

Cabinet



Forest Heath
District Council

Minutes of a meeting of the **Cabinet** held on
Tuesday 17 February 2015 at 6.00 pm at the **Council Chamber, District**
Offices, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

Leader James Waters

Deputy Leader Nigel Roman

David Bowman

Warwick Hirst

Rona Burt

Robin Millar

Stephen Edwards

In attendance:

Colin Noble

Tony Simmons

22. **Apologies for Absence**

There were no apologies for absence.

23. **Public Participation**

Queensbury Lodge, Cottage and Stables, Newmarket (Report No CAB/FH/15/010)

Mr Stephen Walsh, representing the Gredley Charitable Trust (owners of Queensbury Lodge), provided clarification to the Cabinet of the work which had been undertaken in relation to this site.

Mr Walsh explained that following the ASDA planning appeal, the Trust had met with both the Chief Executive and the Leader of the Council, where it was impressed upon the Trust that the Council did not want the site to continue to remain in its current state and were keen for the Trust to come forward with further development proposals.

Follow-up meetings were then held with the Trust and the Council's Planning Officers which led to the Trust submitting, for discussion purposes, two pre-application submissions. These submissions had been made some months ago, but no comments on these submissions had yet been received from the Council's Planning Officers.

Mr Walsh also referred to Report No CAB/FH/15/010 and the proposed recommendations contained within that report. Mr Walsh explained that the Trust had agreed for the Council's Consultant to undertake a survey to draw up a Schedule of Works on the Listed Buildings on the site and this had been

carried out in October 2014. However, the Trust were still waiting to be informed of the recommendations from this survey, therefore, making the Trust unable to determine and undertake any required works.

Mr Walsh reiterated that the Gredley Charitable Trust continued to be willing to enter into discussions regarding the future development of the site and were keen to propose solutions that would be acceptable to both the Trust and to the Council.

24. Minutes

The minutes of the Cabinet meeting held on 9 December 2014 were unanimously accepted as an accurate record and signed by the Leader.

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

The minutes of the following Joint Steering Group and Joint Committee were received:

West Suffolk Joint Growth Steering Group – 27 October 2014
Anglia Revenues and Benefits Partnership Joint Committee – 11 December 2014

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

(a) West Suffolk Joint Growth Steering Group - 27 October 2014

Minute Number 033 - Review and Update on 'Raising the Bar' – Suffolk County Council

The Cabinet were requested to consider the recommendation, as listed under Action 4.

(b) Anglia Revenues and Benefits Partnership Joint Committee - 11 December 2014

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

26. Approval of Minutes

It was moved, duly seconded and unanimously

RESOLVED:

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

**27. West Suffolk Operational Hub
(Report No CAB/FH/15/001)**

The Head of Operations presented this report which provided an update on the progress of the joint West Suffolk and Suffolk County Council project to

review the feasibility and deliverability of a West Suffolk Operational Hub at Hollow Road Farm in Bury St Edmunds, to deliver a combined depot, waste transfer and Household Waste Recycling Services for West Suffolk.

This report had also been considered and approved by St Edmundsbury Borough Council Cabinet on 10 February 2015. This report was also due for consideration by the Suffolk County Council Cabinet on 24 February 2015.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The contents of Report No CAB/FH/15/001 be noted.
2. The next stage of the project be agreed to proceed to seek planning consent for a West Suffolk Operational Hub at Hollow Road Farm, Bury St Edmunds.

**28. Anglia Community Leisure - Changes to Governance
(Report No CAB/FH/15/002)**

The Cabinet Member for Health, Leisure and Culture presented this report which sought approval for the novation of the current legal agreements between Forest Heath District Council and Anglia Community Leisure (ACL) to reflect changes it had agreed to make to its own governance and also to clarify the position regarding the pensions of staff of the Trust, who transferred from the Council when ACL was established.

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The existing management and funding agreements between Forest Heath District Council and Anglia Community Leisure be novated on 1 April 2015 to Abbeycroft Leisure, to allow the formation of a single merged trust.
2. Forest Heath District Council agree to act as guarantor for the pension scheme applicable only to its own former employees who transferred to Anglia Community Leisure.

**29. Revenues Collection Performance and Write-Offs
(Report No CAB/FH/15/003)**

The Cabinet Member for Resources, Governance and Performance presented this report which sought approval for the write-off of uncollectable amounts in respect of Council Tax and Business Rates. The specific reasons for recommending these write-offs, was included within the exempt Appendix 1 and 2 to Report No CAB/FH/15/003.

The Cabinet Member also reported on the collection rates for Business Rates and Council Tax, as set out in paragraphs 3.2 and 3.3 of the report.

With the vote being unanimous, it was

RESOLVED:

That the write-off of the amounts detailed in the exempt appendices to Report No CAB/FH/15/003, be approved as follows:

1. Exempt Appendix 1 – Council Tax totalling £10,049.96
2. Exempt Appendix 2 – Business Rates totalling £3,953.90

30. **Mid Year Treasury Management Monitoring Report 2014/2015
(Report No CAB/FH/15/004)**

The Cabinet Member for Resources, Governance and Performance presented this report which provided Members with a review of the Treasury Management activities for the period April to September 2014.

The Monitoring Report and supporting documents were attached as Appendix 1, 2 and 3 to Report No CAB/FH/15/004.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That:-

1. The Mid Year Treasury Management Monitoring Report 2014/2015 be noted.
2. The Mid Year Treasury Management Monitoring Report 2014/2015 be referred to Council for consideration.

31. **Annual Treasury Management and Investment Strategy Statements
2015/2016 and Treasury Management Code of Practice
(Report No CAB/FH/15/005)**

The Cabinet Member for Resources, Governance and Performance presented this report which provided Members with explained that the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management required that, prior to the start of the financial year, that the Council formally approved an Annual Treasury Management and Investment Strategy, setting out the Council's treasury management policy and strategy statements for the forthcoming year.

The Cabinet were also informed that, since the publication of the agenda papers, there would be a requirement for the inclusion of an additional recommendation, as the Council needed to consider the implications regarding changes to credit ratings, following the recent implied removal of sovereign support in the Bank of England's 'bail-in' regulations.

The Annual Treasury Management and Investment Strategy was attached as Appendix 1 to Report No CAB/FH/15/008, along with supporting documents at Appendix 2, 3 and 4.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That:-

1. The Annual Treasury Management and Investment Strategy Statements 2015/2016 (as set out in Appendix 1 and 2 of Report No CAB/FH/15/005) be approved.
2. The Treasury Management Code of Practice (as attached in Appendix 3 and 4 of Report No CAB/FH/15/005) be approved.
3. The Head of Resources and Performance, in consultation with the Portfolio Holder for Resources, Governance and Performance, be given delegated authority to make amendments to the Treasury Management Investment Strategy 2015/2016, taking into account advice of the Council's Treasury Management Advisors in response to changes to credit ratings resulting from the implied removal of sovereign support in the Bank of England's 'bail-in' regulations.

32. Budget and Council Tax Setting: 2015/2016 and Medium Term Financial Strategy (Report No CAB/FH/15/006)

The Cabinet Member for Resources, Governance and Performance presented this report which set out the details of the Council's proposed revenue and capital budget for 2015/2016.

The Council continued to face considerable financial challenges as a result of uncertainty in the wider economy and constraints in public sector spending. The approach for delivering the 2015/2016 budget had been that the Council's resources should be allocated according to its strategic priorities. In practice, this meant prioritising the projects, actions and themes outlined in the West Suffolk Strategic Plan for 2014-2016, as well as the essential work that the Council needed to do (including its statutory functions).

The Government had, once again, offered to subsidise all councils which agreed to freeze council tax levels by providing a grant equivalent to 1% council tax increase for one year only.

The Cabinet Member had great pleasure in recommending to the Cabinet and the Council, a 0% increase on council tax for 2015/2016. The Cabinet Member also expressed his thanks to the Performance and Audit Scrutiny Committee for their involvement and input into the budget discussions for 2015/2016 and for all Members and Staff in the development of the 2015/2016 budget.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That:-

1. The revenue and capital budget for 2015/2016 attached at Attachment A to Report No CAB/FH/15/006 and as detailed in Attachment D, Appendix 1-5 be approved.
2. Having taken into account the conclusions of the Head of Resources and Performance's report on the adequacy of reserves and the robustness of budget estimates (Attachment C) and the Medium Term Financial Strategy (MTFS) (Attachment D), particularly the Scenario Planning and Sensitivity Analysis (Attachment D and Appendix 5) and all other information contained in this report, Cabinet recommends a 0% increase in Council Tax for 2015/2016.
3. The Head of Resources and Performance, in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus from the 2014/2015 revenue budget to the Invest to Save Reserve as detailed in paragraph 1.8.5, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year.
4. The use of the Council's discretionary power (S47 Local Government Finance Act) to provide the transitional relief be approved and delegated authority be given to the Head of Resources and Performance, in consultation with the Portfolio Holder for Resources and Performance, to determine the final guidelines for the operation of the transitional relief for 2015/2016 and 2016/2017 following the current scheme and guidance issued by Government, as set out in paragraphs 1.4.3 to 1.4.7 of Report No CAB/FH/15/006.

33. Pension Discretions Policy (Report No CAB/FH/15/007)

The Cabinet Member for Resources, Governance and Performance presented this report which explained that the Local Government Pension Scheme (LGPS) changed to a career average scheme in April 2014.

The new pension regulations provided employers with a number of discretionary options. The Council was required to agree and publish its decisions in relation to these discretions in a written Statement of Policy, that had to be agreed by Council.

The proposed Policy was set out in Appendix A to Report No CAB/FH/15/007, with the Summary of Recommendations attached at Appendix B.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That the Pension Discretions Policy, as contained in Appendix A to Report No CAB/FH/15/007, be approved.

34. **West Suffolk Homelessness Strategy 2015 - 2018
(Report No CAB/FH/15/008)**

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

The proposed joint Strategy was attached as Appendix A to Report No CAB/FH/15/008.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That the West Suffolk Homelessness Strategy 2015-2018, as contained in Appendix A to Report No CAB/FH/15/008, be adopted.

35. **West Suffolk Shop Front and Advertisement Design Guide:
Consultation Responses and Adoption
(Report No CAB/FH/15/009)**

The Cabinet Member for Planning, Housing and Transport presented this report which considered the consultation responses and proposed modifications to the West Suffolk Shop Front and Advertisement Design Guide, for adoption as a Supplementary Planning Document.

This report had also been considered by the Local Plan Working Group on 28 January 2015, where it was recommended that the Guide be adopted.

The proposed Guide was attached as an Appendix to Report No CAB/FH/15/009.

The Cabinet commended the Officers on the work which had been undertaken in the production of this Guide.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That:-

1. The content of the report be noted.
2. The West Suffolk Shop Front and Advertisement Design Guide with suggested amendments, as contained in the Appendix to

Report No CAB/FH/15/009, be adopted as a Supplementary Planning Document, subject to it being noted in the Glossary on page 28 in respect of the second item 'Building of Local Interest', reference to 'Birmingham' be deleted and 'the areas' inserted therefore.

3. The Head of Planning and Growth be given delegated authority to edit/insert appropriate images as part of the final document publishing process.

36. **Queensbury Lodge, Cottage and Stables, Newmarket
(Report No CAB/FH/15/010)**

The Head of Planning, Housing and Transport presented this report which sought approval to take appropriate action to secure the preservation of the Listed Buildings at Queensbury Lodge Stables.

The Cabinet acknowledged that the redevelopment of this prominent site at the entrance to Newmarket had been a consideration for both the owner and the Council for some time. The Council's approach to the site has had two primary aims; to protect the Listed Building and its setting and to keep the use of the site as a race horse training establishment, in line with its established horseracing policies or a use ancillary to the horse racing industry.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That:-

1. The content of this report be noted.
2. The Head of Planning and Growth, subject to approval of costs and regular reports, be given delegated authority to:
 - a) Continue to negotiate with the owners with the aim of securing the preservation of the buildings and an acceptable end use for the site.
 - b) Commence action under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, if necessary, to secure the preservation of the buildings.
 - c) Take action under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990, if necessary, to secure the preservation of the buildings.
 - d) Appoint consultants to undertake a feasibility study and development brief for the site (after a tender process) in order to establish a viable use which meets the Council's objectives.
 - e) Begin compulsory purchase proceedings, if necessary, to secure the preservation of the buildings.
 - f) Serve a Notice to require tidying of the site under Section 215 of the Town and Country Planning Act 1990.

37. **Newmarket Market Licence Regulations - Post Consultation
(Report No CAB/FH/15/011)**

The Cabinet Member for Economic Development and Tourism presented this report which considered new Draft Market Licence Regulations for Newmarket Market and agreed proposals to improve the Market in Newmarket, including plans for a re-launch of the Market after May 2015.

These proposed Regulations had been considered by the Market Traders. A number of minor amendments were suggested and these had been incorporated within the Regulations, which were attached as Appendix A to Report No CAB/FH/15/011.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL:

That:-

1. The Draft Market Licence Regulations (attached as Appendix A to Report No CAB/FH/15/011), for implementation from 1 March 2015 on Newmarket Market.
2. The proposed approach to improve Newmarket Market be agreed.

38. **Revised Local Development Scheme Programme Chart - January 2015
(Report No CAB/FH/15/012)**

The Cabinet Member for Planning, Housing and Transport presented this report which explained following the Cabinet decision on 9 December 2014, to prepare the Core Strategy Single Issue Review and Site Specific Allocations Local Plans in tandem, a further update to the Local Plan timetable was now required and it was also necessary to roll forward the programme to 2017.

The revised Local Development Scheme timetable was attached as Working Paper 1 to Report No CAB/FH/15/012).

This report had also been considered by the Local Plan Working Group on 28 January 2015, where it was recommended that the updated Scheme be published.

With the vote being unanimous, it was

RESOLVED:

That the updated West Suffolk Local Development Scheme programme chart (attached as Working Paper 1 to Report No CAB/FH/15/012), be agreed for publication.

39. **West Suffolk Equality Scheme
(Report No CAB/FH/15/013)**

The Cabinet Member for Families and Communities presented this report which provided Members with an updated Equality Scheme to be operational across both Forest Heath District Council and St Edmundsbury Borough Council.

The proposed West Suffolk Equality Scheme was attached as Appendix 1 to Report No CAB/FH/15/013, along with the Equality Impact Assessments (EqIA) Guidance and Forms at Appendix 2.

With the vote being unanimous, it was

RESOLVED:

That the West Suffolk Equality Scheme 2015-2020, attached at Appendix 1 to Report No CAB/FH/15/013 and the Equality Guidance and Forms at Appendix 2, be approved.

40. **Review of the Decisions Plan
(Report No CAB/FH/15/014)**

The Cabinet was asked to review the Decisions Plan for the period February to May 2015, as attached as an Appendix to Report No CAB/FH/15/014).

With the vote being unanimous, it was

RESOLVED:

That the Decisions Plan for the period February to May 2015, attached as an Appendix to Report No CAB/FH/15/014, be noted.

41. **Exemption to Contract Procedure Rules - Rooftop Solar Voltaic
Installation - 23-28 Putney Close, Brandon**

Section 4.3 of the Contract Procedure Rules state that between £50,001 and the EU Threshold any exemption must be approved by the Officer and Head of Service in consultation with the Head of Resources and Performance. The Officer must produce evidence to support the request for any exemption. The Head of Service shall prepare a report for the next Cabinet to support the action taken. The exemption, being a Contracting Decision, the reason for it (together with supporting evidence) shall be forwarded to the Head of Resources and Performance.

This exemption was exercised on 23 December 2014 for a contract to Kingspan Energy Ltd valued at £83,305.97 for the supply of specialised photo voltaic roofing panels to industrial units in Putney Close (as part of their refurbishment and re-roofing). The investment decision to provide photo voltaic panels at Putney Close was approved by Council on 10 December 2014. The proposal had been accepted as a good financial investment by Forest Heath District Council and Kingspan Energy were the sole installer of

PV panels that allowed the Council to retain the 25 year warranty of the roof covering below.

The exemption was made on the basis that:

- The goods or services were supplied at a fixed price or the prices were wholly controlled by trade organisations and the relevant Head of Service was satisfied that no satisfactory alternative was available;
- The works to be executed consisted of repair or supply of parts of existing propriety machinery or plant; and
- The specialised nature of the goods, services to be supplied or the works to be executed meant that only one suitable supplier had been identified or was available.

With the vote being unanimous, it was

RESOLVED:

That this exemption to the Contract Procedure Rules be noted.

42. Urgent Business

There were no items of Urgent Business raised.

43. Exclusion of the Press and Public

Refer to Minute Numbers 44. and 45. below.

**44. West Suffolk Operational Hub (para 3)
(Appendix A and B to Report No CAB/FH/15/001)**

The Cabinet considered Exempt Appendix A and B to Report No CAB/FH/15/001, however, as no reference was made to specific detail, this item was not held in private session.

**45. Revenues Collection Performance and Write-Offs (paras 1 and 2)
(Appendix 1 and 2 to Report No CAB/FH/15/003)**

The Cabinet considered Exempt Appendix 1 and 2 to Report No CAB/FH/15/003, however, as no reference was made to specific detail, this item was not held in private session.

The Meeting concluded at 7.00 pm

Signed by:

Chairman