

# Cabinet



**Forest Heath**  
District Council

<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Tuesday 4 April 2017</b>												
<b>Time:</b>	<b>6.00 pm</b>												
<b>Venue:</b>	<b>Council Chamber District Offices</b> College Heath Road Mildenhall												
<b>Membership:</b>	<p><b>Leader</b> James Waters</p> <p><b>Deputy Leader</b> Robin Millar</p> <table border="0"> <thead> <tr> <th><b><u>Councillor</u></b></th> <th><b><u>Portfolio</u></b></th> </tr> </thead> <tbody> <tr> <td>David Bowman</td> <td>Operations</td> </tr> <tr> <td>Stephen Edwards</td> <td>Resources and Performance</td> </tr> <tr> <td>Andy Drummond</td> <td>Leisure and Culture</td> </tr> <tr> <td>Robin Millar</td> <td>Families and Communities</td> </tr> <tr> <td>Lance Stanbury</td> <td>Planning and Growth</td> </tr> </tbody> </table>	<b><u>Councillor</u></b>	<b><u>Portfolio</u></b>	David Bowman	Operations	Stephen Edwards	Resources and Performance	Andy Drummond	Leisure and Culture	Robin Millar	Families and Communities	Lance Stanbury	Planning and Growth
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
<b>Quorum:</b>	Three Members												
<b>Committee administrator:</b>	<b>Sharon Turner</b> Democratic Services Officer (Cabinet) <b>Tel:</b> 01638 719237 <b>Email:</b> <a href="mailto:sharon.turner@westsuffolk.gov.uk">sharon.turner@westsuffolk.gov.uk</a>												

# Public Information



**Forest Heath**  
District Council

<b>Venue:</b>	<b>District Offices</b> College Heath Road Mildenhall Suffolk, IP28 7EY	Tel: 01638 719000 Email: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> Web: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a>
<b>Access to agenda and reports before the meeting:</b>	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
<b>Attendance at meetings:</b>	The District Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
<b>Public speaking:</b>	<p>Members of the public who live or work in the District are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply.</p> <p>A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start.</p> <p>There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.</p>	
<b>Disabled access:</b>	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Committee Administrator who will be able to help you.	
<b>Induction loop:</b>	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.	
<b>Recording of meetings:</b>	<p>The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).</p> <p>Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.</p>	

# Agenda

## Procedural Matters

**1. Apologies for Absence**

**2. Minutes**

**1 - 16**

To approve as a correct record the minutes of the Cabinet meeting held on 14 February 2017 (attached).

## Part 1 - Public

**3. Open Forum**

At each Cabinet meeting, up to 15 minutes shall be allocated for questions from and discussion with, non-Cabinet members. Members wishing to speak during this session should if possible, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

**4. Public Participation**

Members of the public who live or work in the District are invited to put one question/statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply.

A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start.

There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.

**5. Report of the Overview and Scrutiny Committee:  
16 March 2017**

**17 - 20**

Report No: **CAB/FH/17/015**

Chairman of the Committee: Simon Cole    Lead Officer: Christine Brain

**6. Core Strategy Single Issue Review (CS SIR) and Site  
Allocations Local Plan (SALP) - Next Steps**

**21 - 26**

Report No: **CAB/FH/17/016**

Portfolio Holder: Lance Stanbury    Lead Officer: Marie Smith

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<b>7. Development of a New Partnership Agreement with Abbeycroft Leisure</b>	<b>27 - 48</b>
Report No: <b>CAB/FH/17/017</b> Portfolio Holder: Andy Drummond                      Lead Officer: Jill Korwin	
<b>8. Establishing a Mechanism for Investing in our Growth Agenda</b>	<b>49 - 62</b>
Report No: <b>CAB/FH/17/018</b> Portfolio Holders: Lance Stanbury and Stephen Edwards Lead Officer: Rachael Mann	
<b>9. Decisions Plan: April 2017 to May 2017</b>	<b>63 - 70</b>
To consider the most recently published version of the Cabinet's Decisions Plan	
Report No: <b>CAB/FH/17/019</b> Portfolio Holder: James Waters                      Lead Officer: Ian Gallin	

# Cabinet



**Forest Heath**  
District Council

**Minutes** of a meeting of the **Cabinet** held on  
**Tuesday 14 February 2017** at **6.00 pm** at the **Council Chamber, District**  
**Offices**, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

**Chairman** James Waters  
**Vice Chairman** Robin Millar

David Bowman  
Andy Drummond

Stephen Edwards  
Lance Stanbury

**By Invitation:**

Louis Busuttil

(Chairman of the Performance and  
Audit Scrutiny Committee)

Simon Cole

(Chairman of the Overview and  
Scrutiny Committee)

**278. Apologies for Absence**

There were no apologies for absence.

**279. Minutes**

The minutes of the meeting held on 13 December 2016 were unanimously confirmed as a correct record and signed by the Chairman.

**280. Open Forum**

No non-Cabinet Members in attendance wished to speak under this item.

**281. Public Participation**

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

**282. Report of the Overview and Scrutiny Committee: 12 January 2017  
(Report No: CAB/FH/17/001)**

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 12 January 2017:

- (1) Mildenhall Hub - Funding
- (2) Review of Abbeycroft Leisure Ltd Performance 2005-2016
- (3) Public Space Protection Orders (PSPOs) – Changes to Anti-Social Behaviour Legislation

- (4) Annual Presentation by the Portfolio Holder for Leisure and Culture
- (5) Review and Revision of the Constitution (Quarterly Report)
- (6) Directed Surveillance Authorised Applications (Quarter 2)
- (7) Work Programme Update

Councillor Cole also drew relevant issues to the attention of the Cabinet, including that recommendations emanating from (2) and (3) above, would be considered later on the Cabinet agenda.

With the vote being unanimous, it was

**RESOLVED:**

That the contents of Report No: CAB/FH/16/001, being the report of the Overview and Scrutiny Committee, be noted.

**283. Recommendations of the Overview and Scrutiny Committee: 12 January 2017 - Public Space Protection Orders (PSPOs) - Changes to Anti-Social Behaviour Legislation (Report No: CAB/FH/17/002)**

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented this report which asked the Cabinet to consider the recommendations of the Committee in relation to legislation relating to Public Space Protection Orders (PSPOs) and which also proposed changes prior to public consultation.

The Committee had considered the details of the PSPOs which the District proposed to adopt, subject to public consultation. Report No: OAS/FH/17/003 set out the transition arrangements for the Newmarket and Brandon Designed Public Place Orders (DPPOs) to PSPOs; the proposed transition from Dog Fouling Order, originally adopted under the Dogs Fouling of Land Act 1996 and the Clean Neighbourhoods and Environment Act 2005 to a PSPO Dog Control Order; the adoption of Dog Control Order which excluded dogs from specific sites, as listed in Schedule 1 to this report. The details also included consultation requirements, publication, signage, enforcement and future review periods for PSPOs.

The Committee had particularly discussed the proposed Orders which related to dogs and it was noted that the proposed Order relating to dog fouling included all public open space in the District, regardless of ownership, but that the proposed Dog Exclusion Orders (as set out in Schedule 1) had to be for specifically designated areas, with the land owners consent. Some Members of the Committee considered that the Council should invite the Town/Parish Councils to include their play areas in the Dog excluded sites order.

The recommendations of the Overview and Scrutiny Committee were set out in Report No: CAB/FH/17/002 for the Cabinet's consideration.

With the vote being unanimous, it was

## **RESOLVED:**

That:-

1. The Public Space Protection Orders relating to dog control across Forest Heath, be approved, subject to public consultation.
2. Subject to receiving confirmation from Legal Services that this is possible under the legislation:
  - (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:
    - 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)
    - Excludes dogs from certain specific play areas (Currently just those owned/managed by FHDC and listed in a schedule) and;
  - (ii) Invite Town and Parish Councils (at cost) to include their play areas in the proposed PSPO schedule of sites which excludes dogs.

### **284. Recommendations of the Overview and Scrutiny Committee: 12 January 2017: Review of Performance of Leisure Trust 2012-2016 (Report No: CAB/FH/17/003)**

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented this report which asked the Cabinet to consider the Committee's recommendations in relation to the performance of Abbeycroft Leisure in Forest Heath to inform the development of a new Partnership Agreement.

The Committee had discussed the challenges around the employment of staff and developing skills; the investment fund and the management of pension liabilities. In particular, the Committee:

- Discussed the proposed length of the agreement and raised some concerns that this had not been explored further within Report No OAS/FH/17/002.
- Sought clarification as to what was meant in the recommendation around "... transparency of costs" and suggested that this be amended to read "... disclosure of costs";
- Discussed the partnership moving forward and what would change. It was reported that the investment fund would provide Abbeycroft with the ability to bid for funds and the Council investing in its assets;
- The potential for introducing "indoor bowls" at the Brandon Leisure Centre.

The recommendations of the Overview and Scrutiny Committee were set out in Report No: CAB/FH/17/002 for the Cabinet's consideration.

With the vote being unanimous, it was

**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:

1. The need for full '*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.
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.

**285. Report of the Performance and Audit Scrutiny Committee: 25 January 2017 (Report No: CAB/FH/17/004)**

Councillor Louis Busuttil, Chairman of the Performance and Audit Scrutiny Committee, presented this report which informed the Cabinet of the following items which had been discussed by the Committee on 25 January 2017:

- (1) Balanced Scorecards and Quarter Three Performance Report 2016-2017.
- (2) West Suffolk Strategic Risk Register Quarterly Monitoring Report – December 2016.
- (3) Work Programme Update.
- (4) Financial Performance Report (Revenue and Capital) Quarter 3 – 2016-2017.
- (5) Delivering a Sustainable Budget Medium Term Financial Strategy 2017-2020.
- (6) Treasury Management Report 2016-2017 – Investment Activity (April to December 2016).
- (7) Annual Treasury Management and Investment Strategy Statements 2017-2018 and Treasury Management Code of Practice.

Councillor Busuttil drew relevant issues to the attention of Cabinet, including that the first three items had been considered jointly with St Edmundsbury Borough Council's Performance and Audit Scrutiny Committee during an informal meeting and that recommendations emanating from Items (5), (6) and (7) above would be considered later on the Cabinet agenda.

With the vote being unanimous, it was



**RESOLVED:**

That the contents of Report No; CAB/FH/17/004, being the report of the Performance and Audit Scrutiny Committee, be noted.

286. **Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Treasury Management 2016-2017 - Investment Activity (April to December 2016) (Report No: CAB/FH/17/005)**

Councillor Louis Busuttil, Chairman of the Performance and Audit Scrutiny Committee presented this report which asked the Cabinet to consider the recommendations of the Committee in relation to the Treasury Management Report which summarised the investment activity for the period 1 April to 31 December 2016.

Councillor Busuttil particularly drew to the attention of the Cabinet the position with a £4m long term loan of 70 years (which had been taken out in March 2008 and which would mature in March 2078). Officers had contacted the Lender in December 2016 for a redemption figure and had been quoted a significant sum. The Cabinet considered the quoted redemption 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.

With the vote being unanimous, it was

**RECOMMENDED TO COUNCIL:** (22 February 2017)

That:-

1. The Treasury Management Report 2016-2017, attached at Appendix 1 to Report No: PAS/FH/17/006, be approved.
2. In relation to the long term loan of £4m, Officers to strongly pursue further negotiations with the Lender to achieve a more reasonable redemption figure. If this could not be achieved, then Officers to seek further independent advice on the matter.

287. **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 (Report No: CAB/FH/17/006)**

Councillor Stephen Edwards, Portfolio Holder for Resources and Performance presented this report which asked the Cabinet to consider the recommendations of the Performance and Audit Scrutiny Committee, which sought approval for the Annual Treasury Management and Investment Strategy Statements for 2017/2018 and the Treasury Management Code of Practice.

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, 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 proposed annual Treasury Management and Investment Strategy Statements 2017/2018 had been attached to Appendix 1 to Report No: PAS/FH/17/007. The Committee had been advised that no changes had been made to the Credit Rating Definitions (Appendix 2 to Report No: PAS/FH/17/007), since the 2016/2017 Strategy had been presented to Cabinet on 10 February 2016.

The Treasury Management Code of Practice, which had been attached as Appendix 3 to Report No: PAS/FH/17/007 had been updated to reflect the proposal Annual Treasury Management and Investment Strategy Statements 2017/2018.

A few minor changes had been made to the List of Approved Organisations for Investment during 2016/2017 (Appendix 4 to Report No: PAS/FH/17/007) due to credit rating changes and changes to the Top 10 List of Building Societies.

The recommendations of the Performance and Audit Scrutiny Committee were set out in Report No: CAB/FH/17/006 for the Cabinet's consideration.

With the vote being unanimous, it was

**RECOMMENDED TO COUNCIL:** (22 February 2017)

That:-

1. The Annual Treasury Management and Investment Strategy Statements 2017/2018, as contained in Appendix 1 to Report PAS/FH/17/0007, be adopted.
2. The Treasury Management Code of Practice 2017/2018, as contained in Appendix 3 to Report PAS/FH/17/007, be approved.

**288. Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Delivering a Sustainable Medium Term Financial Strategy 2017-2020 (Report No: CAB/FH/17/007)**

Councillor Stephen Edwards, Portfolio Holder for Resources and Performance, presented this report which asked the Cabinet to consider the recommendations of the Performance and Audit Scrutiny Committee in relation to the updated position of budget proposals in order to progress securing a balanced budget for 2017/2018.

It was also reported that there was an error within the report, which should actually read:

**"1.1.2 Extract from Report No: PAS/FH/17/005**

*1.2.2 The councils' Pension contribution rate has **decreased** from 30% to 29% in 2017-2018 following the triennial review. This had been afforded within the existing salary budgets."*

Councillor Edwards wished to thank the Performance and Audit Scrutiny Committee for their monitoring and scrutinising of the budget for 2017/2018 and of Medium Term Financial Strategy for 2017/2020.

Councillor Robin Millar, Portfolio Holder for Families and Communities, also wished to commend the work which had been undertaken by both Members and Officers to be able to secure a sustainable budget for 2017/2018.

With the vote being unanimous, it was

**RECOMMENDED TO COUNCIL:** (22 February 2017)

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.

**289. Budget and Council Tax Setting: 2017/2018 and Medium Term Financial Strategy (Report No: CAB/FH/17/008)**

Councillor Stephen Edwards, Portfolio Holder for Resources and Performance presented this report which presented the proposals for budget and Council Tax setting in 2017/2018 and the Medium Term Financial Strategy 2017/2021.

Councillor Edwards drew relevant issues to the attention of the Cabinet, including that Report No: CAB/FH/17/008 provided details of the Council's proposed revenue and capital budgets for 2017/2018 and the Cabinet was required to consider the 2017/2018 budget for the authority and recommend to Council the level of Council Tax required to help fund this budget.

In light of the significant transformation in the funding of local services, the Council continued to face considerable financial challenges in the short, medium and longer term. Changes included reductions in Government grant funding, including the pending removal of the Revenue Support Grant which was expected not to be available for the District by 2019/2020; more business rates being retained locally (and the uncertainty around how that was going to work); plus the introduction and then reduction of the New Homes Bonus. Further details and the implications of these particular matters were detailed in the report.

Alongside this, was the lowest bank base rate for years (resulting in the Council's income from interest being significantly reduced) and increased demand in some services. Whilst the Government had maintained the 2% or £5 threshold (whichever was the higher) for Council Tax increases for 2017/2018 for Shire districts, any rise above this would trigger a local

referendum, thus giving the local electorate the opportunity to approve or veto the increase.

Forest Heath District Council had been working in partnership with St Edmundsbury Borough Council (the West Suffolk councils) since 2010 and had saved in excess of £4 million annually through the sharing of services. However, it was recognised that, whilst the income received by the West Suffolk councils must be maintained, projects in which investment had been made, must be delivered in order to bridge the budget gap in the medium to longer term.

Some projects would require considerable investment through borrowing, but that investment would build a more financially resilient and self-sufficient Council, with less reliance on uncertain Government or other funding. That focus on income generating projects, which may span several years before making any returns, meant that the Council was unable to simply balance a budget for one year. Section 1.6 of the report provided details on how the Council intended to support these projects and its investment in growth agenda.

Between 2011 and 2016, the Government awarded Council Tax Free Grants to those councils that agreed to free their Council Tax levels. This incentive had not been included in the settlement since 2016/2017 onwards and any previous awards were now included within the Revenue Support Grant and phased out accordingly.

Having acknowledged the issues highlighted above, including the introduction of two new business rate reliefs for 2017/2018, announced in the December 2016 Autumn Statement, as detailed in Section 1.4 of the report, the Cabinet noted the position in Section 1.5 to 1.13 of the report for securing a balanced budget for 2017/2018 and over the medium term to 2020/2021, which was based on an assumption of a 3.6% increase in Council Tax for 2017/2018. This equated to an increase of £4.95 for an average Band D property. Therefore the level of Band D Council Tax for 2017/2018 would be set at £142.38. However, it was noted that the level of Council Tax beyond 2018 would be set in accordance with the annual budget process for the relevant financial year.

The Assistant Director (Resources and Performance) also informed the Cabinet that an updated National Non-Domestic Rate (NNDR)<sup>1</sup> had been submitted to the Department of Communities and Local Government (DCLG) which stated that since the publication of the Cabinet report, 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 22 February 2017.

With the vote being unanimous, it was

**RECOMMENDED TO COUNCIL:** (22 February 2017)

That:-

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 approved.
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.).
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 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.
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.

290. **Report of the Anglia Revenues and Benefits Partnership Joint Committee: 6 December 2016 and 10 January 2017 (Report No: CAB/FH/17/009)**

Councillor Stephen Edwards, Portfolio Holder for Resources and Performance, presented this report which provided an outline of the issues discussed by the Anglia Revenues and Benefits Partnership Joint Committee at its meetings held on 6 December 2016 and 10 January 2017.

Whilst inquorate and, therefore, no decisions were taken, the Anglia Revenues and Benefits Partnership (ARP) discussed the following substantive items of business on 6 December 2016:

- (1) Performance Report.
- (2) ARP Risk Register.
- (3) Welfare Reform Update.
- (4) Forthcoming Issues.
- (5) Partnership Working through Section 113 Agreement.

On 10 January 2017, the Joint Committee considered the following substantive item of business:

(1) ARP Joint Committee Partnership Budget.

Councillor Edwards also drew relevant issues to the attention of the Cabinet.

With the vote being unanimous, it was

**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.

**291. Recommendations of the Licensing and Regulatory Committee - 23 January 2017: Joint West Suffolk Sex Establishment Licensing Policy (Report No: CAB/FH/17/010)**

Councillor Lance Stanbury, Portfolio Holder for Planning and Growth, presented this report which asked the Cabinet to consider the recommendations of the Licensing and Regulatory Committee in relation to the approval of a Joint West Suffolk Sex Establishment Policy.

The report explained that on 9 March 2011, the District Council had adopted Section 27 of the Policing and Crime Act 2009, which allowed it to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act re-classified lap dancing clubs and similar venues as 'Sexual Entertainment Venues' and as a Sex Establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Sexual Entertainment Venues were defined by the legislation. The provisions of Schedule 3 were summarised in the report.

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. The District Council had a Sex Establishment Policy adopted on 8 May 2013 and St Edmundsbury Borough Council had a separate policy. It was proposed that the Joint Policy, which aligned the operation of the two authorities, thus increasing efficiency and had been subject to public consultation, as contained as Appendix 1 to Report No: LIC/FH/17/002, replaced both documents.

The recommendations of the Licensing and Regulatory Committee were set out in Report No: CAB/FH/17/010 for the Cabinet's consideration.

With the vote being unanimous, it was

**RECOMMENDED TO COUNCIL:** (22 February 2017)

That the proposed Joint West Suffolk Sex Establishment Licensing Policy, as set out in Appendix 1 to Report No: CAB/FH/17/010, be adopted.

## 292. **Mildenhall Hub - Funding (Report No: CAB/FH/17/011)**

The Director presented this report which set out recommendations regarding the funding and delivery of the Mildenhall Hub Project, reflecting the outcome of the scrutiny process and further activity.

The report explained that on 12 January 2017, the Overview and Scrutiny Committee had considered Report No: OAS/FH/17/001 in respect of the funding for the Mildenhall Hub project. The Committee had endorsed the report and had referred it on for formal consideration by Cabinet and Council in February 2017. The scrutiny report was attached as Appendix A to Report No: CAB/FH/17/011.

Section 2 of Report No: CAB/FH/17/011 also provided the Cabinet with an update since the Overview and Scrutiny Committee meeting on 12 January 2017, particularly in relation to the latest estimate of the Forest Heath District Council share of the capital costs.

Section 3 of Report No: CAB/FH/17/011 set out the recommendations and next steps for the project which explained that, if approved, the project would proceed, subject to planning consent being achieved, and to procurement resulting in a cost to FHDC, which was within the agreed budget of £20m. A separate business case for renewable energy provision would also be prepared, which was likely to entail an additional investment of £2m to £4m.

The Director explained that the key decision for the Council, at this point, was to authorise the signing of a funding agreement for the project, which set out the governance and financial responsibilities of each partner. As the agreement must be prepared within the framework (as set out in Section 6.2 of Appendix A), it was also being proposed that Officers, in consultation with the Leader of the Council and Portfolio Holder for Resources and Performance, be authorised to prepare and sign this agreement during the Spring of 2017.

With the vote being unanimous, it was

### **RECOMMENDED TO COUNCIL:** (22 February 2017)

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 of the Council and the 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. The 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.

4. The Council's Section 151 Officer makes the necessary changes to the Council's prudential indicators as a result of Recommendation 1. above.

**293. Decisions Plan: February 2017 to May 2017 (Report No: CAB/FH/17/012)**

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

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

**294. Revenues Collection and Performance Write-Offs (Report No: CAB/FH/17/013)**

Councillor Stephen Edwards, Portfolio Holder for Resources and Performance, presented this report which sought approval for the write-off of uncollectable amounts in respect of Council Tax, Business Rates and Sundry Debt.

The Portfolio Holder also referred to paragraphs 3.2 and 3.3 of the report which set out the collection rates for the National Non Domestic Rates (NNDR) and for the Council Tax as at 31 December 2016.

The Cabinet also referred to the lobbying through the Local Government Association (LGA) to the Government, to seek a revision to the Licensing Act 2003 to enable Councils to refuse premises' licence applications from companies with Business Rates debt. The Assistant Director (Resources and Performance) confirmed that the Council had been supporting the LGA on this, but there was no further update to report at this time. Councillor Edwards stated that he would be requesting to the Chief Executive that this issue should be pursued more vigorously and that further representations should be made to the Government, including to the local MP as this was a very real issue for local authorities.

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/17/013, be approved, as follows:

1. Exempt Appendix 1: Council Tax totalling £3,903.50.
2. Exempt Appendix 2: Business Rates totalling £22,624.20.
3. Exempt Appendix 3: Sundry Debt totalling £7,005.74.



## 295. **Civil Parking Enforcement (Report No: CAB/FH/17/014)**

Councillor David Bowman, Portfolio Holder for Operations and the Car Parks Manager, presented this report which sought approval for the transfer of Civil Parking Enforcement (CPE) to the District Council under the operation of a West Suffolk service and the financial implications associated with that.

CPE was where local authorities took over the responsibility for 'on street' parking restrictions from the police. Suffolk hosted 6 out of 25 areas in England that were not currently designated as Civil Enforcement Areas, which mean that parking violations in these areas were still enforced by the police.

Previous discussions had indicated, as recently endorsed by the Suffolk Public Sector Leaders' Group, a collective desire for a basic level of enforcement of on-street parking restrictions in Suffolk from the police to local authorities.

Subject to the consent of the Secretary of State for Transport, CPE could only be transferred to the County Council who may operate it directly or by delegation under an agency agreement with district and borough councils. Suffolk County Council (SCC) had already delegated CPT powers to Ipswich Borough Council and a similar form of delegation was preferred across Suffolk, with three operational teams patrolling the county. A West Suffolk service was proposed to cover St Edmundsbury and Forest Heath. Babergh and Mid Suffolk District Councils had approached the West Suffolk Councils to manager some of its off-street car parks on a full cost recovery basis and this was proposed as a recommendation.

The set-up costs for implementing the scheme across the county would be in the region of £1.13 million. This cost would be shared with £10,000 being sought from each of the six district and borough councils (excluding Ipswich Borough Council where CPE already existed) with Suffolk County Council and Suffolk Constabulary funding the remainder.

It had been estimated that the annual operating costs for Forest Heath District Council (FHDC) (including the employment of Civil Enforcement Offices, vehicles and back office function) was approximately £260,000. The income from Penalty Charge Notices must be used to offset the operating costs and the estimated annual income was approximately £100,000, thereby leaving an annual operating CPE deficit of £160,000 in the 2019/2020 financial year, although the deficit would be significantly reduced to £30,000 in 2020/21. The CPE account would operate at a deficit unless other income sources were agreed to off-set this loss. Therefore, the Cabinet were also being recommended to agree the following options to offset the deficit in the short term and mitigate against any delay to potential on-street income receipts:

- Review of off-street parking tariffs and identification of further opportunities for on-street charging by the end of 2017.
- The use of reserves in the short-term to off set the deficit that would provide time to review the full financial implications, post implementation.

CPE was unlikely to reach a cost neutral position based on the projected expenditure and estimated income from the issue of parking fines in FHDC.

On-street income in other civil enforcement areas had been accepted as the preferred mechanism to ensure the viability of the CPE service and ensured no long term financial dependency from other Council funding streams. Currently on-street pay and display parking charging was only operated in Bury St Edmunds and Ipswich.

The Cabinet had previously approved, in principle, the introduction of Pay and Display charges on Newmarket High Street and had sought SCC to develop a scheme. This would potentially generate in excess of £100,000 per annum (subject to a detailed business case). The Cabinet were, therefore, also being recommended to request that SCC prioritised the development of this scheme at the earliest opportunity.

The Cabinet were also aware that further consultation on a Resident Parking Scheme would commence in Newmarket in the Spring of 2017. Should a scheme have widespread support by residents, the income from permit sales would fund the costs of enforcement and may generate further displacement of vehicles to the off-street car parks, contributing to the region of £30,000 per annum.

The Cabinet also considered the overall budgetary position summarised in Exempt Appendix A; proposed measures to mitigate financial risks; a summary of the necessary Agency Agreement and Memorandum of Understanding required to be put in place with SCC and Suffolk Constabulary respectively and the delegations required to be granted to enable the final agreements to be signed off to enable CPE to become fully operational by April 2019.

The Cabinet were pleased to see this coming forward, however, they did also express their wish to ensure that the issuing of Penalty Charge Notices was able to be sufficiently controlled by the Council.

Councillor Andy Drummond, Portfolio Holder for Leisure and Culture, also explained that Newmarket Town Council had recently agreed to appoint its own Police Community Support Officer (PCSO) and hoped that as part of this role, this Officer would be able to support FHDC with this.

Councillor Lance Stanbury, Portfolio for Planning and Growth, also requested that when undertaking the review of the off-street parking tariffs that consideration should be given to the possible introduction of 'Pay-on-Foot', rather than the current 'Pay and Display' tariff structure, along with a review of the current tariff banding.

With the vote being unanimous, it was

**RECOMMENDED TO COUNCIL:** (22 February 2017)

That:-

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.

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. Forest Heath District Council to 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) 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).
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.
7. Subject to resident consultation, the introduction of an on-street Resident Permit Scheme in Newmarket, be approved.
8. The review of off-street parking tariffs and identify further opportunities for on-street charging by the end of 2017, be approved.
9. The use of reserves in the short term to offset the deficit to provide time to review full financial implications post implementation, be approved.
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.

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

See Minute Numbers 297. and 298. below.

297. **Exempt Appendix A: Civil Parking Enforcement (para 3) (Report No: CAB/FH/17/014)**

The Cabinet considered Exempt Appendix A to Report No: CAB/FH/17/014). However, no reference was made to specific detail and, therefore, this item was not held in private session.

298. **Exempt Appendices 1, 2 and 3: Revenues Collection Performance and Write-Offs (paras 1 and 2) (Report No; CAB/FH/17/013)**

The Cabinet considered Exempt Appendices 1, 2 and 3 of Report No: CAB/FH/17/013. However, no reference was made to specific detail and, therefore, this item was not held in private session.

The Meeting concluded at 7.18 pm

**Signed by:**

**Chairman**

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# Cabinet



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Report of the Overview and Scrutiny Committee: 16 March 2017</b>	
<b>Report No:</b>	<b>CAB/FH/17/015</b>	
<b>Report to and date:</b>	<b>Cabinet</b>	4 April 2017
<b>Chairman of the Committee:</b>	Councillor Simon Cole Chairman of the Overview and Scrutiny Committee <b>Tel:</b> 07974 443762 <b>Email:</b> <a href="mailto:simon.cole@forest-heath.gov.uk">simon.cole@forest-heath.gov.uk</a>	
<b>Lead Officer:</b>	Christine Brain Democratic Services Officer (Scrutiny) <b>Tel:</b> 01638 719729 <b>Email:</b> <a href="mailto:christine.brain@westsuffolk.gov.uk">christine.brain@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	On 16 March 2017, the Overview and Scrutiny Committee considered the following items:  (1) Annual Presentation by the Portfolio Holder for Resources and Performance;  (2) Decisions Plan: April 2017 to May 2017; and  (3) Work Programme Update.	
<b>Recommendation:</b>	<b>The Cabinet is requested to <u>NOTE</u> the contents of Report CAB/FH/17/015, being the report of the Overview and Scrutiny Committee.</b>	
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>  Report for information only.	

<b>Consultation:</b>		<ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
<b>Alternative option(s):</b>		<ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Reports listed under background papers below</li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
See Reports listed under background papers below			
<b>Wards affected:</b>		All Wards	
<b>Background papers:</b>		Please see background papers, which are listed at the end of the report.	
<b>Documents attached:</b>		None	

## **1. Key issues and reasons for recommendation**

### **1.1 Annual Presentation by the Portfolio Holder for Resources and Performance (Report No: OAS/FH/17/007 and Verbal)**

- 1.1.1 As set out in the Council's Constitution, at every ordinary Overview and Scrutiny Committee meeting at least one Cabinet Member shall be invited to attend to give an account of his or her portfolio and to answer questions from the Committee.
- 1.1.2 The Committee was reminded that on 10 March 2016, the Committee received a presentation from the Cabinet Member for Resources and Performance, setting out responsibilities covered under the leisure and culture portfolio.
- 1.1.3 At this meeting, the Portfolio Holder for Resources and Performance, Councillor Stephen Edwards, had been invited back to provide a follow-up presentation on his portfolio. Report No: OAS/FH/17/007, set out the focus for the follow-up presentation, which was to:
- Outline the main challenges faced since during the first year within your portfolio;
  - Outline some key successes and any failures during the first year and any lessons learned; and
  - Set out the vision for the Operations Portfolio through to 2019 and were you on target to meet that vision.
- 1.1.4 Members discussed the presentation in detail and asked questions of the Cabinet Member for Resources and Performance, to which comprehensive responses were provided. In particular discussions were held on the difficulties around recruitment; employee recruitment packages; the council's pay-line and how it would meet the living wage by 2020 and the council's employee brand.
- 1.1.5 Discussions were also held on the importance of member development, and questioned what was being done to encourage members to attend training events/development sessions. The Committee was informed that the current timings of training events were an issue for some members. The member development programme needed to be refreshed and reviewed to include a range of options to suit all members. It was suggested by the Assistant Director (Human Resources, Legal and Democratic Services) that this could potentially be a future joint piece of work for scrutiny with the Joint Member Development Group.
- 1.1.6 There being no decision required, the Committee **noted** the contents of the presentation.

### **1.2 Decisions Plan: April 2017 to May 2017 (Report No: OAS/FH/17/008)**

- 1.2.1 The Committee received Report No: OAS/FH/17/008, which requested that Members peruse the Cabinet Decisions Plan for the period April to May 2017, and identify where it would like further information on or the item might

benefit from the Committee's involvement.

- 1.2.2 The Vice-Chairman of the Committee informed the Committee that she would be interested in the Committee having the opportunity to look at the "Renewable Energy Provision for the Mildenhall Hub". The business case was currently scheduled to be presented to Cabinet on 20 June 2016.
- 1.2.3 The Vice-Chairman agreed to complete the suggestion form to ensure all information was provided to enable the Committee to scrutinise the proposed renewable energy provision for the Mildenhall Hub, and would contact the Director, Alex Wilson who was leading the project to discuss practicalities.
- 1.2.4 The Committee **Resolved**, that subject to the completion of the suggestion form by Councillor Ruth Bowman, the expected decision relating to the "Renewable Energy Provision for the Mildenhall Hub, be included in the Committee's future work programme for June 2017.

### 1.3 **Work Programme Update (Report No: OAS/FH/17/009)**

- 1.3.1 The Committee received and **noted** Report No: OAS/FH/17/009, which updated Members on the current status of its rolling work programme of items for scrutiny during 2017-2018 (Appendix 1).
- 1.3.2 The Committee noted earlier discussions held under the Annual Portfolio Holder for Resources and Performance presentation regarding:
  - 1) The possibility of working with the Joint Member Development Group on a future detailed piece of work on Member Development; and
  - 2) Officers seeking nominations at the Committee's April 2017 meeting for members to sit on a Joint Task and Finish Group to help shape the West Suffolk Information Strategy.

## 2. **Background Papers**

- 2.1.1 Report No: [OAS/FH/17/007](#) to the Overview and Scrutiny Committee: Annual Presentation by the Cabinet Member for Resources and Performance
- 2.1.2 Report No: [OAS/FH/17/008 - Appendix 1](#) to the Overview and Scrutiny Committee: Decisions Plan: April 2017 to May 2017
- 2.1.3 Report No: [OAS/FH/17/009](#) to the Overview and Scrutiny Committee: Work Programme Update



# Cabinet



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Core Strategy Single Issue Review (CS SIR) and Site Allocations Local Plan (SALP) - Next Steps</b>	
<b>Report No:</b>	<b>CAB/FH/17/016</b>	
<b>Report to and dates:</b>	<b>Cabinet</b>	4 April 2017
	<b>Council</b>	26 April 2017
<b>Portfolio holder:</b>	Councillor Lance Stanbury Portfolio Holder for Planning and Growth <b>Tel:</b> 07970 947704 <b>Email:</b> <a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Marie Smith Service Manager (Planning Strategy) <b>Tel:</b> 01638 719260 <b>Email:</b> <a href="mailto:marie.smith@westsuffolk.gov.uk">marie.smith@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To formally request the Planning Inspector appointed to Examine in Public the Core Strategy SIR and the SALP, to make any necessary modifications to make the Plans 'sound' under Section 20 (7c) of the Planning and Compulsory Purchase Act 2004.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the Council formally requests the Inspector to make any necessary main modifications under Section 20 (7c) of the 2004 Planning and Compulsory Purchases Act that he/she judges necessary, to make all submitted Local Plan documents 'sound'.</b>	
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• In accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004</li> <li>• Town and Country Planning (Local</li> </ul>	

	Planning) Regulations 2012, the Council's Statement of Community Involvement and Local Development Scheme.		
<b>Alternative option(s):</b>	None		
<b>Implications:</b>			
Are there any <b>financial</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>staffing</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>ICT</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>legal and/or policy</b> implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  There is a requirement for Local Planning Authorities to produce a Local Plan and Sustainability Appraisal and to undertake consultation during its preparation under the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 and the Town and Country Planning (Local Planning) Regulations 2012.		
Are there any <b>equality</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> The documents have been screened and an Equality Impact Assessment has been prepared which will be made available in line with all other evidence.		
<b>Risk/opportunity assessment:</b>	The Local Development Scheme includes a risk assessment of issues that could affect the Councils ability to deliver the Local Plan(s) in accordance with the programme. Actions to manage the risks have also been identified.		
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Significant public opposition	High	Local Plan documents have the potential to be highly contentious. Whilst every effort will be made to build cross-community consensus, there is a high risk of significant public opposition.	Medium
Loss of Staff	Medium	The structure and staffing levels within the Strategic Planning Team will be constantly monitored and reviewed to ensure that the appropriate level of skills and resources are maintained. External consultants will be employed to ensure the Local Plan can be delivered.	Low

Financial shortfall	Medium	The Council has allocated funds through its Financial Services Planning process to allow for the preparation of the Local Plan. Additional and unexpected costs will be monitored which may require a review of the financial allocation.	Low
Changing Political Priorities	Medium	Proposals are discussed with Members of all parties via a variety of means, the Local Plan Working Group etc.). This helps build consensus and reduces the likelihood of wholesale change of direction from local politicians.	Low
Legal Challenge	High	As a measure of last resort anyone may issue a legal challenge within six weeks of adoption of the Local Plan. Officers will continue to seek to ensure that local plan documents are prepared within the legal framework in order to reduce the risk of successful legal challenge through retaining a planning solicitor and seeking feedback from the Planning Advisory Service through document preparation.	Medium
<b>Ward(s) affected:</b>		All Wards in the District.	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		Single Issue Review (CS SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution and Site Allocations Local Plan (Regulation 19) and supporting document and evidence base  <a href="http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/forest-heath-local-plan.cfm">http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/forest-heath-local-plan.cfm</a>	
<b>Documents attached:</b>		None	

## 1. Key issues and reasons for recommendation(s)

### 1.1 Background

1.1.1 The Forest Heath Local Plan documents set out the overall housing quantum and distribution between settlements and site allocations and general policies against which, (amongst other material considerations), planning applications will be determined across the District of Forest Heath.

1.1.2 The **Core Strategy Single Issue Review** (CS SIR) revisits the quashed parts of the 2010 Core Strategy as well as reassessing overall housing need/numbers to ensure compliance with the National Planning Policy Framework (NPPF) and the **Site Allocations Local Plan** (SALP) identifies which sites should be developed, in order to achieve the vision and objectives of the Core Strategy and meet the outcomes of the Single Issue Review.

1.1.3 Several stages of consultation and engagement have taken place in preparing the Proposed Submission versions of the SIR and SALP. These were undertaken in under Regulation 18 and 19. These are summarised below:

Regulation	Consultation Stage	Date
Reg.18	SIR Initial Issues and Options	July – September 2012
Reg.18	Local Plan Issues and Options Consultation (SIR and SALP)	11 August – 6 October 2015
Reg.18	Local Plan Preferred Options (SIR and SALP)	4 April – 1 July 2016
Reg.19	Local Plan Proposed Submission Consultation (SIR and SALP)	10 January – 13 March 2017

1.1.4 A final submission consultation (Regulation 19) commenced on 10 January 2017. This period of consultation was extended to the 13 March 2017 to allow consultees a full six weeks to consider an Erratum to the Sustainability Appraisal for the Site Allocations Local Plan which became available during the consultation period. Consultation on the Habitats Regulations Screening Assessments was extended to 21 March 2017 to allow additional time for consideration of a supporting air quality assessment, regarding the Breckland SAC and the Breckland SPA, which became available during the consultation period.

1.1.5 A total of 29 individuals responded to the Proposed Submission Core Strategy Single Issue Review. This amounted to 42 separate representations. All of the representations received were entered onto the consultation database and made available to view online.

- 1.1.6 A total of 88 individuals responded to the Proposed Submission Site Allocations Local Plan. This amounted to 228 separate representations. All of the representations received were entered onto the consultation database and made available to view online.
- 1.1.7 The Portfolio Holder for Planning and Growth, the Chairman and Vice Chairman of the Local Plan Working Group and, in the absence of the Head of Service for Planning and Growth, the Chief Executive of West Suffolk (Forest Heath District and St Edmundsbury Borough Council) in accordance with the delegation given to them following Full Council on 21 December 2016 (Report No: COU/FH/16/028) have confirmed that the representations received do not raise any material issues which would require further consideration/modification to the Core Strategy Single Issue Review and Site Allocations Local Plan and authorise Officers to submit the Development Plans for Examination in Public.
- 1.1.8 The Core Strategy Single Issue Review and the Site Allocations Local Plan was submitted to Secretary of State on 23 March 2017 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.1.9 It should also be noted that the representations received have been reviewed by an external expert planning solicitor who has provided the Council confidence that the documents prepared are robust to minimise risk of a successful challenge.
- 1.1.10 Inspectors no longer make modifications unless specifically asked to do so by the Local Planning Authority. It is important that the Inspector be formally requested to do so, otherwise, if he found the Plan not to be sound, he would have no choice but to recommend that the Plan not be adopted and the Local Authority would have to start the Plan making process again. Therefore to meet the all the legal requirements and in accordance with paragraph 6.5 of the procedural practice in the Examination of Local Plans (The Planning Inspectorate June 2016, 4th Edition v.1), a further resolution is requested under Section 20 of the 2004 Planning and Compulsory Purchase Act.
- 1.1.11 Therefore, Members are asked to formally request the Planning Inspector appointed to Examine in Public the Core Strategy SIR and the SALP to make any necessary modifications to make the Plans 'sound' under Section 20 (7c) of the Planning and Compulsory Purchase Act 2004.

## **2. Next Steps**

- 2.1 It is anticipated that the Examination in Public will commence in June 2017 and it is hoped that Council will receive a report late 2017 recommending adoption of the Development Plans.

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# Cabinet



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Development of a New Partnership Agreement with Abbeycroft Leisure</b>	
<b>Report No:</b>	<b>CAB/FH/17/017</b>	
<b>Report to and dates:</b>	<b>Cabinet</b>	4 April 2017
	<b>Council</b>	26 April 2017
<b>Portfolio holder:</b>	Councillor Andy Drummond Portfolio Holder for Leisure and Culture <b>Tel:</b> 01638 751411 <b>Email:</b> <a href="mailto:andy.drummond@forest-heath.gov.uk">andy.drummond@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Jill Korwin Director <b>Tel:</b> 01284 757252 <b>Email:</b> <a href="mailto:jill.korwin@westsuffolk.gov.uk">jill.korwin@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To seek approval to enter into a new Partnership Agreement with Abbeycroft Leisure Ltd	
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that, subject to the approval of full Council:</b></p> <p><b>(1) A new Partnership Agreement be entered into with Abbeycroft Leisure Ltd for a period of 15 years, with options to extend for 5 + 5 years , subject to the protections included in the Partnership Agreement; and</b></p> <p><b>(2) The Partnership Agreement is finalised in line with Report No: CAB/FH/17/000 and the Heads of Terms attached at Appendix 1.</b></p>	
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p> <p>As it is a decision of full Council and not Cabinet</p>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>The Partnership Agreement builds on the principles of the Promoting Physical Activity Framework that was consulted on</li> </ul>	

	in 2016. The Agreement has been developed in consultation with Abbeycroft		
<b>Alternative option(s):</b>	The existing Management agreement and associated leases (that are out-of-date) are relied upon to manage the agreement with Abbeycroft and a competitive procurement process is entered into to identify a new partner.		
<b>Implications:</b> Entering into a procurement exercise will take around 18 months having regard to the contract value and length and market testing. The procurement process and contract management will require additional resource in the Council.			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>The new Partnership Agreement is linked to a management fee. The accompanying annex shows the reduction in that fee to zero by 2024. The reduction is dependant on investment by the Council using its £3.5m investment fund.</li> </ul>		
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>Council officers will manage the relationship with Abbeycroft and oversee the performance reviews</li> </ul>		
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>The new Partnership agreement will ensure services meet the principles of the Promoting Physical Activity Framework. All leases will need to be varied to reflect new arrangements</li> </ul>		
<i>Are there any <b>equality</b> implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>The new Partnership agreement will ensure services meet the principles of the Promoting Physical Activity Framework</li> </ul>		
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk (before controls)</b>	<b>Controls</b>	<b>Residual risk (after controls)</b>
	Low/Medium/ High*		Low/Medium/ High*
Abbeycroft performance deteriorates failing to meet objectives of the Partnership agreement	Low	Effective board of trustees; support through stakeholder group; effective monitoring of performance	Low
Increased competition in the leisure sector means that Abbeycroft loses market share and	Medium	Investment in facilities to ensure they remain attractive to users, continued	low



costs increase		development of offer to meet current needs and trends	
<b>Ward(s) affected:</b>		All Ward/s	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>Promoting Physical Activity Framework:  <a href="https://democracy.westsuffolk.gov.uk/documents/s15009/CAB.FH.16.029%20Appendix%20A%20-%20Framework%20Guidelines.pdf">https://democracy.westsuffolk.gov.uk/documents/s15009/CAB.FH.16.029%20Appendix%20A%20-%20Framework%20Guidelines.pdf</a>  Abbeycroft Leisure Annual report 2015-16  <a href="http://apps.charitycommission.gov.uk/Accounts/Ends38/0001117138_AC_20160331_E_C.pdf">http://apps.charitycommission.gov.uk/Accounts/Ends38/0001117138_AC_20160331_E_C.pdf</a>  Decision to create leisure merged trust for Forest Heath  <a href="https://democracy.westsuffolk.gov.uk/documents/s6205/CAB.FH.15.002%20Anglia%20Community%20Leisure%20-%20Changes%20to%20Governance.pdf">https://democracy.westsuffolk.gov.uk/documents/s6205/CAB.FH.15.002%20Anglia%20Community%20Leisure%20-%20Changes%20to%20Governance.pdf</a>  Investment in Council's leisure facilities:  <a href="https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CIId=172&amp;MIId=3289">https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CIId=172&amp;MIId=3289</a>  Overview and Scrutiny report Jan 2017  <a href="https://democracy.westsuffolk.gov.uk/documents/s17366/OAS.FH.17.002%20-%20Review%20of%20Performance%20of%20Leisure%20Trust%202012-2016.pdf">https://democracy.westsuffolk.gov.uk/documents/s17366/OAS.FH.17.002%20-%20Review%20of%20Performance%20of%20Leisure%20Trust%202012-2016.pdf</a>  Delivering with Less – Leisure Services:  <a href="https://www.wao.gov.uk/publication/delivering-less-leisure-services">https://www.wao.gov.uk/publication/delivering-less-leisure-services</a>  Quest Accreditation information  <a href="http://www.questnbs.org/quest/assessments-guidance/quest-for-facilities-2016">http://www.questnbs.org/quest/assessments-guidance/quest-for-facilities-2016</a></p>	
<b>Documents attached:</b>		<b>Appendix 1:</b> Heads of Terms Partnership Agreement including Schedule 2 (Strategic Leisure Advice) and Schedule 3 (Management Fees Payable).	

## **1. Key issues and reasons for recommendation(s)**

### **1.1 The Council's existing partnership with Abbeycroft Leisure Ltd**

1.1.1 In 2008, Forest Heath District Council created a Leisure Trust, Anglia Community Leisure (ACL), to manage its leisure facilities. In February 2013, as part of the shared services journey, ACL started to work in partnership with Abbeycroft Leisure, the trust that provided leisure services for St Edmundsbury Borough Council. In 2015 both Trusts merged and Abbeycroft Leisure Ltd took on responsibility for Forest Heath Leisure Services.

1.1.2 Abbeycroft Leisure is a social enterprise and operates as a business in order to provide a return to the communities within which it operates. It has no shareholders who take a dividend. Its purpose is to make a difference through promoting health and wellbeing by supporting people to engage in physical activity. As a holder of the Social Enterprise Mark, each year Abbeycroft produces a Social Impact Statement that summarises its activities to show it is meeting its social objectives.

1.1.3 The Council leases the buildings of Newmarket and Brandon Leisure Centres and Mildenhall Swimming Pool to Abbeycroft and a management agreement supports those lease arrangements. The Council pays Abbeycroft Leisure a management fee to support the operation of services in those centres and across the district. In addition, Abbeycroft runs the George Lambton pavilion and the Dome Leisure Centre on behalf of the Council. Further, Abbeycroft delivers the following services for the Council:

- a) Sports and Physical Activity Development Team
- b) Project Management of Mass Participation of Events
- c) Strategic Leisure Advice
- d) Management of Outdoor Pitches at George Lambton Playing Fields

1.1.4 The core principle of the current agreements is that the Council and Abbeycroft are working in partnership to achieve the best for local communities and provide opportunities to enjoy the broadest range of services. As shown above, Abbeycroft Leisure now provides a range of services that goes beyond the scope set out in the original management agreements with ACL.

1.1.5 When the merged leisure trust was created in 2015, the Council committed to securing a long term reduction in management fee and a new partnership agreement with Abbeycroft as the merged Trust. This report details the approach to, and content of, a new Partnership agreement, in line with the principles that Cabinet and Council agreed to last year. The report includes references to the recent scrutiny of Abbeycroft's performance to date as examined at the Council's Overview and Scrutiny meeting on 12 January 2016. If agreed, under normal delegated powers, Officers will refine and develop the agreement and seek agreement from Abbeycroft's Board of Trustees to implement the new Partnership Agreement on 1 May 2017.

### **1.2 Development of the merged Trust and existing agreements**

1.2.1 In 2013, the shared approach commenced with the appointment of a joint Chief Executive Officer (CEO) across both Trusts and progressed to sharing a

management team and other staff resources, along with some service and systems alignment. It saw the creation of a sports and physical activity development service. This helped address some financial issues that ACL were then facing and delivered some efficiencies that enabled the Council to reduce the management fee paid to ACL.

- 1.2.2 In 2015, in pursuit of further service improvements and savings, and following a due diligence exercise, the Council agreed that a single merged trust should be created, and the existing management and funding agreements between Forest Heath District Council and Anglia Community Leisure were novated to Abbeycroft Leisure and since April 2015, Abbeycroft Leisure has delivered sports and leisure services for Forest Heath District Council.
- 1.2.3 As arrangements have developed over time, the underpinning legal agreements have become complex to understand. Separate management and business transfer agreements exist for both Forest Heath District Council and St Edmundsbury Borough Council; the approach to maintenance and repairs is different for different sites and the approach to leases for each site varies too. It is essential a new Partnership Agreement addresses legacy issues and provides a framework from which Abbeycroft can grow and develop its business for the benefit of the health and wellbeing of West Suffolk's residents at the same time as reducing the Council's costs in regard to leisure provision.

## **2. Principles behind the Partnership Agreement**

- 2.1 Whilst considering the creation of an investment fund for the Council's leisure facility, Cabinet and Full Council approved the Principles on which a new partnership agreement would be developed. These are:
  - a) The Principles of the Council's Medium Term Financial Strategy and value for money considerations;
  - b) The outcomes of the Promoting Physical Activity Framework;
  - c) Optimise utilisation of the investment fund established in December 2016 to achieve the reduction in the management fee payable by the Council to zero.
- 2.2 Further, Cabinet and Full Council made a commitment to:
  - a) Develop an outcomes based Partnership Agreement for the benefit of West Suffolk residents and businesses, having regard to West Suffolk's strategic leisure intentions;
  - b) Develop a Service Level Agreement for sports development work;
  - c) Achieve complete clarity re costs, fees and savings and third party agreements that are included in the management fee;
  - d) Agree a suitable period for the new lease and agreement, having regard to Abbeycroft's need to achieve length of tenure that unlocks funding;
  - e) Jointly develop a maintenance and investment plan and prioritise spend linking to West Suffolk's 6 year rolling plan and Abbeycroft 1 year maintenance plan that balances protecting the asset with customer service and user attraction and address the legacy latent defect issues.
  - f) Demonstrate value for money and a strong market offer.

This report outlines how these commitments have been met and the Heads of

Terms for the new Partnership Agreement are included at Appendix 1.

### 2.3 **Outcomes Based Partnership Agreement:**

2.3.1 The Partnership Agreement includes a section that requires the Trust to offer and promote facilities, activities and initiatives that meet the objectives of the Council's Promoting Physical Activity Framework. The outcomes of the Framework are listed in the Agreement. Abbeycroft are required to produce an Annual Sports and Physical Activity Development Plan that identifies a programme that supports those outcomes having regard to local need and priorities. This would include, but is not limited to:

- a) Health Initiatives
- b) Events Programme
- c) National Governing Body Partnerships/initiatives
- d) Physical Activity Initiatives

2.3.2 The Partnership Agreement (Section 9) requires Abbeycroft to operate a concessionary pricing scheme that contributes to the delivery of the Council's priorities and the outcomes in section 1 of the Partnership Agreement. At Section 12 it sets out performance and monitoring requirements and these are explained in more detail at Section 3 of this report.

### 2.4 **Service Level Agreement (SLA) for sports development work**

Abbeycroft will act as the Councils' advisor in relation to issues that affect the provision of sport and physical activity in West Suffolk. A Schedule (2) to the Partnership Agreement details the activities that Abbeycroft will undertake in this role. These include:

- a) Acting as the contact with county, regional and national agencies and manage those relationships.
- b) Co-ordinating and managing large scale projects associated with Sport and Physical Activity including the development and submission of funding bids.
- c) Managing the Councils' requirements in relation to sport and physical activity development

### 2.5 **Achieve complete clarity re costs, fees and savings and third party agreements that are included in the management fee.**

2.5.1 Currently the legacy arrangements mean there are different arrangements for different sites for maintenance and repairs and this has proved to be a significant challenge for achieving a full understanding of all leisure related costs. In part, this is due to the historic position of the Council that capital funds are allocated to improvement works as required, with a just a small (£53000) contribution made annually to a capital fund for leisure buildings. That fund is then topped up as required. As part of the work to review the long term leisure costs a review will be undertaken of the capital renewals needed for the lifetime of the two centres. This is already part of the business case for the Mildenhall Hub

2.5.2 Whilst the Council has been clear of its intention to reduce the management fee to zero, consideration has to be made of these other costs the Council

incurs in regard to leisure centre operation. The Partnership Agreement is clear that Abbeycroft has responsibilities in keeping facilities in a good state of repair and all leases will be updated to include an annex that clearly sets out both parties obligations in regard to repairs and maintenance. The Partnership Agreement (section 8) requires Abbeycroft to ensure that it sets aside adequate funds to meet its repairs and maintenance obligations.

- 2.5.3 To support this approach to maintain the leisure centre assets, Abbeycroft and the Council are committed to jointly developing a maintenance and investment plan and prioritise spend linking to West Suffolk's six year rolling plan and Abbeycroft's one year maintenance plan. This will balance protecting the asset with customer service and user attraction and address the legacy latent defect issues. This work is underway and will be completed by May 2016.
- 2.5.4 In addition, Abbeycroft's five year business plan will include a financial plan for each centre in the Portfolio together with proposals for use of the Investment fund. This will ensure that all financial issues relating to the leisure centres are clearly understood and considered together.
- 2.5.5 Section 4 of the Agreement sets out further detail on financial management and funding and at Schedule 3 a table shows the proposed reductions in management fees. This Schedule is reliant on sound business cases being developed for the use of the investment fund the Council has set up. The figures have been developed having regard to a number of initiatives that will reduce costs or increase income for Abbeycroft. These include:
- a) Abbeycroft internal efficiencies
  - b) New Leisure Facility at Mildenhall Hub
  - c) Development at Brandon Leisure Centre to revise the fitness offer and include health consulting rooms
  - d) Development at Newmarket Leisure Centre to deliver improved catering facilities and new leisure facilities.
- 2.5.6 In respect of Brandon and Newmarket outline feasibility and costings have been produced. To secure the financial support from the Council's £3.5m Investment Fund facility, Abbeycroft will be producing a detailed business case for each proposal. It should also be noted separate provision is being made for the investment into the new leisure facility at the Mildenhall Hub. Subject to updated leases and partnership agreement, Abbeycroft will be able to seek other external funding for these improvements and will also invest its own capital for example in the fit out of new leisure facilities. Furthermore, Abbeycroft will take on responsibilities for the repairs and renewals of new facilities provided. All developments will be subject to planning approval.
- 2.5.7 Through these schemes Abbeycroft has committed to deliver a zero management fee to the Council by 2025. It is clear the potential is there in the centres to deliver this level of saving and the detail will be worked through in each individual case. Those business cases will be considered by Cabinet separately. Then, post 2025, there will be a gradual shift of repairs and renewals responsibilities to Abbeycroft in order to further reduce the Council's financial support of leisure services. The review of delivery at year 3 will be used to review the asset plan and agree the transition to a repairing lease so the Council will see further savings in its asset management plan.

- 2.6 Agree a suitable period for the new lease and agreement , having regard to Abbeycroft’s need to achieve length of tenure that unlocks funding**
- 2.6.1 Any new partnership agreement needs to mirror the length of the accompanying lease(s). As all the current leases for Abbeycroft sites have been started at different times and are for different durations, all leases are being reviewed and will be standardised to work with the new Partnership Agreement across both Forest Heath and St Edmundsbury Councils. These changes will be implemented from 1 May 2017 to coincide with the new Partnership Agreement.
- 2.6.2 At Newmarket Leisure Centre, Brandon Leisure Centre and the Mildenhall Swimming Pool, the sites are leased to the Council by other parties. Additional negotiation will need to take place to align the terms of these leases as far as practicable. The head leases vary in duration from 30 years to 100 years with an underlease to Abbeycroft for 10 years, the first of which expires next year.
- 2.6.3 As the Council wants Abbeycroft to be more financially independent it needs to enable Abbeycroft to access sources of external funding. One criteria funders such as Sports England or the Football Association make is that the period remaining on the lease of the site in question has to be at least 10 years. As such, and having regard to the longer term outcomes the Council wants Abbeycroft to deliver, it is proposed that all leases and the Partnership Agreement should initially be for a period of 15 years with safeguards and extension options built in.
- 2.6.4 The Leases and Partnership Agreement will be subject to three yearly reviews. At the ninth, twelfth and fifteenth anniversary there will be a 24 option period during which:
- (i) the parties can mutually agree to extend the arrangement for a further five years beyond the then current expiry date or
  - (ii) the ability for the Council to serve notice to terminate the arrangement at the then current expiry date. This will achieve a potential term of 25 years (ie 15 + 5 + 5). In addition there will be a review of performance against the Partnership agreement after three and six years.
- 2.6.5 The reviews will assess performance against the outcomes of the agreement and include an assessment of the wider leisure market at that time and scrutiny by the Council’s Overview and Scrutiny Committee. If a material breach of the Partnering Agreement occurs then the Council will work with Abbeycroft to seek a resolution but if that fails the Council can terminate the agreement implementing the break clause. (Section 13).
- 2.6.6 This approach creates a balance of incentivising Abbeycroft to take a longer term view of savings and delivery opportunities that protect our assets and deliver against the outcomes we have specified, to deliver management fee reductions, while the Council is not locked into a long agreement if there are any performance issues.
- 2.6.7 In addition, Abbeycroft will be able to leverage alternative funding into improvement schemes and the Council should be creating the conditions for Abbeycroft to invest further into the facilities. Funders will look at length of

lease in evaluating a loan, and more favourable rates can be obtained against improved security. A longer Partnership Agreement term also reflects the fact that many of the outcomes we are seeking to demonstrate are long term.

## 2.7 **Demonstrate value for money and a strong market offer.**

2.7.1 In January 2017, the Council's Overview and Scrutiny Committee scrutinised Abbeycroft's performance to-date. That scrutiny included a comparison of costs, approach and service offer from other local authorities in the region showing that Abbeycroft delivered a value for money offer and a range of service that exceeded that which some other Councils enjoyed. The Committee recommended:

- a) The need for "disclosure of all" costs to the Council of providing leisure services;
- b) The need for the agreement to focus on the outcomes for the health and wellbeing of communities.
- c) 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.

2.7.2 The Committee also examined Abbeycroft's governance and performance both in regard to outcomes and finance. Since its establishment in 2005, Abbeycroft acquired Social Enterprise status in 2010 and has continued to grow and now operates 12 facilities across Suffolk and Cambridgeshire attracting in excess of 1.6 million visits and employs 450 staff. The supporting report evidenced the improvements in attendance together with the outcomes that were being delivered through a number of health initiatives.

2.7.3 The management fee that the Council pays to the Trust has reduced by 60% from over £1m paid to Anglia Community Leisure in 2009/10 to £414,000 that the Council will pay Abbeycroft in 2017/18. Clearly continuing to achieve reductions will be more challenging but the performance and growth of Abbeycroft to date shows it is an established provider in the leisure sector and is securing consistent improved performance both for the user and the Council. At the same time as reducing reliance on management fee, Abbeycroft has absorbed additional costs such as utilities and will absorb the increases in staff costs through the introduction of the living wage.

2.7.3 Trust models continue to be used to deliver leisure services across the UK as they are seen to offer a number of benefits. This was summed up in a report by the Welsh Audit Office in December 2015 "Delivering with less – Leisure Services" stated that:

*"Trust options are very much being promoted by the Welsh Government and are increasingly seen as offering a range of financial benefits".*

The report does state there are risks in pursuing a trust model in respect of organisational and financial failure hence the Councils obtained a Dun & Bradstreet credit rating report that concluded Abbeycroft is considered to have a lower than average risk of business of failure (a 1.14% chance).

### 3.0 **Review of Performance**

3.1 In entering into a new partnership agreement it is essential the Council has robust review arrangements, and the ability to end the agreement if Abbeycroft does not perform. The following reviews and safeguards have been built into the agreement (Section 12).

3.2 Abbeycroft will:

- a) Produce an Annual report that summarises its financial performance and delivery against these outcomes.
- b) Arrange quarterly briefing sessions with the Portfolio Holders for Leisure and Culture, a Council Director and the Leisure & Cultural Service Manager at which performance will be reviewed.
- c) Provide all information required for the 3-year reviews
- d) Operate an open book approach for the Councils in regard to all its finances and operations

3.3 The Councils will:

- a) Schedule a formal review of financial and operational performance at Overview and Scrutiny to take place every three years.
- b) Have officer representation on Abbeycroft's Stakeholder Panel. The Panel's purpose is to focus on how initiatives that are demonstrating strong social outcomes are sustained and embedded within existing systems or continue with a suitable financial model that reduces the need to secure external funding.

3.4 The Councils and Abbeycroft will hold an annual review of management fee reduction plan to include a review of work completed under the maintenance and repairs schedule.

### 3.5 **Performance Management Framework**

3.5.1 To support this a performance management framework has been developed, that includes some system wide measures being used by Suffolk's Health and Wellbeing Board. The indicators are shown below and each will be clearly defined and have a baseline from which to measure direction of travel. Where appropriate they will be tailored to local need and reflect specific schemes being developed. The design of the indicator suite will be reviewed annually and review of actual performance against the measures will form part of the quarterly review of performance. The indicators are:

#### **Health and Wellbeing Indicators:**

- a. Health improvement initiatives delivered : no. of participants and improvements delivered;
- b. Retention rates of new participants accessing facilities;
- c. Barriers to participation addressed;
- d. New opportunities for physical activity created
- e. Reduction in percentage of physically inactive adults;
- f. Increase in number of people using outdoor space for exercise/ health reasons
- g. Increase in healthy life expectancy



### **Financial and Operational Performance Indicators:**

- a. Increase in attendance at facilities;
- b. Increase in income at sites;
- c. Improvement in benchmarking position for sites performing below industry benchmark;
- d. Reduction in per head of population cost of operation;
- e. Meet or exceed forecast reduction in management fee;
- f. % improvement in energy efficiency at leisure facilities.

### **Quality Indicator**

- a. Quest Accreditation maintained (independent assessment of facilities and service including customer experience)

3.5.2 Both parties will review the content of the performance management framework on an annual basis.

3.6 The Agreement includes a break clause and termination provisions that mean, subject to notice if Abbeycroft fails on its obligations under this partnership agreement, the Council has the right to terminate it with the associated leases. The 3 year reviews (paragraph 2.6.3) create the ability for the Council to serve notice to terminate the agreement at the current expiry date.

## **4 Other sections of the Partnership Agreement**

4.1 The Partnership Agreement also includes sections addressing

- a) Standard legal requirements including definitions, data protection, rights, declarations
- b) Personnel
- c) Approach to Programming

4.2 Issues such as transfer of staff have already been dealt with through the original business transfer agreement and any new staff are now employed directly by Abbeycroft.

## **5 Implementing the new Partnership Agreement**

5.1 If the recommendations in this report are agreed, officers will complete the Partnership Agreement in consultation with Abbeycroft. Whilst the approach to the new agreement has been developed with Abbeycroft, any legal documents will need to be examined by Abbeycroft's legal advisors. Any changes that are required will only be made if they are in line with the principles and heads of terms detailed in this paper.

5.2 At the same time, leases for all Abbeycroft properties will be updated to reflect these arrangements with the intention to complete the agreements on 1 May 2017.

5.3 Dates for future Scrutiny and performance review will be timetabled accordingly.

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## HEAD OF TERMS

### Partnering Arrangement

**Parties** Forest Heath District Council, St Edmundsbury Borough Council (West Suffolk councils) and Abbeycroft Leisure Ltd (Abbeycroft)

**Term** 15 years

*Note: The Leases and Partnership Agreement will be subject to three yearly reviews. At the ninth, twelfth and fifteenth anniversary there will be a 24 option period during which (i) the parties can mutually agree to extend the arrangement for a further five years beyond the then current expiry date or (ii) the ability for the Council to serve notice to terminate the arrangement at the then current expiry date. This will achieve a potential term of 25 years (ie 15 + 5 + 5).*

#### **1. Outcomes (Service Provision)**

Abbeycroft will design and deliver services and activities that meet the requirements of the Councils' Promoting Physical Activity Framework, namely

##### Social and community

- create an environment that provides the opportunity for physical activity for all;
- encourage personal responsibility for wellbeing through education and the development of life skills and healthy habits;
- improve the quality of life and the health and wellbeing of all our communities;
- ensure that physical activity is inclusive by understanding and addressing barriers to participation;
- maximise use of local assets including sharing assets where appropriate;
- make connections between different communities through shared activities

##### Economic

- ensure we are financially efficient and responsible in a changing financial environment, in line with the councils' Medium-Term Financial Strategy;
- understand how our impact on health and wellbeing will financially benefit the whole public sector;
- target our financial support and subsidies to improve outcomes that support our strategic priorities; and
- create wider value for money.

##### Personal experience

- Provide opportunities for physical activity that are accessible, inclusive, welcoming, nurturing and convenient;
- acknowledge that there are a range of motivations to participating in physical activity and that some people want to be competitive, whilst others don't; and
- support the provision of facilities (including shared facilities) and opportunities in locations that encourage participation and keep active people active.

Health and wellbeing

- promote initiatives that will support the Suffolk Health and Wellbeing Strategy;
- focus on activity to address preventable health issues by creating local opportunities that address local health needs, using the health data at Appendix A to the framework;
- ensure that active people remain active and that more people become active; and
- encourage natural exercise as a part of daily lives and acknowledge that this may not include traditional sport.

**2. Outcomes (Obligations)**

Annual Plan

Abbeycroft will produce an annual Sports and Physical Activity Development Plan that identifies a programme that supports the outcomes detailed above having regard to local need and priorities. This will include, but is not limited to Health Initiatives, Events Programme, National Governing Body Partnerships/Initiatives and Physical Activity Initiatives

Abbeycroft will work with West Suffolk in the delivery of Sport England's Programmes and activities and in the production of external funding bids.

Obligations re physical assets

All maintenance obligations for West Suffolk and Abbeycroft will be reviewed and updated. This is also an opportunity to include West Suffolk's and Abbeycroft's maintenance obligations for the new Academy which is currently being constructed off Skyliner Way, Moreton Hall, Bury St Edmunds.

Abbeycroft will manage, promote and develop the range of facilities or similar facilities at the BSE and Haverhill Leisure Centres and will adopt and implement an environmental policy and management controls to deliver continual improvements in environmental performance consistent with West Suffolk's Environmental Policy and aims. Abbeycroft will use its best endeavours to comply with ISO 14001 Standard.

Pitch Booking System

Abbeycroft will operate the pitch booking system and retain the income.

Sports and Leisure Strategic Advice

Abbeycroft will act as the Councils' advisor in relation to issues that affect the provision of sport and physical activity in West Suffolk. Schedule 2 to this agreement details the activities that Abbeycroft will undertake in this role.

Additional Services

West Suffolk may request Abbeycroft to undertake additional services as demand dictates. If Abbeycroft accepts such a request it will prepare a Business Plan to deliver for West Suffolk's approval. If the terms of the Plan are accepted the Management Fee afforded to Abbeycroft will be adjusted accordingly.

Partnership approach

The spirit of partnership will remain the key between the parties for the ultimate benefit of the customer.

Quality Control and Benchmarking

Abbeycroft will maintain a quality control system and Quest accreditation (or equivalent) for the facilities it operates and will engage in the Sport England Benchmarking Surveys every 3 years.

Security

Abbeycroft will be responsible for the security of the facilities and their contents.

Emergency Services/Elections

Abbeycroft will provide, upon request, adequate use of its facilities in cases of emergency and for the provision of administering elections.

**3. Financials**

Management Fee

For 2017/18 the management fee payable is £172,000 (St Edmundsbury Borough Council) and £414,000 (Forest Heath District Council. Schedule 3 to this agreement details the reduction in management fee that has been agreed with Abbeycroft, subject to investment agreement and planning permissions.

The Councils will not pay a management fee to Abbeycroft beyond 2024. There will be a fundamental review of operational and financial performance in 2022 and this will then profile a transfer of the Councils' repairs and renewals liabilities to Abbeycroft.

Financial management monitoring

Abbeycroft will continue to be obliged to maintain such financial operational service records required and necessary to establish that the terms of the Partnership Arrangement are being fulfilled and shall make such records available to West Suffolk or its representatives (including external and internal audit) on request.

The implementation of improvements by Abbeycroft as referred to within the agreement will result in a reduction in the management fee payable by West Suffolk to Abbeycroft. (Schedule 3)

This will be reviewed on an annual basis.

Funding Purpose

Funding shall only be used towards activities identified within Abbeycroft's Approved Business Plan

Payment arrangements

Funding shall be made in equal instalments quarterly in advance.

Value Added Tax

Payments are exclusive of VAT and VAT will be added where appropriate on receipt of a valid VAT invoice.

## Car Parking

Where Abbeycroft customers use Council run car parks designated under a Traffic Regulation Order, Leisure Centre Members will be provided with a parking pass to park free of charge. The passes will be issued to Abbeycroft by the Council. All other users will be refunded for car park charges by Abbeycroft which will be reimbursed from the Council. This arrangement will be reviewed annually by the Council's Car Park's Manager and Corporate Director with Abbeycroft.

### **4. Business and Financial Plan**

Abbeycroft will be required to produce a Five Year Business and Financial Plan which will be the subject of discussion and scrutiny with West Suffolk. It will be a requirement that the Plan will address each leisure facility in the control of Abbeycroft and will be linked to Abbeycroft's Sports and Physical Development Plan. The Plan will contain extensive details and projections for the purposes of the Investment Fund (see definition in next paragraph) for the sites for the forthcoming five year period, subject to review.

West Suffolk has created an investment fund of £5m (split between £3.5M to Forest Heath and £1.5m for St Edmundsbury) created within each Council's capital programmes. This Fund will create a vehicle for Abbeycroft to seek financial support for capital investment from the councils on an "Invest to Save" basis which will, it is anticipated enable the achievement of a zero management fee payable. This Fund would be available for any scheme that would provide new capacity or an upgrade in facilities.

To access this Fund Abbeycroft will need to develop a specific investment proposal detailing the return on investment and how the proposal supports the Council's priorities and the 'Promoting Physical Activity Framework'.

### **5. Utility provision**

Abbeycroft will be responsible for procuring and administering energy supply contracts subject to the obligations below:

- both parties will continue to actively participate in existing energy investment opportunities with the purpose of assuring mutual benefit from these investments;
- both parties will explore and as appropriate deliver further opportunities for realising mutual value from energy supply arrangements, energy efficiency and renewable energy generation to build upon existing arrangements set out above.

### **6. Insurance**

Employer's Liability: £20,000,000 any one event

Public/Third Party Liability: £20,000,000 during any one period of insurance

Third Party Motor: £5,000,000 any one occurrence

Personal Accident: £5 x average earnings or 50%

Any other insurance which is customary or necessary to comply with statutory requirements

## **7. Personnel**

### Pension Scheme

West Suffolk will, in relation to those Initial Employees who were members of the Local Government Pension Scheme (LGPS) at the time of the original TUPE transfer of staff from West Suffolk and continue to be employed by the Trust and are members of the LGPS, to make such arrangements as necessary with the administrators of the LGPS to ensure that the accrued benefits (calculated on a past service reserve basis) of the Initial Employees whilst in the service of West Suffolk were treated as fully funded as at the time of transfer and shall indemnify the Trust against all costs proceedings liabilities and claims of whatever nature in respect of the Initial Employees' membership of the Superannuation Scheme whilst in the service of West Suffolk.

West Suffolk shall maintain the existing guarantor arrangements in place for the LGPS.

Future pension provision is at the discretion of Abbeycroft and there is no future obligation to continue to offer the LGPS to new employees.

### Personnel

Abbeycroft shall employ suitably qualified personnel for the provision of the Services and West Suffolk will have the right to seek the removal of any personnel who do not meet specific requirements as set out in the agreement.

## **8. Assets and lease arrangements**

A summary of key Assets is included in Schedule 1. Abbeycroft must keep all assets in a good state of repair, and ensure that it sets aside adequate funds to meet its repairs and maintenance obligations and that it provides the information to the Council to enable it to complete its 5/10/25 year asset plan.

Abbeycroft and the Councils will jointly develop a maintenance and investment plan and prioritise spend linking to West Suffolk's 6 year rolling plan and Abbeycroft's 1 year maintenance plan. This will balance protecting the asset with customer service and user attraction and address the legacy latent defect issues.

All leases will be updated to include an annex that clearly sets out both parties' obligations in regard to repairs and maintenance for each building.

## **9. Pricing Policies**

Abbeycroft will promote a concessionary price scheme that contributes to the delivery of West Suffolk's priorities and outcomes.

## **10. Approach to programming**

Each locality to have a locally developed sport and physical activity programme built on the following principles:

- Informed through market data, demographics and trends in sport and physical activity sector.
- The need to develop commercial activities to meet financial objectives
- Providing a value for money service

- Meeting local priorities as identified in the promoting Physical Activity Framework

The programme will be incorporated into the Sport and Physical Activity Development Plan and reviewable annually

### **11. Growth Opportunities**

Abbeycroft will actively look at growth opportunities in order to reduce its core overhead, create economies of scale with suppliers, create new employment opportunities in the sport and physical activity industry and offer more choice to customers. In considering those opportunities it will consider the impact on existing relationships with clients and customers and the ability to meet those obligations and seek opportunities that add value to everyone involved and offer more choice to customers.

### **12. Monitoring and reporting arrangements**

The Councils and Abbeycroft will:

- a. Hold an annual review of management fee reduction plan to include a review of work completed under the maintenance and repairs schedule.
- b. Hold a three yearly review of performance against the requirements of this agreement

Abbeycroft will

- a. Produce an Annual report that summarises its financial performance and delivery against outcomes and confirmation of Statutory compliance in meeting its obligations. This will include delivery against the Quest accreditation and Sport England benchmarking Actions.
- b. Arrange quarterly briefing sessions with the Portfolio Holders for Leisure and Culture, a Council Director and the Leisure & Cultural Service Manager at which performance will be reviewed.
- c. Provide all information required for the 3-year review
- d. Operate an open book approach in regard to all its finances and operations

The Councils will

- a. Schedule a formal review of financial and operational performance at Overview and Scrutiny to take place every 3 years.
- b. Provide officer representation on Abbeycroft's Stakeholder Panel. The Panel's purpose is to focus on how initiatives that are demonstrating strong social outcomes are sustained and embedded within existing systems or continue with a suitable financial model that reduces the need to secure external funding.

Abbeycroft's performance will be measured against the following Key performance Indicators:

#### **Health and Wellbeing Indicators:**

- Health improvement initiatives delivered : no. of participants and improvements delivered;
- Retention rates of new participants accessing facilities;
- Barriers to participation addressed;



- New opportunities for physical activity created
- Reduction in percentage of physically inactive adults;
- Increase in number of people using outdoor space for exercise/ health reasons
- Increase in healthy life expectancy

**Financial and Operational Performance Indicators:**

- Increase in attendance at facilities;
- Increase in income at sites;
- Improvement in benchmarking position for sites performing below industry benchmark;
- Reduction in per head of population cost of operation;
- Meet or exceed forecast reduction in management fee.

**Quality Indicator**

- Quest Accreditation maintained (independent assessment of facilities and service including customer experience)

**13. Terms and Conditions**

**Definitions**

**West Suffolk Representative** – delegated authority to represent the councils

**Force Majeure** – services suspended and no payments due in such circumstances. May terminate if continues beyond 1 month

**Data Protection**

**Novation** – parties may by consent novate the agreement (e.g. changes in local government)

**Dispute Resolution** – West Suffolk Representative, Chief Executive, Expert (mediation) and costs borne equally

**Rights of Third Parties** – no third party rights

**Declarations** – Agreement shall not prejudice or affect the councils' function as a local authority

**Part V Local Government and Housing Act 1989 and the Trust Order**

**Notices** – in writing

**Freedom of Information**

**Variations and Review** – regular review meetings

**Breach and Material breach** – steps to take should either party fail to meet its obligations

**Break clause** – If a material breach of the Partnering Agreement occurs then the Council will work with Abbeycroft to seek a resolution but if that fails the Council can terminate the agreement implementing the break clause.

**Termination** – twelve months notice (or 30 business days if £10,000 remains unpaid for 30 days)

**Agreement does not constitute a Partnership** – a partnering arrangement but not a partnership

**General** – governed by English Law

**Schedule 2**

**Sports and Leisure Strategic Advice: Abbeycroft's Responsibilities**

**Advice to the Councils**

Abbeycroft will:

- a. Support and advise the Council(s) in the management of local and county agreements and grant payments. This may include undertaking a review of performance (max 1 day per grant) if required by the Council(s).
- b. Act as the contact with county, regional and national agencies and manage those relationships.
- c. Be a consultee in regard to planning applications in regard to their implication on sports and leisure provision and provide feedback on proposals including the use of developer contributions.
- d. Carry out feasibility/planning related to sport and physical activity facilities and services. Any requirement over 5 days would be subject to a separate agreement and payment to Abbeycroft.
- e. Co-ordinate and manage large scale projects associated with Sport and Physical Activity including the development and submission of funding bids – (Up to 5 days officer time. Any requirement over 5 days would be subject to a separate agreement and payment to Abbeycroft).
- f. Manage the Councils' requirements in relation to sport and physical activity development.

**Advice to other sports and leisure organisations to support West Suffolk's Promoting Physical Activity Framework**

Abbeycroft will:

- a. Act as the first point of contact for enquiries linked to sports and physical activity provision within the borough/district and provide relevant contacts for enquiries
- b. Provide advice or direct local organisations to such advice in relation to advice on sport and physical activity.
- c. Provide generic funding advice to local sports clubs and organisations (Note if support for completing specific grant applications required Abbeycroft may charge for this service).
- d. Provide operational advice to sports clubs and local schools regarding the management of sports and leisure facilities and services within West Suffolk. (Note according to level of advice or support required Abbeycroft may charge for this service).

**Events**

Abbeycroft will:

- a. Co-ordinate/Facilitate a mass participation events programme linked to sport and physical activity and support the Council in seeking funding for such events
- b. Organise a sports awards event that celebrates local sporting achievement.

## Schedule 3

## Management Fee Payable to Abbeycroft

## Forest Heath District Council

<b>FHDC</b>	<b>Management fee</b>	<b>Reduction</b>	<b>% reduction</b>	<b>Initiative/Development</b>
<b>2017/18 Baseline</b>	<b>£414,000</b>			
2018/19	£353,343	£60,758	15%	Pricing Policy and Efficiency
2019/20	£282,594	£70,649	20%	Pricing Policy/ Newmarket Development
2020/21	£194,283	£88,311	31%	Newmarket development/Mildenhall Hub
2021/22	£123,635	£70,648	36%	Mildenhall Hub
2022/23	£63,931	£59,804	48%	Brandon Development
2023/24	£33,760	£30,071	47%	
<b>2024/25</b>	<b>£0</b>	£33,760	100%	

## St Edmundsbury Borough Council

<b>SEBC</b>	<b>Management fee</b>	<b>Reduction</b>	<b>% reduction</b>	<b>Initiative/Development</b>
<b>2017/18 Baseline</b>	<b>£172,000</b>			
2018/19	£146,757	£25,242	15%	Pricing Policy and Efficiency and Skyliner
2019/20	£117,406	£29,352	20%	Pricing Policy and Efficiency and Skyliner
2020/21	£80,717	£36,689	31%	Efficiency savings and Haverhill development
2021/22	£33,865	£46,852	58%	Haverhill development
<b>2022/23</b>	<b>£0</b>	£33,685	100%	Haverhill development

# Cabinet



<b>Title of Report:</b>	<b>Establishing a Mechanism for Investing in our Growth Agenda</b>	
<b>Report No:</b>	<b>CAB/FH/17/018</b>	
<b>Report to and date:</b>	<b>Cabinet</b>	4 April 2017
<b>Portfolio holders:</b>	<p>Councillor Lance Stanbury Portfolio Holder for Growth <b>Tel:</b> 07970 947704 <b>Email:</b> <a href="mailto:lance.Stanbury@forest-heath.gov.uk">lance.Stanbury@forest-heath.gov.uk</a></p> <p>Councillor Stephen Edwards Portfolio Holder for Resources &amp; Performance <b>Tel:</b> 07711 457657 <b>Email:</b> <a href="mailto:stephen.edwards@forest-heath.gov.uk">stephen.edwards@forest-heath.gov.uk</a></p>	
<b>Lead officer:</b>	<p>Rachael Mann Assistant Director (Resources and Performance) <b>Tel:</b> 01638 719245 <b>Email:</b> <a href="mailto:rachael.mann@westsuffolk.gov.uk">rachael.mann@westsuffolk.gov.uk</a></p>	
<b>Purpose of report:</b>	<p>In order to promote economic growth that benefits our communities, the Council needs to consider the investment role they can play to:</p> <ul style="list-style-type: none"> <li>i) shape local places, while also</li> <li>ii) ensuring their own financial self-sufficiency, in order to safeguard the provision of support and services for West Suffolk's communities.</li> </ul> <p>As part of the February 2017 Budget and Council Tax setting report, a £20m revolving capital investment fund was created as a pending item within Forest Heath District Council's capital programme, funded from external borrowing. This paper considers the governance for that fund and the creation of a £1m revenue reserve budget to facilitate the fund's next steps in delivering growth and investment opportunities within West Suffolk.</p>	

<b>Recommendation:</b>	<b>Cabinet is requested to:</b> <ol style="list-style-type: none"> <li>(1) <b>Support and approve the strategic approach to investment planning (outlined in the paper and at Section 3) and the development of an overarching investment strategy for Council approval in due course;</b></li> <li>(2) <b>Support and approve the principle of the Cabinet’s role in the leadership and decision-making in relation to the investment fund (outlined in the paper and at Sections 4 and 5);</b></li> <li>(3) <b>Note the transfer from reserves as detailed in paragraph 5.2 and 5.3 for the creation of a £1m revenue budget to support the capital investment fund.</b></li> <li>(4) <b>Note that prior to the adoption of the overarching investment strategy, referred at (1) above, that the current constitutional decision mechanisms will continue to operate.</b></li> </ol>
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• Development of the overarching investment strategy referred to in this paper will include consideration by the Overview and Scrutiny Committee and wider member consultation will take place as part of its development.</li> <li>• Consultation on each proposed investment will be considered as part of the individual business cases.</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• The Council could choose not to proceed with the proposed approach and to continue ‘as is’. Section 2 sets out some limitations to the current approach.</li> <li>• An alternative is that the Council could choose to hold additional council meetings to consider investment opportunities.</li> <li>• Another alternative is for the Chief Executive to use his urgency powers to ensure opportunities are not lost, however this doesn’t provide the greatest level of democratic process or scrutiny.</li> </ul>

<b>Implications:</b>			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>As set out in the main report.</li> <li>Each investment will be considered on its own merits and taking into consideration the approved West Suffolk Investment Framework which sets out the principles behind the financing and funding considerations for each project's business case.</li> </ul>	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>This proposed approach is envisaged to support staff and Councillors with the development and adoption of an overarching strategy.</li> </ul>	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>None as a result of this report</li> </ul>	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>As set out in the main report.</li> </ul>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>None as a result of this report</li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk (before controls)</b>	<b>Controls</b>	<b>Residual risk (after controls)</b>
	Low/Medium/ High*		Low/Medium/ High*
Risk of reactive investments, missed opportunities and for inconsistency	Medium	Development and adoption of an overarching strategy allowing decisions to be taken against a backdrop of agreed principles	Low
Missed opportunities due to time delay within the democratic process	High	Approval of proposed governance arrangements and delegations for the Investment Fund	Low
Members feel that there is a lack of appropriate scrutiny through the new proposed governance arrangements	Medium	Papers for investment items would be available to all Councillors.  Briefings would be given on issues of particular interest to certain Ward members.	Low

		Decisions notices would be published after the meetings, and would be subject to Call-In procedures.	
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		Budget and Council Tax setting: 2017/18 and MTFs 2017-2021 - <a href="#">Report No: CAB/FH/17/005</a>  West Suffolk Investment Framework - <a href="#">Report No: CAB/FH/15/028</a>	
<b>Documents attached:</b>		<b>Appendix A</b> - Development of an Overarching Strategy	



## **1. Background and context**

- 1.1 The West Suffolk Medium Term Financial Strategy for 2017-20 sets out Forest Heath and St Edmundsbury Councils' intention to facilitate sustainable growth that benefits our communities, including through investment, over the period of the strategy. This is in order to deliver our growth objectives as well as to move towards the Councils' goal of financial self-sufficiency.
- 1.2 As part of the February 2017 main Budget and Council Tax setting reports, each Council created a £20m revolving capital investment fund, as pending items within their capital programmes, funded from external borrowing. This paper proposes the governance arrangements for St Edmundsbury for that fund and the creation of a £1m revenue budget to facilitate the fund's next steps.
- 1.3 Moving forward with our ambitious agenda the Councils are committed to exploring how economic growth can be continually promoted, while ensuring it benefits our communities. These principles will be developed through the forthcoming work on a West Suffolk Strategic Plan (SP) for 2017-2020.
- 1.4 In order to promote economic growth, the Councils need to consider the investment role they can play to i) shape local places and support our communities, while also ii) ensuring financial self-sufficiency (through revenues and business rates income – through the business rates retention scheme), in order to safeguard the provision of support and services for West Suffolk's communities.
- 1.5 Taking forward this dual role is likely to involve a mix of:
  - asset management;
  - regeneration activity, including delivery of town centre masterplans; and
  - commercial ventures.
- 1.6 In practice this might mean:
  - making loans, securing the return of the Councils' funds for further investment
  - operating through council-owned special purpose vehicles i.e. Barley Homes (Group) Ltd
  - investing in and diversifying our commercial asset portfolio
  - facilitating growth on key strategic sites, securing housing and employment growth
  - purchasing assets, in order to generate an income or reduce costs. As well as public sector assets, these could be industrial, energy, leisure, retail or other assets.
  - entering into joint ventures, sharing the investment and expertise required
  - considering commercial opportunities within West Suffolk and beyond our boundaries
  - borrowing, introducing new funds into both councils

- 1.7 Some of these activities have already begun in the Councils, but in driving the agenda forward with greater pace, compared to traditional local government processes, and increasing our impact, we need to create:
- an **overarching strategy**, to ensure individual decisions are taken in the context of a wider plan and in line with our strategic objectives;
  - a **focus for leadership around growth and investment decisions**; and
  - the **ability to respond quickly to investment opportunities**.
- 1.8 This paper sets out how Forest Heath and St Edmundsbury Councils, working as West Suffolk can take a more strategic approach to their asset management and investment activities, and some of the principles and practices that need to apply. This report assumes that a similar approach is taken across West Suffolk – agreed by both Forest Heath and St Edmundsbury. St Edmundsbury is considering a similar proposal in parallel to this report. It would be possible for just one council to take forward this approach without the other, but there would be an obvious loss in economies of scale and the size of the collective asset base from which to invest.
- 1.9 The focus of this paper is on the actions West Suffolk takes to facilitate growth where the councils have a specific financial interest. It is recognised that the councils are involved in a much wider range of projects that do not involve any of the activities in paragraph 1.6 above, but that may still result in growth in the surrounding economy, and therefore an increase in business rates income. However, these projects are not within the scope of this paper.

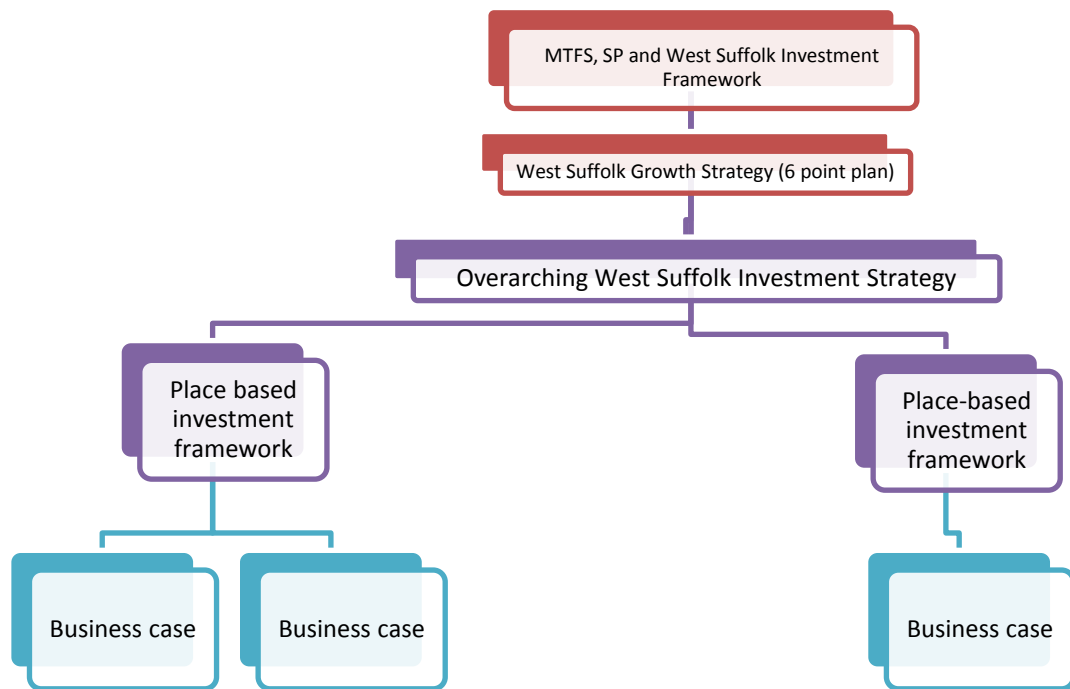
## **2. Limitations of current approach**

- 2.1 Under the current arrangements, investment decisions are often taken in isolation, without being able to refer to a set of pre-agreed investment principles. West Suffolk councils therefore need to create an **overarching investment strategy** for the councils' assets and investments that allows decisions to be taken against a backdrop of agreed investment principles. Without this, there is the potential for reactive investments, missed opportunities and for inconsistency, rather than a proactive, strategic approach.
- 2.2

The Councils need to create a **focus for leadership of growth and investment decisions**, moving from decisions made by a wide group (Council), to a smaller group with specific focus or training. By concentrating decision-making about investment and growth within the Cabinet structure, there will be an opportunity for a body of knowledge and expertise to be built up and for skills development around horizon scanning, economic insight, strategic property investment and risk management. Any new governance arrangements would be subject to the existing Councils' checks and balance functions, including the role performed by the Councils' two scrutiny functions.

### **3. Proposal: Taking a more strategic approach to investment planning**

- 3.1 West Suffolk's new focus on investment and growth in order to achieve its growth ambitions and self-sufficiency demands a much more strategic approach that allows the councils to be proactive, rather than simply reacting to new opportunities in an *ad hoc* way.
- 3.2 It is proposed that an overarching strategy is developed, which sets out an overall direction for types of investment and appetite for risk. It is anticipated that the approach to investment will be wider than simply those that generate a financial return, but rather those that contribute to the "double bottom line" of investing in our communities and businesses. This could at times include investing in assets in the public interest – i.e. ensuring their future is secured until such time as the councils, or others, can further develop them appropriately. The councils have a unique dual role in this regard and will attract criticism if they are not seen to act when key investment opportunities arise, making our strategy somewhat different from more straightforwardly commercial investment funds.
- 3.3 This overarching strategy is expected to be approved by Council during this calendar year. It is proposed that engagement with the Overview and Scrutiny Committee will take place on the overarching strategy as it is developed and will seek to address the key questions/areas as detailed in appendix A.
- 3.4 It is proposed that the Councils then develop investment plans for the main places in West Suffolk, covering potential investment opportunities that may arise and considering their "fit" with West Suffolk's Investment Framework. Once individual investment opportunities arise, they will be supported by business cases, as follows:



- 3.5 In order to develop the plans and business cases, appraisal will be needed assessing:
- the links to the councils’ strategic priorities
  - the likely community benefit (including contribution to the prevention agenda)
  - the investment required and associated borrowing costs
  - the likely return on investment including business rates, New Homes Bonus and council tax
  - any ongoing costs and/or savings, including impact on demand management considerations
  - the likely business rates yield
  - how the councils’ investment role could support the relevant masterplans for each place
  - special considerations – legal, taxation, State Aid, appropriate delivery vehicle, use of existing company structures etc
  - the risks associated with each investment

- 3.6 The plans will also address the:
- links to the One Public Estate Programme and the West Suffolk Property Board
  - links to local government transformation (public service reform) and Suffolk-wide working (Transformation Challenge Award)
  - links to West Suffolk’s masterplans
  - the most appropriate delivery vehicle for the councils’ investment
  - where LEP or Business Rates Pool funding could support the councils’ investment role.
  - Other external funding opportunities

- 3.7 The plans will need to be based on significant data, intelligence and insight work, coupled with horizon scanning, options appraisal and financial modelling. Given the workload involved, it is expected that the plans will require external support.
- 3.8 The overarching strategy and place-based plans will be approved by the respective Councils. The business cases for each investment will be approved in line with the relevant level of financial delegation for the capital fund, proposed below.

#### **4. Proposal: Focusing leadership and decision-making in relation to investment**

- 4.1 It is proposed that responsibility for owning and then implementing the councils' investment plans should sit with both Cabinets, supported by an Investment Fund (see section 5 below). This will allow investment decisions to be made more quickly and in a more structured way. Having a mechanism in place which can quickly approve investment proposals will widen the scope for growth/investment opportunities, optimise the councils' negotiation position and will seek to mitigate the need for emergency powers to be used so as not to 'miss' emerging opportunities, thereby increasing democratic accountability where this would have been the case.
- 4.2 Another key role for both Cabinets will be to advise on the appropriate delivery vehicle for each investment. For example, they will need to consider whether outcomes can be achieved using existing council mechanisms, or whether special purpose vehicles should be established. Different vehicles may be suitable for different projects, or in time it might be decided that an umbrella vehicle would be more appropriate.
- 4.3 Putting information about specific investment decisions into the public domain could compromise the Council's negotiating position. Whilst the Council will seek to be as open and transparent as it can in its activities, in order for Cabinet to be able to take commercially confidential investment decisions, the decisions plan will show that meetings are 'considering items relating to the delivery of growth and investment in West Suffolk' and the circulation of the papers for investment items will be restricted to all Councillors (and key officers) only. Briefings will be given on issues of particular interest to certain Ward members.
- 4.4 Decisions notices for Cabinet level decisions will be published after the meetings, and will also be subject to Call-In procedures.
- 4.5 Where issues were particularly sensitive, these could be taken by Council, even where the Cabinets have the necessary delegations.

#### **5. Proposal: Revolving capital investment Fund and associated revenue funding**

- 5.1 A revolving capital Investment Fund of approximately £40m (£20m from St Edmundsbury BC and £20m from Forest Heath DC) has been created by both councils. Once the overarching strategy is approved, these funds can be drawn on to invest in emerging opportunities in West Suffolk, whether for

Forest Heath, St Edmundsbury or joint West Suffolk investment opportunities.

5.2 The capital fund, which is included within both councils capital programme as a pending item, will be made up from external borrowing. It is proposed that this capital fund is also supported by a £2m (£1m each authority) revenue investment budget, representing 5% of the capital investment fund value, which can be used in support of delivery of the capital fund on such items as the following. There would also be the possibility of additional revenue funding being requested in the future if necessary:

- feasibility work;
- development of the overarching strategy referred to in this paper
- external borrowing costs, where there may be a timing gap between incomes/savings being crystallised
- technical officers' appointments or commissioning of professional and / or specialist skills such as legal, financial (including financial modelling tools), commercial, property, planning, highways

5.3 The revenue fund (created as an earmarked revenue reserve) is proposed to be funded through a reserve transfers from the Strategic Priorities and Medium Term Financial Strategy Reserve, the balance of the risk and recession reserve and invest to save reserve. These transfers are within existing delegations to the Assistant Director for Resources and Performance, in consultation with the Portfolio Holder for Resources and Performance. As such, no decision is formally required from Cabinet to create this fund but Cabinet is asked to note this development. It is proposed that the invest to save reserve is then replenished with any additional returns generated from the capital fund and its level then reviewed annually as part of the reserve and balances review by the S151 Officer for consideration by Council (as part of the main Budget and Council Tax Setting reports).

5.4 Money from the capital fund could be used to fund schemes in whole or in part. For example, the funding could be used alongside LEP funding, or funding from other council budgets. However, where other council budgets are used (with the exception of the revenue Investment Fund referred to above) approval will be needed through the usual council arrangements rather than through the governance arrangements for the Fund, which could potentially cause delay.

5.5 Under the proposals, the Cabinets will have newly delegated authority to authorise funding from the capital Investment Fund on suitable projects. The delegations are expected to be significant, however the exact delegation values are to be determined following the development of the overarching investment strategy and are subject to Council approval. Officers will propose the following in due course:

- S151 Officer, Monitoring Officer and Chief Executive, in consultation with the Portfolio Holder for Resources and Performance = up to £TBC\*m
  - Cabinet – up to £TBC\*m
  - Council beyond a single project being over £TBC\*m
- \*Amounts to be confirmed following the development of the overarching

investment strategy and are subject to Council approval.

- 5.6 It is proposed that once these delegations (paragraph 5.5) are in place that they only run for the remaining period of the current Strategic Plan, therefore up to April 2020. This will prompt a proactive review (in advance of that end date) of the appropriateness and effectiveness of these delegations for investment decisions post April 2020.

## **6. Creating a return from the Fund.**

- 6.1 In order to establish a £40m fund across West Suffolk without creating an on-going cost to the councils, each business case will need to be considered on the basis of borrowing, in line with the principles set out in the Medium Term Financial Strategy (MTFS) and investment framework.
- 6.2 As a minimum an overall rate of 6% (our MTFS refers to a target 10%), equivalent to £2.4m per annum, from the Fund's investment will need to be achieved to ensure a cost neutral position (based on current 40 year borrowing costs and repayment).
- 6.3 This would provide a net benefit to each council of £200k per annum, which is currently assumed within the MTFS period from January 2018. In reality some of the Fund will be used for loans which will allow for re-investment.

## **7. Loans**

- 7.1 Forest Heath already has in place a Loans policy which allows loans to organisations to be made. Those under £50k require Cabinet approval and those over £50k require Council approval.
- 7.2 The loans policy is explicitly not part of the council's investment or treasury management strategy (see para 1.3 of Loans Policy 2013). "Decisions regarding the granting of loans are based on a wider concept of the strategic benefit of each proposal, rather than the narrower treasury management investment criteria which is driven by consideration of the security and liquidity of funds as well as financial yield".
- 7.3 As the fund will be considering investment opportunities that could involve loans, it is proposed that the Loans Policy is updated to allow for the Cabinet to approve loans, taking into consideration the loans policy, in line with its overall financial delegations outlined in section 5.5 above - once the financial delegations values are established.

## **8. Experience of other councils**

- 8.1 There are limited examples of councils establishing similar arrangements; however Babergh and Mid-Suffolk have recently established a £50m investment fund, utilised wholly through an external vehicle. Ipswich Borough Council has established a company - [Ipswich Borough Assets Limited](#) - to manage its investments.

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### Development of an Overarching Strategy

Some of the key questions/areas to be considered during the development of an overarching investment strategy.

- Assessment of current investment environment
- Assessment of investment environment in West Suffolk
- Councils' investment objectives e.g.
  - Supporting strategic objectives, particularly the growth agenda
  - Generating revenue income to support the delivery of council services
  - Asset Portfolio and Risk Management
- Review of existing asset portfolio: Market value / security of income/ liabilities/ opportunities. Spread by sector / location/ risk profile / size / age
- Review of ongoing projects: Where will they sit in portfolio? How will they alter the balance of assets (i.e. impact on all the criteria noted above).
- Opportunities to generate value from pro-active strategic asset management initiatives.
- Criteria for new investments: location / sector / value / ownership intentions (retain or trade) / risks / income cover on interest charges
- Attitude to low return / high risk situations in order to shape a place in West Suffolk
- Non-financial criteria: what constitutes non-monetary benefit and how are they quantified and valued
- Benchmarking the performance of investments against other councils and other investment opportunities internally i.e. cash deposits
- Overview of Places in West Suffolk and their different investment environments. Delivery of our Town Centre Master Plans and our role
- Cross boundaries investment?
- Legislative constraints, use of different delivery vehicles

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# Forest Heath District Council

**Report No: CAB/FH/17/019**

## **Decisions Plan**

### **Key Decisions and other executive decisions to be considered**

**Date: 1 April 2017 to 31 May 2017**

**Publication Date: 6 March 2017**

The following plan shows both the key decisions and other decisions/matters taken in private, that the Cabinet, Joint Committees or Officers under delegated authority, are intending to take up to 31 May 2017. This table is updated on a monthly rolling basis and provides at least 28 clear days' notice of the consideration of any key decisions and of the taking of any items in private. This Plan also includes Cabinet decisions expected beyond 31 May 2017.

Executive decisions are taken at public meetings of the Cabinet and by other bodies provided with executive decision-making powers. Some decisions and items may be taken in private during the parts of the meeting at which the public may be excluded, when it is likely that confidential or exempt information may be disclosed. This is indicated on the relevant meeting agenda and in the '*Reason for taking the item in private*' column relevant to each item detailed on the plan.

Members of the public may wish to:

- make enquiries in respect of any of the intended decisions listed below;
- receive copies of any of the documents in the public domain listed below;
- receive copies of any other documents in the public domain relevant to those matters listed below which may be submitted to the decision taker; or
- make representations in relation to why meetings to consider the listed items intended for consideration in private should be open to the public.

In all instances, 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) or via Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Bury St Edmunds, Suffolk, IP28 7EY.

<b>Expected Decision Date</b>	<b>Subject and Purpose of Decision</b>	<b>Reason for taking item in private (see Note 1 for relevant exempt paragraphs)</b>	<b>Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)</b>	<b>Decision Taker (see Note 3 for membership)</b>	<b>Portfolio Holder Contact Details</b>	<b>Lead Officer Contact Details</b>	<b>Wards Affected</b>	<b>Documents to be submitted</b>
04/04/17 <i>(deferred from 14/02/17)</i>	<b>Leisure Partnership Agreement</b>  The Cabinet will be asked to consider recommending to Council the adoption of a proposed new Partnership Agreement with Abbeycroft Leisure for the benefit of West Suffolk residents and businesses, having regard to West Suffolk's strategic leisure intentions.	Possible Exempt Appendix: Paragraph 3	(R) - Council 26/04/17	Cabinet/ Council	Andy Drummond Leisure and Culture 01638 666888	Jill Korwin Director 01284 757252	All Wards	Report to Cabinet, with recommendations to Council and possible exempt Appendices
16/05/17 <i>(deferred from 04/04/17)</i>	<b>West Suffolk Information Strategy</b>  The Cabinet will be asked to consider the recommendations of the Overview and Scrutiny Committee and recommend to full Council, approval of a West Suffolk Information Strategy, which had been jointly produced with St Edmundsbury Borough Council.	Not applicable	Possibly (R) - Council 14/06/17	Cabinet/ Council	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Overview and Scrutiny Committee to Cabinet and Council

<b>Expected Decision Date</b>	<b>Subject and Purpose of Decision</b>	<b>Reason for taking item in private (see Note 1 for relevant exempt paragraphs)</b>	<b>Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)</b>	<b>Decision Taker (see Note 3 for membership)</b>	<b>Portfolio Holder Contact Details</b>	<b>Lead Officer Contact Details</b>	<b>Wards Affected</b>	<b>Documents to be submitted</b>
16/05/17	<p><b>Revenues Collection and Performance Write-Offs</b></p> <p>The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt Appendices.</p>	Paragraphs 1 and 2	(KD)	Cabinet	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Report to Cabinet, with exempt appendices
16/05/17	<p><b>Annual Review of Cabinet's Working Groups, Joint Committees/Panels and Other Groups</b></p> <p>The Cabinet will be asked to consider an annual review of its Working Groups, Joint Committees/Panels and other Groups.</p>	Not applicable	(D)	Cabinet	James Waters Leader of the Council 07771 621038	Karen Points Assistant Director (HR, Legal and Democratic Services) 01284 757015	All Wards	Report to Cabinet
20/06/17	<p><b>Renewable Energy Provision for the Mildenhall Hub</b></p> <p>The Cabinet will be asked to consider a standalone business case for, and</p>	Paragraph 3	(KD)	Cabinet	James Waters Leader of the Council 07771 621038	Peter Gudde Acting Head of Regulatory Services 01284 757042	Great Heath; Market	Report to Cabinet

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
	investment in, the provision of renewable energy technology at the Mildenhall hub (in accordance with the authority delegated to Cabinet by Council on 22 February 2017)							
20/06/17	<b>West Suffolk Annual Report 2016/2017</b>  Following scrutiny by the Overview and Scrutiny Committee, the Cabinet will be asked to consider the West Suffolk Annual Report 2016/2017, which has been jointly produced with St Edmundsbury Borough Council.	Not applicable	(D)	Cabinet	James Waters Leader of the Council 07771 621038	Davina Howes Assistant Director (Families and Communities) 01284 757070	All Wards	Report to Cabinet, with recommendations from the Overview and Scrutiny Committee
20/06/17	<b>West Suffolk Community Energy Plan - Update 2016/2017</b>  Following previous approval given for a capital allocation of a rent-	Not applicable	(D)	Cabinet	Lance Stanbury Planning and Growth 07970 947704	Peter Gudde Acting Head of Regulatory Services 01284 757042	All Wards	Report to Cabinet

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
	a-roof solar scheme for business, which was subsequently extended to support other specific investment schemes, the Cabinet will be asked to consider extending this allocation further to cover energy efficiency and renewable energy schemes delivering similar financial and environmental returns.							

**NOTE 1: DEFINITIONS OF EXEMPT INFORMATION: RELEVANT PARAGRAPHS**

**In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended)**

The public may be excluded from all or part of the meeting during the consideration of items of business on the grounds that it involves the likely disclosure of exempt information defined in Schedule 12(A) of the Act, as follows:

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- 4 pages
1. Information relating to any individual.
  2. Information which is likely to reveal the identity of an individual.
  3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
  5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
  6. Information which reveals that the authority proposes –
    - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - (b) to make an order or direction under any enactment.
  7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**In accordance with Section 100A(3) (a) and (b) of the Local Government Act 1972 (as amended)**

Confidential information is also not for public access, but the difference between this and exempt information is that a Government department, legal opinion or the court has prohibited its disclosure in the public domain. Should confidential information require consideration in private, this will be detailed in this Decisions Plan.



**NOTE 2: KEY DECISION DEFINITIONS**

Key decisions are:

- (a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:
  - (i) Be significant in terms of its effects on communities living or working in an area in the Borough/District; or
  - (ii) Result in any new expenditure, income or savings of more than £50,000 in relation to the Council's revenue budget or capital programme.
  - (iii) Comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.

**NOTE 3: MEMBERSHIP OF BODIES MAKING KEY DECISIONS**

**(a) Membership of the Cabinet and their Portfolios:**

<u>Cabinet Member</u>	<u>Portfolio</u>
James Waters	Leader of the Council;
Robin Millar	Deputy Leader of the Council; Families and Communities
David Bowman	Operations
Andy Drummond	Leisure and Culture
Stephen Edwards	Resources and Performance
Lance Stanbury	Planning and Growth

**(b) Membership of the Anglia Revenues Partnership Joint Committee (Breckland Council, East Cambridgeshire District Council, Fenland District Council, Forest Heath District Council, Suffolk Coastal District Council, St Edmundsbury Borough Council and Waveney District Council (Membership amended from 1 December 2015 to one Member/two Substitutes per Authority)**

<b>Full Breckland Cabinet Member</b>	<b>Full East Cambridgeshire District Council Cabinet Member</b>	<b>Full Fenland District Council Cabinet Member</b>	<b>Full Forest Heath District Council Cabinet Member</b>	<b>Full Suffolk Coastal District Council Cabinet Member</b>	<b>Full St Edmundsbury Borough Council Cabinet Member</b>	<b>Full Waveney District Council Cabinet Member</b>
Cllr Pablo Dimoglou	Cllr David Ambrose-Smith	Cllr Chris Seaton	Cllr Stephen Edwards	Cllr Richard Kerry	Cllr Ian Houlder	Cllr Mike Barnard
<b>Substitute Breckland Cabinet Members</b>	<b>Substitute East Cambridgeshire District Council Cabinet Members</b>	<b>Substitute Fenland District Council Cabinet Members</b>	<b>Substitute Forest Heath District Council Cabinet Members</b>	<b>Substitute Suffolk Coastal District Council Cabinet Members</b>	<b>Substitute St Edmundsbury Borough Council Cabinet Members</b>	<b>Substitute Waveney District Council Cabinet Members</b>
Cllr Michael Wassell	Cllr Lis Every	Cllr John Clark	Cllr James Waters	Cllr Geoff Holdcroft	Cllr Sara Mildmay-White	Cllr Sue Allen
Cllr Ellen Jolly	Cllr Julia Huffer	Cllr Will Sutton	Cllr David Bowman	Cllr Ray Herring	Cllr Robert Everitt	Cllr Letitia Smith

Karen Points  
 Assistant Director (HR, Legal and Democratic Services)  
 Date: 6 March 2017