



# Forest Heath District Council

## Cabinet Decisions Notice

(Published: Thursday 16 February 2017)

The following decisions were taken by the Cabinet on **Tuesday 14 February 2017** and, if not called in by Councillors, will come into operation on Friday 24 February 2017. This procedure does not however, apply to decisions that have been recommended to Council for a final decision (and which are also indicated within the decisions below). An executive decision may be called in, in accordance with the Overview and Scrutiny Committee Procedure Rules contained within Part 4 of the Council's Constitution, by at least five Councillors submitting the required call-in request form to the Assistant Director (HR, Legal and Democratic Services) (e-mail: [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk)) by **5.00 pm on Thursday 23 February 2017**.

Should you have a query regarding any of the decisions taken, 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](mailto:firstname.surname@westsuffolk.gov.uk). Alternatively, you may also contact the relevant Portfolio Holder on the telephone number listed against their name, or via email using the format [firstname.surname@forest-heath.gov.uk](mailto:firstname.surname@forest-heath.gov.uk). Contact may also be made via Democratic Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY

Agenda Item and Report No.	Declarations of Interest/Dispensations Granted	Decision(s) (including recommendations to Council)	Reason(s) for Decision(s)	Other Options Considered and Reasons for Rejection	Contacts
Item No. 5 CAB/FH/17/001	None	<u>Report of the Overview and Scrutiny Committee: 12 January 2017</u>  RESOLVED: That the contents of Report No: CAB/FH/17/001, being the report of the Overview and Scrutiny Committee, be noted.	The report set out the decisions which had been made by the Overview and Scrutiny Committee at their meeting on 12 January 2017.	The Overview and Scrutiny Committee had considered the options in detail at their meeting on 12 January 2017.	<u>Chairman of Committee:</u> Cllr Simon Cole 07974 443762  <u>Officer:</u> Christine Brain Democratic Services Officer (Scrutiny) 01638 719729
Item No. 6 CAB/FH/17/002	None	<u>Recommendations of the Overview and Scrutiny Committee: 12 January 2017 - Public Space Protection Orders (PSPOs) - Changes to Anti-</u>	The Cabinet was satisfied that, subject to the outcome of the public consultation, the proposed amended conditions to the Public	The current Designated Public Place Orders could be discharged and	<u>Portfolio Holders:</u> Cllr David Bowman

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		<p><u>Social Behaviour Legislation</u></p> <p>RESOLVED: That, as detailed in Report No: OAS/FH/17/003:</p> <ol style="list-style-type: none"> <li>1. The Public Space Protection Orders relating to dog control across Forest Heath, be approved, subject to public consultation.</li> <li>2. Subject to receiving confirmation from Legal Services that this is possible under the legislation:               <ol style="list-style-type: none"> <li>(i) The Service Manager (Operations, Leisure and Culture), in consultation with the Portfolio Holder, informs the local Town and Parish Councils of the District Council's proposal to introduce PSPO's which:                   <ul style="list-style-type: none"> <li>• Requires dog walkers to clear up after their dogs whilst in public open space in the District (regardless of who owns the public open space)</li> <li>• Excludes dogs from certain specific play areas (Currently just those owned/managed by FHDC and listed in a</li> </ul> </li> </ol> </li> </ol>	<p>Space Protection Orders outlined in the decision, were proportionate to mitigate potential nuisance or problems in an area that may be detrimental to the local community's quality of life.</p> <p>The Cabinet also supported the invitation to Town/Parish Councils (at cost) of the inclusion of their play areas in the dog excluded sites Order.</p>	<p>not replaced with any Orders. However the Police and other stakeholders believed that the Orders were necessary.</p>	<p>07711 593737</p> <p>Cllr Andy Drummond 01638 751411</p> <p>Cllr Robin Millar 07545 423782</p> <p><u>Chairman of Committee:</u> Cllr Simon Cole 07974 443762</p> <p><u>Officers:</u> Damien Parker Service Manager (Operations, Leisure and Culture) 01284 757090</p> <p>Mark Christie Service Manager (Business Waste Management) 01638 719220</p> <p>Helen Lindfield Families and Communities Officer 01284 757620</p>

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		<p style="text-align: center;">schedule) and;</p> <p>(ii) Invite Town and Parish Councils (at cost) to include their play areas in the proposed PSPO schedule of sites which excludes dogs.</p>			
<p>Item No. 7 CAB/FH/17/003</p>	<p>None</p>	<p><u>Recommendations of the Overview and Scrutiny Committee: 12 January 2017: Review of Performance of Leisure Trust 2012-2016</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017) That note be taken of the findings of the Overview and Scrutiny Committee in developing a new Partnership Agreement with Abbeycroft moving forward, in particular:</p> <ol style="list-style-type: none"> <li>1. The need for full '<i>disclosure of all</i>' costs to the Council of providing leisure services.</li> <li>2. The need for the agreement to focus on the outcomes for the health and wellbeing of communities.</li> <li>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.</li> </ol>	<p>Following the Overview and Scrutiny Committee's review of Abbeycroft Leisure's past performance, the Cabinet considered that the recommendations were acceptable and should be formally noted by Council, as these would inform the development of a new longer term Partnership Agreement with Abbeycroft.</p>	<p>Not to review Abbeycroft Leisure's performance, however, the findings of the Overview and Scrutiny Committee would provide a significant contribution to the development of a new Partnership Agreement with Abbeycroft.</p>	<p><u>Portfolio Holder:</u> Cllr Andy Drummond 01638 751411</p> <p><u>Chairman of Committee:</u> Cllr Simon Cole 07974 443762</p> <p><u>Officer:</u> Jill Korwin Director 01284 757252</p>

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Item No. 8 CAB/FH/17/004	None	<p><u>Report of the Performance and Audit Scrutiny Committee: 25 January 2017</u></p> <p>RESOLVED: That the contents of Report No; CAB/FH/17/004, being the report of the Performance and Audit Scrutiny Committee, be noted.</p>	The report set out the decisions which had been made by the Performance and Audit Scrutiny Committee at their meeting on 25 January 2017.	The Performance and Audit Scrutiny Committee had considered the options in detail at their meeting on 25 January 2017.	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Chairman of Committee:</u> Cllr Louis Busuttil</p> <p><u>Officer:</u> Christine Brain Democratic Services Officer (Scrutiny) 01638 719729</p>
Item No. 9 CAB/FH/17/005	None	<p><u>Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Treasury Management 2016-2017 - Investment Activity (April to December 2016)</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017) That:-</p> <ol style="list-style-type: none"> <li>1. The Treasury Management Report 2016-2017, attached at Appendix 1 to Report No: PAS/FH/17/006, be approved.</li> <li>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.</li> </ol>	<p>The Council was required by the Treasury Management Code of Practice to approve a current third quarter review of the treasury services against the adopted Annual Strategy.</p> <p>The Chairman of the Committee also informed the Cabinet of a £4m long term loan of 70 years (taken out in March 2008 and would mature in March 2078) which had been used to fund the new Newmarket Leisure Centre. The rate of the loan had been set at 4.24%. Following the conversion of this loan by the Lender from a Lenders' Option, Borrowers' Option (LOBO) to a fixed term (at the same interest rate), Officers had</p>	Options for the management of Council investments were formally considered within the Annual Treasury Management and Investment Strategy. This included key strategies in respect of the Council's borrowings, the continuation of in-house management of funds and the approach to be adopted in establishing the credit-worthiness of	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Chairman of Committee:</u> Cllr Louis Busuttil 01638 810517</p> <p><u>Officer:</u> Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p>

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		<p>If this could not be achieved, then Officers to seek further independent advice on the matter.</p>	<p>contacted the Lender in December 2016 for a redemption figure and a quote was provided of £4m breakage costs on top of the original loan, as a settlement figure (ie making £8m in total).</p> <p>The Cabinet considered the quoted settlement figure to be totally unreasonable. Therefore, Officers were requested to strongly pursue a re-negotiation with the Lender to see whether a more acceptable settlement figure could be achieved. If this could not be achieved, then Officers to seek further independent advice on the matter.</p>	<p>potential counterparties. The changing nature of the economic climate required that these key areas were subject to on-going review.</p>	
<p>Item No. 10 CAB/FH/17/006</p>	<p>None</p>	<p><u>Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Annual Treasury Management and Investment Strategy 2017/2018 and Treasury Management Code of Practice</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017) That:-</p> <ol style="list-style-type: none"> <li>1. The Annual Treasury Management and Investment Strategy Statements 2017/2018, as contained in Appendix 1 to Report PAS/FH/17/0007, be adopted.</li> </ol>	<p>The Chartered Institute of Public Finance and Accountancy's (COPFA) Code of Practice on Treasury Management, required that, prior to the start of the financial year that 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.</p> <p>CIPFA also recommended that all Councils adopted a Treasury Management Code of Practice based on the treasury management practices published by CIPFA and guidance issued in their Code of</p>	<p>Options for the management of Council investments were formally considered within the Annual Treasury Management and Investment Strategy.</p>	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Chairman of Committee:</u> Cllr Louis Busuttil 01638 810517</p> <p><u>Officer:</u> Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p>

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		2. The Treasury Management Code of Practice 2017/2018, as contained in Appendix 3 to Report PAS/FH/17/007, be approved.	Practice on Treasury Management.		
Item No. 11 CAB/FH/17/007	None	<p><u>Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Delivering a Sustainable Medium Term Financial Strategy 2017-2020</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017)</p> <p>That the proposals, as detailed in Table 1, at paragraph 1.2.1 of Report No: PAS/FH/17/005, be included in order to progress securing a balanced budget for 2017/2018.</p>	Following the Cabinet's consideration of budget proposals at its last meeting in December 2016, it had recommended to Council approval of an updated position for progressing the securing of a balanced budget for 2017/2018 and a sustainable budget in the medium term.	Other options for securing a balanced budget for 2017/2018 could be proposed and considered by Members. However, they would need to take into account core principles, such as deliverability, affordability and risk.	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Chairman of Committee:</u> Cllr Louis Busuttil 01638 810517</p> <p><u>Officer:</u> Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p>
Item No. 12 CAB/FH/17/008	None	<p><u>Budget and Council Tax Setting: 2017/2018 and Medium Term Financial Strategy</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017)</p> <p>That:-</p> <p>1. The revenue and capital budget for 2017-2021 contained in Attachment A to Report No: CAB/FH/17/008 and as detailed in Attachment D, Appendices 1-5 and Attachment E, be</p>	<p>Cabinet was required to recommend to Council the budget for the authority and the level of Council Tax required to fund the budget. In 2017/2018, the Cabinet had recommended a 3.6% increase in Council Tax, which equated to an increase of £4.95 per year for a Band D taxpayer.</p> <p>The Cabinet had recommended approval of the proposals set out in its decisions with the knowledge</p>	Other options had been considered and rejected to ensure the Council met its statutory requirements of setting a balanced budget for 2017/2018.	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Officer:</u> Rachael Mann Assistant Director (Resources and Performance) 01638 719245</p>

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		<p>approved.</p> <p>2. Having taken into account the conclusions of the Assistant Director (Resources and Performance) 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, Appendix 5) and all other information contained in Report No: CAB/FH/17/008, Cabinet recommends a 3.6% increase (equates to £4.95 for an average Band D property) in Council Tax for 2017/2018. The level of Band D Council Tax for 2017/2018, therefore, be set at £142.38. (Note: the level of Council Tax beyond 2018 will be set in accordance with the annual budget process for the relevant financial year.)</p> <p>3. The Assistant Director (Resources and Performance), in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus from the 2016/2017 revenue budget to the Invest to Save Reserve as</p>	<p>that an updated National Non-Domestic Rate (NNDR)1 form had been submitted to the Department of Communities and Local Government (DCLG) which stated that the anticipated business rate income had increased. This would not, however, affect the net position of the 2017/2018 budget and the updated figures would be presented to Council on 21 February 2017.</p>		

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		<p>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.</p> <p>4. The Discretionary Business Rates Relief awarded for local newspapers as detailed in paragraphs 1.4.2.1 to 1.4.2.3 to Report No: CAB/FH/17/008, be approved.</p>			
<p>Item No. 13 CAB/FH/17/009</p>	<p>None</p>	<p><u>Report of the Anglia Revenues and Benefits Partnership Joint Committee: 6 December 2016 and 10 January 2017</u></p> <p>RESOLVED: That the contents of Report No: CAB/FH/17/009, being the report of the Anglia Revenues and Benefits Partnership Joint Committee, be noted.</p>	<p>The report set out the decisions which had been made by the Anglia Revenues and Benefits Partnership Joint Committee at their meetings on 6 December 2016 and 10 January 2017.</p>	<p>The Anglia Revenues and Benefits Partnership Joint Committee considered the options in detail at their meetings on 6 December 2016 and 10 January 2017.</p>	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Officer:</u> Jill Korwin Director 01284 757252</p>
<p>Item No. 14 CAB/FH/17/010</p>	<p>None</p>	<p><u>Recommendations of the Licensing and Regulatory Committee - 23 January 2017: Joint West Suffolk Sex Establishment Licensing Policy</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017) That the proposed Joint West Suffolk Sex Establishment Licensing Policy, as set out in Appendix 1 to Report</p>	<p>In order to operate under the legislation, 'best practice' advised that Councils adopted a policy for the issue of licences and the maintenance of Sex Establishments and approve a set of conditions to be applied to each licence.</p> <p>The District Council had a Sex Establishment Licensing Policy,</p>	<p>There was the option to adopt a joint policy, however, adoption would provide clear aligned controls on the issue of licences and maintenance of sex establishments across Forest Heath</p>	<p><u>Portfolio Holder:</u> Cllr Lance Stanbury 07970 947704</p> <p><u>Chairman of Committee:</u> Cllr Michael Anderson 01638 601624</p>



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		No: CAB/FH/17/010, be adopted.	which was adopted in March 2011. St Edmundsbury Borough Council had a separate policy and the Cabinet had recommended to Council that the joint West Suffolk Policy replaced both documents.	District and St Edmundsbury Borough.	<u>Officer:</u> Peter Gudde Service Manager (Environmental Health) 01284 757042
Item No. 15  CAB/FH/17/011	None	<p><u>Mildenhall Hub - Funding</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017)</p> <p>That:-</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Cabinet be authorised to approve a separate business case for an investment of up to £4m in renewable energy</li> </ol>	<p>The approval of these recommendations would allow for the project to proceed, subject to planning consent being achieved and to procurement, resulting in a cost to FHDC, which was within the agreed budget of £20m. The next steps for the project would be to complete a technical design, reflecting the pre-applications consultation and the seeking of planning consent. In parallel to that process, provisional appointments of contractors would take place (subject to planning consent), allowing market-testing of the project budget.</p> <p>Alongside the core design work, there would need to be a separate business case for renewable energy provision, likely to entail an additional investment of between £2m to £4m.</p> <p>Another key decision for the Council, at this point, was the authorisation of the signing of a funding agreement for the project,</p>	The 2014 Hub Business Case had examined over 10 different options.	<p><u>Portfolio Holder:</u> Cllr James Waters 07771 621038</p> <p><u>Officer:</u> Alex Wilson Director 01284 757695</p>

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		<p>provision in the Hub provided that this business case is in line with the Council's Medium Term Financial Strategy.</p> <p>4. The Council's Section 151 Officer make the necessary changes to the Council's prudential indicators as a result of recommendation 1. above.</p>	<p>which sets out the governance and financial responsibilities of each partner.</p>		
<p>Item No. 17 CAB/FH/17/013</p>	<p>None</p>	<p><u>Revenues Collection and Performance Write-Offs</u></p> <p>RESOLVED: That the write-off of the amounts detailed in the exempt Appendices to Report No: CAB/FH/17/013, be approved, as follows:</p> <ol style="list-style-type: none"> <li>1. Exempt Appendix 1: Council Tax totalling £3,903.50.</li> <li>2. Exempt Appendix 2: Business Rates totalling £22,624.20.</li> <li>3. Exempt Appendix 3: Sundry Debt totalling £7,005.74.</li> </ol>	<p>The total amounts detailed in the decision would be written-off. Detailed reasons for the decisions were included in Exempt Appendices 1, 2 and 3 to Report No: CAB/FH/17/013.</p>	<p>The Council currently used the services of the ARP Enforcement Agency to assist in the collection of business rates and also had online tracing facilities. It was not considered appropriate to pass the debt onto another agency. In the event that a written-off debt became recoverable, the amount was written back on and enforcement procedures were re-established.</p>	<p><u>Portfolio Holder:</u> Cllr Stephen Edwards 01638 660518</p> <p><u>Officer:</u> Rachel Mann Assistant Director (Resources and Performance) 01638 719245</p>
<p>Item No. 18 CAB/FH/17/014</p>	<p>None</p>	<p><u>Civil Parking Enforcement</u></p> <p>RECOMMENDED TO COUNCIL: (22 February 2017)</p>	<p>The Cabinet had recommended to Council approval of the transfer of Civil Parking Enforcement (CPE) to Forest Heath District Council under</p>	<p>Other options considered and rejected included Civil Parking</p>	<p><u>Portfolio Holder:</u> Cllr David Bowman 07711 593737</p>

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		<p>That:-</p> <ol style="list-style-type: none"> <li>1. The contents of Report No: CAB/FH/17/014 and the estimated financial impact of introducing Civil Parking Enforcement (CPE) shown at Exempt Appendix A, be noted.</li> <li>2. Suffolk County Council be supported in seeking the transfer of Civil Parking Enforcement powers to Forest Heath District Council.</li> <li>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.</li> <li>4. £10,000 be contributed towards the countywide set up costs for Civil Parking Enforcement.</li> <li>5. Forest Heath District Council to meet the cost of operating Civil Parking Enforcement delivered by a shared West Suffolk service, subject to: <ol style="list-style-type: none"> <li>(i) the retention of all on-street parking income;</li> <li>(ii) a Service Level Agreement with Suffolk County Council on the processing of new requests for restrictions</li> </ol> </li> </ol>	<p>the operation of a West Suffolk service, including the financial implications associated with that.</p> <p>It was recognised that CPE had the benefit of a common enforcement service for both on and off-street parking for the convenience and ease of understanding for the motorist as well as providing greater control and a more efficient operation to that currently delivered by the Police.</p>	<p>Enforcement (CPE) powers to be retained by Suffolk Police; and CPE being contracted to another authority/private sector by Suffolk County Council.</p>	<p><u>Officers:</u> Mark Walsh Assistant Director (Operations) 01284 757300</p> <p>Darren Dixon Car Parks Manager 01284 757413</p>

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		<p>and maintenance of lines and signs; and</p> <p>(iii) assume delegated responsibility 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).</p> <p>6. The planned introduction of on-street charging in Newmarket High Street (as previously agreed by Cabinet 22 December 2015; Report No: CAB/FH/15/063) be noted and Suffolk County Council be requested to prioritise the development of this scheme at the earliest opportunity.</p> <p>7. Subject to resident consultation, the introduction of an on-street Resident Permit Scheme in Newmarket, be approved.</p> <p>8. The review of off-street parking tariffs and identify further opportunities for on-street charging by the end of 2017, be approved.</p> <p>9. The use of reserves in the short term to offset the deficit to provide time to review full</p>			

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		<p>financial implications post implementation, be approved.</p> <p>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.</p>			

Karen Points  
Assistant Director (HR, Legal and Democratic Services)  
16 February 2017