

Council



Forest Heath
District Council

Minutes of a meeting of the **Council** held on
Wednesday 29 June 2016 at **6.00 pm** at the **Council Chamber, District**
Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Carol Lynch

Vice Chairman Michael Anderson

Ruth Allen	Victor Lukaniuk
Chris Barker	Louise Marston
John Bloodworth	Christine Mason
David Bowman	Robin Millar
Ruth Bowman	Colin Noble
Rona Burt	Peter Ridgwell
Simon Cole	Nigel Roman
Roger Dicker	Bill Sadler
Andy Drummond	Reg Silvester
Stephen Edwards	Lance Stanbury
Brian Harvey	James Waters

150. **Minutes**

The minutes of the meetings held on 24 February 2016 and 11 May 2016 were unanimously accepted as an accurate record and were signed by the Chairman, subject to the reference to "*Councillor Lance Armstrong*" within the February minutes (item number 134) being amended to read the correct name of Councillor Lance Stanbury.

151. **Chairman's Announcements (Report No COU/FH/16/009)**

The report was noted.

The Chairman thanked her Vice-Chairman Councillor Michael Anderson for specifically representing the Council at Thetford's Civic Reception on 10 June 2016.

She also advised the meeting that she had attended two further functions as Forest Heath Chairman which had been omitted from Report No COU/FH/16/009, these being:

- Sunday 12 June 2016 – Newmarket Tea Party for the Queen's 90th Birthday; and
- Monday 27 June 2016 – Suffolk College Awards (Bury St Edmunds).

152. **Apologies for Absence**

Apologies for absence had been received from Councillors Louis Busuttil and David Palmer.

Councillor Andrew Appleby was also unable to attend the meeting.

153. **Declarations of Interest**

None were declared.

154. **The Leader's Report (Report No COU/FH/16/010)**

The Leader presented his statement to the meeting, as set out in Report No COU/FH/16/010.

The Deputy Leader took this opportunity to address the Council as a whole in respect of the ongoing national press coverage of instances of racially motivated attacks/crime which had taken place within the UK since the EU Referendum. However, he was pleased to reassure Members that there had been no increase in reported hate crimes within Forest Heath (or indeed West Suffolk) since the referendum results.

The Deputy Leader reminded Councillors that they were leaders within their own communities and implored them to remain vigilant and raise any concerns directly with their Families and Communities Officer. He stressed that any hate or racially motivated attacks were to be openly deplored and were not welcome within the District or society as a whole.

In response to a question from Councillor Brian Harvey, the Deputy Leader clarified that the Council would continue to work closely with the police and other agencies as part of the Authority's everyday work. He stressed that Forest Heath remained committed to its statutory duties in respect of equality and diversity.

Councillor Dicker joined the meeting at 6.06pm during the preliminary discussion of this item.

155. **Public Participation**

The Chairman explained that following a specific approach made in respect of **Agenda Item 7. West Suffolk Operational Hub (Cabinet Referral Report No COU/FH/16/011)** and in the interests of joint working she had agreed to allow a question to be put from a person who would not normally meet the criteria for Public Question Time; in that the gentleman neither lived or worked in the Forest Heath District.

Accordingly, the following question was put and answered:

Phillip Reeve, Chairman of Great Barton Parish Council, gave thanks for being given the opportunity to address the meeting. He addressed Members on behalf of the Community Liaison Group (representing the Parishes of; the Fornhams, Great Barton, Risby and Rushbrooke with Rougham) and drew

attention to an email that had been sent to all Forest Heath Councillors from the CLG earlier that day.

The email set out the CLG's findings from the West Suffolk Operational Hub consultation and outlined their proposed viable alternatives; which directly opposed Report No COU/FH/16/011's recommendation for the West Suffolk Operational Hub to be developed at Hollow Road Farm.

In response, Councillor David Bowman, Portfolio Holder for Operations, stated that the aim of the WSOH was to co-locate the West Suffolk Councils' waste and street scene service infrastructure on a single site in order to be best placed to respond to significant growth of housing and business within the region. Thereby being able to work as efficiently as possible from within a modern facility.

The Cabinet Member stressed that the West Suffolk Councils had listened to the community and had even undertaken a second round of public consultation.

If Forest Heath Council approved the recommendations within Report No COU/FH/16/011 the next stage of the process would be for a detailed planning application to be submitted, at which point measures would be included to attempt to alleviate some of the residents' concerns with issues such as traffic.

156. **Referrals Report of Recommendations from Cabinet (Report No COU/FH/16/011)**

The Council considered the referrals report of recommendations from Cabinet as set out in Report No COU/FH/16/011:

West Suffolk Operational Hub
(Cabinet: 14 June 2016)

Councillor David Bowman, Cabinet Member for Operations, drew attention to an error within Recommendation 4 of Report No COU/FH/16/011; in that the gross capital budget should have read **£3.5m** (not £12.7m).

Subject to this amendment it was moved by the Cabinet Member, seconded by Councillor Stephen Edwards and with 22 voting for the motion and with 2 abstentions, it was

RESOLVED:

That:-

1. The content of Report No CAB/FH/16/023 and its appendices be noted;
2. The progression of a project to deliver a West Suffolk Operational Hub (Option 4) be approved;
3. The preparation and submission of a detailed planning application for a West Suffolk Operational Hub on land at Hollow Road Farm, be approved;

4. Approval be given for a gross capital budget of £3.5m (after the St Edmundsbury Borough Council contribution) to the Council's Capital Programme for 2016/2017, funded in line with Paragraphs 6.10 to 6.21 of Report No CAB/FH/16/023; and
5. The Council's Section 151 Officer to make the necessary changes to the Council's 2015/2016 prudential indicators as a result of Recommendation 4, above.

157. **Norfolk and Suffolk Devolution Agreement (Report No COU/FH/16/012)**

Council considered Report No COU/FH/16/012, which sought endorsement of the Norfolk and Suffolk Devolution Agreement, support for the Governance Review and agreement for a Scheme of Governance to be published for public consultation.

After extensive negotiations between Government and the Norfolk and Suffolk Leaders, a proposed Devolution Agreement had been developed. Council was required to assess whether to endorse the Devolution Deal Agreement at Appendix A and authorise the Leader to sign it.

Council was also asked to support the Governance Review and agree the publication of the Scheme of Governance. This would allow the Council to report to the Secretary of State such views to inform his decision on the Devolution Deal and the Scheme for the Mayoral Combined Authority.

The Chief Executive drew attention to the following two changes to the report (which would also be considered by all authorities across Norfolk and Suffolk):

- (a) As a direct consequence of the EU Referendum result and following discussions with HM Treasury, Paragraph 12 of the Norfolk and Suffolk Devolution Agreement (which related to the management of EU funding) at Appendix A was no longer valid. This would not impact the Governance Review or Scheme of Governance; and as this was a corrective change, it would neither affect the recommendations contained in the report. This paragraph would therefore be removed from the version of the document, which if endorsed, was required to be signed by the Leader of the Council; and
- (b) The third bullet point at Paragraph 4.4 of the report should be amended to read, '*a guaranteed £225m annual transport budget for the next five **four** years*'.

The Chief Executive added that the decisions taken at this meeting were not the final decisions and did not legally commit the Council to participating in a Combined Authority, as detailed in Section 8 of the report. The final decision about whether the Council joined the Combined Authority would be for Council to take in October 2016, following consideration of the results of the consultation that was scheduled to run between 4 July and 19 August 2016.

The Leader spoke in support of the report before Council and was confident that all Suffolk Authorities would unite in their decision. The Chairman took

this opportunity to thank the Leader on behalf of the whole Council for his ongoing efforts in respect of this item.

In response to comments made by Councillor Reg Silvester with regard to the New Anglia LEP (NALEP) and the Greater Cambridge, Greater Peterborough LEP (GCGP LEP), Councillor Colin Noble spoke at length on the role of the Local Enterprise Partnerships, the value they brought to the region and their role within the Devolution Agreement.

It was moved by the Leader, seconded by the Deputy Leader and with 22 voting for the motion and with 2 abstentions, it was

RESOLVED:

That:-

1. The signing of the Norfolk and Suffolk Devolution Agreement by the Leader, be endorsed by the Authority;
2. On the basis of the Governance Review, and having regard to any impact on equalities explored in the Equalities Impact Assessment (EqIA), it be concluded by the Authority that the establishment of a Mayoral Combined Authority for Norfolk and Suffolk is the option which most fully permits the effective discharge of the functions that Government is prepared to devolve to this area;
3. The publication of the draft Scheme for a Norfolk and Suffolk Mayoral Combined Authority as attached Report No: COU/FH/16/012 for consultation purposes, be endorsed and supported by the Authority, subject to such final revisions as may be approved by the Chief Executive in consultation with the Leader, and prior to the commencement of the formal consultation exercise. Such formal consultation, on the Scheme, to commence once all Norfolk and Suffolk Councils have considered the matters in the report and, in any event, no later than the 4 July 2016. In the event that a Constituent Authority named in the attached Scheme does not agree to endorse the Deal Agreement and/or the Scheme, the Authority authorises, through its Chief Executive the relevant changes to be made to the Deal Agreement, the Scheme and the Governance Review to reflect that Authority's non-participation;
4. The outcome of the consultation exercise be submitted to the Secretary of the State by the Chief Executive, in consultation with the Leader, by early September 2016;
5. Council meets by no later than 28 October 2016 to consider giving consent to an Order establishing a Mayoral Combined Authority for Norfolk and Suffolk;
6. Insofar as any of the matters referred to in Report No: COU/FH/16/012 concern the discharge of functions ancillary to the endorsing and signing of the Norfolk and Suffolk Devolution Agreement and the publication of the Scheme, authority be

delegated to the Chief Executive in consultation with the Leader, to take all necessary steps and actions to progress the recommendations detailed in the report;

7. Negotiations on the Deal agreement have only recently been concluded and the Review and Scheme have been subject to last minute change. In the event that additional powers are required by the Combined Authority to deliver the Deal Agreement, authority be delegated to the Chief Executive, in agreement with the other Chief Executives across Norfolk and Suffolk to make the necessary changes to the Scheme; and
8. Further reports be presented to the Authority, as appropriate, as the Devolution process develops.

158. **Community Governance and Electoral Reviews (Report No COU/FH/16/013)**

The Director sought the consent of Council to request an Electoral Review of the District's electoral arrangements by the Local Government Boundary Commission for England before the 2019 elections and, based on their response, to put in place arrangements for a corresponding Community Governance Review of parish electoral arrangements.

The Deputy Leader spoke in support of this item and advised the meeting that there was support from parishes for a review. Furthermore, this item was to be discussed at the next Forest Heath Parish Forum.

It was moved by the Deputy Leader, seconded by Councillor David Bowman and with the vote being unanimous, it was

RESOLVED:

That the Head of Human Resources, Legal and Democratic Services be authorised to:

1. Request the Local Government Boundary Commission for England to carry out an Electoral Review for Forest Heath District Council before its next elections in 2019; and
2. Subject to the Commission's response, consult parishes and other stakeholders on the terms of reference for a District-wide Community Governance Review and report back to Council accordingly.

Councillor Brian Harvey left the meeting at 6.55pm on conclusion of this item.

159. **Review of Political Balance and Appointment to Politically Balanced Bodies (Report No COU/FH/16/014)**

Council were advised that the Authority received a written Notice under Regulation 10(d) of the Local Government (Committees and Political Groups)

confirming that Councillor Bill Sadler was no longer to be treated as a member of the Conservative Group on Forest Heath District Council.

Accordingly, Councillor Sadler was now an Independent Member of the Authority which altered the political composition of the Council. Council was, therefore, requested to review the allocation of seats and substitutes to political groups in accordance with the political balance rules.

The recent appointment of an additional Cabinet Member together with the change in Conservative Group membership had also brought about a change to those Members appointed to the Overview & Scrutiny Committee and the Performance & Audit Scrutiny Committee; hence Council was also being asked to review the membership of those Committees, which are not politically balanced.

At the invitation of the Leader, Councillor Ruth Bowman was duly proposed and seconded as the Conservative Group's nomination for the (vacant position of) Vice Chairman of the Overview and Scrutiny Committee (Recommendation 5 of Report No COU/FH/16/014).

On there being no other nominations for Vice Chairman, it was moved by Councillor Rona Burt, seconded by Councillor Chris Barker and with 22 voting for the motion and with 1 abstention, it was

RESOLVED:

That:-

1. The formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced of Report No COU/FH/16/015, be approved;
2. The allocation of seats on the Committees which are required by law to be politically balanced, as indicated in Appendix 1 and paragraph 1.2.1 of Report No COU/FH/16/015, be approved;
3. The allocation of seats on the Overview and Scrutiny Committee as indicated in paragraph 1.2.3 of Report No COU/FH/16/015, be approved. This Committee is not required to be politically balanced;
4. The allocation of seats on the Performance and Audit Scrutiny Committee as indicated in paragraph 1.2.3 of Report No: COU/FH/16/015, be approved. This Committee is not required to be politically balanced;
5. Councillor Ruth Bowman be appointed as Vice Chairman of the Overview and Scrutiny Committee; and
6. The Service Manager (Legal & Democratic Services) be given delegated authority to appoint Members and Substitute Members to those bodies set out in recommendations 2 and 3 above, on the basis of nominations from the relevant Group Leaders.

160. **Review of the Constitution: Recommendations from the Joint Constitution Review Group (Report No COU/FH/16/015)**

Councillor Stephen Edwards, Cabinet Member for Resources and Governance, presented this report which sought approval for amendments to the Forest Heath District Council Constitution, following consideration by the Joint Constitution Review Group.

It was moved by the Cabinet Member, seconded by Councillor David Bowman and with the vote being unanimous, it was

RESOLVED:

That:-

1. The revised wording in the Forest Heath District Council Constitution in relation to:
 - (a) Part 3 – Functions and Responsibilities: Section 2 – Responsibility for Council Functions
 - (i) A – Development Control (as set out in Appendix A to Report No COU/FH/16/016).
 - (b) Part 3 – Functions and Responsibilities: Section 4 – Scheme of Delegation to Officers
 - (i) Head of Human Resources, Legal and Democratic Services (*which relates specifically to the delegations of the Service Manager (Legal and Democratic Services) and the Elections Manager*) (as set out in Appendix B to Report No COU/FH/16/016);
 - (ii) Head of Operations (as set out in Appendix C to Report No COU/FH/16/016); and
 - (iii) Head of Planning and Growth (*which relate specifically to the Officer delegations within the Planning and Development Matters*) (as set out in Appendix D to Report No COU/FH/16/016).
 - (c) Part 4 – Rules of Procedure
 - (i) Council Procedure Rules (as set out in Appendix E to Report No COU/FH/16/016); and
 - (ii) Committee Procedure Rules (as set out in Appendix F to Report No COU/FH/16/016).
2. To note the inclusion in the Forest Heath District Council Constitution of the Procedure Rules for the Joint Independent Remuneration Panel (as set out in Appendix G to Report No COU/FH/16/016).

161. **Annual Scrutiny Report: 2015/2016 (Report No COU/FH/16/016)**

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented Forest Heath's Annual Scrutiny Report for 2015/2016. He thanked

his fellow Overview and Scrutiny Members for all their support and input over the past year.

Councillor Colin Noble also spoke in support of the report in his capacity as Vice Chairman of the Performance and Audit Scrutiny Committee. He advised Council that a number of joint meetings had been undertaken with St Edmundsbury Borough Council and the two Authorities had worked closely on a number of projects.

It was moved by Councillor Simon Cole, seconded by Councillor Colin Noble and with the vote being unanimous, it was

RESOLVED:

That the Annual Scrutiny Report for 2015/2016 be received and noted.

162. Representation on Suffolk Health Scrutiny Committee

The Council was asked to nominate one Member and one substitute Member to serve on the County's Health Overview and Scrutiny Committee.

Councillor Simon Cole advised that the Overview and Scrutiny Committee had on 9 June 2016 nominated Councillor Christine Mason as the full Member and Councillor John Bloodworth as the substitute Member for 2016-2017.

Councillor Cole then formally moved the recommendation of the Overview and Scrutiny Committee, this was duly seconded by Councillor Rona Burt and with the vote being unanimous, it was

RESOLVED:

That Councillor Christine Mason be nominated as the District Council's representative and Councillor John Bloodworth as the nominated substitute Member on the Suffolk Health Overview and Scrutiny Committee for 2016-2017.

163. Questions to Chairmen of other Committees

There were no questions to Chairmen of other Committees.

164. Update from Members on Outside Organisations

The Chairman requested that those Members who represented the District Council on external bodies provide the September Council meeting with a short summary of the work they had undertaken in this capacity.

So that a short report could be produced on their behalf, she asked the Members concerned to provide the Democratic Services Team with a brief outline of the work they had undertaken in their role(s) as Forest Heath representative.

165. Urgent Questions on Notice

There were no urgent questions on notice.

166. Exclusion of Press and Public

It was moved by Councillor Stephen Edwards, seconded by Councillor Andy Drummond and with the vote being unanimous, it was

RESOLVED:

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

167. Home of Horseracing Project (para 3) (Report No COU/FH/16/017)

The Director presented this report which sought approval for practical and temporary measures to underwrite the imminent completion of the Home of Horseracing Project, if required.

Members were advised that Report No COU/FH/16/017 had been placed in the exempt part of the meeting in order for the Council to be provided with a detailed project update including confidential financial elements.

Councillor Andy Drummond, Cabinet Member for Leisure and Culture, then advised the meeting of the project's progress to date including the fundraising achieved.

Councillor Stephen Edwards, Cabinet Member for Resources and Performance and the Section 151 Officer also spoke on the item in respect of monetary matters.

The Director explained that he would be happy to arrange another visit to the National Horseracing Museum should Members wish to undertake one.

It was moved by Councillor Andy Drummond, seconded by Councillor Simon Cole and with the vote being unanimous, it was

RESOLVED:

That:-

1. The principle of making a bridging loan of up to £500,000 be approved, to enable completion of the Home of Horseracing Project; and
2. If the loan is required the Head of Resources and Performance, in consultation with the Portfolio Holders for Leisure & Culture and Resources & Performance together with the Service Manager (Legal), be authorised to negotiate and agree the terms of such a loan with the Home of Horseracing Trust and/or the National Horseracing Museum Trust and to issue the funding and necessary

legal agreements, taking in to consideration the Council's loans policy.

168. **Officer Delegation regarding upcoming Treasury Management Activities (para 3) (verbal)**

Councillor Stephen Edwards, Cabinet Member for Resources and Governance, tabled a document to the meeting which detailed the delegations sought in order to conclude the completion of Greenheath Energy Ltd (SPV for Solar Project).

The Section 151 Officer provided Council with a verbal update on the project and answered Members' questions.

A Member site visit was to be arranged on completion of the project.

It was moved by the Cabinet Member, seconded by Councillor David Bowman and with the vote being unanimous, it was

RESOLVED:

That Council endorse their decision on 14 October 2015 to move to complete the purchase of shares in Greenheath Energy Ltd subject to satisfaction of the conditions, and for further delegations to be granted as follows:

1. Authority to nominate Director(s) to the Company be delegated to the Head of Paid Service;
2. The Monitoring Officer to be the appointed Officer to enter into a Power of Attorney on behalf of the Council in respect of the voting rights of the shares from each of the Sellers in favour of the Council; and
3. Authority be delegated to the Section 151 Officer, in consultation with the Portfolio Holder for Resources and Performance, to vary the current approved code and investment strategy in order to manage the Council's cash flow activities between fixed term and instant access accounts; to enable the necessary funds to be available at completion of the acquisition of Greenheath Energy Ltd.

169. **Announcement by Chief Executive**

Prior to the Chairman closing the meeting of Council, the Chief Executive advised all those present that a meeting of Cabinet would now immediately follow in order to consider the Council's recommendations in respect of **Report No COU/FH/16/012 Norfolk and Suffolk Devolution Agreement.**

The Chief Executive explained that as the Council operated a Leader and Cabinet (Executive) decision making model, and in order to avoid a challenge on technical grounds, the decision to endorse the Devolution Agreement

needed to be taken by the Cabinet because it was technically an Executive decision under the Local Government Act 2000.

The meeting concluded at 7.20 pm

Signed by:

Chairman
