

Cabinet



Forest Heath
District Council

Minutes of a meeting of the **Cabinet** held on
Tuesday 13 September 2016 at 6.00 pm at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**
Chairman James Waters (Leader of the Council)

David Bowman

Andy Drummond

By Invitation:
Simon Cole

(Chairman of the Overview and Scrutiny
Committee)

In attendance:
Andrew Appleby

217. **Apologies for Absence**

Apologies for absence were received from Councillors Stephen Edwards and Robin Millar.

Councillor Lance Stanbury was also unable to attend the meeting.

218. **Minutes**

The minutes of the meetings held on 14 June 2016, 29 June 2016 (Extraordinary meeting) and 19 July 2016 were unanimously confirmed as a correct record and signed by the Chairman.

219. **Open Forum**

Hatchfield Farm: Secretary of State Decision

Councillor Simon Cole addressed the Cabinet, in relation to the announcement by the Secretary of State for Communities and Local Government, to the overturning of Forest Heath District Council's planning permission made in 2014, to permit 400 homes at Hatchfield Farm in Newmarket.

Councillor Cole explained how he considered that not allowing these homes would effectively be damaging to local residents, local businesses, as well as to the horseracing industry, as future infrastructure investment would not be provided to a town which was not seen to be wanting to achieve balanced and sustainable growth.

Councillor Cole also referred to the statement made by the Secretary of State in relation to the 'perception' of damage to the horseracing industry from this application and considered, that in his view, this could be challenged in the High Court. Councillor Cole also stated that discussions should also be taking place with Lord Derby (the applicant for this planning application) in relation to this decision.

Therefore, Councillor Cole proposed that full Council should consider making a High Court Challenge to the Secretary of State's decision and also explained that there was a six week deadline for this Challenge to be made.

Councillor James Waters responded to Councillor Cole and confirmed that the Council was taking legal advice on the next steps following the Secretary of State's decision and would also be liaising with all parties involved. Councillor Waters also explained that, in the meantime, the Secretary of State had been invited to Newmarket to see how the investment that Newmarket needed could be obtained from the Government.

220. **Public Participation**

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

221. **Report of the Overview and Scrutiny Committee: 9 June 2016 (Report No: CAB/FH/16/032)**

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented this report which informed the Cabinet of the following items which had been discussed by the Committee on 9 June 2016 and also drew relevant issues to the attention of the Cabinet:

- (1) Transport Links for Rural Villages in Forest Heath.
- (2) Draft West Suffolk Annual Report (2015-2016).
- (3) Presentation by the Leader of the Council on his Portfolio Holder responsibilities.
- (4) Newmarket Vision Update.
- (5) New Housing Development Sites Joint Task and Finish Group – Update.
- (6) Decisions Plan: June 2016 to May 2017.
- (7) Work Programme and Re-Appointments to Task Groups/Suffolk County Council's Health Scrutiny Committee.

With the vote being unanimous, it was

RESOLVED:

That the contents of the report be noted.

222. **Report of the Overview and Scrutiny Committee: 21 July 2016 (Report No: CAB/FH/16/033)**

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented this report which informed the Cabinet of the following items which had been discussed by the Committee on 21 July 2016 and also drew relevant issues to the attention of the Cabinet:

- (1) Presentation by the Lead Portfolio Member for Housing.
- (2) Review and Revision of the Constitution – Quarterly Report.
- (3) Directed Surveillance Authorised Applications (Quarter 1).
- (4) Decisions Plan: July 2016 to May 2017.
- (5) Work Programme Update and Suggestions for Scrutiny.

With the vote being unanimous, it was

RESOLVED:

That the contents of the report be noted.

223. Report of the Anglia Revenues and Benefits Partnership Joint Committee: 21 June 2016 (Report No: CAB/FH/16/034)

The Cabinet received this report which informed them of the following items which had been discussed by the Anglia Revenues and Benefits Partnership Joint Committee on 21 June 2016. Relevant issues were also brought to the attention of the Cabinet:

- (1) Performance Report.
- (2) Risk Register.
- (3) Medium Term Financial Plan.
- (4) Opportunities for ARP.

With the vote being unanimous, it was

RESOLVED:

That the contents of the report be noted.

224. Report of the Performance and Audit Scrutiny Committee: 27 July 2016 (Report No: CAB/FH/16/035)

The Cabinet received this report which informed them of the following items which had been discussed by the Committee on 27 July 2016. Relevant issues were also drawn to the attention of the Cabinet:

- (1) Balanced Scorecard and Quarter 1 Performance Report 2016-2017.
- (2) West Suffolk Strategic Risk Register Monitoring Report – June 2016.
- (3) Work Programme Update.
- (4) Financial Performance Report (Revenue and Capital) – Quarter 1 (April to June 2016).
- (5) Annual Treasury Management Report 2015-2016 and Investment Activity (April to June 2016). *(This item was subject to a separate report on the agenda – Report No CAB/FH/16/036 refers).*

With the vote being unanimous, it was

RESOLVED:

That the contents of the report be noted.

225. **Recommendations of the Performance and Audit Scrutiny Committee: 27 July 2016 - Annual Treasury Management Report 2015/2016 and Investment Activity (1 April to 30 June 2016) (Report No: CAB/FH/16/036)**

The Cabinet received this report which sought approval for the Annual Treasury Management Report for 2015/2016.

The Council's Annual Treasury Management Report for 2015-2016 was attached as Attachment 1 to the report, which included tables which summarised the interest earned during 2015-2016 on the various treasury management investments held by the Council; investment activity during the year and investments held as at 31 March 2016.

The budgeted income from investments in 2015/2016 was £379,500 (average rate of return of 1.75%). The interest actually earned during the year totalled £417,402, an overachievement of £37,902. This overachievement was mainly due as a result of timing differences in the receipts and payment of National Non-Domestic Rates (NNDR), an underspend on the Council's original capital programme and higher than predicted revenue reserve balances being held. Investment activity from 1 April to 30 June 2016 was also noted.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (28 September 2016)

The Annual Treasury Management Report 2015-2016, attached at Attachment 1 to Report No PAS/FH/16/009), be approved.

226. **West Suffolk Joint Pay Policy Statement 2016/2017 (Report No: CAB/FH/16/037)**

The Cabinet received this report which presented the West Suffolk Joint Pay Policy Statement for 2016/2017.

Section 38/11 of the Localism Act 2011 required local authorities to produce an annual Pay Policy Statement. Relevant issues were drawn to the attention of the Cabinet and it was explained that the West Suffolk Joint Pay Policy Statement (attached as Appendix 1 to the report) reflected a shared workforce and the single Pay and Reward Strategy which was in place for St Edmundsbury Borough and Forest Heath District Councils. It also incorporated the outcomes of the 2013 collective agreement which established a modern reward framework for the integrated workforce.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (28 September 2016)

That the West Suffolk Joint Pay Policy Statement for 2016/2017, as contained in Appendix 1 to Report No: CAB/FH/16/037, be approved.

227. **Recommendations of the West Suffolk Joint Staff Consultative Panel: 25 July 2016 - West Suffolk Human Resources Policies (Report No: CAB/FH/16/038)**

The Cabinet considered this report which sought approval for four new West Suffolk Human Resources (HR) Strategy/Policies.

The Cabinet were informed that at the meeting of the West Suffolk Joint Staff Consultative Panel on 25 July 2016, the Panel had considered the content of the following documents, as attached to the report:

Appendix 1: Workplace Wellbeing Strategy 2016-2019

Appendix 2: Mental Health at Work Policy 2016

Appendix 3: Mentoring Policy 2016

Appendix 4: Mediation Policy

The Workplace Wellbeing Strategy was the overarching strategy which encompassed the West Suffolk Authorities' commitment to the health and wellbeing of staff through a range of initiatives. The other three policies underpinned the commitment and strengthened the wellbeing of the West Suffolk Councils' staff. The Panel had recommended approval of all four documents, which had been prepared in accordance with current employment legislation and good practice, subject to a paragraph being added to the Workplace Wellbeing Strategy, to explain the role of the Workplace Wellbeing Charter.

With the vote being unanimous, it was

RESOLVED:

That subject to the addition of a paragraph to the Workplace Wellbeing Strategy to explain the role of the Workplace Wellbeing Charter, the following West Suffolk Human Resources Policies, as contained in Appendices 1 to 4 respectively to Report No: JSP/JT/16/003 be approved:

- Workplace Wellbeing Strategy 2016-2019 (Appendix 1)
- Mental Health at Work Policy 2016 (Appendix 2)
- Mentoring Policy 2016 (Appendix 3)
- Mediation Policy 2016 (Appendix 4)

228. **Decisions Plan: September 2016 to May 2017 (Report No: CAB/FH/16/039)**

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period September 2016 to May 2017.

Members took the opportunity to review the intended forthcoming decisions of the Cabinet. However, no further information or amendments were requested on this occasion.

229. **Revenues Collection and Performance Write-Offs (Report No: CAB/FH/16/040)**

The Cabinet received this report which set out the current revenue collection performance and also sought approval for the writing-off uncollectable debts, in respect of Housing Benefit Overpayments (Exempt Appendix 1) and a FHDC debtor (Exempt Appendix 2).

The Head of Resources and Performance also explained that since the publication of the agenda papers, there was now also an urgent item which needed to be considered by the Cabinet in relation to the writing-off of uncollectable debts in relation to outstanding Business Rates (Exempt Appendix 3). As the detail of this write-off was contained within Exempt Appendix 3, the Cabinet discussions were held in private session (see Minute No. 231 below).

230. **Exclusion of the Press and Public**

It was proposed, seconded and

RESOLVED:

That under Section 100(A)(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 it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12(A) of the Act.

231. **Exempt Appendices 1, 2 and 3* (*Urgent Item*): Revenues Collection and Performance Write-Offs (paras 1 and 2) (Report No CAB/FH/16/040)**

The Cabinet considered Exempt Appendices 1, 2 and 3* (*Urgent Item*) to Report No CAB/FH/16/040, where reference was made to the specific detail contained within these Appendices.

The Head of Resources and Performance also explained that as an urgent decision was required in relation to Exempt Appendix 3, the Chairman of the Overview and Scrutiny Committee had also agreed that the Cabinet decision for this write-off should be exempted from the Call-in procedure, in line with Part 4: Overview and Scrutiny Committee Procedure Rules (paragraph 14.4) of the Council's Constitution.

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/16/040 be approved, as follows:

1. Exempt Appendix 1: Housing Benefit Overpayment totalling £9,812.86.

2. Exempt Appendix 2: FHDC Debtor Write-Off totalling £2,971.92.
3. Exempt Appendix 3: Business Rates (*Urgent Decision*)*
 - (a) Delegated authority be given to the Head of Resources and Performance, in consultation with the Leader of the Council, to write-off an amount, as set out in Exempt Appendix 3.
 - (b) Delegated authority be given to the Head of Resources and Performance to write-off the daily rate of business rates accruing for the next 14 days.

*(*The settlement of this outstanding debt would be agreed, by consent, with funds only being available for a limited time. Once settled, the agreement would not be open for change at a later stage legally and any call-in would be incapable of altering the Cabinet's decision. Therefore, due to this urgency, the Chairman of the Overview and Scrutiny Committee had agreed that this Cabinet decision should be exempted from the Call-in procedure, in line with Part 4: Overview and Scrutiny Committee Procedure Rules (paragraph 14.4) of the Council's Constitution.*

The Meeting concluded at 6.25 pm

Signed by:

Chairman
