⁷		IRR for the Council	Estimated value to the tenant(s) (Year 1)	Estimated CO ₂ saving
		Year 1	Year 10			
Newmarket Leisure Centre – Solar PV	£122,000	£10,500	£15,000	9.9%	£1,500	15 tonnes
Brandon Leisure Centre – Solar PV	£121,000	£10,500	£15,000	10.0%	£1,500	15 tonnes
Hampstead Road, Mildenhall – Solar PV ⁸	£91,000	£8,000	£10,500	9.3%	£600 ⁹	12 tonnes
Putney Close, Brandon – Solar PV	£91,000	£8,000	£10,500	9.3%	£600 ²	12 tonnes
Guineas Car Park – lighting upgrade	£75,000 ¹⁰	£25,000	£38,000	21%	-	100 tonnes
Total	£500,000	£62,000	£89,000	-	£4,200	154 tonnes

In addition to the financial returns for the Council, it will be possible to offer any generated electricity to the tenant under contract at a cheaper rate than they currently pay for grid supplied electricity.

Option 2: Developing a “rent-a-roof” solar scheme for homes



Larger housing developers are arguing that renewables jeopardise the viability of development. A potential solution could be that the local authorities in effect rent the roof space to install solar panels on new built homes, taking the Feed-In Tariff while the homeowner saves energy so reducing their bill.

⁷ The Feed-In Tariff is index linked over 20 years.

⁸ Initial investigation identified Gregory Road business units in Brandon. However, the timetable for refurbishment has made Hampstead Road, Brandon a more attractive proposition

⁹ This saving would be spread across all tenants receiving solar-generated electricity

¹⁰ The scheme cost is estimated at £100,00 with £25,000 funding remains in S106 agreement with Waitrose

Economies of scale would be achieved and much of the procurement risk would be transferred since it would be for the developer, rather than the Council, to use its buying power and supply chain. The Councils would also have the ability potentially to set local employment conditions by negotiation with the developers.

To date, informal discussions have been held with, amongst others a major utility connection company a local housing association and a local authority already offering the scheme to its residents, to understand whether a model is viable.

Option 3: Developing a “rent-a-roof” solar scheme for local business



One of the barriers to businesses installing renewable energy technologies is access investment capital. Using its prudential borrowing, the Councils could work with local businesses by investing in a solar installation on their building. The Council would receive the Feed-in Tariff and the business would be supplied the generated electricity at a cheaper rate through some form of roof rental agreement.

The rent-a-roof offer would be open to all businesses across the district although to ensure value for money, it would be necessary to apply eligibility criteria. This would include technical criteria relating to the size, type and design of the host building and criteria regarding the ownership of the building and business electricity use.

Market research has shown that there is interest from businesses, although this may be limited by technical aspects, like business energy profile and building characteristics, the appetite of the key decision makers in the business and the level of financial return that could be offered.

Based on the appraisal, it is considered that the equivalent of three to five medium scale (150KWp) schemes could be progressed a year. For budgeting purposes, it has been assumed that the equivalent of three medium scale schemes could be advanced each year over a three year period. The predicted financial investment and returns are set out below.

Year	No. of schemes developed each year	Capital investment	IRR	Annual income for the Council	
				Year 1	Year 10
1	3	£540,000	9.75%	£48,000	£67,000
2	3	£540,000	9.75%	£48,000	£67,000
3	3	£540,000	9.75%	£48,000	£67,000
Total	9	£1.62 million	9.75%	£144,000	£201,000

Option 4 – Buying a solar farm

The option to buy an operational solar farm may be reported separately to Cabinet should it prove a viable option.

Option 5 – Building a new solar farm



Solar farms are normally operated for 20-25 years under financial contracts approved by the energy regulator, OFGEM. The financial return would comprise of two principal components. Firstly, income would be generated through the Feed in Tariff (FIT) guaranteed by the Government for a 20 year period. However, the panels will continue to generate electricity so a 25 year revenue model has been used. Unlike other commercial projects the solar farm would not have to build and maintain a market share to secure its income.

Secondly, the Council would sell generated electricity via a licensed electricity supplier under agreement to consumers. In addition, the Council could arrange for the generated electricity to be allocated as its own use, in effect buying its own electricity. This could be achieved at a lower unit rate than buying grid electricity, delivering further savings.

UK Government has stated in its Community Energy Strategy¹¹ that “By 2015 it should be the norm for communities to be offered the opportunity of some level of ownership by commercial developers.” Government recommends that commercial developers of on-shore wind farms, for example, should provide a community benefits package worth £5,000 per MW of installed capacity annually for the lifetime of the installation. Similarly, the Council would wish to see the local community benefit financially if it became the host of a Council-owned solar farm.

UK Government wants to see all local authorities showing leadership to help deliver community energy projects. The Council could be the developer and initial investor while local communities could become investor/owners in time through share rights and crowd funding to raise the capital. This could allow the community to use the electricity to offset their use and make them more energy resilient.

Findings of the options appraisal

At this time, no viable sites have been identified.

However, research under this appraisal shows that the total cost to develop a site eligible to the Feed-In Tariff (5MW) would be in the region of £5.7 million of which

¹¹ Community Energy Strategy – people powering change. Department of Energy and Climate Change 27th January 2014

the cost to gain planning permission would be around £100,000. The predicted Year 1 revenue is in the region of £500,000 before taking account of loan interest and principal repayment BUT after taking account of operating costs.

The Community could benefit from such a scheme:

- Through a community benefit fund based on the generation capacity of the scheme;
- Becoming owners of the scheme by investing to generate a dividend
- By the Council developing a mechanism to sell the electricity to the community.

This option clearly raises significant issues beyond the financial return, the key being the trust that needs to be ensured between the Council and the various parts of the local community in which such a development would be located. Given our community-led approach, imposing such a development could potentially de-stabilise community relations and adversely affect relationships with the Council. Furthermore, such a development would need to be understood in the context of other community initiatives, underway or in development.

It is proposed that a fund be established to cover the identification, detailed feasibility and associated community engagement activities in support of potential sites for larger scale solar where supported and/or led by communities in the District.

Option 6: Buying electricity generated by a local solar farm

The Council has considered buying the electricity generated by the local solar farm referred to in Option 4. The company has offered the Council at a rate which could realise cost savings as well as a carbon-neutral electricity supply.

However, this option would leave the Council open to significant financial challenge by other suppliers under public sector procurement rules. It has, therefore, been concluded that this risk outweighs any financial benefit.

Option 7: Brokering investment in renewable energy on behalf of local communities

Community energy schemes are one of the most effective ways of getting people engaged with energy issues. Energy companies are starting to offer support to communities to develop a package of energy-related benefits.

One company, OVO Energy¹², offers four key elements to energy projects developed for the benefit of the local community:

- energy supply - set up their own supply business, from front to back office, from trading to marketing
- smart metering - customers will be able to see real time energy usage, which can be used to compare portfolios of homes to identify the most energy efficient or inefficient properties
- energy efficiency – companies are offering funding through the Energy Companies Obligation
- Power generation - can buy energy from local generators.

This offer is available to local authorities; appropriately scaled schemes have yet to be identified. Option 7 may, when fully evaluated, allow the Council establish an electricity tariff offer to local residents.

¹² <http://www.ovoenergy.com/blog/2013/11/community-owned-energy/#sthash.EnTW0x2D.dpuf>

Option 8: Other renewable energy technologies

Initial work is underway and where viable proposed schemes will be brought forward for consideration.

Appendix B – Summary of the options appraisal

	Work stream	Evaluation	Key risks	Recommendation/reason
1	Developing more solar on Council property	<p>VIABLE PROJECT</p> <p>The project is technical feasible and predicted to deliver a viable rate of return as well as benefitting tenants with cheaper electricity.</p> <p>Subject to approval the work would be programmed for completion by March 2015.</p> <p>Sites proposed:</p> <ul style="list-style-type: none"> • Brandon Leisure Centre# • Newmarket Leisure Centre • Business units at Putney Close, Brandon and Hampstead Road, Mildenhall <p>In addition, there is an invest-to-save opportunity by upgrading the lighting at the Guineas car park.</p>	<p>Failure to gain political support</p> <p>Poor performance of system</p> <p>Failure to complete all permissions and approvals</p> <p>Feed-In Tariffs not secured/or delayed</p> <p>Financial returns not achieved</p>	<p>Recommendation:</p> <p>Cabinet seeks Council approval to invest £497,000 to improve energy efficiency and install the next phase of solar schemes on Council property.</p> <p>Reason:</p> <p>To generate an investment return and deliver energy savings</p>
2	Developing a “rent-a-roof” solar scheme for homes	<p>VIABLE PROJECT TO BE DETERMINED</p> <p>Further research required. Initial findings indicate that new build development could be potentially viable but existing homes not.</p> <p>Discussions with a housing developer and utilities infrastructure provider suggest that a viable model could be developed which would generate acceptable investment returns for the Council while giving households the generated electricity at no cost.</p>	<p>No market demand.</p> <p>Failure to negotiate legal permissions</p> <p>Financial model does not stand up following market testing.</p> <p>Failure to gain political support</p>	<p>Recommendation:</p> <p>A further report be considered by Cabinet following further research and market testing by your officers</p> <p>Reason:</p> <p>To fully understand the approach and its merits</p>
3	Developing a “rent-a-roof” solar scheme for local	<p>VIABLE PROJECT</p> <p>Potential market would be owner occupiers of larger sized industrial buildings in the District.</p>	<p>Failure to gain political support</p> <p>Not gaining permission to lease the roof</p>	<p>Recommendation</p> <p>Cabinet seeks approval to invest £1.62 million over three years to install solar on eligible local businesses</p>

	business	<p>Feasibility and soft market testing has been undertaken completion. A small potential market exists based around free installation of solar PV by the Council offering either a rental payment or discounted electricity for the building owner.</p> <p>Initial interest has been shown by three third parties with large scale opportunities.</p>	<p>Capital costs above target price for PV</p> <p>Poor performance of system</p>	<p>Reason</p> <p>To generate an investment return and support local economic growth</p>
4	Buying an operational solar farm	<p>VIABILITY TO BE DETERMINED</p> <p>THIS OPTION IS THE SUBJECT OF A SEPARATE REPORT TO CABINET</p>	See separate Cabinet report	See separate Cabinet report
5	Building a new solar farm	<p>VIABILITY TO BE DETERMINED</p> <p>No viable sites have been identified during this appraisal.</p> <p>However, research has shown that there is potential if a community led or supported site came forward where the Council could support through investment.</p> <p>The Council would be eligible for 20 year Feed-In-Tariff contract. In addition, the site will continue to generate and be able to sell electricity after the end of the FIT contract, enhancing the return on investment above the quoted IRR.</p> <p>Legal advice confirms that the Council would be able to sell the electricity via the grid to ourselves so improving the viability of the site.</p> <p>Community engagement on any selected site will be paramount to ensure community</p>	<p>Failure to gain political support</p> <p>Network access cost found to be prohibitive</p> <p>Delays during planning affecting cost model</p> <p>Locality/community support</p> <p>Failure to gain permissions</p>	<p>Recommendation:</p> <p>Develop a fund to cover the identification, detailed feasibility and associated community engagement activities in support of potential sites</p> <p>Reason:</p> <p>To generate renewable energy to the benefit of the District and the local community</p>
6	Buying	NOT VIABLE AS A SOLE OPTION	See separate Cabinet report	THIS OPTION IS THE SUBJECT OF A

	electricity from a local solar farm			SEPERATE REPORT TO CABINET
7	Brokering investment in renewable energy on behalf of local communities	<p>VIABILITY TO BE DETERMINED Initial investigation has shown that the principle opportunity centres on selling electricity to a licensed electricity company.</p> <p>The Council would need to develop a portfolio of generating sites for it to be worthwhile progressing this opportunity.</p> <p>Further investigation is still required to confirm or understanding across the market.</p>	<p>No market demand.</p> <p>Financial model does not stand up following market testing.</p> <p>Failure to gain political support</p>	<p>Recommendation: A further report be considered by Cabinet following further research and market testing by your officers</p> <p>Reason: To fully understand the approach and its merits</p>
8	Other renewable technology opportunities	<p>VIABILITY TO BE DETERMINED Biomass heating/Anaerobic Digestion: Further investigation is still required to confirm opportunities and understanding across the market.</p> <p>Renewable Heating and Power: The Mildenhall Hub project has been identified as a major significant opportunity to invest with partners in renewable energy to develop a site which is both self-sustaining in energy and generates a viable rate of return using the Feed-In Tariff and Renewable Heat Incentive.</p> <p>Further feasibility is required. The Government is currently offering support funding for feasibility studies via its Heat Networks Delivery Unit. The latest tranche of funding is available based on competitive applications</p>	<p>No market demand or viable feedstock</p> <p>Financial model does not stand up following market testing.</p> <p>Failure to gain political support</p>	<p>Recommendation:a) A further report on the opportunities be considered by Cabinet following further research and market testing by your officers</p> <p>b) A bid be submitted to the Government's Heat Networks Delivery Unit and any findings be incorporated into the business case for the Mildenhall Hub</p> <p>Reason: To fully understand the approach and the merits of Renewable Heat</p>

Appendix C: Budget Consultation – Additional public focus group summary of findings August 2014

During August 2014, two public focus groups were held in Mildenhall and Newmarket to consider various options relating to budget savings and income generation.

Rent a roof schemes on new developments

Agreement in principle that investing in renewable energy on new developments is a good idea.

One participant raised concerns regarding the council trying to cut expenditure but then taking out a loan which would increase expenditure. Both groups discussed the council borrowing money and agreed that the council would '*have to invest to get money back in the long term*' although the risks to this were recognised. It was felt that public sector investments in the past have cost more than anticipated and that this could affect the amount that the council would need to borrow.

Questions were also raised about who would own the panel and maintain it, or carry out repairs. There were also queries in both groups as to how much longer the feed-in tariff would be available from the Government and that this uncertainty represents a risk.

Rent a roof schemes on business premises

Compared this scheme with solar panels on new developments and all agreed that this was a better idea as there are sites available.

The group discussed the cost of energy for householders and for businesses. They agreed that energy is more costly for a business; therefore this scheme would be preferred as it will have a larger impact.

Agreement that by installing solar panels on business premises the council will attract businesses to the area, increasing economic growth and the number of jobs.

Council-community solar farm

Whilst it is a good idea to involve the community, the Newmarket group felt that there was no low grade land available. Both groups discussed their concerns regarding solar farms and agreed that they are unsightly and a planning application would definitely be opposed by residents. The Mildenhall group felt that available land should be used for other purposes, such as housing. Suggestion that solar panels be placed on lamp posts.

Cabinet



Forest Heath
District Council

Title of Report:	Newmarket Market Licence Regulations	
Report No:	CAB/FH/14/011	
Decisions plan reference:	Dec14/12	
Report to and dates:	Cabinet	9 December 2014
	Cabinet	17 February 2015
	Council	27 February 2015
Portfolio holder:	David Bowman Portfolio Holder for Economic Development and Tourism Tel: 07711 593737 Email: david.bowman@forest-heath.gov.uk	
Lead officer:	Liz Watts Director Tel: 01284 757252 Email: Liz.Watts@westsuffolk.gov.uk	
Purpose of report:	To consider new Draft Market Licence Regulations for Newmarket Market, for consultation with stall holders and agree proposals to improve the Market in Newmarket including plans for a re-launch.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that, Members:</p> <ul style="list-style-type: none"> (1) Approve the Draft Market Licence Regulations (Appendix A) for consultation with the Newmarket Market traders; and (2) Agree the proposed consultation timetable as set out in paragraph 1.2.3. (3) Agree the proposed three phase approach to improve Newmarket Market. (4) Agree to re-establish the Newmarket Market Liaison Group and appoint a Member to the Group as a Markets Champion. 	

<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i></p>	
<p>Consultation:</p>	<ul style="list-style-type: none"> • If approved by this meeting the Newmarket Traders will be consulted on the Draft Market Licence Regulations.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Retain existing Licence Regulations.
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • The consultation on the proposed new Market Licence Regulations does not have financial implications, however, there will be a cost to the overall Promotional Campaign for the re-launch of the Market. Details of the cost options will be included in the report to Cabinet on 17 February 2015.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • The Council is required to give notice to traders of proposed changes to the market licence regulations; best practice would suggest a consultation with the market traders over a 4 week period. • Following consultation, the responses will need to be considered by Cabinet, the Market Licence Regulations finalised, and subsequently approved by Council.
<p><i>Are there any equality implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> • This proposal represents a technical variation rather than a change to a service. However steps will be undertaken to ensure that all market traders have an opportunity to engage in the consultation having regard to the equalities characteristics.

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
The regulations may be resisted by some market traders	Medium	The regulations are tried and tested in other markets in West Suffolk and if they are carefully introduced (as they have been elsewhere) should improve the market	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix A – Draft Market Licence Regulations	

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 The markets operated in Forest Heath provide an essential community facility to residents and visitors and are intended to offer affordable business opportunities for traders. They are an important part of our local communities and ensuring that they continue to thrive and develop, is linked to the Council's economic development and growth priority. The Council intends to ensure that visitors receive an excellent standard of customer service, enjoy a positive experience and want to visit again.
- 1.1.2 The revitalisation of the market is also an Action within the Newmarket Vision Town Centre Delivery Plan. Action 3.8 includes a commitment to "*revitalise the market by rethinking its offer, improving its management, enhancing its visual appeal...*".
- 1.1.3 With these goals in mind, we have developed new regulations, set out as Appendix A, which must be adhered to by a trader granted a licence to trade in the Council's markets. These regulations define the Council's rights as the market operator, and the standards and obligations the Council is placing on the market trader.
- 1.1.4 These regulations are intended to be fair and reasonable whilst providing the flexibility of the Council's market operation to meet the potential future needs of the market's customers. These regulations also set out penalties for breach and include a fair and clearly defined process to appeal certain decisions taken by the Council's Markets Management Team.

1.2 Improving Newmarket Market

- 1.2.1 The Forest Heath District Council Market Regulations were last reviewed and approved by the Community Services Committee 8 November 2005. The Markets Team now operate across West Suffolk and it would seem appropriate to align Markets Regulations, where possible, to make it easier and clearer for traders operating across West Suffolk. The new regulations included as Appendix A have been drafted having regard to this objective.
- 1.2.2 The Newmarket market has been in decline for some time and Officers have been working with the existing and potential new traders to look to improve the offer at the market. The recent budget consultation focus groups included discussions about markets in the district. The general consensus from the focus group attendees was that the Newmarket market "had decreased in size" but that there was value in some low key investment to improve the market offer as they felt that local people would want to use the market. It is proposed that the need for a new set of Market Regulations provides an ideal opportunity to review the market arrangement as a whole.
- 1.2.3 It is suggested that the introduction of new regulations is the first in a three phase programme to improve Newmarket market and look to re-launch a new and improved market offer.

Phase one: Consultation on and adoption of new draft Regulations

- Following consideration of the Draft Market Licence Regulations in Appendix A, it is proposed that traders will be advised in writing of the proposed changes and invited to take part in a consultation from 15 December 2014 to 23 January 2015, this is longer than 4 weeks to reflect the fact it encompasses the Christmas period.
- Traders will be invited to put forward representatives to a Newmarket Market Liaison Group, who will look to co-ordinate responses to the consultation on the proposed new Regulations. The Liaison Group will also be used as a sounding board for the future development and improvement to the market as outlined in phases two and three.

Phase two – adoption, implementation and re-vamp

- The results of the consultation and the agreed new Regulations will be reported to Cabinet on 17 February 2015, before being recommended to Council on 27 February 2015 for approval.
- Following approval at Council, the new Regulations will be provided to all traders with an operational date for the new market of 1 March 2015.
- The report to Cabinet will also include a plan for re-launch of the market, including a promotional campaign with offers for traders and residents. This will form the basis of the phase three re-launch.

Phase three – Re-launch “Love Your Market” fortnight 18-31 May 2015

- Officers are aware that February/March can be a quiet time of the year for markets and therefore a re-launch of the market in March may have a limited impact. It is therefore proposed that the official re-launch of the market (including implementation of the various elements of the promotional campaign) will take place from 18-31 May 2015, also taking advantage of the national “Love Your Market” campaign.

2. Newmarket Market Liaison Group

- 2.1 It is proposed that in order to achieve maximum support from the traders on the market, the Council should look to reinstate the Newmarket Market Liaison Group to oversee this three phase plan. It is also proposed that the Council appoints a Markets Champion to lead this initiative and be the representative on the Newmarket Market Liaison Group.

3. Other Forest Heath Markets

- 3.1 If this model is successfully implemented in Newmarket, we would look to implement in Brandon and Mildenhall during 2015/16 in a timetable to be agreed with traders as appropriate.

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Forest Heath
District Council

Draft Market Licence Regulations

December 2014

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Index

- 1. Introduction**
- 2. Definitions**
- 3. General**
- 4. Licence**
 - 4.1 Nature, term and transfer of licence**
 - 4.2 Product lines and product line extensions**
 - 4.3 Applications for Stalls and new stall allocations**
- 5. Payment and fees**
 - 5.1 Payment and charging of stall fees**
 - 5.2 Markets credit scheme and absences**
- 6. Insurance and liability**
 - 6.1 Insurance**
 - 6.2 Indemnity and cost of damage**
- 7. Conduct**
- 8. Market operation**
 - 8.1 Hours of operation and attendance**
 - 8.2 Closure and layout of the market**
 - 8.3 Works affecting the market**
- 9. Safety**
 - 9.1 General health and safety**
 - 9.2 Vehicle manoeuvres**
 - 9.3 Obstruction loading/unloading**
 - 9.4 Risk assessment**
 - 9.5 Fire**
 - 9.6 Liquid Petroleum Gas (LPG)**
 - 9.7 Electricity**
 - 9.8 Generator**

- 9.9 Temporary structures**
- 9.10 Stalls**
- 9.11 Identity**
- 9.12 Litter and trade waste**
- 9.13 Food stalls**
- 9.14 Amplified music**
- 10. Market Shoppers Charter**
- 11. Enforcement of regulations**
 - 11.1 Contravention of the Market Licence regulations**
 - 11.2 Disciplinary code of procedure**
 - 11.3 Appeals procedure**
- 12. Allocation of occasional pitches for casual traders**
- 13. Food stalls**
- 14. Complaints**
- 15. Appendix**
 - 1. Food hygiene**
 - 2. Charges**

West Suffolk Councils

Market Licence Regulations

1. Introduction

The need for Market Licence Regulations

The markets operated across in Forest Heath provide an essential community facility to residents and visitors and are intended to offer affordable business opportunities for traders. They are an important part of our local communities and ensuring that they continue to thrive and develop is linked to the Council's economic development and growth priority. The council intends to ensure that visitors receive an excellent standard of customer service, enjoy a positive experience and want to visit again.

With these goals in mind these regulations set out the terms and conditions which must be adhered to by a trader granted a licence to trade in the council's markets. These regulations define the council's rights as the market operator, and the standards and obligations the council is placing on the market trader.

Any trader who is granted a licence to trade in the council's markets must accept and agree unreservedly to abide by these regulations.

These regulations are intended to be fair and reasonable whilst providing the flexibility of the council's market operation to meet the potential future needs of the market's customers. These regulations also set out penalties for breach and include a fair and clearly defined process to appeal certain decisions taken by the council's Markets Management Team.

These regulations replace the Provision Market Regulations previously issued by the council.

The council's commitment to market traders

The council commits that it will administer the market operation in such a way as to ensure:

- a safe and welcoming environment in which to trade;
- the continuous development and promotion of the markets and market events to attract new shoppers and traders;
- a balanced market offering with limited duplication of both core and competing secondary product lines;
- a fair and thorough application process for traders wishing to apply to trade or introduce a new product line;
- a right of appeal against suspension, termination or refusal to transfer licence with a defined process and time table; and
- open and two-way communication with all traders, either directly or through their nominated representatives.

Future changes

The Council may change these regulations at any time in the future. Prior to changing these regulations the council will consult with traders for not less than four weeks and will then give four weeks' written notice before any change takes effect.

The daily operation of the market is the responsibility of the Market Supervisor (and his/her delegated market officer) who is entrusted and authorised to apply discretion and judgement in the interpretation of the regulations.

2. Definitions

- a) **Appeal process** means the process applied by the council for dealing with appeals submitted by market traders against decisions taken by the council's Markets Management Team.
- b) **Casual trader** means any trader granted a licence to trade and to pitch a stall in the market for a single day.
- c) **Council** means Forest Heath District Council.
- d) **Equipment** means portable rails and stands, generators, bins and other receptacles.
- e) **Exceptional circumstances** means circumstances that could not be reasonably foreseen and for which there was insufficient time to take the necessary action to resolve the situation arising from those circumstances.
- f) **Goods and services** include provisions, commodities, articles and services permitted by the council to be brought into the market for the purpose of sale.
- g) **Interim Trader** means any casual trader granted a special long term licence (maximum 17 markets a year) based on the permanent trader fee structure. An interim trader is not guaranteed a fixed pitch location.
- h) **Licence** means the licence issued to a trader in the form prescribed by the council which permits casual traders, interim traders and permanent traders to trade in the market in accordance with these regulations.
- i) **Market** means the provision markets held in Newmarket, Brandon and Mildenhall respectively.
- j) **Market day** means a day on which the markets are authorised by the council to open for trading as detailed in **Regulations 3.1**.
- k) **Market hours** means the hours of operation as detailed in **Clause 3.1** or subsequently revised by the council.
- l) **Markets Manager** means the council officer responsible for the operation of the markets.
- m) **Market Shoppers Charter** means the Market Shoppers Charter approved by the council and which all traders agree to recognise and abide by.
- n) **Markets Supervisor** means the front line officer responsible for the operation of each market trading day.
- o) **Permanent trader** means any trader granted a licence to trade and pitch a stall in the market for a period of 12 consecutive calendar months.

- p) **Serious misconduct** means conduct on the part of the trader or of their staff which the council considers so unreasonable that it destroys the trust necessarily required for the continuance of the trader's Market Licence Agreement.
- q) **Site** means the place allocated by the Markets Management Team to the trader upon which the trader is permitted to pitch a stall.
- r) **Stall** includes a compartment, standing bench, table, vehicle, place, pitch or space in the market used or intended to be used for the sale of goods or services.
- s) **Street vending permissions** means street vending and street café permits which are issued by the council for all circumstances where amenities are provided on highways by persons other than the council. To place tables, chairs or other temporary furniture on the pavement in England and Wales you require a licence from your local authority. These are required for trading outside of the official council markets.
- t) **Trader** means a person or legal entity offering goods or services for sale granted a licence to trade from a stall on the market and includes casual traders, interim traders and permanent traders.
- u) **Byelaws** are rules made by a local authority for the regulation of its affairs or management of the area it governs.

3. General

3.1

The Market days are:

Newmarket – Tuesdays and Saturdays

Mildenhall – Friday

Brandon – Thursday

Market days may be varied in exceptional circumstances by the council, except that markets will not be held on Good Friday, Christmas Day, Boxing Day and New Year's Day. Market hours are 06.00 to 18.00. During this time traders are required to trade from **09.00 to 16.00, except for the Saturdays before Christmas, when traders will be required to trade from 09.00 to 16.30.**

3.2

Traders will be allocated a pitch for their stall to trade from. The size and position of the pitch will be the sole discretion of the Markets Manager, who reserves the right to change the location and size of a pitch in the event of exceptional circumstances. **The decision of the Markets Manager in this respect shall be final and is not subject to an appeal.** No pitch may be increased in size, nor exceed 12 feet in depth, without the permission of the Markets Manager or Markets Supervisor.

3.3

All permanent, casual and interim traders must sign a licence and sign to say they have read and agree to abide by the Market Licence Regulations and are not permitted to trade in the markets unless they do so.

3.4

All traders are required to provide proof of public liability insurance cover as required to the Markets Manager or Markets Supervisor by **Clause 6.**

3.5

Permanent traders wishing to leave the market must give a minimum of **four weeks** written notice of their intention to the Markets Manager or Markets Supervisor. Such notice period may be waived by the Markets Manager or Markets Supervisor at their sole discretion.

3.6

Nothing contained in these conditions is to be taken to relieve or excuse the trader from any existing legal duty. **Nothing herein shall be deemed to create the relationship of landlord and tenant between the council and the trader.**

3.7

All traders shall observe and comply with the byelaws and the Market Licence Agreement.

4. Licence

4.1 Nature, term, review and transfer of licence

4.1.1

Subject to **Clause 4.1.2**, the licence is non-transferable and traders may not sublet or share their pitch without the written consent of the Markets Manager.

For permanent traders the licence will run for **12 months** from the date it is awarded, and for interim traders the licence will run for a maximum of 17 markets a year from the date it is awarded. For permanent traders the licence will automatically be renewed for a further 12 months subject to the circumstances set out below.

A licence may be reviewed by the Markets Manager or Markets Supervisor at any time. The trader will be told that his/her licence is under review to allow him/her the right to respond before any decision is taken following the outcome of the review.

The criteria used to review a licence will include (but are not limited to) any outstanding fees due from the trader, the outcome of any complaints raised by customers, and evidence of customer demand for product lines to be added to or removed from the market.

In the event that, following a review, the Markets Manager decides not to renew a licence; the Markets Manager will in all cases give the trader 12 weeks notice. The trader has the right to appeal in writing to the Head of Service any decision not to renew their licence and the appeal will be dealt with in accordance with the procedure set out at **11.3** below.

4.1.2

During the term of the licence, a permanent trader (the transferring trader) may request the council to transfer the licence to a third party (the transferee). Such transfer is at the sole discretion of the Markets Manager or Markets Supervisor and the council is not obliged to agree to transfer the licence to the transferee. In the event that a transfer is refused, there is a right of appeal under **11.3** below. The Markets Manager or Markets Supervisor will in all cases satisfy themselves as to the suitability of the transferee to become a trader and will require the transferee to complete a trader application form and provide a satisfactory reference from a previous market where they have traded, or from a previous employer or equivalent, before allowing the transferee to trade under that licence.

4.1.3

Upon the death of a trader, the council will permit a husband, wife, civil partner, child, brother or sister who traded regularly with the deceased to take over the licence.

4.1.4

Whilst the council will undertake the administration of the licence transfer, the transferring trader will be responsible for managing the handover of their business to the transferee in a smooth and timely fashion. The council shall charge a reasonable administration fee to cover their costs arising from the administration of the licence (see Appendix 2).

4.2 Product lines and product line extensions

4.2.1

Traders may only sell the product line set out in the licence.

4.2.2

The Markets Manager or Markets Supervisor will allocate product lines to vacant stalls that it considers best for the market. The Markets Manager or Markets Supervisor may accept product lines that compete with existing traders. The Markets Manager or Markets Supervisor reserve the right to decline any application if he/she considers any particular trade or line will be over-represented on the market or if in the opinion of the Markets Manager or Markets Supervisor the stall or product is not of a standard that reflects the aspirations of the market.

4.2.3

Traders may only extend or change product lines with the agreement of the Markets Manager or Markets Supervisor (which shall not be unreasonably withheld).

4.2.4

The Markets Manager or Markets Supervisor undertake to respond in writing to requests by traders to change product lines within four weeks of receiving such written request. No new product line extensions will become effective until a revised licence has been signed by the trader and returned to the council. Licences not signed within seven days of issue will be withdrawn.

4.3 Applications for stalls and new stall allocations

4.3.1

Markets are primarily a concourse for buyers and sellers, not a forum for promotion of views, petitions or similar activities.

All applications for a permanent licence including those from existing traders who want an extra or alternative stall must be submitted in writing on the appropriate form. The council may impose a reasonable administration charge to cover the costs involved in processing such applications (see Appendix 2). New traders (other than casual traders) will be licensed as an interim trader.

4.3.2

The Markets Manager or Markets Supervisor will consider all applications for vacant stalls against criteria including (but not limited to):

- the need for the particular trade stated on the application and for preserving a proper balance of product lines;
- the conduct of the trader (if applicable), including any failure to comply with these regulations or any legislation, or byelaws relating to the markets;
- evidence of demand from shoppers for the continuation of the trade or product line concerned; and
- the quality of the product line being offered and its presentation.

4.3.3

Applications for new stalls or extensions to existing stalls will be subject to an appropriate current fee (see Appendix 2). Applications will not be considered for existing traders if they are in arrears with their stall payments.

4.3.4

All unsuccessful applicants for stalls or product line extensions will be advised in writing with reasons why their application has been unsuccessful.

5. Payment and fees

5.1 Payment and charging of stall fees

5.1.1

Stall fees and other charges are determined by the council, and will be notified to traders in writing once approved by the council. Current charges are set out in Appendix 2 below.

5.1.2

The council reserves the right to revise the basis of charging. In such circumstances the council will consider representations from the traders.

5.1.3

Stall fees will normally be reviewed annually, but the council at its sole discretion may do so at different intervals.

5.1.4

Permanent traders shall pay only by monthly direct debit, which will be collected on the 28th of each month or the next banking day. Casual traders may pay by cash. The council will not accept payment by credit card or debit card.

5.1.5

Stall fees paid in cash will be collected by the Markets Manager or Markets Supervisor on the day of the market. In the event that a trader does not pay, they will not be allowed to trade on the market until the outstanding fee is paid, and may be subject to the disciplinary procedures detailed in **Clause 11**. The council will apply a charge for collecting unpaid stall fees, and such charge will be paid for each and every instance of non-payment.

5.1.6

All permanent traders must pay their stall fees irrespective of whether they attend the market. No credits will be given for non-attendance, except where the non-attendance occurs as part of the agreed markets credit schemes as set out in paragraph 5.2.1, or in the event of exceptional circumstances which prevent a trader from attending.

5.1.7

Notwithstanding Clause 11, failure to pay stall fees for eight consecutive market days shall result in the revocation of the trader's licence. There shall be no right to appeal in respect of revocation for non-payment of stall fees.

5.2 Markets credit scheme and absences

5.2.1

Permanent traders paying by direct debit and who have been trading on the markets for at least 12 months as a permanent trader, and who meet the conditions below, will be entitled to take up four weeks planned absence from the Market (Tuesdays and Fridays or Saturdays).

5.2.2

All permanent traders wishing to take advantage of their four weeks planned absence must provide the Markets Manager with **at least two weeks written notice** where practical of the dates they intend to be absent. This is required to allow the council sufficient time to plan for filling the space vacated by the permanent trader. During the time the trader is absent, the council may reallocate their pitch(es) to another trader.

5.2.3

For all other absences traders must advise the Markets Manager or Markets Supervisor as soon as is reasonably possible in advance of the trading day and no later than 07.30 on the trading day in question. **The council will provide all traders with a contact telephone number for them to ring the Markets Manager or Markets Supervisor and notify them.** The council reserves the right to reallocate the pitch for that day to another trader. No 'like for like' product line will be allocated in place of the absent trader. Failure to attend without formally notifying the Markets Manager, **other than under exceptional circumstances, and after four unnotified absences** will be considered a disciplinary offence.

6. Insurance and liability

6.1 Insurance

6.1.1

Traders must provide evidence that they hold third party public liability insurance at the minimum level required by the council as notified to traders in writing from time to time by displaying their current policy of insurance or National Market Trader Federation (NMTF) membership on their Stall (NMTF members are insured for £5 million Third Party (Public) and Products Liability Insurance and £10m Employers Liability Insurance). The minimum requirement by the council is currently £5 million.

6.1.2

Where appropriate, traders who are responsible for employees must hold Employer's Liability Insurance. Under the Employer's Liability (Compulsory Insurance) Act 1969, all employers are required to have a minimum level of cover of £5 million. It is the responsibility of the trader to know and understand their legal liabilities under this Act, and in respect of all and any legislation regarding the employment of staff.

6.1.3

Traders not displaying evidence of insurance or, if they are members of the NMTF membership, their membership number, will not be permitted to trade. No rebate of the stall fee will be given in these circumstances.

6.1.4

Traders must notify the Markets Manager or Markets Supervisor of any changes in insurance and provide copies on request and on renewal.

6.2 Indemnity and cost of damage

6.2.1

Traders shall indemnify the council against all demands, claims, losses, costs and expenses made against or incurred by the council (including all direct, indirect and consequential loss in relation to but not limited to personal injury, property damage and/or loss or damage to third parties), or damage suffered by the council caused by or arising from the negligence of the trader in connection with the market or arising under or in connection with any facilities provided to the trader under the licence.

6.2.2

The council reserves the right to charge any trader the full cost of repair or renewal to any council property related to the markets where, in the reasonable opinion of the council, the trader or anyone working with the trader caused the damage.

7. Conduct

7.1

Traders are responsible for their own conduct and that of anyone working on or in connection with their stall at all times while they are on the market.

7.2

A breach of these regulations/terms and conditions by anyone working on or in connection with a trader's stall will be deemed to be a breach by the trader.

7.3

Traders are responsible for complying with all legislation and regulations that apply to the individuals they employ or engage.

7.4

Traders and those working with them **must not:**

- **7.4.1** – use abusive or foul language or intimidating behaviour;
- **7.4.2** – be abusive to any official of the council;
- **7.4.3** – discriminate against anyone on the grounds of age, gender, race, nationality, ethnic origin, sex or sexual orientation, disability, gender-reassignment, religion or belief;
- **7.4.4 – demonstrate any such behaviour that brings the market into disrepute as determined by the reasonable opinion of the Markets Manager or Markets Supervisor;**
- **7.4.5** – use or permit the use of illegal substances or alcohol within the footprint of any stall on the market;
- **7.4.6** – smoke within the footprint of any stall on the market;
- **7.4.7** – hawk or carry goods about for sale, except where they have express written permission from the Markets Manager to do so;
- **7.4.8** – sell animals on the market.
- **7.4.9** – cause or encourage anything that is considered by the Markets Manager or Markets Supervisor to be a nuisance or annoyance to the public or other traders or occupiers of property in the vicinity of the market;
- **7.4.10** – make any noise or play music that is considered by the Markets Manager or Markets Supervisor to be a nuisance or inconvenience to other traders, customers or occupiers of property in the vicinity of the market;
- **7.4.11** – cook on their stall except where this is part of the product line set out in their licence.

And the council reserves the right to request the removal of anyone working on or in the traders stall if they fail to comply with this clause.

7.5

Traders' pets (other than assistance dogs) are not permitted on the stall without the prior written agreement of the Markets Manager or Markets Supervisor.

7.6

Payments to council staff (other than stall fees) or the giving of goods to council staff by traders is not permitted under any circumstances. Acceptance of such payment or goods by council staff will be considered gross misconduct and will render them liable to dismissal. Any trader found doing so will be given written notice by the council of immediate suspension from the market and termination of their licence.

In such event the trader will have the right to appeal such notice, but will not be allowed to trade whilst suspended.

The council reserves the right to notify the appropriate authorities if it believes that any trader has attempted to bribe any council official.

8. Market Operation

8.1 Hours of operation and attendance

8.1.1

Traders must not come onto the market before 06.00 and must vacate the market by no later than 18.00. Traders will remove from the market and access areas any vehicle (other than those used for display purposes as part of their pitch), by no later than 09.00 on any market day and no vehicle shall be brought back onto the market or access areas before 16.00 on any market day unless by consent of the Markets Manager or Markets Supervisor. Any vehicle remaining on the market area during the above hours shall not be moved unless ordered to be removed by a police officer or the Markets Manager or Markets Supervisor.

8.1.2

All traders must ensure that their stall is suitably staffed throughout the market hours of operation and is open for trade.

8.1.3

It is the responsibility of traders to notify the Markets Manager or Markets Supervisor of any delay in attending the market (for example, because of illness, vehicle breakdown or other reasonable cause beyond the trader's control). In the absence of doing so, traders who fail to attend their stall by 08.00 may not be permitted to trade on that market day. No refund of stall fees will be paid in these circumstances. The council may reallocate the stall to another trader in such circumstances.

8.1.4

With the exception of reasonable cause for non-attendance and the terms of the market credits scheme, as stipulated in Clause 5.1.6, a permanent trader must attend all markets they are licensed to attend, for a **minimum of 48 weeks** of the calendar year.

8.2 Closure and layout of the market

8.2.1

The Markets Manager shall have the right to close the market at their absolute discretion if they consider this to be necessary on the grounds of public safety. Furthermore, the Markets Manager or Markets Supervisor may close or alter the layout of the market or close and stop the sale of goods from any pitch at any time, without being liable for any loss sustained by the trader, directly or indirectly, if it is considered by the Markets Manager to be in the interest of the market or the public to do so.

8.3 Works affecting the market

Whenever possible, traders will be given prior notice of maintenance and other work on and around the market which could affect their trading activities. The council will not be liable for any direct or consequential loss arising from work affecting the market.

9. Health and Safety

9.1 General health and safety

9.1.1

All traders must comply with all requirements of the Health and Safety at Work Act 1974 and with directions issued from time to time by the council with a view to maintaining or improving the health and safety environment within the perimeter of the stall and in the market in general.

9.2 Vehicle movements

9.2.1

Traders are responsible for health and safety in respect of vehicular movement. Traders must ensure that any vehicle they bring on to the market is taxed and insured for business use.

9.2.2

Traders must drive carefully in the market and with regard to pedestrians and ensure that they observe a maximum vehicle speed of five miles per hour when on or in the vicinity of the markets and that vehicles display hazard warning lights. When reversing a vehicle traders should enlist the help of another person to help direct the vehicle and protect pedestrians.

9.3 Obstruction loading/unloading

9.3.1

When loading/unloading their vehicles, all traders shall cause as little obstruction and inconvenience as possible to the public, other traders or the council's employees and contractors.

9.3.2

In particular, traders must comply with such requirements to ensure emergency access as the Markets Manager deems necessary, including a standing requirement to park vehicles parallel to the emergency access so as not to compromise access.

9.4 Risk assessment

9.4.1

All trade stands are required to submit a suitable and sufficient risk assessment (templates are available from the Markets Supervisor) which should include the set-up, operation and breakdown of their site. The Markets Manager or Markets Supervisor reserves the right to refuse trading if the risk assessment is not submitted or if in the opinion of the Markets Manager or Markets Supervisor the risk assessment is not suitable and sufficient for purpose. Risk assessment templates and advice in completing them will be made available.

9.5 Fire

9.5.1

Exhibitors must provide fire extinguisher(s) suitable for the activities that they are undertaking (also see LPG). If electrical equipment is on the stand then a CO² extinguisher should be available. Fire extinguishers must be located within the stand be easily accessible and maintained in accordance with The Occupational Safety and Hazard Administration (OSHA).

9.5.2

The fire extinguisher must display an inspection label to show it has been inspected within the last 12 months.

9.5.3

Traders must provide a fire risk assessment for their stand and ensure that their staff/volunteers are aware of what to do in the event of a fire in the Fire Evacuation Procedure.

9.5.4

The trader shall avoid any action which would contribute to a fire risk, including overloading electrical supplies and inappropriate storage of combustible materials.

9.6 Liquid Petroleum Gas (LPG)

9.6.1

All traders using liquid petroleum gas (LPG) must conform to LPG Code of Practice 24 and have the current annual Gas Safety Inspection certificate **on site**.

9.6.2

All traders using LPG must provide a suitable, serviceable fire extinguisher which must be located near the appliance (also see Fire).

9.6.3

Suitable hazard signage must be displayed so as to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996.

9.7 Electricity

9.7.1

Electricity is available on site by prior arrangement and should be booked direct with the Markets Manager or Markets Supervisor. The electricity supply is only to be used for appropriate lighting, scales and tills and other uses which are reasonable, in the opinion of the Markets Manager or Markets Supervisor.

9.7.2

Traders may only use electrical equipment that is in good condition, weatherproof and suitable for outside use. All electrical equipment must have a valid up to date Portable Appliance Test (PAT) certificate which must be available to the Markets Manager or Markets Supervisor upon request.

9.7.3

Traders are responsible for ensuring the electrical equipment used is inspected as laid down below.

- a) By a competent person, which can be the stall holder:
- before use inspection – no written record required;
 - six-month equipment formal inspection – as laid out in the Code of Practice for In-service Inspection and Testing of Electrical Equipment (4th Edition), written record required.

b) By a qualified PAT person:

- 12 month formal inspection and test – as laid out in the Code of Practice for In-service Inspection and Testing of Electrical Equipment (4th Edition), written record required.

9.7.4

Connections to the electricity supply must be made by a suitably competent person (using robust, moisture and tamper proof connections which are suitable for outside use). Suitable and sufficient earth-leakage protection must be installed and maintained as part of the fixed wiring installation.

9.7.5

Traders are required to provide cable mats (at their own expense), to ensure that trailing cables do not present trip hazards or any other hazard and are suitably protected.

9.7.6

Where safe and practical to do so and without interfering with other traders' ability to trade, traders must allow other traders to plug in to the power supply cables used by their stalls.

9.7.7

Under no circumstances is electricity to be used for heating purposes.

9.8 Generators

9.8.1

Silent running diesel generator only will be permitted on the market, with the prior written agreement and subject to such conditions as the Markets Manager may require.

9.8.2

Generators must be located so as not to be accessible to members of the public or other unauthorised persons.

9.8.3

No refuelling or storage of fuel is allowed on the markets.

9.8.4

If the Markets Manager or Markets Supervisor considers that a generator is too noisy, they may require that the generator be switched off immediately.

9.9 Temporary structures (stalls)

9.9.1

Any temporary structure erected as part of the market must be suitable for the purpose intended, of good condition and erected by competent persons.

9.9.2

Stalls will need to be suitably secured to prevent the risk of overturn or collapse; any fabric will need to be fire protected and meet The Furniture and Furnishings (Fire) (Safety) Regulations 1988.

9.10 Stalls

9.10.1

Traders must not place or cause any goods to be placed on any stall or space such that they encroach or extend beyond the boundaries of the stall unless they have the permission of the Markets Manager or Markets Supervisor. Consideration must be given at all times to ease of access for all users of the market. Any trader breaching this clause will be liable to suspension from the market.

9.10.2

Traders may only use A-boards if the boards are wholly contained within the boundary of the stall and subject to any requirements of the Markets Manager or Markets Supervisor.

9.10.3

Traders must not leave any goods, articles or equipment on the market outside market hours without the prior written consent of the Markets Manager or Markets Supervisor. Any trader's property left on the market outside market hours is at the individual trader's own risk.

9.11 Identity

9.11.1

The council, will allocate a unique licence number to each trader. Traders must display this licence number in a prominent and visible location on their stall, using a legible, well presented sign of a **minimum size** of 240mm x 300mm. This sign must also show their National Market Trader Federation membership number (if applicable). All traders selling prepared food will also be required to display a sticker showing the rating awarded to them under the Food Standards Agency national food hygiene rating scheme.

Guidance will be issued separately to traders on to the size of typeface that is to be used on the sign, and what is acceptable regarding the positioning of the sign.

This sign must remain in position throughout the trading day. The Markets Manager and Markets Supervisor reserve the right to instruct traders to reposition the sign to a more visible position.

Traders will not be allowed to trade in the market without displaying a sign that meets the council's requirements. **Failure to display such a sign may render the trader liable to suspension for up to four market days. The Markets Manager will first issue a written notice of breach in accordance with Clause 11.1.**

The council will provide a display board to casual traders which must be returned at the end of the trading day. The council may at its discretion require a deposit of £10 to ensure the safe return of the board.

9.11.2

The council has a statutory responsibility under the National Fraud Initiative to provide detailed information about the traders licensed to trade in the markets.

All traders must therefore register their current permanent address, dates of birth, National Insurance numbers and contact telephone number with the Markets Manager or Markets Supervisor, who must be notified of any changes. Two forms of documentary proof of identity and address must be supplied. Traders are required to update the Markets Manager or Markets Supervisor of changes in their details as they occur.

Traders who fail to provide this information will not be permitted to attend the market until this is rectified.

9.12 Litter and waste

Traders have a legal duty of care to maintain the health and safety of their employees, other traders and visitors to their stall. It is also the sole responsibility of traders to ensure the safe management of waste in and around their stall, which if not handled properly can cause surfaces to become hazardous for slips, trips and falls.

Council employees are not authorised to enter a trader's stall to collect waste, and it is solely the trader's responsibility to prepare all waste for collection by the council using the **appropriate wheelie bins allocated by the council.**

Traders are required to comply with the recognised cleansing standards, which has been adopted by the council.

9.12.1

The council will carry out the regular cleansing of the market areas as necessary to maintain their effective operation.

9.12.2

Traders must ensure that their stall and any adjoining passages, whether used by them or in conjunction with other traders, are properly swept from time to time and shall ensure that litter is not allowed to accumulate.

9.12.3

At the end of the market day, and at regular intervals throughout it, traders must ensure their stall and surrounding area is cleaned and clear of all refuse and waste, and the surfaces around their pitch left safe and without hazard to others.

9.12.4

Traders must remove waste from their stall and the council will provide and maintain adequate, hygienic and efficient refuse disposal facilities on the market at all times subject to breakdowns and other matters beyond its immediate control.

Traders must use these facilities for the disposal of waste only produced whilst attending the market.

9.12.5

Traders who produce food waste must dispose of it in the correct food waste receptacle as directed by the council.

9.12.6

Traders must flatten any cardboard waste they produce and dispose of it in the correct recycling cardboard container.

9.12.7

Traders must not put their trade waste in public litter bins and must only use the bags/container given to them by the Markets Manager or Markets Supervisor.

9.12.8

Traders providing containers for food or drink consumption on the market place shall make such additional arrangements for litter as the Markets Manager or Markets Supervisor shall deem necessary.

9.12.9

Traders must comply with any new initiatives introduced to improve the recycling of trade waste on the markets as advised in writing by the Markets Manager or Markets Supervisor from time to time.

9.13 Food stalls

9.13.1

All traders operating food stalls shall comply with any legislation relating to their business including (but not limited to) the provisions of the Food Safety and Hygiene (England) Regulations 2013 (or its equivalent) and with **Clause 13**. Traders must also display their food hygiene rating on the stall.

9.14 Amplified music

Amplified music and/or use of an amplified microphone will only be permitted with the written agreement of the Markets Manager or Market Supervisor and may be subject to conditions of use.

10. Market Shoppers Charter

10.1

All traders attending the market agree to abide by the terms and conditions of any Market Shoppers Charter adopted by the council.

11. Enforcement of regulations

11.1 Contravention of the licence

Any trader who contravenes these regulations or any byelaw relating to the market may have their licence suspended or terminated by the council or otherwise be refused permission to use a stall in the market. Ignorance of these regulations and byelaws will not be accepted as a defence.

If a trader does not comply with a suspension then the council reserves the right to terminate the trader's licence.

With the exception of those contraventions which are expressly identified as carrying immediate suspension or termination, the council will apply the following process in addressing contraventions:

- a) first offence by a trader or any member of their staff – a written notice of breach from the Markets Manager or Markets Supervisor. Traders will be reminded of their obligations and no further action taken;
- b) a repeat of the same offence by a trader or any other member of their staff – a written notice from the Markets Manager or Markets Supervisor giving notice of suspension;
- c) in the event that the trader decides to appeal suspension, the trader will be allowed to continue to trade whilst the appeal is heard.

A trader may appeal in writing against a decision to terminate or suspend their licence to the Head of Service.

11.2 Disciplinary Code of Practice

11.2.1

Having regard to Clause 11.1 which stipulates the process for addressing contraventions, traders will be liable to suspension as set out below.

- a) If they do not dispose of and/or remove trade waste in accordance with **Clause 9.12** they will be liable to the following sanctions/penalties:
 - cleaning of stall (**Clause 9.12.2**) – suspension from the market **for up to four market days**;
 - use of market facilities for the disposal of waste not generated in the market (**Clause 9.12.4**) – suspension from the Market **for up to eight market days**;
 - failure to dispose of waste in the container designated by the Markets Management Team (**Clause 9.12.4/5**) – suspension from the market **for up to four market days**;
 - failure to properly flatten cardboard waste and/or dispose of it in the container designated by the Markets Management Team (**Clause 9.12.6**) – suspension from the market **for up to two market days**;

- disposal of trade waste in public litter bins (**Clause 9.12.7**) – suspension from the market **for up to two market days**.

In addition the council will charge the trader the full cost (see Appendix 2) and any reasonable administrative costs arising from the removal and disposal of the waste as required arising out of the breach of Clause 9 – current costs will be advised by the Markets Manager or Market Supervisor.

b) Unauthorised movement of vehicle on the market or failure to remove vehicle from the market (**Clause 9.2.1**) – suspension from the market **for up to four market days**.

c) Exceeding the allocated stall space (**Clause 3.2**) – suspension from the market **for up to four market days**.

d) Changing or extending product line(s) (**Clause 4.2.1**) without prior approval – suspension from the market **for up to four market days**.

e) Failure to notify the Markets Manager or Markets Supervisor of absence (**Clause 5.2.3**) – suspension from the Market **for up to four market days**.

11.2.2

Traders will be liable to immediate suspension and/or termination for breaches of the regulations arising out of their conduct by the Markets Manager which is considered by the council to be gross misconduct. In the event that a licence is terminated, the trader shall not be entitled to compensation from the council. The circumstances of the case will be considered by the Head of Service.

Examples of gross misconduct which will normally justify termination of a licence are outlined below.

- Dishonesty.
- Under the influence of alcohol or illegal substances.
- Assaulting a member of the public, council staff or another trader.
- Verbal abuse, the use of foul or abusive language, harassment, intimidation, discrimination or bullying towards a member of the public, council officers or other trader(s).
- Interfering in any way with the business of another trader.
- In the reasonable opinion of the Markets Manager or Markets Supervisor, the trader brings the market into disrepute.
- Failure to comply with the requirements of consumer protection legislation.
- Failure to comply with the requirements of food hygiene regulations.
- The trader has been convicted of selling counterfeit products or has received a formal caution, formal warning or such other similar measure from the Trading Standards Service or any other enforcement agency.
- The trader has persistently failed to make payment of the licence fee, within the time limit set.

- The trader has failed to comply with the health and safety legislation affecting the market sites or any health and safety requirements notified to the trader by the council.
- The trader consistently fails to honour a direct debit for the payment of stall fees.
- The trader fails to attend the market they are licensed to attend for 10 weeks or more during the course of a calendar year.
- The trader persistently infringes the Market Licence Regulations.

In the event that a trader's licence is suspended rather than terminated and there is no prescribed penalty, the length of suspension will be decided by the Head of Service.

11.2.3

Contravention of the regulations which the Markets Manager or Markets Supervisor considers not serious enough to warrant suspension will be dealt with by a formal written warning. Following the issue of such warning a trader who commits a subsequent breach shall be suspended from trading as specified by the **Clause (11.1)** or for a period **of up to four market days**, if the contravention is not covered by this clause.

11.3 Appeals procedure

11.3.1

A trader who has been suspended from the market or whose licence has been terminated, or has been refused permission to transfer their licence to another trader, may appeal in writing to the **Head of Service** within five working days from, but not including, the day the trader is notified of the decision against which they wish to appeal.

11.3.2

The trader is entitled to request a hearing to make representations to explain why the decision against which they wish to appeal should be overturned. Such request must be made at the time of submitting the written appeal.

11.3.3

The **Head of Service** will conduct the hearing of the appeal in person within 28 days of receipt of the written appeal.

11.3.4

In considering any appeal the **Head of Service** will have regard to any relevant documentation and may call to give evidence such person, including the trader in question, as he/she considers appropriate.

11.3.5

Traders attending an appeal will be entitled to bring with them a friend or colleague or, if they are a member of the National Market Traders Federation, a local representative of the NMTF who are allowed to speak on their behalf.

11.3.6

The written decision of the **Head of Service** will be sent to the trader within 14 days of the hearing to the registered address of the trader, and will include an explanation of the reasons for the decision. There shall be no further appeal from the decision of the **Head of Service**.

12. Allocation of occasional pitches to casual traders

12.1.1

Casual traders must report to the Markets Manager or Markets Supervisor before 08.00 on the intended day of trading. Failure to do so will mean that the casual trader is placed at the end of the list for that market day's allocation.

12.1.2

The Markets Manager or Markets Supervisor operate a rota of casual traders (the Allocation List). Interim traders will be given priority above all other casual traders. The order on which casual traders are placed on the allocation list can be altered at any time if this is considered to be in the interests of the market in the opinion of the Markets Manager or Markets Supervisor, whose decision will be final.

12.1.3

Casual traders will not be allocated pitches if the same or similar goods are sold by the absentee regular.

12.1.4

Casual Traders will not be placed next to a permanent trader selling the same or similar goods.

12.1.5

Casual traders may decide to wait for a particular pitch. If the pitch is claimed the casual trader's name will be placed at the foot of the allocation for that market day.

12.1.6

Casual traders missing three consecutive market days will have their names withdrawn from the Allocation List.

12.1.7

Casual traders may not transfer from one pitch to another without the permission of the Markets Manager or Markets Supervisor.

12.1.8

Casual traders who are allocated pitches on the market must produce, on request, a certificate of current membership of the National Market Traders Federation or a current public liability insurance cover. Failure to do so will mean that they will not be allocated a pitch on the market for that day and their name will be withdrawn from the Allocation List if the casual trader fails to produce a certificate within seven days of such request by the Markets Manager or Markets Supervisor.

12.1.9

Casual traders allocated a pitch in the market will be subject to these Market Licence Regulations a copy of which can be seen at the Council Offices, College Heath Road, Mildenhall St Edmunds, Suffolk IP28 7EY. Tel: 01638 719000.

13. Food stalls

The following should be read in accordance with Clause 9.13

13.1

A first aid box must be provided by the trader and kept on the stall for any cuts and abrasions which must be covered by a blue waterproof dressing.

13.2

All food must be kept at least 18 inches above the ground and protected at all times from the risk of contamination.

13.3

Open or unwrapped food, other than fruit and vegetables, must only be sold from stalls or vehicles which are approved by the council for this purpose.

13.4

Traders selling pre-cooked food including (but not limited to) pies, cakes, pastries, cooked meat, poultry, dairy products (including cheeses), must be covered and must provide adequate refrigeration where applicable. Such produce must only be sold from stalls or vehicles which are approved by the Council for this purpose. Fish must be displayed with an adequate ice or ice water covering to ensure sufficient refrigeration.

13.5

Waste water from sinks, wash hand basins etc must be discharged in street drains as directed by the Markets Manager or Markets Supervisor.

13.6

Stall holders must not smoke behind or in the vicinity of the sales counters.

13.7

Food handlers must wear suitable, clean and where appropriate protective clothing and shall maintain a high degree of personal cleanliness.

13.8

No un-bagged refuse, waste or unfit food is to be allowed to accumulate on or about the stall. It must be bagged securely on a regular basis throughout the day.

13.9

Traders must have hand washing facilities with hot and cold water available on the stall, if they are handling high risk foods. See Appendix 1 for information about high risk foods.

13.10

Traders running a high risk food business must have available for inspection at the stall the appropriate Safer Food Better Business Pack.

13.11

All stallholders must have a national hygiene rating of at least '3' or preferably higher.

13.12

Traders must display a valid food hygiene rating on their stall.

14. Complaints

14.1

Any traders with a problem or complaint with regard to management of the market must first contact the Head of Service at the address below. The matter will be dealt with under the council's complaints procedure which can be found on our website at www.westsuffolk.gov.uk

Please write to the:

Head of Operations
Forest Heath District Council
Council Offices
Mildenhall
Suffolk
IP28 7EY

If the Trader is still not satisfied he or she may refer the matter to the Local Government Ombudsman (LGO).

The LGO can be contacted at:

Web: www.lgo.org.uk

Appendix 1

Food hygiene

Some foods are classified as 'high risk' foods because they support the growth of bacteria and tend to be moist and high in protein. If bacteria are allowed to multiply in this food they will not be killed before the food is eaten. Foods containing salt, sugar or acid (for example, vinegar) discourage the growth of bacteria.

Please note that the following guidance is **not** exhaustive. It is the responsibility of the trader to be fully aware of **all** risks associated with the storage, preparation and cooking of food and to take all reasonable steps to minimise these risks.

Cooked meat and poultry

Cooked meat and products with cooked meat in them such as gravy, soup and stocks, are particularly rich in nutrients. Bacteria thrive on these nutrients and especially in warm conditions, even a small number of bacteria will multiply to become millions in a short time.

Dairy products and eggs

Products such as mayonnaise, custard and cream often cause food poisoning. This usually happens because they have been kept in warm conditions. Once you have opened the mayonnaise jar you **must** keep it in the fridge. Some cheeses are also considered to be high risk.

Shellfish

Shellfish may eat food that is contaminated and may also pick up bacteria and viruses from polluted water. Make sure you buy your shellfish – prawns, mussels, oysters, crabs, lobsters and so on – from a reputable source or supplier. There is more risk from eating raw shellfish such as oysters.

Cooked rice

Bacterial spores can be found in dry rice and then the spores become active again when water is added during the cooking process. Some of these bacterial spores can survive the cooking temperature of boiling water. Cooked rice should be eaten immediately or refrigerated; otherwise the bacteria will multiply and produce a toxin which may survive even if the rice is reheated before being eaten.

Appendix 2

Charges

- i. Fee for transfer of licence £25 (see 4.1.3).
- ii. Fee for permanent licence £25 (see 4.3.3).
- iii. Fee for collection of unpaid stall fees on each occasion £10 (see 5.1.5).
- iv. Fee for removal and disposal of waste is variable according to current wage/disposal costs – current costs will be advised by Waste Management (see 11.2.1).

Cabinet



Forest Heath
District Council

Title of Report:	Mildenhall Hub Project	
Report No:	CAB/FH/14/012	
Decisions plan reference:	Dec14/11	
Report to and date:	Cabinet	9 December 2014
Portfolio holder:	Cllr James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Alex Wilson Director Tel: 01284 757695 Email: alex.wilson@westsuffolk.gov.uk	
Purpose of report:	To update the Cabinet on progress with the Mildenhall Hall Project and outline next steps.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that Cabinet:</p> <p>(1) notes the completion of the business case for the Mildenhall Hub Project and its provisional findings;</p> <p>(2) notes the next steps for the Project outlined in section 1.6 of the report; and</p> <p>(3) appoints the Leader to represent the Council on the Partner Board to manage the Project, as outlined in section 1.6 of the report.</p>	
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	

<i>Any decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:		<ul style="list-style-type: none"> The business case for the Mildenhall Hub is based on extensive stakeholder engagement and public and stakeholder consultation will be part of future stages of the project (see section 1.8). 	
Alternative option(s):		<ul style="list-style-type: none"> The business case for the Mildenhall Hub has looked at currently available options including the maintaining the existing service locations. Doing nothing is not an option since some of the buildings are in need of replacement and improvement. 	
Implications arising from this report:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> There are very significant resource implications for the project but these relate to decisions yet to be taken (see section 1.5) 	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> At this stage the project continues to be progressed within existing staff budgets. 	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Safeguarding is not maintained for children and vulnerable adults	Low	Ensure that safeguarding remains the first design principle of any scheme and reflect feedback on concept designs	Low
Traffic issues are not mitigated	High	Reflect the findings of the traffic study being carried out in any decision-making and make suitable provision for any mitigation	Low
Planning requirements cannot be met	Medium	Carry out full pre-application assessments in accordance with defined planning processes and guidance. Include Hub in LDF consultation.	Low

The community does not feel engaged in the project/the final proposal does not reflect community input	Low	Continue to engage stakeholders in the project and plan for proper consultation in next stages	Low
The project is unaffordable or undeliverable	High	Carry out full and detailed due diligence (see section 1.7) to ensure affordable option is chosen. Seek advice and support from central government on funding issues under OPE programme, particularly in relation to educational funding issues.	Low
The partnership is not strong/the Project is not well managed	Medium	Put in place strong governance and project management	Low
The public estate in Mildenhall is not flexible enough to cope with the future needs of the area	High	Ensure through the Hub project and LDF consultation that suitable provision is made.	Low
The public estate is not managed efficiently for the taxpayer	High	Seek to deliver any investment in a coordinated manner, on as few sites as possible	Low
The operational and community benefits of an integrated public estate are lost	High	Ensure that any decisions are taken in partnership, under the Hub Project, and using the criteria of the OPE Programme (see section 1.9)	Low
The site(s) cannot be assembled	Medium	Hub to be provided on land in ownership of partners. Consult with DFE regarding educational land issues under OPE programme if required.	Low
Mildenhall swimming pool has to close as it is beyond economic repair	High	Ensure that a decision about the replacement of the pool is made in 2015 and can be delivered at an early stage of any Hub Project	Medium
Ward(s) affected:	All wards, but specifically Market and Great Heath in terms of any development proposals		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	<ul style="list-style-type: none"> • Mildenhall Hub Business Case, August 2014 (from 3 December) • Report No CAB13/067 - Cabinet - 5 February 2013 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=129&MeetingId=1581&DF=05%2f02%2f2013&Ver=2) • Report No CAB13/092 - Cabinet - 25 June 2013 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=129&MeetingId=1585&DF=25%2f06%2f2013&Ver=2) • Report No CAB14/127 - Cabinet - 7 January 2014 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=129&MeetingId) 		

	<p>d=1589&DF=07%2f01%2f2014&Ver=2</p> <ul style="list-style-type: none">• Report No CAB14/156 – Cabinet - 15 July 2014 (https://democracy.westsuffolk.gov.uk/CeListDocuments.aspx?CommitteeId=129&MeetingId=1594&DF=15%2f07%2f2014&Ver=2)
Documents attached:	None

1. Key issues and reasons for recommendation(s)

1.1 The Mildenhall Hub Concept

- 1.1.1 Building upon previous commitments from the Council to seek to rationalise the public estate in Mildenhall (CAB13/092, 25 June 2013 refers), the 'Mildenhall Hub' is a partnership project in West Suffolk with the potential to deliver a unique and radical step change in the sharing of the public estate in a market town, bringing together council, police, fire, health, leisure, Department of Work and Pensions (DWP), Suffolk West Citizens' Advice Bureau (CAB), community, voluntary sector and education facilities on one or two sites in order to improve public access, service delivery and efficiency.
- 1.1.2 The Hub could contain the headquarters of Forest Heath District Council (FHDC) (and office space for its shared West Suffolk workforce) and a base for staff from Suffolk County Council (SCC), CAB, the NHS and the DWP, but it could also provide Suffolk Constabulary's and Suffolk Fire Service's facilities in the town. It could also combine all of the town's post-11 education (and some of its primary and pre-school provision) with modern and spacious leisure and sports facilities. In future phases, linked to the future growth of the town, it could offer the scope to expand and integrate health provision with other public services, directly addressing Suffolk's health and wellbeing priorities. As well as saving taxpayers' money, this co-location of different agencies at the Hub will also open up exciting new opportunities for joint working, particularly around training and skills.
- 1.1.3 Many of the public sector buildings in Mildenhall are either reaching the end of their design-lives, are either too large or too small for likely future needs and/or are in need of complete refurbishment or replacement. These diverse assets are currently spread around the town, occupying around 18 hectares. This wide distribution of assets is a common story across the country. Like the Government, the partners recognise that it is increasingly inconsistent with the changing landscape of public service delivery. They are looking now for a model of public estate management in Mildenhall which fosters collaboration and community identity, and capitalises on new technologies, both in building design and information technology. In particular the councils feel that any opportunity to reconfigure the public estate to deliver improved outcomes in skills, educational attainment and health should be taken, as this is consistent with the shared vision for public services in Suffolk. Creating a dynamic shared space, with a strong sense of community ownership, would also help deliver West Suffolk's Families and Communities Strategy.
- 1.1.4 The partners have commissioned a business case to offer a full options appraisal for public sector sites in Mildenhall. Due to aspirations to include Mildenhall College Academy (MCA) in the Hub there is a limitation as to which sites can be used in Mildenhall, as the Academy requires a substantial amount of space in its own right. However, the Hub would not only provide a property solution, it would also enable services to integrate and work together in an innovative way, with flexibility to adapt to the future needs of the town and surrounding villages. By involving MCA the Hub would allow for skills and employment to be addressed in the town, with the potential for apprenticeships and Further Education courses. As well as involving MCA, health and wellbeing could be improved in the town by providing the leisure

facilities on the Hub site.

- 1.1.5 While multiple-site options are being examined, and still remain possible, the project's ambition from the outset has been to provide Mildenhall public services from one site in the town if this is feasible. In this configuration, it is believed that this project could be used as a national exemplar of good practice and could be used as a model for other local authorities, particularly those based in market towns.

1.2 **Preparation and publication of the Business Case**

- 1.2.1 The core partners (FHDC, SCC, ACL, MCA, Police/Police & Crime Commissioner and the West Suffolk Clinical Commissioning Group (CCG)) commissioned Concertus Design and Property Consultants to prepare a business case for the project. This work was carried out over the spring and summer of 2014, involving stakeholder consultation.
- 1.2.2 The top level findings from the business case are summarised in section 1.4 below. The business case itself is a large and detailed document and is not attached to this report. It will however be published in early December on the project website www.mildenhallhub.info. The business case has been written as a stand-alone document; its many appendices will not be published since these are fully summarised in the main document, and are simply background information to the main findings, which is where future work will now focus.
- 1.2.3 The Mildenhall Hub is a concept, and the purpose of this business case was to prove that this concept is feasible so that the partners can proceed confidently to implement it. The business case is also a snapshot in time, at August 2014, and in a rapidly evolving public sector landscape it will inevitably adapt and change as the project progresses. Nonetheless, it shows that there is likely to be a strong rationale for a Mildenhall Hub whenever and however it is pursued; for taxpayers, service users and service providers.

1.3 **Use and Interpretation of the Business Case**

- 1.3.1 As explained above, the business case is a snapshot in time and will inevitably evolve and change. In addition to this general 'health warning', it is vital that the following points are understood when attempting to draw conclusions from the study or apply its findings to any other context:
- (a) While it assesses the options, and identifies which would deliver the most potential benefits to the community, economy and taxpayer, the business case does not recommend an option, or commit any partner (including FHDC) to take part in the project. This is a matter for the partners to determine after their own due diligence and consultation with the community (see next steps).
 - (b) The business case does not represent the view of the Local Planning Authority, and any proposals that result from it will need to be tested by the full planning process, with proper public engagement and reference to adopted planning policy, some of which is still under formulation. Where a

planning view is reported in the business case, it reflects the initial, and without prejudice, informal opinion of planning officers.

- (c) Nonetheless, the business case is timely in a planning context because it will inform forthcoming consultation by FHDC on a new Local Development Framework (LDF), in terms of options for the public infrastructure and community facilities needed to support the long-term growth of Mildenhall and surrounding villages. It will also link to a transport study which has been commissioned separately by FHDC and SCC.
- (d) This transport study was not available to the consultants and therefore the views expressed and costs in the business case will need to be reviewed when its content is known. The partners recognise the concerns of the community that transport considerations will be paramount to the success of any Hub.
- (e) The timetable for the LDF has evolved since the original work of the consultants and therefore the indicative timetabling and sequencing of the next steps in the business case are subject to change. In relation to the planning process to be followed, this will be reviewed in the summer of 2015 when there is more certainty about the option to be chosen and the LDF process.
- (f) It is critical to note that the designs contained within the business case are purely conceptual and not necessarily an indication of what might be submitted in any planning applications. Whilst they have taken into account the operational requirements of the partners and stakeholders and their space requirements, accurate at July 2014, they are shown merely to demonstrate how the buildings could look and how they would fit on the site. The financial models are therefore based on these design concepts. When an option is selected detailed design work will be needed at which point the design, overall space and costs may change. This later detailed design will be able to reflect the results of consultation with the local community, as well as any pre-application advice.
- (g) As with any work of this nature a number of assumptions and exclusions have been applied to the costing methodology, which is based on recognised national calculators for certain types of buildings. As some of the spaces will be shared, a proxy figure has been chosen as a reasonable average for all users, so the division of costs between specific uses or partners may change later. What is important, however, is that the assumptions have been applied consistently to the options so that, while actual figures may change, the options can be assessed relative to each other.
- (h) The assessments of likely capital receipts and land valuations are based on the professional opinion of the consultants, as of August 2014, and conservative values have been used. They are not an indication of the view of the landowners, each of whom will need to reach their own decision on whether and how to: dispose of sites (and for how much); make sites available; or apply capital receipts to the project. Actual values achieved will also depend on market conditions at the time. Permissions from central government may also be required in relation to educational

sites.

- (i) In assessing costs, other savings are likely to be made in terms of sharing support services, costs associated with customer access (such as a reception team) and leisure management fees. Each individual partners' due diligence will need to consider these savings and they have not been accounted for in the business case.

1.4 **Summary of the Business Case Findings**

1.4.1 This business case provides a full options appraisal to consider the feasibility of a single site/split site Hub in Mildenhall which would allow public, voluntary and private sector services within the town to work together, co-locate, improve public engagement and meet their aspirations for the community. It shows that a Hub would represent a new way of working collectively as partners and collaboratively with communities – not just cheaper but better. It would require partners and central government to think and act differently about how things are done, and adapt existing rules around funding, ownership and occupation. If they can do this, the Hub will allow a large range of 'customer journeys' to converge at one point in Mildenhall. The more journeys that converge at the Hub, the stronger the community ownership of the Hub will be, and the greater the potential for co-production with local people and organisations.

1.4.2 Guiding the project and the occupation of the Hub would need to be a set of core principles:

- Safeguarding will always be paramount, but wherever possible community assets will be used by different groups at different times of the day, week and school year
- By sharing staff facilities, public access, support services and infrastructure, overheads will be kept to a minimum
- There will always be a need for stand-alone operational spaces but they will be kept to an absolute minimum (with a presumption to share where possible)
- There will be a single point of access for visitors (but separate arrangements for the schools)
- The way Hub operates will be driven by outcomes for the community, and the possibilities the community sees for how it can be used
- Future-proofing and flexibility will be integral to the way the buildings are built and run.

In relation to any development at Sheldrick Way, it was also a principle of the business case appraisal that there would not be vehicular access to the site via Wamil Way.

1.4.3 The services assessed in the business case for possible inclusion in a Hub were as follows:

- Post-11 educational facility
- Primary school to meet likely future demand for school places
- Pre-school
- Leisure centre, to replace the existing Dome and swimming pool facilities

- Health Centre
- Library
- Police station
- Fire station
- Shared office and meeting space to house public sector partners (FHDC, SCC, DWP, CAB, etc)
- Enterprise space

1.4.4 In order to conduct a full option appraisal for locating these services, all available sites in Mildenhall have been considered for either a site to situate the Hub or as potential disposal for capital receipts. The following five sites have been identified as suitable for either the Hub or for disposal:

- Bury Road site (MCA) –due to site constraints this site is not big enough to accommodate a single site Hub and is not suitable for a split site.
- College Heath Road site (all public sector uses) – this site would be suitable for part of the Hub in a split site option.
- Sheldrick Way (MCA) – this site is large enough to accommodate a single site Hub should some of the adjoining County Farm Land be acquired.
- North Terrace (Fire Station)– this site is not large enough to accommodate a single or split site Hub.
- Recreation Way (Swimming Pool)– this site is not large enough to accommodate a single or split site Hub.

1.4.5 In addition to examining the cost of carrying out planned maintenance of the existing sites, the business case then examined 12 options for delivering the Hub. These options are indicative only, and other options could easily be created using the consultants' work, since the various 'building blocks' can be moved around in the cost model. For instance, a further option would be a split site Hub with health services at Sheldrick Way instead of College Heath Road.

1.4.6 The 12 options examined fall under four broad categories:

- Options to create a single site Hub for all services at Sheldrick Way
- Options to create a split site Hub, with education and leisure at Sheldrick Way and all other services at College Heath Road.
- Variations of (a) and (b) under which the pre-16 elements of the Academy remain at Bury Road.
- Variations of (a) and (b) under which one or more of the emergency services remain at their existing location(s) for operational reasons

Rather than creating a campus of separate units, the single site options are built around a principle of separate and specialist operational spaces joined by a 'central heart' building which will contain reception areas, meeting spaces,

catering and, if included, the public library. It will be this space which will bring the scheme to life, not only allowing the partners to share overheads, but creating a place where the whole community can interact with and around the various services. The split site options mostly have more of a 'campus' feel, with a collection of integrated buildings.

1.4.7 Within the options, the potential to retain and refurbish existing buildings was examined, as well as new-build options. Two of the 12 options were rejected as not being feasible, and not costed as designs. These were:

- (a) Option 3 – A single site Hub at Sheldrick Way which retained the existing building. While it would reduce the amount of building required, this option would compromise the design solution of a single Hub, restricting public accessibility, integration of services and safeguarding considerations. Retaining the buildings is, however, an option in the split-site options.
- (b) Option 8 – A split site Hub which would see only the Academy and sports hall at Sheldrick Way, and everything else, including the swimming pool and fitness suite, at College Heath Road. In terms of the constraints of the site, this option would be unlikely to fit well on the land available, either operationally or in planning terms.

The remaining 10 options were all deemed to be feasible (*subject to the transport study*) and were costed out in the business case (see 1.5 below). It can also obviously be inferred from the above that, in terms of available public sector sites, Sheldrick Way is the likely location of any new pool and leisure facilities under a Hub project. In this regard, the business case also identifies why replacing the pool at its current location is not viable – aside from the diseconomy of running split leisure sites, the Recreation Way site is constrained in size and there is a desire to avoid a lengthy loss of provision which rebuilding on the same site would entail.

1.4.8 The consultants examined the potential to share the maximum amount of internal space in all of the feasible options. In this context, the benefits of the project can be seen in two forms:

- (a) firstly, the total standalone space requirements of the partners are actually lower for the new buildings than at present, reflecting changes in their needs and new approaches to construction and layout;
- (b) there is then an additional 'Hub Dividend' from sharing facilities and infrastructure. The potential reduction in the size of the public estate deliverable by the Hub is around 4000m², or over 15%, even allowing for the proposal of a much larger swimming pool (a 6 lane pool with a learner pool).

In addition, a Hub could feature up to 3500m² of shared internal space. This calculation does not include external requirements such as parking, which add further to the Dividend. In terms of the total footprint of the public estate, a single site Hub, even allowing for an increase in the size of the Sheldrick Way site, would also result in a significant net reduction, with vacated sites

released for redevelopment.

- 1.4.9 An economic viability, economic impact assessment, community impact assessment, landscape capacity appraisal and options marking process has been carried out for all of the options. This indicates that a single site Hub (option 2 – ‘everything at Sheldrick Way’) would be most beneficial to the community and when marked against the partners’ criteria for the project. Whilst an option has not been recommended, a single site Hub clearly meets the objectives, aims and aspirations of the project better than split site options. This is simply because all services will be on one site, meaning not only improved public services and joined up working but also lower running costs and more land released for development or capital receipts. The other options should however not be discounted as they still offer a workable solution that meets a number of partner objectives. All options are, in any event, subject to the outcome of the planning process and the due diligence carried out by respective partners on funding and governance.
- 1.4.10 In conclusion, provided that the funding and sites can be assembled, the business case shows that the partners have an exciting range of deliverable options for the Hub, and can confidently move to the next stage of the project, which is to carry out due diligence individually and collectively. These issues are explored in the following sections.

1.5 **Property Costs and Savings**

- 1.5.1 In respect of savings, many of the buildings within Mildenhall are reaching the end of their shelf life, and they will need to be replaced within the next 25 years in any event. Other than for the swimming pool, the ‘status quo’ option (i.e. retain existing buildings and sites) costed by the consultants does not reflect the rebuild costs of these buildings. Even so, it shows that, in terms of revenue alone, including maintenance, the existing public buildings will cost around **£50m** to the taxpayer over the next 25 years. Since all of the Hub options involve rebuilding or refurbishing buildings with a smaller footprint, to higher modern standards, the savings in running costs are considerable compared to the status quo. Generally over **55% over 25 years** compared to the existing estate. This adds considerable weight to the argument for the Hub, provided that the public sector can deliver the project collectively, rather than attempting to compartmentalise the investment and savings to individual organisations. It is also worth noting that this assumes most of the existing buildings *can* be maintained for 25 years; in reality many will have to be replaced, so it is a question of when, not if, the large amounts of capital identified in the business case are spent by the taxpayer.
- 1.5.2 The health warnings in section 1.3 are very important when looking at the indicative development costs for the various options. Excluding the cost of site disposal, but including land acquisition, the options range from around **£31m to £59m** before taking into account any highways costs. These are for all the elements outlined above, excluding the primary school.
- 1.5.3 In respect of the non-educational elements, the cost of new-build options is pretty similar for a single or split site Hub (at around £28m). This is because there is a trade-off between the cost of the central heart space needed to make the single site Hub work and the diseconomies of scale from splitting

buildings across two sites in the other options. A saving of around £8m would, however, be achieved on this cost by choosing a split site model *and refurbishing existing buildings*, albeit this would reduce considerably the potential community and operational benefits of the Hub.

1.5.4 From an educational point of view, the total cost is very largely determined by the decision to pursue a single site or not. As explained previously, a successful single site Hub would be likely to require the replacement of the existing school buildings at Sheldrick Way. Therefore the ability to assemble educational funding for a complete set of new school buildings at Sheldrick Way will be the main determinant of whether a single site Hub can proceed or not, and will be the immediate focus of the due diligence process. The costs do not provide for the new primary school, even though this has been allowed for in the designs. This is because it is assumed the cost of this facility will be met in the conventional manner, including through developer contributions.

1.5.5 The capital costs are obviously significant, but should be viewed in the context of the following:

- (a) This is a total sum for the public estate as a whole, not one single partner.
- (b) It includes some elements that are currently not provided (for instance a larger swimming pool and 1000m² of space for enterprise uses which is an optional extra).
- (c) This is an investment of money that is mostly likely to be spent in any event over the next 25 years, but potentially far less efficiently. The cost of doing nothing is potentially far higher, not least as there is a unique opportunity to assemble a single site close to the town centre.
- (d) Aside from any provisions the partners have already made, and capital receipts or income streams the project might generate, external funding is also likely to be available for certain elements.
- (e) The Hub enables wider savings programmes through co-locating and integrating public services, and the improvement of services, service outcomes and community resilience.
- (f) The designs are ambitious on behalf of the community and show the maximum extent of the concept – it will be possible to reduce them in the final designs in accordance with what the partners need to spend, and can actually afford. It was always the intention to aim high at the outset.
- (g) It will be possible to phase some elements of the options, spreading the cost over a longer period of time.

1.6 **Next Steps and Governance**

1.6.1 The business case sets out a list of requirements for the next stages of the project, and an indicative timeline, albeit this may evolve as the project itself and factors beyond its control (such as the LDF) change. Immediate next

steps, not necessarily in this order, include:

- (a) Set up formal governance and develop detail project plan.
- (b) Partners to carry out their own due diligence.
- (c) Transport study to be assessed and its impact on the options to be considered.
- (d) Whitehall departments and external funders to be engaged.
- (e) Consult local community.
- (f) Partners to review and consider the business case and funding options, both as separate organisations as well as collectively.
- (g) Core partners to be identified and partnership agreement signed.
- (h) Potential changes to land use to be consulted upon as part of LDF process.
- (i) Preferred option to be selected
- (j) Appoint consultants and project manager to develop the design ahead of the formal planning process (which will involve further public consultation).

The choice of sites/options will be a major determinant of the actual timetable.

1.6.2 From Forest Heath's point of view, the immediate first steps are to appoint a representative to the partnership Project Board (see recommendations) and to carry out its own due diligence. Forest Heath's decision to proceed with the project, and to commit resources, will require full Council approval; at this stage the Council is simply committed to pursue further investigations into the project, although it will have to make major decisions about the replacement of the swimming pool and Dome in the near future, in any eventuality. It is intended that Forest Heath will assess its own due diligence for the project in spring/summer 2015.

1.6.3 The Project Board will comprise a representative of each partner organisation (plus observers from other stakeholders) and will be responsible for overseeing the development of the project (including spending of external grants made to the project rather than an individual organisation) and making recommendations to the various, who will each need to make their own separate decisions under their own procedures. Once a definite decision to proceed is taken, and a formal partnership is formed, the Project Board will need to take on certain executive powers to manage the project within the agreed budget, with delegated responsibilities from each of the partners. This will be included as part of the formal approval process for any partnership agreement.

1.7 **Due Diligence Considerations**

1.7.1 Before reporting back to councillors, officers, working with partners, will carry out detailed due diligence on the business case, including preparing those elements which only an individual organisation could complete. Briefly, the process will focus on the following elements (and potentially others):

- (a) The implications of the transport study when this is received.
- (b) The likelihood of attracting funding for a new school at Sheldrick Way.

- (c) Other sources of external funding.
- (d) The intentions of other partners.
- (e) Land assembly and acquisition costs.
- (f) Property savings and fit out costs.
- (g) The opportunity cost of not pursuing the Hub.
- (h) Likely income streams from the Hub, including commercial rents.
- (i) Green initiatives - funding is being sought for a feasibility study to look at the renewable energy potential for the Hub.
- (j) Impact on the Council's Medium Term Financial Strategy and existing capital programme.
- (k) Subsidy of leisure facilities through management fee to ACL.
- (l) Additional benefits (financial and non-financial) – it will be important to view the project in a wider context than just the property savings identified in the business case. Co-locating public services offers the chance to make efficiencies but also improve outcomes and reduce demand on the public sector.
- (m) The likely cost of planning conditions (over and above the transport assessment).
- (n) The partners' actual requirements for space and facilities, including the likely demand for lettable space in the Hub.
- (o) Delivery and occupation models.
- (p) Whether developing vacated sites for an income stream is a better option than selling them to generate capital receipts.

1.7.2 As can be seen, this will be a complex process, and ahead of its completion, no conclusions can be drawn on which option will emerge as the preferred solution, and with which partners it will be delivered.

1.8 **Consultation**

1.8.1 The Council's intention to pursue the Hub project in 2013 was publicised, and attracted media attention (as have subsequent developments). The Leader and a Director attended a public meeting of Mildenhall Parish Council to explain the project and answer questions, and a small amount of correspondence has been received. Briefings have also been provided to the Health Forum and to partner organisations. Mostly the response to the project from local people has been positive given the investment in the town it proposes, but there have been understandable concerns in the wider context of the future growth of the town, notably around transport implications. These will need to be addressed in the next stages of the project, and through the separate LDF process. The project also has the support of the local Member of Parliament, as well as from local partners.

1.8.2 Preparation of the business case itself involved stakeholder engagement through focus groups, one of which was with local community representatives (parish councils, district and county councillors, young people, voluntary organisations, etc). The views expressed at this session have been instrumental in shaping the concept of the Hub, and the facilities it will offer.

1.8.3 Going forward, briefings will be offered to local councillors and parish councils in respect of the publication of the business case and the next steps, as well as to the MP. Partner organisations may also carry out their own consultations with users.

1.8.4 Wider public consultation on the Hub will also be planned as part of a communications strategy within the project plan, although this is likely to be timed to coincide with the LDF consultation in 2015, so that residents will be able to understand the 'bigger picture' for the town when making responses in either regard. It is also worth noting that the planning processes associated with the Hub will include public consultation.

1.9 **Central Government Engagement**

1.9.1 The Hub project has attracted significant interest regionally and nationally. As previously reported, due to the innovation and efficiency it potentially offers, the project has already received £42,000 of grant funding from the Department for Communities & Local Government (DCLG) under its Transformation Challenge Award (TCA) scheme. This is funding which can be used by the partners for the next stages of the project, and is likely to be required for various pieces of specialist professional advice and support.

1.9.2 As Members will be aware, Suffolk has just been advised that it will collectively receive substantial TCA funding in the next round of the programme to take forward a dramatic transformation of public services. This will involve the co-location and integration of public services on a more local basis, and again work on the Mildenhall Hub project will be at the forefront of this programme, as this is exactly what it is designed to do.

1.9.3 In addition, Suffolk and Norfolk councils are also now part of the second phase of the pilot One Public Estate (OPE) programme run by the Cabinet Office and Local Government Association. The programme has four main objectives for the way in which public bodies manage the public estate:

- Create economic growth
- Generate capital receipts
- Reduce running costs
- Deliver more integrated and customer focused services.

1.9.3 As explained in this report, there are currently few projects nationally which could capture these objectives in a rural/market town setting as well as the Mildenhall Hub, and for this reason the project is specifically identified as a project in the Suffolk and Norfolk OPE programme. A main aim of the OPE Programme is to share best practice and offer advice and support from Whitehall for new ways of working, including contacts with central government departments if needed. The Mildenhall Hub Project will therefore be seeking immediate support in respect of the educational funding and land assembly aspects of the project, as well as seeking advice on how to deliver a scheme which, while it works overall for the taxpayer, may not necessarily result in an equal sharing of investment and returns between individual partner organisations.

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WEST SUFFOLK COUNCILS
Data Protection Policy

Version 3 – 18/11/14

DRAFT

1. Executive Summary

- 1.1 This joint policy outlines the principles of the **Data Protection Act 1998 (DPA)** and identifies how both St Edmundsbury Borough Council and Forest Heath District Council (jointly referred to as West Suffolk councils throughout this policy) comply with the DPA. It aims to give guidance on how the requirements of the DPA apply to the work of the West Suffolk councils.
- 1.2 This policy covers all personal data that West Suffolk councils hold in either electronic or paper format, and applies throughout the life cycle of the data from the time it is created or arrives within the West Suffolk councils, to the time it is either destroyed or permanently preserved.
- 1.3 This policy applies equally to all West Suffolk councils' employees, agency staff, contractors and councillors.
- 1.4 This policy also:
- Identifies responsibilities for data protection; and
 - Gives more specific guidance on the following areas:
 - Notification to the Information Commissioner
 - Sensitive personal data
 - Staff records and monitoring
 - Use of CCTV
 - Retention and disposal of personal data
 - Subject access requests
 - Disclosure of data to third parties.
 - Fair processing notices
 - Data breach
 - Training and awareness
 - Security
- 1.5 Further guidance is available on the Information Commissioner's website at the following link:
http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

2. Context

- 2.1 The DPA balances the legitimate needs of organisations to store and use personal data with the rights of individuals who are the subject of this data. Basically, if an organisation collects or holds information about an identifiable living individual, or if it uses, discloses, retains or destroys that information, it is likely to be processing personal data.

The DPA is underpinned by a set of eight straightforward, common-sense principles which, if followed will ensure compliance with the DPA. These principles are set out at 3.2 below.

- 2.2 Compliance with the DPA is monitored and enforced by the Information Commissioner's Office (ICO). The ICO has 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 is likely to cause substantial damage or distress. This is in addition to any penalties imposed by the courts against individuals who unlawfully breach the DPA.
- 2.3 The DPA uses many terms which have a specific meaning in the context of this Act, and therefore a glossary of these terms is included at the end of this policy.
- 2.4 West Suffolk councils collect and use certain types of data about people, in order to continue to provide the level of service expected by the public and to comply with the requirements of government departments. This data includes personal details about current, past, and prospective staff, suppliers, West Suffolk taxpayers, benefits claimants, council housing and other tenants, residents in West Suffolk and others with whom they communicate.
- 2.5 As organisations which deal with personal data the West Suffolk councils will ensure they:
 - comply with both the law and best practice;
 - respect the rights of individuals;
 - are open and honest with individuals whose data is held; and
 - provide support and training for those who handle personal data, so that they can act confidentially and consistently.

3. Achieving Compliance with the Data Protection Act 1998

- 3.1 The main purpose of the eight principles of the DPA is to protect the interests of individuals whose personal data is being processed (i.e. information or data obtained, recorded or held or the carrying out of any operation or set of operations on the information or data). They apply to everything West Suffolk councils do with personal data, except where an exemption applies. The key to complying with the DPA is to follow the eight data protection principles.
- 3.2 Below is a summary of the eight principles and the ways in which West Suffolk councils comply with them.

The First Principle – processing personal data fairly and lawfully

3.3 This first principle states that personal data shall be processed fairly and lawfully and in particular, shall not be processed unless:

- at least one of the conditions in Schedule 2 of the DPA is met; and
- in the case of sensitive data, at least one of the conditions in Schedule 3 of the DPA is also met.

3.4 In practice, this means that West Suffolk councils must:

- have legitimate grounds for collecting and using the personal data;
- not use the data in ways that have unjustified adverse effects on the individuals concerned;
- be transparent about how they intend to use the data, and give individuals appropriate privacy notices when collecting their personal data;
- handle people's personal data only in ways they would reasonably expect; and
- make sure they do not do anything unlawful with the data.

Compliance is achieved by:

3.5 Abiding by the law in all activities;

3.6 Ensuring data subjects are aware of how their data will be used at the time they provide it and not using it for any purpose incompatible with the original stated purpose;

3.7 Ensuring the data has been provided by a person who is legally authorised, or required, to provide it;

3.8 Ensuring that any processing of personal or sensitive personal data meets one of the legitimising conditions listed in Schedules 2 and 3 of the DPA; and

3.9 Ensuring that all processing of personal data meets one of the following conditions:

- the data subject has consented to the processing;

- the processing is necessary for completion of a contract between the data subject and the data controller, or to investigate or set up a new contract between the data subject and the data controller;
- the processing is necessary because of a legal obligation which applies to the data controller;
- the processing is necessary to protect the individuals' vital interests;
- the processing is necessary for administering justice or for exercising statutory, governmental or other public functions; or
- the processing is necessary for the legitimate interests of the data controller.

3.10 Further conditions are in place for sensitive personal data, see section 6 for further guidance.

The Second Principle – processing personal data for specified purposes

3.11 This second principle states that personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

3.12 In practice this means that West Suffolk councils must:

- be clear from the outset about why they are collecting personal data and what they intend to do with it;
- comply with the DPA's fair processing requirements – including the duty to give privacy notices to individuals when collecting their personal data;
- comply with what the DPA says about notifying the Information Commissioner; and
- ensure that if West Suffolk councils wish to use or disclose the personal data for any purpose that is additional to or different from the originally specified purpose, the new use or disclosure is fair.

Compliance is achieved by:

3.13 Ensuring that West Suffolk councils' annual notifications to the ICO are up to date and include all the purposes for processing.

- 3.14 At the time data is obtained the data subject will be informed of the purpose for which the data is being collected.
- 3.15 If West Suffolk councils wish to use or disclose the data to a third party for any purpose other than that for which the data was obtained, West Suffolk councils will ensure a data sharing agreement between the two parties is in place beforehand ensuring the data is processed fairly in accordance with the first principle.

The 3rd, 4th and 5th Principles

- 3.16 As well as creating a framework for collecting and using personal data, the DPA sets standards that personal data must meet before it can be used. The standards are set out in the third, fourth and fifth principles which are that personal data should be:

3rd principle: adequate, relevant and not excessive;
4th principle: accurate and, where necessary, kept up to date; and
5th principle: kept for no longer than necessary.

The Third Principle – personal data shall be adequate, relevant and not excessive

- 3.17 This third principle states that personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 3.18 In practice, this means West Suffolk councils shall ensure that they:
- hold personal data about an individual that is sufficient for the purpose for which it is being held in relation to that individual; and
 - do not hold more information than they need for that purpose.

Compliance is achieved by:

- 3.19 Collecting only the minimum amount of personal data required to fulfil legitimate operational needs or to comply with legal requirements. Additional unnecessary data will not be collected and data will not be held on the off-chance that it might be useful in the future.

The Fourth Principle – personal data shall be accurate and, where necessary kept up to date

- 3.20 This fourth principle states that personal data shall be accurate and, where necessary, kept up to date.

Compliance is achieved by:

- 3.21 Taking reasonable steps to ensure the accuracy of any personal data ensuring that the source of any personal data is clear; carefully considering any challenges to the accuracy of information; and considering whether it is necessary to update the information.

The Fifth Principle – personal data shall not be kept for longer than is necessary

- 3.22 This fifth principle states that personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

- 3.23 In practice this means West Suffolk councils will need to:

- review the length of time they keep personal data;
- consider the purpose or purposes they hold the information for in deciding whether (and for how long) to retain it;
- securely delete information that is no longer needed for this purpose or these purposes; and
- update, archive or securely delete information if it goes out of date.

Compliance is achieved by:

- 3.24 West Suffolk councils will hold personal data only as long as it is necessary for the legitimate West Suffolk purpose for which it has been provided/obtained.
- 3.25 If personal data is collected for a specific project it shall be disposed of as soon as the project comes to an end.
- 3.26 Compliance with West Suffolk councils' document retention policy which is available on the intranet at the following link:
<http://intranet.stedsbc.gov.uk/DocumentRetentionPolicy.xls>

The Sixth Principle – the rights of data subjects

- 3.27 The sixth principle states that personal data shall be processed in accordance with the rights of data subjects under the DPA.

- 3.28 The rights of the data subjects that this refers to are:

- A right of access to a copy of the information comprised in their personal data;
- A right to object to processing that is likely to cause or is causing damage or distress;
- A right to prevent processing for direct marketing;

- A right to object to decisions being taken by automated means;
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- A right to claim compensation for damages caused by a breach of the DPA

Compliance is achieved by:

- 3.29 West Suffolk councils will ensure that individual rights are protected in relation to the processing of personal data by them. In order to achieve this staff should have sufficient knowledge of data protection to recognise and act on subject access requests (SAR).
- 3.30 If West Suffolk councils intend to process personal data for direct marketing, the prior consent of the individuals being targeted by the marketing must be obtained.

The Seventh Principle- information security

- 3.31 This seventh principle states that appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 3.32 In practice this means West Suffolk councils must have appropriate security to prevent the personal data they hold being accidentally or deliberately compromised. In particular, West Suffolk councils will need to:
- design and organise their security to fit the nature of the personal data they hold and the harm that may result from a security breach;
 - be clear about who in West Suffolk councils is responsible for ensuring information security;
 - make sure West Suffolk councils have the right physical and technical security, backed up by robust policies and procedures and reliable, well-trained staff; and
 - be ready to respond to any breach of security swiftly and effectively.

Compliance is achieved by:

- 3.33 Technical security measures including:

- password protection of computer systems;
- controlled access to West Suffolk council buildings;
- access rights of users appropriate to the needs of their job; and
- management to ensure that performance with regard to personal data is regularly assessed and evaluated.

3.34 Organisational measures including:

- all staff to have a level of understanding of the DPA commensurate with their duties;
- adequate checks to ensure the suitability of all staff who have access to personal data; and
- management to ensure that everyone managing and handling data is subject to appropriate line management.

3.35 West Suffolk councils shall have in place appropriate security arrangements both covering physical and electronic security. See section 15 for further details.

The Eighth Principle – sending personal data outside the European Economic Area

3.36 This eighth principle states that personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Compliance is achieved by:

3.37 If West Suffolk councils transfer information to any country outside the European Economic Area this must be done in a way which is compliant with the DPA.

3.38 Any organisation processing data on behalf of West Suffolk councils should be contractually bound to follow the principles as described in the DPA.

4. Roles and Responsibilities

Data Controllers

4.1 For the purpose of the DPA the data controllers are St Edmundsbury Borough Council and Forest Heath District Council.

Senior Information Risk Officer

- 4.2 West Suffolk's Senior Information Risk Officer (SIRO) with specific responsibility for managing information risks on behalf of the Chief Executive and members of West Suffolk will be one of the Councils' Directors as designated by the Chief Executive.

Information Governance Working Group

- 4.3 The Information Governance Working Group (IGWG), chaired by the SIRO, provides an oversight of the proper and secure handling of information by the West Suffolk and supports the SIRO in his role

Data Protection Officer

- 4.4 West Suffolk councils' Data Protection Officer with specific responsibility to ensure the West Suffolk councils are compliant with the DPA is the Councils' Monitoring Officer.

Data Protection Coordinators

- 4.5 Each service area has nominated a member of staff to be that service area's data protection coordinator. The data protection coordinator's role is to:
- act as a link officer between colleagues within their service area and the Data Protection Officer when there is an issue relating to the DPA;
 - advise the Data Protection Officer if a subject access request has been received in their service area;
 - review the various application forms used within their service to ensure they include the reasons why West Suffolk councils need to collect and store the personal information requested, and how they will use this information (privacy/fair processing notices);
 - determine the extent to which personal information is shared with others and whom it is shared with (internally and externally); and
 - conduct a regular review of the types of personal data being processed by the team, reporting any changes to the Data Protection Officer.

Heads of Service

- 4.6 Heads of Service have responsibility for ensuring that their service area complies with the principles of the DPA when processing personal data. This includes ensuring that all staff are aware of their responsibilities under the DPA and trained to discharge those responsibilities.

Staff

- 4.7 All staff have a responsibility to ensure that they comply fully with the DPA. It is a criminal offence to knowingly or recklessly obtain or disclose personal data. They should not process any personal data unless they are sure that they are authorised to do so. Staff failing to comply with this policy could be subject to action under West Suffolk councils' disciplinary procedure.

Councillors (Members)

- 4.8 Councillors must comply with this policy when handling personal data on council business, and be aware of their responsibilities as individuals under the DPA. Although the Data Controller is liable for any mishandling of personal data, Councillors should be mindful that it can be a criminal offence for which they would be personally liable if they were to process personal data in a manner which they know that they are not authorised by the Data Controller to do. A breach of this policy by a Member is a potential breach of the Code of Conduct.

5. Notification

- 5.1 The ICO maintains a public register of data controllers. The DPA requires every data controller who is processing personal data to notify and review their notification, on an annual basis.
- 5.2 It is an offence under the DPA if the notification is not kept up-to-date, and also an offence to use personal data in a manner which has not been notified.
- 5.3 It is the responsibility of all Heads of Service to advise their data protection coordinator of any changes to the uses of personal data within their service areas as soon as they occur so that West Suffolk councils' notification can be updated.
- 5.4 West Suffolk councils' notification will be reviewed annually and kept up-to-date by the Data Protection Officer.
- 5.5 A copy of West Suffolk councils' current notification can be viewed at the Information Commissioner's Web site: www.ico.org.uk

6. Sensitive Personal Data

- 6.1 Sensitive personal data is defined in the DPA as data concerning an individual's:
- racial or ethnic origin
 - political opinions
 - religious beliefs or other beliefs of a similar nature

- trade union membership
- physical or mental health or condition
- sexual life
- criminal convictions or alleged offences.

6.2 Extra care must be taken when processing sensitive personal data as additional requirements under the DPA must be met to ensure that the processing is legitimate and safe. At least one of the legitimising conditions described under the *First Principle*, and also one of the legitimising conditions shown below, must be met:

- the data subject has given their explicit consent;
- the processing is necessary for performing a legal obligation in relation to employment;
- to protect the vital interests of the data subject or another person;
- the processing is carried out as part of the legitimate activities of a not for profit body or organisation;
- the information has been made public by the data subject;
- the processing is necessary in relation to legal rights; or
- the processing is necessary for the administration of justice.

6.3 The advice of the Data Protection Officer or their duly authorised deputy should be sought before the processing or collection of sensitive personal data for any new purpose commences.

7. Staff Records and the Monitoring of Staff

7.1 West Suffolk councils should comply with the ICO's '*Employment Practices Code*' in relation to the processing of staff personal data. This Code is intended to help employers comply with the DPA and to encourage them to adopt good practice. The Code aims to strike a balance between the legitimate expectations of staff that personal data about them will be handled properly and the legitimate interests of employers in deciding how best, within the law, to run their own organisations carrying out their legitimate business.

7.2 In particular, staff monitoring should only be carried out in accordance with this Code. A copy of the Code is available on the ICO website at the following link:
http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/~media/documents/employment_practices_code_html/english/index.html

8. CCTV Monitoring

- 8.1 CCTV monitoring must only be carried out in accordance with the ICO's 'CCTV Code of Practice'. A copy of this Code is available on the ICO website at the following link:
http://ico.org.uk/for_the_public/topic_specific_guides/~media/documents/library/Data_Protection/Detailed_specialist_guides/cctv-code-of-practice.pdf

9. Retention and Disposal of Personal Data

- 9.1 It is the responsibility of the service areas holding personal data to ensure that the data that they hold is kept accurate and up-to-date, and is not held for any longer than is necessary for the purpose for which it was collected.
- 9.2 When the data is no longer required the service area must dispose of the data safely. Guidance on retention periods for classes of data is set out in the West Suffolk councils' document retention policy which is available on the intranet or by using the following link:
<http://intranet.stedsbc.gov.uk/DocumentRetentionPolicy.xls>

10. Subject Access Requests (SAR)

- 10.1 It is one of the fundamental rights of the individual under DPA that they are able to see copies of any information stored about them. It is in the interests of the West Suffolk councils to have an open and honest approach with all individuals on which they hold data.
- 10.2 The DPA sets out guidance and a time limit within which a SAR must be answered.
- 10.3 Any individual requesting access to their personal data must be asked to complete a request in writing which must be referred to the Data Protection Officer. This gives clarity around the date the request was made and therefore the deadline date and also encourages the individual to think clearly about the data they require. Guidance regarding SARs is available on West Suffolk councils' website at:
http://westsuffolk.gov.uk/council/data_and_information/howweuseinformation.cfm?aud=council which includes access to an SAR application form which may be printed off and completed.
- 10.4 There is a statutory applicant fee of £10.00 and the individual making the request must produce a document such as a passport or driving licence to confirm his identity.
- 10.4 West Suffolk councils will approach all requests for data in an open and honest way and seek to ensure that the individual gets all the data they require as long as this is permissible within the law.

- 10.5 There are cases where it is not possible or appropriate to release personal data, for example, when doing so would involve releasing personal data about another individual, or if the data relates to ongoing criminal investigations. Any concerns about releasing data should be discussed with the Data Protection Officer or their duly authorised deputy prior to release of the information.

11. Fair Processing Notices (Privacy Notices) and Subject Consent

- 11.1 Fair processing notices / privacy notices are issued to individuals at the time they provide their personal data to organisations. They are designed to inform the individual of the nature of the processing for which their personal data is collected.
- 11.2 If consent has to be relied upon to process data then it must be fully informed and freely given. In the case of sensitive personal data it must be explicit consent.
- 11.3 Where it is possible to obtain explicit written consent to process personal data West Suffolk councils should aim to do so. This should be taken into account when designing forms or requesting details in any other format.
- 11.4 Further guidance when collecting information can be found in the data protection procedures developed from this policy.

12. Sharing Personal Data

- 12.1 Where requests are received from external organisations or third parties for personal data about individuals, advice should be sought from the Data Protection Officer or their duly authorised deputy unless there is an up-to-date information-sharing/data exchange agreement in place with that organisation or third party. **Under no circumstances** should any personal data about any individual be passed outside West Suffolk councils without the authority of the Data Protection Officer or their duly authorised deputy unless an approved data sharing agreement is in place. Where an officer considers information about a child or young person must be disclosed to a third party under the safeguarding provisions they must do so in accordance with West Suffolk councils' Safeguarding Children and Young People Policy:
http://westsuffolk.gov.uk/Council/Policies_Strategies_and_Plans/upload/SafeguardingChildrenandYoungPeoplePolicyOct2012.pdf
- 12.2 Agencies which request data on a regular basis such as the police or banks will have easy access to appropriate paperwork and guidance for use in these circumstances.
- 12.3 It should be noted that whilst staff understandably will wish to assist external agencies wherever possible especially if the request relates to criminal activity (for example the police or banks), West

Suffolk councils are under no obligation to release personal data unless the request is made by a court order.

- 12.4 Personal data should generally only be made public if there is a legal or statutory requirement to do so. On occasions it may be appropriate to publish personal data with the individual's consent. However, in such cases staff must ensure that the consent is fully informed and freely given. Staff must also be aware that it is possible to withdraw consent at any time and, if that happens, publication of the data must cease immediately.
- 12.5 Staff should be aware that publishing personal data on West Suffolk councils' web pages or on the internet by any other means effectively means that the data is published world-wide and outside the European Economic Area. This means it cannot be protected by the DPA or the European Directive on Personal Privacy. Great care should be taken before publishing any personal data (or any data from which individuals could be identified) in this manner and the approval of West Suffolk councils' Data Protection Officer and Senior Information Risk Owner or their deputies should be obtained before publication.

13. What to do in the Event of a Data Breach

- 13.1 The ICO defines a data breach as a 'breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provisions of a public electronic communications service'.
- 13.2 A data breach can happen for a number of reasons, for example:
- loss or theft of data or equipment on which data is stored;
 - inappropriate access controls allowing unauthorised use;
 - equipment failure;
 - human error;
 - hacking attack; and
 - "blagging" offences where information is obtained by deceiving the organisation who holds it.
- 13.3 If a member of staff becomes aware of a data breach their first action should be to inform their line manager, who will then ensure that the breach is reported to the Data Protection Officer or their duly authorised deputy.

- 13.4 The Data Protection Officer or their duly authorised deputy will then decide on the most appropriate steps to take depending on the nature and quantity of data released. An investigation will be carried out into all data breaches.
- 13.5 The ICO will be informed of all serious data breaches where significant harm to an individual(s) is likely or a large number of individuals are affected.

14. Training and Awareness

- 14.1 In order to fully comply with the DPA it is important that all staff who have access to any personal data have an awareness of the DPA.
- 14.2 Training is a crucial element of staff awareness. West Suffolk councils' staff must be aware of their obligations relating to personal data as part their duties.
- 14.3 Training may be achieved in a number of ways:
- all staff to be made aware of this Data Protection Policy;
 - e- learning tools; and
 - in-house training provided by the Data Protection Officer or their duly authorised deputy.
- 14.4 For some posts additional training and guidance is required. Those posts will identified through their work and any additional training and guidance will need to be discussed with the line manager in the first instance.

15. Keeping Information Secure

- 15.1 The *Seventh Principle* of the DPA requires organisations to take appropriate technical and organisational measures to keep data secure. The security of data held by West Suffolk councils is a relatively complex area and more information on the technical details of information security can be found in the West Suffolk Information Security Policy:
http://goldintranet.stedsbc.gov.uk/gold/News/General_information/upload/WestSuffolkInformationSecurityPolicyJune2014.pdf.
- 15.2 However, security of data goes beyond the use of computer equipment. Data will inevitably be stored or processed in hard copy forms at some time and access to this must be restricted to only those authorised to view it. As a general guide hard paper copies should not be left in the open in offices but should be kept locked away when not in use, in the same way as computer terminals should not be left unlocked and unattended.

- 15.3 It is important to remember that individuals should only be able to access data which they need to do their job. Personal data should not be left unattended and freely available to anyone in the office.

Working from home

- 15.4 When working from home, officers must ensure they only use their encrypted laptops to access personal data electronically. Paper files which include personal information must be kept in secure cases (lockable) at all times when not in use.
- 15.5 UNDER NO CIRCUMSTANCES should hard copy files be left unattended.

16. Administration

- 16.1 The Data Protection Officer has overall responsibility for the maintenance and operation of this policy, and will be pleased to answer any questions about it.
- 16.2 Responsibility for monitoring adherence to this policy belongs with the Information Governance Working Group.
- 16.3 This policy will be reviewed at least every two years to confirm it reflects best practice and to ensure it complies with any legislative changes or amendments. Any significant and necessary changes will be made by the Senior Information Risk Officer and the Data Protection Officer.

Glossary of Terms

Data means information which –

- (a) is being processed by means of equipment operating automatically in response to instructions given for that purpose,
- (b) is recorded with the intention that it should be processed by means of such equipment,
- (c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system,
- (d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68, or
- (e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

Personal data means data which relate to a living individual who can be identified –

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of

Sensitive personal data means personal data consisting of information as to:

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) his physical or mental health or condition,
- (f) his sexual life,
- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have

Data subject means an individual who is the subject of personal data

Processing, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including –

- (a) organisation, adaptation or alteration of the information or data,
- (b) retrieval, consultation or use of the information or data,
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- (d) alignment, combination, blocking, erasure or destruction of the information

Data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller

Data controller means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

Recipient, in relation to personal data, means any person to whom the data are disclosed, including any person (such as an employee or agent of the data controller, a data processor or an employee or agent of a data processor) to whom they are disclosed in the course of processing the data for the data controller, but does not include any person to whom disclosure is or may be made as a result of, or with a view to, a particular inquiry by or on behalf of that person made in the exercise of any power conferred by law.

Third party, in relation to personal data, means any person other than –

- (a) the data subject,
- (b) the data controller, or
- (c) any data processor or other person authorised to process data for the data controller or processor

Disclosure is any release of information by the data controller to any recipient.

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Cabinet



Forest Heath
District Council

Title of Report:	Review of Decisions Plan	
Report No:	CAB/FH/14/014	
Decisions plan reference:	Not applicable	
Report to and date/s:	Cabinet	9 December 2014
Portfolio holder:	James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Ian Gallin Chief Executive Tel: 01284 757009 Email: ian.gallin@westsuffolk.gov.uk	
Purpose of report:	Under Article 7 of the Council's Constitution, the Cabinet have a requirement to review its Decisions Plan at each of its public meetings. The Decisions Plan to be considered by Forest Heath District Council, for the period December 2014 to May 2015, is attached as an Appendix to this report.	
Recommendation:	It is <u>RECOMMENDED</u> that the Cabinet review the Decisions Plan for the period December 2014 to May 2015.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	Not applicable	
Alternative option(s):	Not applicable	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Not applicable	Low/Medium/ High*		Low/Medium/ High*
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix – Decisions Plan – December 2014 to May 2015	



Forest Heath District Council

Decisions Plan

Key Decisions and other executive decisions to be considered

Date: December 2014 to May 2015

Publication Date: 10 November 2014

The following plan shows both the key decisions and other decisions/matters taken in private, that the Cabinet, Joint Committees or Officers under delegated authority, are intending to take up to 31 May 2015. This table is updated on a monthly rolling basis and provides at least 28 clear days' notice of the consideration of any key decisions and of the taking of any items in private.

Executive decisions are taken at public meetings of the Cabinet and by other bodies provided with executive decision-making powers. Some decisions and items may be taken in private during the parts of the meeting at which the public may be excluded, when it is likely that confidential or exempt information may be disclosed. This is indicated on the relevant meeting agenda and in the '*Reason for taking the item in private*' column relevant to each item detailed on the plan.

Members of the public may wish to:

- make enquiries in respect of any of the intended decisions listed below;
- receive copies of any of the documents in the public domain listed below;
- receive copies of any other documents in the public domain relevant to those matters listed below which may be submitted to the decision taker; or
- make representations in relation to why meetings to consider the listed items intended for consideration in private should be open to the public.

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format firstname.surname@westsuffolk.gov.uk or via Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Bury St Edmunds, Suffolk, IP28 7EY.

Meetings of Cabinet:

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
	9 Dec 14								
Dec14/01 Page 222	09/12/14	Revenues Collection Performance and Write-Offs The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt appendices.	Paragraphs 1 and 2	(KD)	Cabinet	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet with exempt appendices
Dec14/02	09/12/14	West Suffolk Homelessness Strategy The Cabinet will be asked to approve the West Suffolk Homelessness Strategy for consultation, which has been jointly produced with St Edmundsbury Borough Council.	Not applicable	(D)	Cabinet	Rona Burt Planning, Housing and Transport 01638 712309	Simon Phelan Head of Housing 01638 719245	All	Report to Cabinet
Dec14/03	09/12/14	Investing in Renewable Energy Generation – Phase 2 – Business	Paragraph 3	(R) - Council 10/12/14	Cabinet/Council	Stephen Edwards Resources, Governance and Performance	Steven Wood Head of Planning and Regulatory Services	All	Report to Cabinet with recommendations to Council

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
		<p>Cases</p> <p>The Cabinet will be asked to recommend to Council, the business cases for investing in a programme of renewable energy schemes.</p>				01638 660518 Nigel Roman Environment and Waste 01638 712679	01284 757306		
Dec14/ Page 223	09/12/14	<p>Local Council Tax Reduction Scheme and Technical Changes 2015/2016</p> <p>The Cabinet will be asked to consider proposals for the Local Council Tax Reduction Scheme and Technical Changes for 2015/2016 prior to seeking its approval by full Council. This will include observations arising from the first year review.</p>	Not applicable	(R) – Council 10/12/14	Cabinet/Council	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet with recommendations to Council

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
Dec14/05	09/12/14	West Suffolk Joint Emergency Planning Panel The Cabinet will be asked to consider slight amendments to the West Suffolk Joint Emergency Planning Panel's Terms of Reference.	Not applicable	(D)	Cabinet	Robin Millar Families and Communities 07939 100937	Alan Points District Emergency Planning Officer 01284 758461	All	Recommendations of the West Suffolk Joint Emergency Planning Panel to Cabinet
Dec14/05	09/12/14	Houses in Multiple Occupation (HMO) Guidance and Standards The Cabinet will be asked to consider the adoption of joint guidance and standards, which details the approach to gaining compliance across West Suffolk. This has been produced jointly with St Edmundsbury Borough Council.	Not applicable	(KD)	Cabinet	Rona Burt Planning, Housing and Transport 01638 712309	Simon Phelan Head of Housing 01638 719440	All	Report to Cabinet

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
Dec14/07	09/12/14	<p>Single Issue Review (SIR) and Site Specific Allocations (SSA) Local Plan (LP) – Assessment of Reasonable Alternatives</p> <p>The Cabinet will be asked to consider the recommendations of the Local Plan Working Group with regard to the options associated with the assessment of reasonable alternatives to the requirement of 7,000 dwellings.</p>	Not applicable	(D)	Cabinet	Rona Burt Planning, Housing and Transport 01638 712309	Steven Wood Head of Planning and Regulatory Services 01284 757306	All	Report to Cabinet, with recommendations from the Local Plan Working Group
Dec14/08	09/12/14	<p>West Suffolk Data Protection Policy</p> <p>The Cabinet will be asked to consider a new Data Protection Policy, which has been jointly produced with St Edmundsbury Borough Council.</p>	Not applicable	(KD)	Cabinet	Stephen Edwards Resources, Governance and Performance 01638 660518	Joy Bowes Head of Legal and Democratic Services 01284 757141	All	Report to Cabinet

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
Dec14/09	09/12/14	Local Government Ombudsman Complaint The Cabinet will be asked to note the level of compensation as proposed by the Local Government Ombudsman, following a complaint made against the Council.	Not applicable	(D)	Cabinet	Rona Burt Planning, Housing and Transport 01638 712309	Simon Phelan Head of Housing 01638 719440	All	Report to Cabinet
Dec14/10	09/12/14	Council Tax Base for Tax Setting Purposes 2015/2016 The Cabinet will be asked to consider the basis of the formal calculation for the Council Tax Base for the financial year 2015/2016.	Not applicable	(R) – Council 10/12/14	Cabinet/Council	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet, with recommendations to Council
Dec14/11	09/12/14	Mildenhall Hub Project The Cabinet will be provided with a	Not applicable	(D)	Cabinet	James Waters Leader of the Council 07771 621038	Alex Wilson Director	Mildenhall Wards	Report to Cabinet

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
		report on progress with the Mildenhall Hub project, along with proposals for a provisional project timetable and governance arrangements.							
Dec14/ Page 227	09/12/14	Newmarket Market Regulations The Cabinet will be asked to consider new market regulations for Newmarket Market, for consultation with the Market Traders.	Not applicable	(D)	Cabinet	David Bowman Economic Development and Tourism 07711 593737	Andrea Mayley Head of Economic Development and Growth 01284 757343	Newmarket Wards	Report to Cabinet
Oct14/ 02	09/12/14	Recommendations from the Performance and Audit Scrutiny Committee – 26 November 2014 The Cabinet will be asked to consider the recommendations from the Performance and	Not applicable	(D)	Cabinet	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245 Davina Howes Head of Policy, Communications and Customers 01284 757070	All	Report to Cabinet, with recommendations from the Performance and Audit Scrutiny Committee

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
Page 2 of 8		Audit Scrutiny Committee on the following items: - Delivering a Balanced Budget 2015/2016 - West Suffolk Fees and Charges Policy - West Suffolk Cost Sharing Model							
	17 Feb 15								
Feb15/15	17/02/15	Revenues Collection Performance and Write-Offs The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt appendices.	Paragraphs 1 and 2	(KD)	Cabinet	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet with exempt appendices
Feb15/02	17/02/15	Annual Treasury Management and Investment Strategy 2015/2016, Treasury Management Code of Practice and	Not applicable	(R) - Council 27/02/15	Cabinet/Council	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet, with recommendations to Council

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
Page 229		<p>April to December 2014 Performance Report</p> <p>The Cabinet will be asked to recommend to full Council the approval of the Treasury Management and Investment Strategy 2015/2016 and the Code of Practice, which must be undertaken before the start of each financial year.</p>							
	Feb15/03	<p>Budget and Council Tax: 2015/2016</p> <p>The Cabinet will be asked to consider the proposals for the 2015/2016 budget and Medium Term Financial Strategy, prior to its approval by full Council. This report includes the Minimum Revenues Provision (MRP)</p>	Not applicable	(R) - Council 27/02/15	Cabinet/Council	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet, with recommendations to Council

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
		Policy and Prudential Indicators.							
Feb15/04 Page 230	17/02/15	West Suffolk Homelessness Strategy The Cabinet will be asked to consider the adoption of the West Suffolk Homelessness Strategy, which has been jointly produced with St Edmundsbury Borough Council.	Not applicable	(R) – Council 27/02/15	Cabinet/Council	Rona Burt Planning, Housing and Transport 01638 712309	Simon Phelan Head of Housing 01638 719440	All	Report to Cabinet, with recommendations to Council
Feb15/05	17/02/15	West Suffolk Shop Front and Advertisement Design Guide Following consultation, the Cabinet will be asked to approve a new West Suffolk Shop Front and Advertisement Design Guide, which has been jointly produced with St	Not applicable	(D)	Cabinet	Rona Burt Planning, Housing and Transport 01638 712309	Steven Wood Head of Planning and Regulatory Services 01284 757306	All	Report to Cabinet

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
		Edmundsbury Borough Council.							
Feb15/06	17/02/15	Newmarket Market Regulations The Cabinet will be asked to consider the adoption of new market regulations for Newmarket Market.	Not applicable	(R) – Council 27/02/15	Cabinet/Council	David Bowman Economic Development and Tourism 07711 593737	Andrea Mayley Head of Economic Development and Growth 01284 757343	Newmarket Wards	Report to Cabinet, with recommendations to Council
Oct14/03 (deferred from 28 Oct 14 & 9 Dec 14)	17/02/15	Local Housing Investment Options – Provision of Commercial Loans The Cabinet will be asked to recommend to Council the business case for the provision of commercial loan(s) to Registered Providers/Not for Profit Community Organisations.	Paragraph 3	(R) – Council 27/02/15	Cabinet/Council	Rona Burt Planning, Housing and Transport 01638 712309	Simon Phelan Head of Housing 01638 719245	All	Report to Cabinet, with recommendations to Council
Oct14/04 (deferred)	17/02/15	Local Housing Investment Options – Council Owned Housing	Paragraph 3	(R) – Council 27/02/15	Cabinet/Council	Rona Burt Planning, Housing and Transport	Simon Phelan Head of Housing 01638 719245	All	Report to Cabinet, with recommendations to Council

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
from 28 Oct 14 & 9 Dec 14)		Company The Cabinet will be asked to recommend to Council the business case for the establishment of a wholly Council owned Housing Company.				01638 712309			
	31 Mar 15								
15/	31/03/15	Revenues Collection Performance and Write-Offs The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt appendices.	Paragraphs 1 and 2	(KD)	Cabinet	Stephen Edwards Resources, Governance and Performance 01638 660518	Rachael Mann Head of Resources and Performance 01638 719245	All	Report to Cabinet with exempt appendices

Meetings of Joint Committees:

Anglia Revenues and Benefits Partnership Joint Committee

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
	11 Dec 14								
	19 Mar 15								
	18 Jun 15								
	17 Sep 15								
	17 Dec 15								

Page 233

Joint Development Management Policies Committee

Ref.	Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
	11 Feb 15								
DMP/ Feb15/01		<p>Joint Development Management Policies Local Plan Document</p> <p>The Joint Committee will be asked to recommend to full Council, the adoption of the Joint Development Management Policies Local Plan Document, which has been jointly produced with St Edmundsbury Borough Council.</p>	Not applicable	(R) – Council 27/02/15	Joint Committee/ Council	Rona Burt Planning, Housing and Transport 01638 712309	Steven Wood Head of Planning and Regulatory Services 01284 757306	All	Report to Joint Committee, with recommendations from the Sustainable Development Working Party (SEBC) and the Local Plan Working Group (FHDC)

NOTE 1: DEFINITIONS OF EXEMPT INFORMATION: RELEVANT PARAGRAPHS

In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended)

The public may be excluded from all or part of the meeting during the consideration of items of business on the grounds that it involves the likely disclosure of exempt information defined in Schedule 12(A) of the Act, as follows:

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In accordance with Section 100A(3) (a) and (b) of the Local Government Act 1972 (as amended)

Confidential information is also not for public access, but the difference between this and exempt information is that a Government department, legal opinion or the court has prohibited its disclosure in the public domain. Should confidential information require consideration in private, this will be detailed in this Decisions Plan.

NOTE 2: KEY DECISION DEFINITIONS

Key decisions are:

- (i) decisions contrary to or not wholly in accordance with the authority's approved budget;
- (ii) decisions which would result in any expenditure or reduction in expenditure of £25,000, if not specifically mentioned within the approved Revenue Budget or Capital Programme;
- (iii) decisions contrary to a policy, plan or strategy approved by the Council or a Committee of the Council;
- (iv) decisions which raise new issues of policy;
- (v) decisions which require any of the following:
 - A Staff: It will give rise to the need to appoint additional permanent staff for which there is no budget provision or to delete posts from the establishment.
 - B Land: Requires the acquisition or disposal of any land or interest in land in excess of a value of £300,000;
- (vi) decisions which comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown;

NOTE 3: MEMBERSHIP OF BODIES MAKING KEY DECISIONS

(a) Membership of the Cabinet and their Portfolios:

<u>Cabinet Member</u>	<u>Portfolio</u>
Councillor James Waters	Leader of the Council; No portfolio
Councillor Nigel Roman	Deputy Leader of the Council; Environment and Waste
Councillor Stephen Edwards	Resources, Governance and Performance
Councillor David Bowman	Economic Development and Tourism
Councillor Mrs Rona Burt	Planning, Housing and Transport
Councillor Warwick Hirst	Health, Leisure and Culture
Councillor Robin Millar	Families and Communities

(b) Membership of the Anglia Revenues Partnership Joint Committee (Breckland Council, East Cambridgeshire District Council, Forest Heath District Council, St Edmundsbury Borough Council and Fenland District Council (with effect from 1 April 2014)):

Full Breckland Cabinet Member	Full East Cambridgeshire District Council Cabinet Member	Full Forest Heath District Council Cabinet Member	Full St Edmundsbury Borough Council Cabinet Member	Full Fenland District Council Cabinet Member
Councillor Paul Claussen Councillor William Smith	Councillor David Ambrose-Smith Councillor Lis Every	Councillor Stephen Edwards Councillor Nigel Roman	Councillor Sara Mildmay-White Councillor David Ray	Councillor John Clark Councillor Chris Seaton
Substitute Breckland Cabinet Member	Substitute East Cambridgeshire District Council Cabinet Member	Substitute Forest Heath District Council Cabinet Member	Substitute St Edmundsbury Borough Council Cabinet Member	Substitute Fenland District Council Cabinet Member
Vacancy	Vacancy	Councillor James Waters	Councillor Terry Clements	Vacancy
Vacancy	Vacancy	Vacancy	Councillor John Griffiths	Vacancy

Page 237

(c) **Membership of the Joint Development Management Policies Committee (Forest Heath District Council and St Edmundsbury Borough Council):**

Full Forest Heath District Council Cabinet Member	Full St Edmundsbury Borough Council Cabinet Member
Councillor Rona Burt Councillor David Bowman Councillor Warwick Hirst	Councillor Terry Clements Councillor Anne Gower Councillor Peter Stevens
Substitute Forest Heath District Council Cabinet Member	Substitute St Edmundsbury Borough Council Cabinet Member
Councillor Robin Millar Councillor James Waters	Councillor John Griffiths Councillor David Ray