

Council



Forest Heath
District Council

Minutes of a meeting of the **Council** held on
Wednesday 22 February 2017 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	Brian Harvey
Andrew Appleby	Lukaniuk
Chris Barker	Louise Marston
John Bloodworth	Christine Mason
David Bowman	Colin Noble
Ruth Bowman	David Palmer
Rona Burt	Peter Ridgwell
Louis Busuttil	Nigel Roman
Simon Cole	Bill Sadler
Andy Drummond	Reg Silvester
Stephen Edwards	James Waters

200. **Minutes**

The minutes of the meeting held on 21 December 2016 were accepted as an accurate record and were signed by the Chairman, with 23 voting for the motion and with 1 abstention.

201. **Chairman's Announcements (Report No: COU/FH/17/001)**

The Chairman advised the meeting that further to the list of events listed in Report No: COU/FH/17/001 she also attended the following engagements on behalf of the District Council:

3 January 2017	The funeral of Jean Smith, who was PA to David Burnip, ex Chief Executive of Forest Heath District Council
10 January 2017	Red Lodge Parish Council meeting
11 January 2017	Herringswell Parish Council meeting
14 February 2017	Red Lodge Parish Council meeting
16 February 2017	Coffee morning in aid of Cancer Research, hosted in Kentford

The report was noted.

202. **Apologies for Absence**

Apologies for absence had been received from Councillors Roger Dicker, Robin Millar and Lance Stanbury.

203. **Declarations of Interest**

None were declared.

204. **The Leader's Report (Report No: COU/FH/17/002)**

The Leader presented his statement to the meeting, as set out in Report No: COU/FH/17/002.

He reminded Council that the Authority continued to work as commercially as possible in delivering services for Forest Heath.

The report was noted.

205. **Public Participation**

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

206. **Referrals Report of Recommendations from Cabinet (Report No: COU/FH/17/003)**

The Council considered the referrals report of recommendations from Cabinet as set out in Report No: COU/FH/17/003:

1. Review of Performance of Leisure Trust 2012-2016
(Cabinet: 14 February 2017)

In response to a question on this item from Councillor Bill Sadler, both the Leader and the Director reminded the Council of the scope of the partnership agreement in place with Abbeycroft Leisure.

Councillor Simon Cole also spoke in his capacity as Chairman of the Overview & Scrutiny Committee and advised Members on the role of scrutiny in connection with the leisure trust.

On the motion of Councillor Andy Drummond, Cabinet Member for Leisure and Culture, seconded by Councillor Simon Cole, and with the vote being unanimous, it was

RESOLVED:

That note was taken of the findings of the scrutiny in developing a new partnership agreement with Abbeycroft moving forward, in particular:

1. The need for full ~~transparency in~~ "disclosure of all" costs to the Council of providing leisure services;
2. The need for the agreement to focus on the outcomes for the health and wellbeing of communities; and

3. The approach to developing a Partnership agreement with Abbeycroft for at least 10 years and alignment of leases will deliver a value for money service for the Council.

(Councillor Colin Noble joined the meeting at 6.09pm during the preliminary discussion of the above item.)

2. Treasury Management Report 2016-2017 – Investment Activity (April to December 2016)
(Cabinet: 14 February 2017)

Councillor Stephen Edwards, Cabinet Member for Resources and Performance, drew attention to the amended recommendations in respect of this item which had been circulated as a supplementary paper to the agenda.

On the motion of the Cabinet Member, seconded by Councillor Louis Busuttil, and with the vote being unanimous, it was

RESOLVED:

That:-

1. The Treasury Management Report 2016-2017, attached at Appendix 1 to Report No: PAS/FH/17/006, be approved; and
 2. In relation to the long term loan of £4m, Officers to strongly pursue further negotiations with the Lender to achieve a more reasonable settlement figure. If this could not be achieved, Officers to seek further independent advice on the matter.
3. Annual Treasury Management and Investment Strategy Statements 2017/2018 and Treasury Management Code of Practice
(Cabinet: 14 February 2017)

On the motion of Councillor Stephen Edwards, Cabinet Member for Resources and Performance, seconded by Councillor David Bowman, and with the vote being unanimous, it was

RESOLVED:

That:-

1. The Annual Treasury Management and Investment Strategy Statements 2017/2018, as contained in Appendix 1 to Report No: PAS/FH/17/007, be adopted; and
2. The Treasury Management Code of Practice 2017/2018, as contained in Appendix 3 to Report No: PAS/FH/17/007, be approved.

4. Delivering a Sustainable Medium Term Financial Strategy 2017/2020
(Cabinet: 14 February 2017)
and
5. Budget and Council Tax Setting: 2017/2018 and Medium Term Financial Strategy 2017-2021
(Cabinet: 14 February 2017)

Councillor Stephen Edwards, Cabinet Member for Resources and Performance, drew attention to the amended recommendations in respect of item 5. which had been circulated as a supplementary paper to the agenda.

The Cabinet Member asked Members to note the Cabinet recommendations in respect of these two items as they were both to be considered separately by Council under Item 9 of the agenda (Report No: COU/FH/17/005).

6. Joint West Suffolk Sex Establishment Licensing Policy
(Cabinet: 14 February 2017)

In the absence of the Cabinet Member for this item, on the motion of the Leader, seconded by Councillor Michael Anderson, and with the vote being unanimous, it was

RESOLVED:

That the proposed Joint West Suffolk Sex Establishment Licensing Policy, as set out in Appendix 1 of Report No: LIC/FH/17/002, be adopted.

7. Mildenhall Hub – Funding
(Cabinet: 14 February 2017)

The Leader spoke on the recent widespread consultation that had been undertaken in respect of the Mildenhall Hub and the Director also spoke on the report and answered questions posed by Members.

On the motion of the Leader, seconded by Councillor Nigel Roman, and with the vote being unanimous, it was

RESOLVED:

That:-

1. The funding model, with estimated project budget and cash flow, as set out in Report No: CAB/FH/17/011 and its Appendix, be agreed and the Mildenhall Hub Project be approved to proceed to its planning and delivery stages;
2. A funding/partnership agreement with the project partners be prepared and signed by the Director, in consultation with the Leader and Portfolio Holder for Resources and Performance, on the basis set out in Section 6 of Appendix A to Report No: CAB/FH/17/011;

3. Cabinet be authorised to approve a separate business case for an investment of up to £4m in renewable energy provision in the Hub, provided that this business case is in line with the Council's Medium Term Financial Strategy; and
 4. The Council's Section 151 Officer make the necessary changes to the Council's prudential indicators as a result of Recommendation 1. above.
8. Civil Parking Enforcement
(Cabinet: 14 February 2017)

Councillor David Bowman, Cabinet Member for Operations, spoke on this item and drew attention to the initial deficit from the scheme. The Assistant Director (Operations) also spoke and answered questions posed by Members.

It was moved by the Cabinet Member and seconded by Councillor Andy Drummond, that the recommendations for this item, as set out in Report No: COU/FH/17/003, be approved.

Councillor Andrew Appleby raised concern in respect of Recommendations 6. and 7. and stressed that further consultation needed to be undertaken with Newmarket Town Council and Newmarket Vision prior to agreeing these elements.

He proposed an amendment that the Recommendations be approved minus numbers 6. and 7., this was duly seconded by Councillor Ruth Allen.

The Section 151 Officer highlighted to Members that removal of recommendations 6. and 7. would change the financial implications of the paper and, as such, would pose an approximately £100k pa financial impact to the Council's budget and further savings/income would need to be identified to mitigate this.

Upon the Chairman putting the amendment to the vote and with 2 voting for and with 22 against, the Chairman declared the amendment lost.

The original motion from the Cabinet Member was then put to the vote and with 22 voting for, 1 against and with 1 abstention, it was

RESOLVED:

That:-

1. The contents of Report No: CAB/FH/17/014 and the estimated financial impact of introducing Civil Parking Enforcement shown at Exempt Appendix A to the report be noted;

2. Suffolk County Council be supported in seeking the transfer of Civil Parking Enforcement powers to Forest Heath District Council;
3. An Agency Agreement be entered into with Suffolk County Council for the period 2019-2029 to undertake delegated Civil Parking Enforcement Powers across the District;
4. £10,000 be contributed towards the countywide set up costs for Civil Parking Enforcement;
5. It be agreed that Forest Heath District Council will meet the cost of operating Civil Parking Enforcement delivered by a shared West Suffolk service, subject to:
 - (i) The retention of all on-street parking income;
 - (ii) A Service Level Agreement with Suffolk County Council on the processing of new requests for restrictions and maintenance of lines and signs; and
 - (iii) Delegated responsibility be assumed to this Authority for on-street pay and display tariff setting, and provision of on-street parking bays (subject to a Highway Authority pre-defined assessment).
6. The planned introduction of on-street charging in Newmarket High Street be noted (as previously agreed by Cabinet on 22 December 2015 at Report No: CAB/FH/15/063) and Suffolk County Council be requested to prioritise the development of the scheme at the earliest opportunity;
7. Subject to resident consultation, the introduction of an on-street resident permit scheme in Newmarket be approved;
8. A review of off-street parking tariffs and the identification of further opportunities for on-street charging be approved for by the end of 2017;
9. The use of reserves in the short-term, be approved, to offset the deficit in order to provide time to review full financial implications post implementation; and
10. Delegated Authority be given to the Assistant Director (Operations), in consultation with the Portfolio Holder for Operations, to sign-off the final agreements relating to the introduction of Civil Parking Enforcement.

207. **Report of the West Suffolk Joint Independent Remuneration Panel - Members' Scheme of Allowances (Report No: COU/FH/17/004)**

Councillor Stephen Edwards, Cabinet Member for Resources and Performance, spoke on this item.

Following the Council's decision at the last meeting (21 December 2016) to defer this matter to allow more time to consider the Panel's proposals, due consideration of the proposals had now been given.

Whilst the significant amount of work of the Panel was acknowledged, which the Cabinet Member gave sincere thanks for, it was not considered that the proposed Members' Allowance Scheme could be supported or adopted for the following reasons:

- The changes were fundamentally different to the current scheme and it was not felt necessary to make this deviation;
- Whilst changes to the existing scheme may be required in the future it was not considered the right time to do this now, furthermore, it was deemed more appropriate for a new scheme to coincide with an election cycle;
- The proposal would result in an unnecessary increase to the budget;
- Given that the changes proposed were so fundamental to the scheme it would be difficult to accept some parts without altering the rest, therefore, it was proposed to reject the proposals completely at this time.

Accordingly, the Cabinet Member then proposed alternative recommendations to those listed in Report No: COU/FH/17/004, in order to reject the 36 specific recommendations of the West Suffolk Joint Independent Remuneration Panel in their entirety and to extend the current Members' Scheme of Allowances to 2019.

This was duly seconded by Councillor David Bowman and with the vote being unanimous, it was

RESOLVED:

That:-

1. The 36 specific recommendations of the West Suffolk Joint Independent Remuneration Panel, as set out in Appendix A to Report No: COU/FH/16/029, be rejected in their entirety and therefore a new Members' Allowance Scheme for Forest Heath District Council be not adopted; and
2. As a consequence of the above, the current Forest Heath District Council Members' Allowance Scheme be extended beyond 31 March 2017 until a date of expiry of 31 May 2019.

208. **Budget and Council Tax Setting 2017/2018 and Medium Term Financial Strategy 2017-2021 (Report No: COU/FH/17/005)**

Councillor Stephen Edwards, Cabinet Member for Resources and Performance, presented this report which set out the Council's proposed revenue and capital budget for 2017/2018 and sought approval to set the level of Council Tax required to fund the budget.

The Cabinet Member spoke on the successful way the Council was operating commercially with schemes such as the Solar Farm, and the excellent record the Authority had achieved in reducing costs, even in the face of financial pressures brought about by the reduction in Government funding; such as the Revenue Support Grant and New Homes Bonus.

He advised Members that in view of Central Government no longer offering the Council Tax Freeze Scheme grant to Local Authorities, and in order to maintain the high quality of services and investment in communities, it was now necessary to increase the Council Tax by 3.6% in order to balance the budget for the next three years.

He praised Officers and Members for their efforts in the production of the budget report and thanked the Performance & Audit Scrutiny Committee for their valued input.

Councillor Reg Silvester asked if it would be possible to be provided with figures to date in respect of the Council's Solar Farm. The Cabinet Member agreed to request Officers to provide this information to Members of the Council.

Councillor Bill Sadler raised a question in respect of Newmarket Town Council not having yet set their precept for 2017/2018 as they were not due to meet until 27 February 2017.

The Assistant Director (Resources and Performance) advised of the deadlines in respect of Parish precepts and explained that the Town Council were within their rights to meet on 27 February 2017. She drew attention to the recommendations before Members which included an authorisation to her to amend the provisional amounts, if necessary, in respect of the Town Council's precept.

Councillor Andy Drummond spoke in his capacity as Mayor of Newmarket Town Council and advised the meeting that the Town Council had no intention of increasing their precept; meaning the provisional figure included within the report should stand.

Following the motion of the Cabinet Member, as seconded by Councillor David Bowman, the Service Manager (Democratic Services) explained that a recorded vote was legally required for this item.

Upon being put to the vote Members voted as follows:

Name of Member	For	Against	Abstained
Ruth Allen	X		
Michael Anderson	X		
Andrew Appleby	X		
Chris Barker	X		
John Bloodworth	X		
David Bowman	X		
Ruth Bowman	X		
Rona Burt	X		
Louis Busuttil	X		
Simon Cole	X		
Andy Drummond	X		
Stephen Edwards	X		
Brian Harvey	X		
Carol Lynch	X		

Name of Member	For	Against	Abstained
Victor Lukaniuk	X		
Louise Marston	X		
Christine Mason	X		
Colin Noble	X		
David Palmer	X		
Peter Ridgwell	X		
Nigel Roman	X		
Bill Sadler	X		
Reg Silvester	X		
James Waters	X		
TOTAL	24	0	0

With the vote being unanimous, it was

RESOLVED:

That:-

1. Having taking into account the information received by Cabinet on 14 February 2017 (Report No: CAB/FH/17/008) including the report by the Assistant Director (Resources and Performance) / Section 151 Officer set out in Attachment C, together with the up to date information and advice contained in Report No: COU/FH/17/005, the level of Band D Council Tax for 2017/2018 be set at £142.38;
2. Subject to 1. above, the following formal Council Tax resolution be adopted:-
 - i. The revenue and capital budget for 2017-2021 attached at Attachment A, and as detailed in Attachment D, Appendices 1 – 5 and Attachment E, be approved;
 - ii. A general fund balance of £2 million be agreed to be maintained, as details in Paragraph 1.11.2;
 - iii. The statutory calculations under Section 30 to 36 of the Local Government Finance Act 1992, attached as Attachment G, be noted;
 - iv. The Suffolk County Council and Suffolk Police Authority precepts issued to Forest Heath District Council, in accordance with Section 40 of the Local Government Finance Act 1992 and outlined at Paragraphs 2.5 and 2.6 be noted;
 - v. In accordance with Section 30(2) of the Local Government Finance Act 1992, the amounts shown in Schedule D of Attachment F be agreed as the amount of Council Tax for the year 2017/2018 for each of the categories of dwellings shown; and
 - vi. The Assistant Director (Resources and Performance) be authorised to amend where necessary the amounts in Attachment F and G in accordance with any changes notified by Newmarket Town Council, to the provisional precept.
3. The Assistant Director (Resources and Performance), in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus on the 2016/2017 revenue

budget to the Invest to Save Reserve as detailed in Paragraph 1.11.4, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year; and

4. The Discretionary Business Rates Relief awarded for local newspapers as detailed in Paragraphs 1.4.2.1 to 1.4.2.3 be approved.

209. **Community Governance Review (Report No: COU/FH/17/006)**

The Director presented this report which sought Council approval to agree the terms of reference and consultation recommendations for the Community Governance Review of Forest Heath in 2017.

Members' attention was drawn to an addendum to Appendix C of Report No: COU/FH/17/006 which had been circulated as a supplementary paper to the agenda.

Council were advised that Recommendation 1 of the report would require separate consideration of each of the 'potential issues' and a separate motion would need to be proposed, seconded and voted upon for each. Where options are referred to below, these were set out in detail in Appendix C to Report No: COU/FH/17/006, including maps showing proposed new boundaries for consultation.

Potential Issue No. 1: Exning/Newmarket

Whether or not (and how) Exning Cemetery should be transferred from Newmarket Parish to Exning Parish by way of a minor boundary change.

Councillor Simon Cole, as Ward Member for Exning, spoke in support of this 'issue' and advised Council that this was supported by Exning Parish Council.

Councillor Cole moved that Option B: Include in the Review – Option 2: Change the boundary to transfer an area from Newmarket Parish to Exning Parish, be approved. This was duly seconded by Councillor Bill Sadler and with the vote being unanimous, it was

RESOLVED:

- 1a. That, as set out in Appendix C to Report No: COU/FH/17/006, Potential Issue No. 1: Exning/Newmarket be included in the terms of reference for the Community Governance Review and the Council's recommendation for consultation be Option 2: Change the boundary to transfer an area from Newmarket Parish to Exning Parish.

Potential Issue No. 2: Mildenhall/West Row

Whether or not (and how) the existing Parish of Mildenhall should be divided to create two parishes, each with its own parish council: a smaller Parish of Mildenhall and a new Parish of West Row.

The Leader spoke, in his capacity as one of the Ward Members for West Row, and questioned whether there was evidence of sufficient support within West Row for this proposed change.

As such, he proposed that Option B: Include in the Review – Option 1: No change to the current arrangements, be approved. As this would enable local evidence to be submitted to demonstrate a need for a change. This was duly seconded by Councillor Andy Drummond and with the vote being unanimous, it was

RESOLVED:

- 1b. That, as set out in Appendix C to Report No: COU/FH/17/006, Potential Issue No. 2: Mildenhall/West Row be included in the terms of reference for the Community Governance Review and the Council's recommendation for consultation be Option 1: No change to the current arrangements.

Potential Issue No. 3: Kentford/Moulton

Whether or not (and how) new and existing properties to the North of Moulton Parish should be transferred to Kentford Parish.

The Director advised that since publication of the agenda, a joint response had been received from Moulton and Kentford Parish Councils. Both agreed that the 'issue' should be included in the CGR and that consultation with residents on a new boundary should focus on the choice between Options 1 or 2.

Councillor Simon Cole moved that Option B: Include in the Review – Option 2: Transfer properties from Moulton Parish to Kentford Parish by moving the boundary, be approved. This was duly seconded by Councillor Andy Drummond and with the vote being unanimous, it was

RESOLVED:

- 1c. That, as set out in Appendix C to Report No: COU/FH/17/006, Potential Issue No. 3: Kentford/Moulton be included in the terms of reference for the Community Governance Review and the Council's recommendation for consultation be Option 2: Transfer properties from Moulton Parish to Kentford Parish by moving the boundary.

Potential Issue No. 6: Barton Mills/Red Lodge

Whether or not (and how) land in Barton Mills Parish should be transferred to Red Lodge Parish.

The Director drew attention to the documentation in respect of this item which had been circulated as a supplementary paper to the agenda. He also advised on the linkage of this 'issue' to the Local Plan process and how this should be borne in mind when considering this matter.

Councillor David Bowman moved that Option A: Do not include in this review, be approved. This was duly seconded by Councillor Brian Harvey who informed Members of Barton Mills Parish Council's opinion. With the vote being unanimous, it was

RESOLVED:

- 1d. That as set out in the addendum to Appendix C to Report No: COU/FH/17/006 Potential Issue No. 6: Barton Mills/Red Lodge be not included in the terms of reference for the Community Governance Review for the following reasons: there is not yet certainty regarding whether or not, and how, this land would be affected by future development and a later CGR to examine this specific issue would be more appropriate.

(Councillor Bill Sadler left the meeting at 7.04pm on conclusion of the above item.)

Attention was then drawn to Recommendations 2, 3 and 4 of the report.

Councillor Ruth Bowman raised a question with regard to the timeframe and resources in place for the CGR and the Director responded in detail.

Councillor Colin Noble spoke in his capacity as Leader of Suffolk County Council and made reference to Potential Issue 6: Isleham Marina. He strongly objected to any suggested change of Isleham Marina moving out of the county and informed Members that the County Council would oppose this on behalf of the community.

The Director confirmed to Councillor Noble that the proposal before Council was for this matter to *not* be included in the CGR for the reasons set out in Recommendation 2 of the report.

It was proposed by Councillor Andy Drummond, seconded by Councillor David Bowman and with the vote being unanimous, it was

RESOLVED:

That:-

2. Potential Issues 4 (Dalham/Ousden) and 5 (Isleham Marina) outlined in Appendix C of Report No: COU/FH/17/006 be not included in the terms of reference for this Community Governance Review, on the basis that they involve Principal Area Boundaries and be dealt with in the matter proposed in Appendix C instead;
3. Reflecting the decisions made in 1a.-d. and 2 above, terms of reference, maps, electorate forecasts and final recommendations for consultation be prepared and published for this Community Governance Review, on the basis set out in Section 4 and Appendix A of Report No: COU/FH/17/006; and

4. Consultation on the final recommendations for this review be carried out on the basis set out in Appendix A of Report No: COU/FH/17/006, and a report on the outcomes of that consultation be presented to the Council at its June or July 2017 meeting for final decision.

210. **Calendar of Meetings: 2017/2018 (Report No: COU/FH/17/007)**

The Cabinet Member for Resources and Performance presented this report which sought approval for the Calendar of Meetings for 2017/2018.

On the motion of the Cabinet Member, seconded by Councillor David Bowman, it was

RESOLVED:

That the Calendar of Meetings for 2017/2018, as set out in Appendix A of Report No: COU/FH/17/007, be approved.

211. **Questions to Chairmen of other Committees**

There were no questions to Chairmen of other Committees.

212. **Urgent Questions on Notice**

There were no urgent questions on notice.

The meeting concluded at 7.13 pm

Signed by:

Chairman
