

# Extraordinary (Informal Joint) Cabinet



**Forest Heath**  
District Council

<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Tuesday 9 January 2018</b>
<b>Time:</b>	<p><b>6.00 pm</b> <b>Open Forum</b></p> <p>At each Cabinet meeting, up to 15 minutes shall be allocated for questions from and discussion with, non-Cabinet members in <b>Part 1(A)</b> of the agenda only. Members wishing to speak during this session should if possible, give notice in advance. <b>Who speaks and for how long will be at the complete discretion of the person presiding.</b></p>
	<p><b>6.00 pm</b> <i>(or at the conclusion of the Open Forum, whichever is the later)</i></p> <p>Members of the public who live or work in the District (or St Edmundsbury Borough) are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in <b>Part 1(A)</b> 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><b>There is an overall limit of 15 minutes for the public speaking, which may be extended at the Chairman's discretion.</b></p>
	<p><b>6.00 pm</b></p> <p>The formal meeting of the Cabinet will commence at 6.00 pm or immediately following the conclusion of the informal discussions, whichever is the later, in the Conference Chamber (East).</p>
<b>Venue:</b>	<p><b>Conference Chamber West (F1R09)</b></p> <p>West Suffolk House Western Way Bury St Edmunds IP33 3YU</p>

<b>Membership:</b>	<p><b><i>Leader</i></b> James Waters</p> <p><b><i>Deputy Leader</i></b> Robin Millar</p> <table> <tr> <td><b><u>Councillor</u></b></td><td><b><u>Portfolio</u></b></td></tr> <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> </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
<b><u>Councillor</u></b>	<b><u>Portfolio</u></b>												
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Robin Millar	Families and Communities												
Lance Stanbury	Planning and Growth												
<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>	<p><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></p>												

# Public Information

<b>Venue:</b>	<b>West Suffolk House</b> Western Way Bury St Edmunds Suffolk IP33 3YU	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 following address at least five clear days before the meeting. They are also available to view on our website:  <b>District Offices</b> College Heath Road Mildenhall Bury St Edmunds IP28 7EY	
<b>Attendance at meetings:</b>	The West Suffolk Councils 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 participation:</b>	Members of the public who live or work in the District/Borough 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. 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.	
<b>Disabled access:</b>	West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons.  Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
<b>Induction loop:</b>	An Induction loop is available for meetings held in the Conference Chamber.	
<b>Recording of meetings:</b>	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).  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.	

# Agenda

## Procedural Matters

All Members of St Edmundsbury Borough Council's Cabinet will be in attendance to enable informal discussions on the reports listed in Items 4. and 5. below to take place between the two authorities:

### Councillor

Carol Bull  
Robert Everitt  
Sara Mildmay-White  
John Griffiths  
Ian Houlder  
Alaric Pugh  
Jo Rayner  
Peter Stevens

### Portfolio

Future Governance  
Families and Communities  
Housing / Deputy Leader  
Leader  
Resources and Performance  
Planning and Growth  
Leisure and Culture  
Operations

*QUORUM: Three Members*

On the conclusion of the informal joint discussions, the Cabinet will hold its formal meeting in the Conference Chamber (East) as follows:

## Part 1 (A) - Public

### **1. Apologies for Absence**

### **2. Open Forum**

*(This item was undertaken at the beginning of the informal discussions, to allow Members to consider the issues raised by the non-Cabinet Member in relation to Items 4. and 5. inclusive. The Open Forum on Items 6., 7. and 8. will be subject to the following rules)*

At each Cabinet meeting, up to 15 minutes shall be allocated for questions from and discussion with, non-Cabinet members in **Part 1(B)**. 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.

### **3. Public Participation**

*(Public speaking on Items 4. and 5. inclusive was undertaken at the beginning of the informal discussions, to allow Members to consider the issues raised by the members of the public. Public speaking on Items 6., 7. and 8. inclusive will be subject to the following rules)*

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(B)** 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.

***(Following the informal discussions held with St Edmundsbury Borough Council's (SEBC) Cabinet on Items 4. and 5. below, Members are asked to refrain from partaking in any further discussion. Separate formal meetings of both SEBC and Forest Heath District Councils' Cabinets will then commence with Members being requested to formally resolve/note Items 4. and 5. below)***

NON KEY DECISIONS

- |           |   |                |
|-----------|---|----------------|
| <b>4.</b> | <b>Tackling Rogue Landlords: Civil Sanctions Policy</b>   | <b>1 - 16</b>  |
|           | Report No: <b>CAB/FH/18/001</b>   |                |
|           | Portfolio Holder: Sara Mildmay-White (West Suffolk Lead for Housing)<br>Lead Officers: Andrew Newman and Carole Balding |                |
|           | <i>(For reference purposes, St Edmundsbury Borough Council's Report Number is CAB/SE/18/001)</i>                        |                |
| <b>5.</b> | <b>Report of the Anglia Revenues and Benefits Partnership Joint Committee: 5 December 2017</b>                          | <b>17 - 26</b> |
|           | Report No: <b>CAB/FH/18/002</b>   |                |
|           | Portfolio Holder: Stephen Edwards                      Lead Officer: Jill Korwin  |                |
|           | <i>(For reference purposes, St Edmundsbury Borough Council's Report Number is CAB/SE/18/002)</i>                        |                |

**Part 1(B) - Public**

- |           |   |                |
|-----------|---|----------------|
| <b>6.</b> | <b>Report of the Performance and Audit Scrutiny Committee: 29 November 2017</b>                                 | <b>27 - 32</b> |
|           | Report No: <b>CAB/FH/18/003</b>   |                |
|           | Portfolio Holder: Stephen Edwards<br>Chairman of the Committee: Louis Busuttil<br>Lead Officer: Christine Brain |                |

**7. Mildenhall Hub**

**33 - 36**

Report No: **CAB/FH/18/004**

Portfolio Holder: James Waters

Lead Officer: Alex Wilson

**8. Review and Appointment of the Cabinet's Working Groups/Joint Panels and Other Groups**

**37 - 66**

Report No: **CAB/FH/18/005**

Portfolio Holder: James Waters

Lead Officers: Karen Points and Leah Mickleborough

# Extraordinary (Informal Joint) Cabinet



<b>Title of Report:</b>	<b>Tackling Rogue Landlords: Civil Sanctions Policy</b>	
<b>Report No:</b>	<b>CAB/FH/18/001</b>	
<b>Report to and date:</b>	<b>SEBC/FHDC Extraordinary (Informal Joint) Cabinets</b>	9 January 2018
<b>Portfolio holder:</b>	Councillor Sara Mildmay-White West Suffolk Lead for Housing <b>Tel:</b> 07940 569051 <b>Email:</b> <a href="mailto:sara.mildmay-white@stedsbc.gov.uk">sara.mildmay-white@stedsbc.gov.uk</a>	
<b>Lead officers:</b>	<p>Andrew Newman Service Manager (Housing Standards) <b>Tel:</b> 01638 719276 <b>Email:</b> <a href="mailto:andrew.newman@westsuffolk.gov.uk">andrew.newman@westsuffolk.gov.uk</a></p> <p>Carole Balding Senior Public Health and Housing Officer <b>Tel:</b> 01638 719442 <b>Email:</b> <a href="mailto:carole.balding@westsuffolk.gov.uk">carole.balding@westsuffolk.gov.uk</a></p>	
<b>Purpose of report:</b>	To appraise Cabinet of the new powers available to councils under the Housing and Planning Act 2016 and to seek endorsement of the development of a Civil Sanctions policy to enable Forest Heath District and St Edmundsbury Borough Councils to make use of the new powers to tackle the small number of rogue landlords in West Suffolk and improve the wellbeing of tenants. The report also indicates how we will be approaching the consultation to develop the policy and engage with the private rented sector on regulation.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that Cabinet notes and endorses the approach by which the Public Health and Housing Team wishes to develop the new Civil Sanctions Policy, which will allow the West Suffolk councils to implement the new measures and sanctions which will support existing enforcement work and pro-active inspection programmes.</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"/>
<i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• See Section 5.</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• The West Suffolk councils could choose not to develop a policy but would not then be able to make use of the new legislation and sanctions. The development of a policy is favourable in that it enables the small number of rogue landlords to be tackled and the interests of tenants and compliant landlords to be protected.</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"/> Income received from a civil penalty is retained by the Council and can only be used toward the statutory functions in relation to the enforcement of standards in the private rented sector. Any income generated is unpredictable based on the nature of enforcement action. The number of fines issued per annum is likely to be low but will target the worst offenders.
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> It is envisaged that both the policy development and implementation can be funded through existing budgets. When the policy is approved and implemented, the investigation and enforcement will be carried out by staff in the existing establishment.
<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"/> Section 126 of The Housing and Planning Act 2016 allows financial penalties to be imposed as an alternative to prosecution for certain offences as set in Schedule 9 of the Act. A policy is required to enable the Council to implement the provisions in the legislation.

<p>Are there any <b>equality</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>There are no issues arising from the Government's Equality Impact Assessment (EQIA). A screening EQIA has been completed (Appendix B) which has identified potential positive impacts on those with protected equality characteristics arising from this proposal.</p>	
<p><b>Risk/opportunity assessment:</b></p>		<p><i>(potential hazards or opportunities affecting corporate, service or project objectives)</i></p>	
<p><b>Risk area</b></p>	<p><b>Inherent level of risk</b> (before controls)</p>	<p><b>Controls</b></p>	<p><b>Residual risk</b> (after controls)</p>
<p>There are no major risks. Failure to agree the civil penalties and have an appropriate policy in place means the Council will be unable to issue civil penalties.</p>			
<p><b>Ward(s) affected:</b></p>		<p>All Wards</p>	
<p><b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i></p>		<p>None</p>	
<p><b>Documents attached:</b></p>		<p><b>Appendix A</b> - A summary of the new provisions within the Housing Act 2016  <b>Appendix B</b> – EQIA screening  <b>Appendix C</b> – Timetable for policy development.</p>	

## **1. Introduction and purpose**

- 1.1 This report requests that Cabinet endorses the development of a policy to allow the use of new enforcement options, available via the Housing and Planning Act 2016, to help us tackle rogue landlords in the private rented sector.

## **2. Background**

- 2.1 The Public Health and Housing team work under a wide range of legislation to prevent harm to health, improve quality of life and increase the number of suitable homes in West Suffolk. The existing legal provisions allow the team to take a graduated approach to enforcement from informal action to formal action, including enforcement notices and licencing for Houses of Multiple Occupation (HMOs).
- 2.2 Alongside the HMO licensing regime for the higher risk HMOs, we currently have risk based inspection programmes for the smaller HMOs, and flats above shops to ensure this accommodation is safe. A variety of private sector housing areas are covered including:
- Housing Standards
  - Houses in Multiple Occupation-Risk based inspections
  - Houses in Multiple Occupation-Licensing
  - Breaches of landlord obligations
  - Empty Homes
  - Public Health
  - Caravan Sites
  - Nuisance
  - Anti-social Behaviour (ASB)
- 2.3 We are currently protecting tenants from being exposed to risk through unsafe housing conditions with inspections, advice and enforcement, where landlords do not co-operate, to ensure that housing meets the required standards. We use a performance measure for bringing properties up to standard. If necessary and in accordance with our existing enforcement policy, we will prosecute landlords that fail to comply with formal enforcement actions such as improvement notices and licencing breaches.
- 2.4 Identifying private rented landlords will be enhanced with the new extended licensing of smaller HMOs. These HMOs will be entered into our existing programme of inspections. Single occupied properties will be identified with access to tenant deposit scheme records. Proactive actions also include flats above businesses which the service is currently undertaking.
- 2.5 Much of the work we do is to support vulnerable people, where we work closely with partner services and organisations around the needs of the individual and their home, and to protect the wider community.
- 2.6 A staged approach is taken to enforcement wherever possible to ensure solutions are initially sought through advice, co-operation and agreement. Tenants have an important role to play at the outset in terms of knowing their rights and engaging positively with their landlords. However, where this is not

successful there will be cases where formal action is necessary and this may ultimately lead to prosecution or other summary action. Public Health and Housing are committed to a tiered and proportionate approach to enforcement, consistent with our enforcement policies (these policies are due to be reviewed to create a single overarching enforcement policy).

- 2.7 West Suffolk have mainly excellent landlords who provide decent, well maintained homes and we are keen to work with and support them. There are however a small number of rogue and irresponsible landlords who knowingly rent out accommodation that is unlicensed, substandard and/or unsafe and for whom the current sanctions are not a sufficient deterrent.

### **3. Reason for new legislation**

- 3.1 One of the provisions of new legislation, the Housing and Planning Act 2016, is to help regulate the worst unsafe properties and landlords in the private rented sector.
- 3.2 The new legislation provides a streamlined alternative to prosecution, albeit with same level of evidence and an appeals process in place, which is designed to deal with cash for rent landlords working outside of the law. There are only a small minority of these landlords operating in West Suffolk.
- 3.3 The Act provides Local Housing Authorities with the option of civil penalty fines, rent repayment orders and banning orders for non-compliance with certain Housing Act 2004 offences. This is an alternative to taking a prosecution for the very worst landlords. Further details of the new provisions are attached at Appendix A.

### **4. Policy implications**

- 4.1 A new policy is required by the legislation for us to make use of the new enforcement sanctions.
- 4.2 It will detail how we wish to continue our existing work and preventative approach to improve housing standards in the sector, working with compliant landlords and enforcing against the very worst landlords.
- 4.3 A fine structure will be included, with a level of fines expected to be set on a graduated basis depending on the severity of non-compliance with the offences.
- 4.4 Any income from fines will be used to continue meeting our wider strategic housing priorities.

### **5. Consultation**

- 5.1 There is no specific requirement to consult on the proposals. The overarching policy guidance from Government has been based on an extensive consultation exercise with National Landlords Associations.
- 5.2 However, we feel that it would be beneficial that we engage on the proposals to be covered by the new policy locally with landlords, tenants and interest groups including neighbouring councils and the Landlords Association. This is consistent

with our desire to work closely with landlords and other stakeholders to achieve an effective and proportionate approach. The consultation will be designed to inform the wider public of the work of the team and the proposed implementation of new powers.

- 5.3 Consultation and engagement is proposed to include a workshop session for key stakeholders, potentially contributing to other housing events taking place during the consultation period, and an online survey on the Councils' website. Key stakeholders will be contacted directly and signposted to the survey which will also be open to the public.
- 5.4 The actual consultation and engagement brief will include the following points:
- Inform on the development of the policy, the need for the sanctions and the wider current and future service.
  - Engage with the private rented sector to understand their concerns, aspirations and develop with them better practice and recognition of good standards/better landlords.
  - Raise awareness of housing standards, including the minimum expected and how we assess this in rented properties.
  - How we will target, use intelligence and work with other services/organisations to enforce against rogue landlords.
  - Raise the profile of the service to increase accessibility to tenants, landlords and other stakeholders.
  - Consult on the actual sanctions, the level and graduation of fines and the rationale behind these within the policy.
- 5.5 Through this process, we wish to take this opportunity to have a conversation with the private rented sector around effective regulation, which should lead to the development of a comprehensive policy and future service. We wish to build on our successful enforcement outcomes, and the preventative and reactive work that currently takes place and give officers a range of effective tools to tackle the worst conditions and landlords in West Suffolk.

## **6. Status and development of the policy**

- 6.1 We expect that the Councils will be asked to consider adopting the policy in April 2018, with enforcement procedures/sanctions from that time. This will enable us to develop our approach with partners and ensure effective working practices. In the interim, existing powers and practices will continue to be used to regulate serious conditions and non-compliance in the sector.
- 6.2 The development of the policy is regarded as an opportunity to engage positively with landlords and other stakeholders to build on the good work being undertaken by the vast majority of landlords to comply with housing standards and rent properties out that are safe and hazard free.
- 6.3 The focus of policy development is on tackling and dealing with the very worst landlords, and deterring any bad landlords from starting to operate in the area, whilst working with those that wish to grow the sector in terms of much needed better quality housing.

## **7. Summary**

- 7.1 The new powers contained within the policy will provide a useful set of enforcement tools to supplement the current regulatory work of the service to protect tenants from living in unsafe conditions, and potentially vulnerable people being exploited.
- 7.2 It will support other legislation being brought in to protect residents and regulate the private rented sector.
- 7.3 The development, with stakeholders, and consultation of the policy will provide an opportunity to promote the service we offer and the most effective way to enforce this new legislation. We will be able to promote our preventative and reactive regulatory agendas, and better landlords will see that we want to work with them, not only to achieve compliance, but to deliver a sector that provides adequate supply of decent homes.

## **8. Documents attached**

Appendix A: Details of the legislation

Appendix B: EQIA Screening

Appendix C: Timeline to approval/implementation

## APPENDIX A

### **A summary of the new provisions within the Housing and Planning Act 2016**

The Housing and Planning Act 2016 ('The Act') came into force in several stages in 2017. The provisions for civil penalty notices and Rent Repayment Orders commenced on 1 April 2017, the provisions for banning orders commenced on 1 October 2017.

#### **1. Requirement for a policy**

- The Act requires a local authority to have its own civil penalties policy before its provisions can be implemented.
- The Civil Penalties Policy is designed to ensure transparency, consistency and fairness in how and when civil penalties are imposed. Complementing the Enforcement Policy, it will play a significant role in helping the Council to create a level playing field for all landlords by dealing robustly with criminal, rogue and irresponsible landlords.

#### **2. Provisions of the Act**

The Act provides Local Housing Authorities an alternative enforcement option for non-compliance with certain Housing Act 2004 offences rather than taking a prosecution in Court. Although the burden of evidence will be the same for a civil penalty as it is for a prosecution, prosecutions can be both time consuming and expensive. The provisions do not replace the option for prosecution, and it is expected that a prosecution would still be taken in the most serious of cases or for repeat offenders.

- **Civil penalties.** Civil penalties came into force on the 1 April 2017 and provide powers for housing authorities to issue financial penalties of up to £30,000 as an alternative to a prosecution in respect of the following offences:
  - Failure to comply with an improvement notice
  - Failure to licence houses of multiple occupation (HMO)
  - Offences in relation to licensing of HMOs
  - Failure to comply with an overcrowding notice
  - Breach of management regulations in respect of Houses in Multiple Occupation.
- Civil penalties are designed to act as a punishment to the offender, deter others, and to remove financial benefit the offender may have obtained as a result of committing the offence.
- **Banning Orders.** The use of banning orders is designed to prevent rogue landlords and/or property agents from letting property for a fixed period of time, from holding an HMO licence or from making a prohibited disposal of property. The banning order must be made for a minimum of 12 months. A banning order can be made by a first Tier Tribunal if a person is convicted of a Banning Order Offence which will be specified in regulations.
- Breach of a banning order is an offence, a person being guilty on summary conviction may face a fine and/or imprisonment for a period of up to 51 weeks. The Authority will have a Statutory Duty to enter data on a National Database of Rogue Landlords. The Authority may as an alternative to prosecution impose a civil

penalty fee of up to £30,000 if it decides beyond all reasonable doubt the person has breached a Banning Order.

- **Rent repayment orders.** The First Tier Tribunal may issue a rent repayment order to any landlord who has been convicted of:
  - Eviction or harassment under Protection from Eviction Act
  - Failure to comply with an Improvement Notice
  - Failure to comply with a Prohibition Order
  - Control or management of unlicensed HMO or house
  - Failure to comply with a banning order
  - Violence for securing entry under the Criminal Law Act 1977.
- **Database of Rogue Landlords and Agents.** The government is to establish a database of rogue landlords and give access to local authorities.
- A local authority will be given powers to maintain the database and **must** include details of any landlord who has received a banning order. They **may** include landlords who have been convicted of banning order offences, or who has received at least two financial penalties in 12 months for banning order offences, but authorities must first give notice to the landlord which may be appealed

### 3. Implications for local authorities

The council has a statutory duty as a Local Housing Authority to enforce relevant Housing legislation and officers must be delegated under the Act to carry out their functions. The council must have regard to any Statutory Guidance issued in relation to determining the level of any civil penalty. The Act allows the Authority to use income from civil penalty charges to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector.

The authority must be satisfied, **beyond reasonable doubt**, that an offence has occurred and there must not have been a conviction or pending action in respect of the offence. Prosecution should be considered where an offence is particularly serious or where the offender has committed similar offences in the past. The legislation does not permit local housing authorities to impose a civil penalty and prosecute for the same offence.

Before imposing a civil penalty, the Authority must first serve a 'Notice of Intent' and consider written representations. An appeal provision is in place to the First Tier Tribunal in relation to the decision to impose a civil penalty or the amount of the civil penalty.

The maximum civil penalty of £30,000 is expected to be reserved for the worst offenders. The actual amount levied in any particular case should reflect the seriousness of the offence, as well as taking account of the landlords previous record of offending. The following factors should be considered to help ensure that the civil penalty is set at an appropriate level:

- Severity of offence
- Culpability and track record of the offender
- The harm caused to the tenant
- Punishment of the offender
- Deter the offender from repeating the offence
- Deter others from committing similar offences

-Remove any financial benefit the offender may have obtained as a result of committing the offence.

## Equality Screening Form

Question	Response
Q1) Name of the strategy, policy, programme or project being assessed.	Tackling Rogue Landlords: Civil Sanctions Policy
Q2) In no more than five lines and using Plain English, summarise the purpose of the policy or proposal, and its desired outcomes.	The Civil Sanctions Policy is designed to ensure transparency, consistency and fairness in how and when civil penalties are imposed. It will play a significant role in helping the Council to create a level playing field for all landlords by dealing robustly with criminal, rogue and irresponsible landlords.
Q3) Who should benefit from the proposal and in what way?	The proposal will benefit tenants by providing making further sanctions available to enable local authorities to tackle rogue landlords.
Q4 Is there any evidence or reason to believe that in relation to this proposal, there may be a difference in: <ul style="list-style-type: none"> <li>• Levels of participation</li> <li>• Uptake by different groups</li> <li>• Needs or experiences of different groups</li> <li>• Priorities</li> <li>• Other areas?</li> </ul>	There are currently no datasets that provide full coverage of the characteristics of landlords and tenants in West Suffolk. However the Department for Communities and Local Government has carried out an impact assessment on these new powers.
Q5) Using the evidence listed above, fill in the table below to highlight the groups you think this policy or proposal has the potential to impact upon: <p>(i) Is there any potential for negative impact? Yes or No</p> <p>(ii) Are there opportunities for positive impact or to promote equality of opportunity?</p>	The policy has the potential to impact on positively on tenants that are experiencing the negative consequences of rogue landlords and are often in a vulnerable situation.
Q6) Considering your answers to questions 1-5, do you believe a Full Equality Impact Assessment is needed?	No
Q7) Considering our duty to proactively tackle disadvantage and promote equality of opportunity, list the actions required.	

Impacts Table				
	Is there potential for negative impact? YES or NO	Are there opportunities for positive impact? YES or NO	If YES, please provide details of the impact below	
			Positive Impact	Negative Impact
<b>All groups or society generally</b>	No	Yes	Benefit to tenants	
<b>Age</b> - Older or younger people	No	Yes	Benefit to tenants	
<b>Disability</b> - People with a disability	No	Yes	Benefit to tenants	
<b>Sex</b> - Women or men	No	Yes	Benefit to tenants	
<b>Pregnancy or maternity</b> - including expectant or new parents i.e. pregnancy and maternity	No	Yes	Benefit to tenants	
<b>Marriage and civil partnership</b> – including same sex couples	No	Yes	Benefit to tenants	
<b>Race</b> - People who are black or from a minority ethnic background (BME)	No	Yes	Benefit to tenants	
<b>Religion</b> - People with a religion or belief (or who choose not to have a religion or belief)	No	Yes	Benefit to tenants	
<b>Sexual Orientation</b> - People who are lesbian, gay or bisexual (LGB) or in a Civil Partnership	No	Yes	Benefit to tenants	
<b>Gender Reassignment</b> - People who are transitioning from one gender to another	No	Yes	Benefit to tenants	
<i>Families and those with parenting or caring responsibilities (The Families Test)</i>	No	Yes	Benefit to tenants	
<i>Individuals on low income</i>	No	Yes	Benefit to tenants	
<i>Those suffering rural isolation</i>	No	Yes	Benefit to tenants	
<i>Those who do not have English as a first language</i>	No	Yes	Benefit to tenants	
Action Plan				
Equality group/	Action/milestone	Responsibility	Achievement	Monitoring

characteristic		(Project manager or partner organisation)	date	arrangements

This Screening Level EqIA was completed by:

**Name: Belinda Bryan**

**Job Title: Policy Business Partner**

**Date: 21/11/2017**

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**Civil Sanctions Policy (Housing and Planning Act 2016) - Timetable**

<b><u>Pre-consultation</u></b>	
9 January 2018	<b>Joint Cabinet</b> <ul style="list-style-type: none"> <li>• Seek agreement from Cabinet to consult</li> </ul>
10 January to 21 February 2018	<b>6 week public consultation</b>
<b><u>Post consultation</u></b>	
27 March 2018 3 April 2018	<b>SEBC Cabinet</b> <b>FHDC Cabinet</b> <ul style="list-style-type: none"> <li>• Present results of the consultation</li> <li>• Circulate draft policy, parts of which will be recommended for approval by full Council due to new delegated powers being incorporated into the Constitutions.</li> </ul>
24 April 2018 25 April 2018	<b>SEBC Council</b> <b>FHDC Council</b> <ul style="list-style-type: none"> <li>• Full Council approval needed for new officer delegated powers</li> </ul>

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# Extraordinary (Informal Joint) Cabinet



<b>Title of Report:</b>	<b>Report of the Anglia Revenues and Benefits Partnership Joint Committee: 5 December 2017</b>	
<b>Report No:</b>	<b>CAB/FH/18/002</b>	
<b>Report to and date:</b>	<b>SEBC/FHDC Extraordinary (Informal Joint) Cabinets</b>	9 January 2018
<b>Portfolio holder:</b>	Councillor Stephen Edwards Portfolio Holder for Resources and Performance <b>Tel:</b> 07904 389982 <b>Email:</b> <a href="mailto:stephen.edwards@forest-heath.gov.uk">stephen.edwards@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>	On 5 December 2017 the Anglia Revenues and Benefits Partnership (ARP) Joint Committee considered the following substantive items of business:  (1) Highlight Report, Balance Scorecard, Finance Report and 208/19 Budget; (3) Information about Directors of the ARP Trading Company and Operational Improvement Board Report; (4) Service Delivery Plan and Risk Register; and (5) Welfare Reform Update.  This report is for information only. No decisions are required by the Cabinet.	
<b>Recommendation:</b>	<b>The Cabinet is requested to <u>NOTE</u> the content of Report No: CAB/FH/18/002, being the report of the Anglia Revenues and Benefits Partnership Joint Committee.</b>	
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <b><u>do not</u></b> apply.)	<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>See reports of ARP Joint Committee at link provided under 'Background papers'</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>See reports of ARP Joint Committee at link provided under 'Background papers'</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 of ARP Joint Committee at link provided under 'Background papers'</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 of ARP Joint Committee at link provided under 'Background papers'</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 of ARP Joint Committee at link provided under 'Background papers'</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 of ARP Joint Committee at link provided under 'Background papers'</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 of ARP Joint Committee at link provided under 'Background papers'</li> </ul>
<b>Risk/opportunity assessment:</b>  See reports of ARP Joint Committee at link provided under 'Background papers'	<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>
<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>	Breckland DC Website:  <a href="#">5 December 2017</a>
<b>Documents attached:</b>	None

## **1. Key Issues**

### **1.1 Operational Highlight Report, Balance Scorecards and Finance Report (Agenda Item 5a, 5b, 5c)**

#### **(a) Operational Highlight Report**

- 1.1.1 The Joint Committee had received and noted the Operational Highlight Report as at 31 October 2017. The report details ARP's key achievements in respect of Benefits and Fraud Performance; Revenues Performance and Support Performance, including Digital Transformation and Self-Service; External Mailing and Anglia Revenues Website. This detailed report can be viewed on Breckland District Council's website at:

<http://democracy.breckland.gov.uk/documents/s45770/ARP%20Strategic%20Managers%20Highlight%20report%20December%202017%20draft.pdf>

- 1.1.2 Benefits performance continues to meet profiled targets and is on course to achieve year end targets; and work is underway to ensure council tax support performance achieves the year end target, which had been affected by a number of vacancies which had now been filled with new starters expected to commence employment in January 2018.
- 1.1.3 Fraud and compliance performance is on track to exceed targets for 2017/18 with total savings achieving £1,699,873 as at 31 October 2017, which is already exceeding the total year end target of £1,300,000.
- 1.1.4 The Enforcement Team continues to perform exceedingly well, having collected £7 million since the agency was established, of which £2.5 million has been collected in this financial year. A fifth Enforcement Agent has recently joined ARP and is currently undergoing training to obtain certification. The Partnership has also had enquiries from five other authorities with a view to taking on their enforcement work.
- 1.1.5 The Joint Committee had also noted the completion of the annual review of Empty Homes, which was undertaken before the submission of the Council Tax Base return in October 2017 which is used to calculate the New Homes Bonus. As at October 2017, the number of empty properties across the districts had reduced from last year.
- 1.1.6 The new rate reliefs announced by the Government and the impact on ARP had also been noted, together with changes to the way in which customers are now able to view their Council Tax, Business Rates, benefits payments and E-billing on the ARP website.
- 1.1.7 Details of changes to the external mailing company used by ARP, which was creating efficiency savings; the refresh of certain webpages on its new look website (which had been launched two years ago); and the successful roll-out of the new customer self-service facility had also been noted.

1.1.8 (b) Balanced Scorecard

Members had noted that with the exception of three, targets had been met by all partner authorities with the majority of indicators annotated green as at 31 October 2017, as shown on the Balanced Scorecard at:

<http://democracy.breckland.gov.uk/documents/s45771/ARP%20Balanced%20scorecard%20Oct%202017-18.pdf>

1.1.9 The above report provides further information on indicators relevant to each partner authority, which are grouped under the following headings:

- (a) **Financial:** Collection, Budget Management
- (b) **Customer:** Customer Satisfaction, Channel Shift
- (c) **Internal Process:** Collection, Fraud
- (d) **Learning and Growth:** Performance Management

1.1.10 The three targets that had not been met related to business rates collection being slightly below target and this included the West Suffolk councils. The drop in collection was due to a significant level of refund payments being made as a result of successful appeals by ratepayers against their rateable values, often backdated to April 2010. For Forest Heath these refunds amounted to £703k and for St Edmundsbury the figure was £1.1m. It is a requirement of the Business Rates Retention scheme that councils make provision in their accounts to meet the cost of these successful appeals. Both Forest Heath and St Edmundsbury held adequate levels of appeals provision to mitigate the impact of these and any future refund payments (Forest Heath having a provision of £2.0m and St Edmundsbury holding £4.2m) and the level of these provisions will continue to be monitored and revised as necessary.

1.1.11 A detailed discussion had been held at the meeting regarding the types of organisations and companies that had lodged business rate appeals, such as GP surgeries and hospitals.

(c) Financial Performance

1.1.12 Members had considered a report which sought approval for the partnership budget for 2018/2019.

1.1.13 In December 2015, the Joint Committee had approved a strategic budget for ARP which kept the base budget whilst creating an investment fund used to invest in trading, growth and efficiencies, which in turn delivers savings in future years. The 2018/2019 budget continues this approach and includes the same levels of efficiency targets as set in 2015/2016.

1.1.14 In respect of the Transformation Programme, this has made good progress to date and is on track to deliver the full year's target in 2017/2018 with much of the 2018/2019 target already achieved. The relatively new Enforcement Service has particularly exceeded expectations and provides a well respected service whilst delivering additional income to the partners. The table below details the target savings and the savings achieved to date, plus an additional efficiency added to cover increased budget pressures from 2018/2019:

	<b>2017/18 £</b>	<b>2018/19 £</b>	<b>2019/20 £</b>
<b>ARP Efficiency Targets</b>	<b>531,824</b>	<b>1,017,397</b>	<b>1,017,397</b>
<b>Efficiencies made to date:</b>			
Postage Contract	(20,960)	(19,250)	(15,670)
County Council Fraud funding (income)	(105,000)	(105,000)	(105,000)
Enforcement Service	(234,736)	(474,319)	(458,434)
Consultancy Service	(80,000)	(80,000)	(80,000)
Fraud Income Service	(30,558)	(15,500)	(15,600)
<b>Total efficiencies made to date</b>	<b>(471,254)</b>	<b>(694,069)</b>	<b>(674,704)</b>
Efficiency to cover increased costs	-	50,239	81,407
<b>Remaining Efficiency Target</b>	<b>60,570</b>	<b>373,567</b>	<b>424,100</b>

- 1.1.15 The base budget is required to operate the core services and also retain capacity to enable the achievement of income generation through ARP Trading in the future. [Appendix A](#) set out the proposed budget for 2018/2019 compared to the budget for 2017/2018, with indicative budgets for the following two years, as illustrated in the table below:

Description	<b>2017/18 Budget £</b>	<b>2018/19 Budget £</b>	<b>2019/20 indicative £</b>	<b>2020/21 Indicative £</b>
Employee costs	7,825,208	7,805,906	7,985,642	8,185,168
Premises costs	268,645	272,300	274,074	192,889
Transport costs	129,513	147,523	148,151	231,921
Supplies & Services	1,414,998	1,437,142	1,440,617	1,444,197
Support Services	620,675	631,126	636,861	642,915
Income	(1,047,575)	(1,406,500)	(1,406,600)	(1,406,700)
<b>TOTAL PARTNERSHIP COSTS</b>	<b>9,211,464</b>	<b>8,887,497</b>	<b>9,078,745</b>	<b>9,290,390</b>

- 1.1.16 A number of key assumptions have been used when setting the budget, which are:

- a pay award of 1% in all years in line with central government;
- a vacancy factor of 2.5% in all years;
- no inflation on supplies and services as the assumption is that inflation can be contained through future procurement savings; and
- savings targets at the same levels as set last year less efficiencies already achieved plus an allowance to cover increased budget pressures.

The Joint Committee had noted that there is a risk of costs changing if any of the above assumptions prove incorrect. For example, a 2% pay increase would increase the budget by around £56,000 in 2018/2019.

In addition, the indicative budget for 2020/2021 of £8,888k is some 5.4% lower than the 2015/2016 budget (subject to the efficiencies being delivered).

- 1.1.17 St Edmundsbury's (and for information, Forest Heath's) current and future contribution to the total budget is set out overleaf:

	<b>2017/18 £</b>	<b>2018/19 £</b>	<b>2019/20 indicative £</b>	<b>2020/21 indicative £</b>
St Edmundsbury	1,360,456	1,329,876	1,357,217	1,387,128
Forest Heath	922,425	880,014	896,997	915,913

- 1.1.18 The forecast out-turn for 2017/2018 shows a below budget spend of £13k. Other factors which may occur in the next six months could increase this below budget spend further (for example, additional enforcement income, further vacant posts etc).
- 1.1.19 The Joint Committee had thoroughly considered the budget for 2018/2019 and had asked several questions of officers to which they were duly responded. Future challenges ahead had been duly acknowledged.
- 1.1.20 The Joint Committee **RESOLVED: That**

**(1) The Partnership Budget at Appendix A for 2018/2019, be approved; and**

**(2) any final full year 2017/2018 surplus for the Partnership be distributed back to the partner authorities in the approved shares.**

1.2 **Information About Directors of the ARP Trading Company and Operational Improvement Board (Agenda Item 6)**

- 1.2.1 The Joint Committee had considered a report which provided an update summarising previous experience of the Board of Directors for Anglia Revenues Partnership Trading.
- 1.2.2 On 10 June 2015, the Joint Committee had received a report on the ARP Trading Company Restructure. Amongst other recommendations, Members had resolved to approve the ARP Trading Restructure which included the nomination of officers to represent each local authority on the Board of Directors. Forest Heath DC and St Edmundsbury BC are represented by their Councils' Director, Jill Korwin.
- 1.2.3 The Joint Committee had previously asked that the members of the Partnership's Operational Improvement Board (OIB) provide information concerning their past work experience so that the Joint Committee could cross reference this experience with the responsibilities of the OIB and as Directors

of the trading company.

- 1.2.4 A summary of each Director's previous experience was provided at [Appendix 1](#) with the responsibilities of the OIB at [Appendices 2](#) and [3](#).
- 1.2.5 Each Council is represented with the experience necessary to provide appropriate senior support to ensure the ARP Trading Company can be successful in a commercial environment. Appendix 1 clearly demonstrates that the Directors bring a variety of skills and experience to the company that will assist in its formation and growth.

1.3 **Service Delivery Plan and Risk Register (Agenda Item 7)**

- 1.3.1 The Joint Committee had considered a report, which sought approval for the revised Service Delivery Plan and Risk Register, as set out in the appendices attached to that report at:

[Appendix A: Business ARP Programme Delivery Plan – Organisational Development](#)

[Appendix A: Revenues and Benefits Service Plan](#)

[Appendix A: Revenues and Benefits: Projects](#)

[Appendix A: Risks](#)

- 1.3.2 The Joint Committee had noted that ARP had seen significant success in the last year since the Service Delivery Plan (Transformation Programme) was approved in December 2016, including (briefly):
- Benefits progress ahead of the Department for Work and Pensions' (DWP) averages;
  - Improvements in Waveney DC's processes to meet the challenges of Universal Credit being introduced, which will benefit the other partners as they go live;
  - Implementation of the gradual introduction document management system is almost complete which automates the harmonisation of work distribution;
  - All customer teams are able to access customer contact software to sign customers up to e-services upon contact;
  - The further recovery work jointly funded by Norfolk/Suffolk County Councils secured recovery of over £460,000 in 2016/17 and is already on target to secure higher recovery in 2017/18.
  - The Fraud Team's work, which is also jointly funded by the County Councils identified just under £1.5 million in fraud and error.

Other achievements relating to the Transformation Programme are detailed in the report presented to the Joint Committee.

- 1.3.3 The Service Delivery Plan and Risk Register has been revised to accommodate the reconsidered strategic direction of ARP, as determined by the Joint Committee in September 2017.
- 1.3.4 The revised Plan seeks to detail actions to achieve the vision. In 2018/19, emphasis will move towards generating further income and efficiencies through trading and partnership agreements; driving customer cultural change

through digital transformation; and ensuring appropriate actions continue to be put in place to enable the challenges and financial impact of the fundamental changes regarding welfare reform to be suitably handled and monitored.

- 1.3.5 The Joint Committee had also considered the Partnership's Risk Register, which includes an additional item relating to Waveney and Suffolk Coastal DCs' and Forest Heath DC's and St Edmundsbury BC's moves to creating single councils for East Suffolk and West Suffolk respectively. The Register also continues to highlight the need to monitor the impact of Universal Credit on customers and grant income.

- 1.3.6 The Joint Committee **RESOLVED that:**

- (1) The progress in respect of the December 2016 Service Delivery Plan, be noted; and**
- (2) the revised Service Delivery Plan and Risk Register at Appendix A of the report, be approved.**

1.4 **Welfare Reform (Agenda Item 8)**

- 1.4.1 The Joint Committee had received and noted an update on welfare reform, which included:

- (a) **Universal Credit (UC):** The current position regarding the timeline to move to the live operation of the full service for new claimants and those where circumstances had changed were discussed. Waveney District Council, who was already operating the full service has been experiencing difficulties; however they were not alone in this. Measures and controls have been put in place to address the issues and mitigate the risk of performance against target. St Edmundsbury BC had rolled out the full service in October 2017 and through working with Customer Service and Housing Options teams, the Department of Work and Pensions (DWP) and stakeholders; ARP had replicated the good practice and lessons learned with Waveney DC to plan for and minimise the impact of UC. Forest Heath DC remain on course to roll-out in September 2018.

The programme to migrate existing Housing Benefit (and other DWP Benefit and Tax Credits) cases, has been delayed by twelve months and so will now commence in July 2019, with a corresponding delayed completion date of March 2022.

- (b) **Discretionary Housing Payment:** Spend continues to be within the grant provided by the DWP, and is forecast to be closer to, but within the grant. This grant is designed to help customers remain in their homes or to move to affordable and sustainable accommodation. The main area of expenditure continues to be to assist customers with rent shortfalls, in particular due to restrictions on Housing Benefit rent levels.
- (c) **Benefit Cap:** In November 2016, the maximum family income before the Benefit Cap applies reduced from £26,000 to £20,000 (£13,400 for single adults with no children). The Benefit Service continues to work

with colleagues in Customer Service and Housing Options teams to seek to avoid homelessness and the cost of temporary housing.

DWP has provided New Burdens funding to assist councils with extra administrative costs and have increased Discretionary Housing Payment grants to help customers with the reduction; however, it should be noted that the increase does not cover all reductions.

- (d) **Two Child Limit:** From April 2017, the DWP introduced legislation to restrict benefits to families having a third child from April 2017 to the two child rate. There are exceptions, such as multiple births. New claims for Universal Credit where an applicant has more than two children will be redirected to legacy benefits, i.e. housing benefit.
- (e) **Social Rented Sector Rent Restrictions:** The Government has responded to consultation on funding for supported housing and it has indicated it will not implement Local Housing Allowance rates in social housing. Further proposals are outlined in the [report](#) noted by the Joint Committee. An implementation date for the proposals has been indicated as April 2020.

## 1.5 **Forthcoming Issues (Agenda Item 9)**

- 1.5.1 No issues had been reported on this occasion.

## 2. **Minutes**

- 2.1 For further information on the discussions held at the Anglia Revenues and Benefits Partnership Joint Committee meeting on 5 December 2017, the draft minutes of the meeting may be viewed on Breckland District Council's website at the following link:

<http://democracy.breckland.gov.uk/documents/g4022/Printed%20minutes%2005th-Dec-2017%2010.00%20Anglia%20Revenues%20and%20Benefits%20Partnership%20Joint%20Committee.pdf?T=1>

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# Extraordinary Cabinet



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Report of the Performance and Audit Scrutiny Committee: 29 November 2017</b>	
<b>Report No:</b>	<b>CAB/FH/18/003</b>	
<b>Report to and date:</b>	<b>Extraordinary Cabinet</b>	9 January 2018
<b>Portfolio Holder:</b>	Councillor Stephen Edwards Portfolio Holder for Resources and Performance <b>Tel:</b> 01799 530325 <b>Email:</b> <a href="mailto:stephen.edwards@forest-heath.gov.uk">stephen.edwards@forest-heath.gov.uk</a>	
<b>Chairman of the Committee:</b>	Councillor Louis Busuttil Chairman of the Performance and Audit Scrutiny Committee <b>Tel:</b> 01638 810517 <b>Email:</b> <a href="mailto:louis.busuttil@forest-heath.gov.uk">louis.busuttil@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 29 November 2017, the Performance and Audit Scrutiny Committee held an informal joint meeting with members of St Edmundsbury's Performance and Audit Scrutiny Committee, and <u>considered the first six items jointly:</u>  (1) External Quality Assessment of Internal Audit against the Public Sector Internal Audit Standards;  (2) Mid-year Internal Audit Progress Report 2017-2018;  (3) Balanced Scorecard and Quarter 2 Performance Report 2017-2018;  (4) West Suffolk Strategic Risk Register Monitoring Report – September 2017;	

	<p>(5) Work Programme Update;</p> <p>(6) Building Control – Improvement Plan;</p> <p>(7) Ernst and Young – Presentation of Annual Audit Letter 2016-2017;</p> <p>(8) Financial Performance Report (Revenue and Capital) – Quarter 2 2017-2018;</p> <p>(9) Delivering a Sustainable Medium Term Financial Strategy 2018-2021;</p> <p>(10) Mid-year Treasury Management Report and Investment Activity (April to September 2017);</p> <p><b>Note:</b> Items <b>(9)</b> and <b>(10)</b> above were considered by Cabinet at its meeting held on 12 December 2017.</p>
<b>Recommendation:</b>	<b>The Cabinet is requested to <u>NOTE</u> the contents of Report CAB/FH/18/003, being the report of the Performance and Audit Scrutiny Committee.</b>
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b><u>do not</u></b> apply.)</i>	<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>Report for information only.</p>
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>See reports listed in Section 2 below.</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>See reports listed in Section 2 below</li> </ul>
<b>Implications:</b>	
<i>Are there any <b>financial</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers
<i>Are there any <b>legal and/or policy</b> implications?</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
<i>Are there any <b>equality</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
<b>Risk/opportunity assessment:</b>	Please see background papers.
<b>Ward(s) affected:</b>	Please see background papers.
<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 External Quality Assessment of Internal Audit against the Public Sector Internal Audit Standards (Report No: PAS/FH/17/030)**

- 1.1.1 The Committee received and noted the report, which advised Members on the relevant requirements in respect of an external quality assessment of internal audit against the Public Sector Internal Audit Standards. The report covered the form that the assessment would take how the assessor was chosen, what the assessment involves, what it would tell us, and when the results of the assessment would be reported.
- 1.1.2 Internal audit within the public sector in the United Kingdom was governed by the Public Sector Internal Audit Standards (the 'Standards'), which had been in place since April 2013 (revised April 2013 and April 2017). The objectives of the Standards were to:
- define the nature of internal auditing within the UK public sector;
  - set basic principles for carrying out internal audit in the UK public sector;
  - establish a framework for providing internal audit services, which add value to the organisation, leading to improved organisational processes and operations, and
  - establish the basis for the evaluation of internal audit performance and to drive improvement planning.
- 1.1.3 The Standards require that, in order to independently assess conformance with these Standards, an external assessment of the internal audit function must be conducted at least once every five years, and the first such assessment must be completed by April 2018.
- 1.1.4 The Committee considered the report, and did not raise any issues.

### **1.2 Mid-year Internal Audit Progress Report 2017-2018 (Report No: PAS/FH/17/031)**

- 1.2.1 The Committee received and **noted** the report, which advised Members of the work of the Internal Audit Section for the first half of 2017-2018 (Appendix A), including the variety of corporate projects and activities which were supported through the work of the team.
- 1.2.2 The report also included an update on progress made against the 2017-2018 Internal Audit Plan previously approved by the Committee in May 2017.
- 1.2.3 The Committee considered the report, and asked questions on fee earning work, which had decreased and the national fraud exercise in relation to duplicate creditor payments, to which responses were provided.

### **1.3 Balanced Scorecard and Quarter 2 Performance Report 2017-2018 (Report No: PAS/FH/17/032)**

- 1.3.1 The Committee received and **noted** the report, which set out the West Suffolk Balanced Scorecards being used to measure the Council's performance for 2017-2018 and an overview of performance against those indicators for the

second quarter of 2017-2018. The five current balanced scorecards (attached at Appendices A to E to Report No: PAS/FH/17/032) were linked to the Assistant Director's Service areas, which presented Quarter 2 2017-2018 performance.

- 1.3.2 Most indicators reported performance against an agreed target using a traffic light system with additional commentary provided for performance indicators below optimum performance.
- 1.3.3 This quarter the report included additional information requested by members on the number of enforcement cases on hand and the general upward trend of this figure over recent months; and the work being undertaken by the Planning Technical Support team in reducing the number of applications waiting to be validated and the backlog, which had reduced significantly.
- 1.3.4 The Committee in particular discussed outstanding debts; homelessness; General Data Protection Regulations; pre-application advice; income generated from waste and trade waste and flytipping.
- 1.3.5 No issues were required to be brought to the attention of Cabinet.

1.4 **West Suffolk Strategic Risk Register Quarterly Monitoring Report – September 2017 (Report No: PAS/FH/17/033)**

- 1.4.1 The Committee received and **noted** the second quarterly risk register monitoring report in respect of the West Suffolk Strategic Risk Register. The Register was updated regularly by the Risk Management Group and at its recent meeting in October 2017 the Group reviewed the target risk, the risk level where the Council aimed to be, and agreed a current risk assessment. These assessments formed the revised West Suffolk Risk Register (Appendix 1). Some individual controls or actions had been updated and those which were not ongoing and had been completed by September 2017 had been removed from the Register.
- 1.4.2 Since the Strategic Risk Register was last reported to the Committee, one new risk had been included "WS23 – Cyber Security, and one risk amended "WS11" to reflect West Suffolk's bid to become a single Council.
- 1.4.2 There had been no major amendments to current risks and no existing risks had been closed since the Strategic Risk Register was last report to the Committee.
- 1.4.3 Members considered the report and did not raise any issues.

1.5 **Work Programme Update (Report No: PAS/FH/17/034)**

- 1.5.1 The Committee received its Work Programme which provided items scheduled to be presented to the Committee during 2018. The Committee **noted** that an additional report on the Appointment of External Auditors would be presented to the Committee in January 2018.

1.6 **Building Control – Improvement Plan (Report No: PAS/FH/17/035)**

- 1.6.1 The Committee received and **noted** this report, which provided a review of current Building Control performance and the Development Plan for the service.
- 1.6.2 The report included information on the role of the building control service; challenges and opportunities (competition; staffing; commerciality and marketing; growth and economic cycles; collaboration and partnership working) current performance; operational performance; other public protection activities and development plan.
- 1.6.3 Members considered the report and was pleased to note that the service was moving in the right direction.

1.7 **Ernst and Young – Presentation of Annual Audit Letter (2016-2017) Report No: PAS/FH/17/036)**

- 1.7.1 The Committee received and **noted** this report which updated Members on the outcome of the annual audit of the 2016-2017 financial statements by Ernst and Young as detailed in their Annual Audit Letter for 2016-2017, attached as Appendix 1 to Report No: PAS/FH/17/036. The letter was for information and confirmed the completion of the audit of the 2016-2017 financial statements.
- 1.7.2 It was reported that the final audit fee for 2016-2017 of £56,309 was £9,250 higher than the planned audit fee of £47,059. The additional fee related to work required to review the valuation and accounting transactions in relation to the acquisition of Greenheath Energy Limited, and had been agreed by the S151 Officer.
- 1.7.3 Work on the certification of claims and returns was not due to be completed until November 2017 and the results of this work, along with the final fee, would be reported in the Annual Certification Report.

1.8 **Financial Performance Report (Revenue and Capital) - Quarter 2 2017-2018 (Report No: PAS/FH/17/037)**

- 1.8.1 The Committee received and **noted** Report No: PAS/FH/17/037, which set out the financial performance for the second quarter of 2017-2018 and forecasted outturn position for 2017-2018.
- 1.8.2 Attached at Appendices A and B to the report were details of the Council's revenue performance and year end forecasted outturn position. Explanations of the main year end forecast over/(under) spends was set out in the table within paragraph 1.2.3 of the report. Appendix C to the report set out the Council's capital financial position for the first six months of 2017-2018, which showed expenditure of £629,530. Finally, a summary of earmarked reserves was attached at Appendix D, along with the forecast year end position for 2017-2018.
- 1.8.3 The Resources and Performance Team will continue to work with Budget Holders to monitor capital spend and project progress closely for the

remainder of the financial year and an updated position will be presented to the Committee on a quarterly basis.

- 1.8.4 The Committee scrutinised the report and asked questions to which Officers duly responded. In particular, Officers provided explanations on the variances set out in paragraph 1.2.3 and outlined the reasoning for these.

## **2. Background Papers**

- 2.1.1 Report [PAS/FH/17/030](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: External Quality Assessment of Internal Audit against the Public Sector Internal Audit Standards
- 2.1.2 Report [PAS/FH/17/031](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: Mid-Year Internal Audit Progress Report 2017-2018
- 2.1.3 Report [PAS/FH/17/032](#) to the Performance and Audit Scrutiny Committee: Balanced Scorecards and Quarter 2 Performance Report 2017-2018
- 2.1.4 Report [PAS/FH/17/033](#) and [Appendix 1](#) to the Performance and Audit Scrutiny Committee: West Suffolk Strategic Risk Register Quarterly Monitoring Report (Sept 2017)
- 2.1.5 Report [PAS/FH/17/034](#) to the Performance and Audit Scrutiny Committee: Work Programme Update
- 2.1.6 Report [PAS/FH/17/035](#) to the Performance and Audit Scrutiny Committee: Building Control – Improvement Plan
- 2.1.7 Report [PAS/FH/17/036](#) and [Appendix 1](#) to the Performance and Audit Scrutiny Committee: Ernst and Young – Annual Audit Letter 2016-2017
- 2.1.8 Report [PAS/FH/17/037](#) to the Performance and Audit Scrutiny Committee: Financial Performance Report (Revenue and Capital) Quarter 2 – 2017-2018

# Extraordinary Cabinet



**Forest Heath**  
District Council

Title of Report:	Mildenhall Hub	
Report No:	CAB/FH/18/004	
Report to and date:	Extraordinary Cabinet	9 January 2018
Portfolio holder:	Councillor James Waters Leader of the Council Tel: 07771 621038 Email: <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.gov.uk</a>	
Lead officer:	Alex Wilson Director Tel: 01284 757695 Email: <a href="mailto:alex.wilson@westsuffolk.gov.uk">alex.wilson@westsuffolk.gov.uk</a>	
Purpose of report:	To update on progress with the Mildenhall Hub project from the Council's perspective as it moves into its delivery stage.	
Recommendations:	It is <b>RECOMMENDED</b> that progress in delivering the Mildenhall Hub project, and the new projected timetable, as outlined in Report No: CAB/FH/18/004, be noted.	
Consultation:	<p>The prior development of the Hub project has been based on public, partner and stakeholder consultation. Public consultation has also taken place in 2017 before and after submission of a planning application. More consultation will be required on some conditions of that consent.</p> <p>Councillors have been extensively involved in the decision-making process for the Hub (see background papers below).</p>	
Alternative option(s):	The 2014 Hub business case examined over 10 different options	
Implications of this report:		
Are there any <b>financial</b> implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> As outlined in report	
Are there any <b>staffing</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Covered in wider project planning.	
Are there any <b>ICT</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Covered in wider project planning.	

Are there any <b>legal and/or policy</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> As outlined in report	
Are there any <b>equality</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Covered in wider project planning. Equality Impact Assessment already completed.	
<b>Risk/opportunity assessment:</b>  <b><i>Please note: this is <u>not</u> a risk assessment for the Hub project as a whole, but for the subject matter of this report only</i></b>			(potential hazards or opportunities affecting corporate, service or project objectives)
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
The Hub is unaffordable to FHDC and its taxpayers – either at the outset or due to budget changes during project delivery	Medium	Full business case, updated as project progresses. Report back to Members if initial procurement results in a cost which exceeds the agreed budget. Deliver project in accordance with the Council's project and risk management processes, and maintain strong project governance.	Low
There is not a transparent and fair means of dividing costs for the project	Low	Develop a funding agreement along the principles previously agreed.	Low
There are not safeguards to protect the interests of FHDC and the taxpayer	Low	Ditto	Low
<b>Ward(s) affected:</b>		All Wards	
<b>Background papers:</b> (all background papers are to be published on the website and a link included)	<b>Hub papers</b> <ul style="list-style-type: none"> <li>• <a href="#">Cabinet/Council report – renewables – June/July 2017</a></li> <li>• <a href="#">Cabinet/Council report – Hub Funding – January/February 2017</a></li> <li>• <a href="#">O&amp;S Committee report – Hub Funding – January 2017</a></li> <li>• <a href="#">Cabinet/Council report February 2016 - Mildenhall Hub Updated Business Case</a></li> <li>• <a href="#">Cabinet report 14 July 2015 - Mildenhall Hub Project Update</a></li> <li>• <a href="#">Cabinet report December 2014 - Mildenhall Hub Project Update (business case and next steps)</a></li> <li>• <a href="#">Cabinet report July 2014 - Mildenhall Hub Project and ACL Management Fee</a></li> <li>• <a href="#">Cabinet report January 2014 - Mildenhall Dome Leisure Centre</a></li> <li>• <a href="#">Cabinet Update report June 2013 (excluding Appendix 1)</a></li> <li>• <a href="#">Mildenhall Hub leaflet March 2013</a></li> <li>• <a href="#">Cabinet background report February 2013</a></li> </ul> <b>Other matters</b> <ul style="list-style-type: none"> <li>• <a href="#">Office Accommodation Plan, Cabinet, 25 November 2015</a></li> </ul>		
<b>Documents attached:</b>		None	

## 1. Reasons for Recommendation and Background Information

- 1.1 Councillors have previously agreed a budget for the Mildenhall Hub and authorised the project to proceed to its planning application and delivery stages. At the end of November 2017, the Hub received planning consent and will therefore now move into its delivery phase. Among the conditions for that consent is a requirement for a scheme of highways mitigation before the Hub opens to the public, which will be the subject of further public consultation by the Highways Authority. Consent for a footpaths diversion and upgrade is also well progressed, as this will be a pre-commencement condition for the scheme.
- 1.2 Alongside detailed design work, the next priorities for the project are to finalise external funding applications to the Education Funding Agency and Sport England and to procure a contractor. Funding agreements and leases/licences between the partners will also be required in the new year, under the terms agreed in earlier Cabinet/Council reports.
- 1.3 Principal design work for the Hub will continue be provided by Concertus Design and Property Consultants, appointed under a framework agreement with Suffolk County Council. The main building contractor for the partners will be appointed under Suffolk County Council's construction framework, via a two stage process which has now commenced and will be concluded by summer 2018 at the latest. ***Although the end date for the project of early 2020 remains the same,*** the partners' need for cost certainty (given their limited and/or fixed funds) means that more time will be spent at the second stage of tendering to refine the design and carry out value engineering. This is possible within the existing timetable because early indications are that the construction programme itself will not require the full 24 months originally envisaged.
- 1.4 There may also be scope to start some of the enabling packages of work on site in spring 2018, e.g. the footpath diversion, where these are not directly linked to the final design of the new building and/or are low risk to the taxpayer to commence. A communications plan will be developed to explain to local residents what they can expect to start, and when.
- 1.5 On this basis, the current timetable targeted for the project is as follows:

Item	Target
Stage 2 Tender Process complete	By Summer 2018
Enabling Packages	Spring 2018 (possible)
Main build start	Summer 2018
Completion	Early 2020

- 1.6 In terms of funding and costs, even though there have been changes to the project over the last year (see 1.7 below) there is not a need at this time to amend the Council's agreed financial business case from February 2017 (including its assumptions and profiling). The projected net position was a small revenue surplus (essentially a break-even position) from a

total capital budget of £22m funded through a mixture of: capital receipts; existing capital programme allocations and savings; use of strategic reserves; external funding; and borrowing supported by savings and income. £2m of the £22m related specifically to the separate business case for renewable energy. The requirement is still to deliver a scheme within both the existing FHDC budget and the total partner budget for the whole project, and that is what all partners and potential contractors are currently working towards. Any enabling works which start in the Spring will also be funded from within the existing approved budget (and will only be authorised if there continues to be the same high level of confidence about the deliverability of the project).

1.7 When there is clarity on the final capital and revenue position in Spring/Summer 2018, it will be evident whether an update on the business case is needed before the end of the tendering process for a main contractor. Therefore, a report will be provisionally scheduled in the Decisions Plan for spring 2018 in case it is needed. The matters which will have a bearing on the precise details of the final budget include (but are not limited to):

- (a) Final decisions on external funding applications.
- (b) Changes to the original design and developer obligations as a result of the planning process, or of minor changes to the partners' operational requirements for the internal areas.
- (c) Clarification of taxation and property transaction costs.
- (d) Normal value-engineering of the RIBA Stage 3 design, followed by market-testing of the various sub-contractor packages.
- (e) Final details of the fire management and security systems.
- (f) The Fire Service no longer being part of the initial project. While the overall size of the building has reduced as a result (which will reduce its total cost) some of the internal space vacated by the fire station was converted to extra office space in the final plans submitted to planning. New occupiers for that office space are now being arranged.
- (g) Detailed design work and financial modelling for renewable energy, including clarity on whether a district heating network is to be included to cater for the existing school building.
- (h) The outcome of the routine NHS property processes in relation to the occupation of the clinical space.
- (i) A decision on whether it is more cost-effective for FHDC to take on a higher proportion of fit-out costs for the leisure and catering elements in return for a better long-term revenue position.
- (j) More clarity on likely revenue costs and income.

# Extraordinary Cabinet



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Review and Appointment of the Cabinet's Working Group, Joint Panels and Other Groups</b>	
<b>Report No:</b>	<b>CAB/FH/18/005</b>	
<b>Report to and date:</b>	<b>Extraordinary Cabinet</b>	9 January 2018
<b>Portfolio holder:</b>	Councillor James Waters Leader of the Council <b>Tel:</b> 07771 621038 <b>Email:</b> <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.gov.uk</a>	
<b>Lead officers:</b>	<p>Karen Points          Assistant Director (Human Resources, Legal and Democratic Services)  <b>Tel:</b> 01284 757015  <b>Email:</b> <a href="mailto:karen.points@westsuffolk.gov.uk">karen.points@westsuffolk.gov.uk</a></p> <p>Leah Mickleborough          Service Manager (Democratic Services) and Monitoring Officer  <b>Tel:</b> 01284 757162  <b>Email:</b> <a href="mailto:leah.mickleborough@westsuffolk.gov.uk">leah.mickleborough@westsuffolk.gov.uk</a></p>	
<b>Purpose of report:</b>	<p>As the Cabinet's Local Plan Working Group and presently, the West Suffolk Joint Growth Steering Group, are constituted with having regard to the political balance of the Council, the Cabinet is requested to review the membership and Terms of Reference of its Working Group, Joint Panels and other Groups as a result of recent changes to the political composition of the Council.</p> <p>This has also provided an opportunity to review and propose amendments to the Terms of Reference (ToR) for the existing West Suffolk Joint Growth Steering Group and Future Governance Steering Group.</p> <p>The existing Terms of Reference (ToR) for each body, and any amendments proposed to them, as appropriate, are contained in Appendices A to F inclusive.</p> <p>Recommendations are contained within the appropriate sections of this report and further summarised in the recommendations listed below.</p>	

Recommendations:	<p>It is <b><u>RECOMMENDED</u></b> that:</p> <ul style="list-style-type: none"> <li>(1) The Local Plan Working Group continues to operate in accordance with its Terms of Reference, as detailed in Appendix A of Report No: CAB/FH/18/005.</li> <li>(2) The existing West Suffolk Joint Growth Steering Group be disbanded and replaced by the Growth and Innovation Group, in accordance with the new Terms of Reference contained in Appendix B.</li> <li>(3) The Future Governance Steering Group continues to operate, in accordance with the amended Terms of Reference contained in Appendix C.</li> <li>(4) <ul style="list-style-type: none"> <li>(a) The West Suffolk Joint Health and Safety Panel and the West Suffolk Joint Staff Consultative Panel continue to operate in accordance with their current Terms of Reference contained in Appendices D and E respectively; and</li> <li>(b) periodical meetings of the Joint Panels continue to be scheduled as and when required but with regard to the discussion outlined in Section 1.3.16.</li> </ul> </li> <li>(5) <ul style="list-style-type: none"> <li>(a) The Cabinet's existing informal Working Group be retained as indicated in Section 1.4.2; and</li> <li>(b) provided that resources are available to support them, further informal task-and-finish working groups continue to be established to consider specific issues as required throughout the remainder of 2017/2018.</li> </ul> </li> <li>(6) <ul style="list-style-type: none"> <li>(a) Forest Heath District Council's membership (including substitutes) of the Local Plan Working Group, Future Governance Steering Group, West Suffolk Joint Health and Safety Panel, West Suffolk Joint Staff Consultative Panel and Joint Member Development Group, as set out in Table 1 of Appendices A, C, D, E and F respectively, be re-appointed for the remainder of 2017/2018;</li> </ul> </li> </ul>
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	<p>(b) <b>should any future changes to membership of the bodies listed in (6)(a) above be required in the remainder of 2017/2018, the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to appoint on the nominations of Group Leaders; and</b></p> <p>(c) <b>such appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/FH/18/005.</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><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• Consultation has been undertaken with the Portfolio Holder and other Cabinet Members.</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• Not to undertake a review; however, given the recent changes to the political composition of the Council and identifying an opportunity to review and amend the existing Terms of Reference for two of its joint steering groups to further accord with the Council's strategic priorities and future direction, it is considered appropriate to undertake an interim review at this time.</li> </ul>
<b>Implications:</b>	
<p>Are there any <b>financial</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• The review has been undertaken within existing resources. Any changes required as a result of the review will be borne from existing budgets.</li> </ul>
<p>Are there any <b>staffing</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Are there any <b>ICT</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Are there any <b>legal and/or policy</b> implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• See Sections 1.1.1 and 1.1.2 below</li> </ul>
<p>Are there any <b>equality</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

<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>
Opportunities for joint working are missed	Medium	Consider the creation of joint committees, panels and working parties wherever possible.	Low
Duplication of effort between member bodies	Medium	Carry out an review of working parties, etc to ensure that they are all still relevant and adding value and do not cross over with the activities or other bodies e.g. scrutiny committees or task and finish groups	Low
The number of meetings and reviews cannot be accommodated with available member and officer time and resources	High	Carry out a review to disband any groups no longer required, and to optimise frequency of meetings. Keep under constant review.	Medium
<b>Ward(s) affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>West Suffolk Joint Steering Group: 9 October 2017 – Report No: <a href="#">JGG/JT/17/005</a> Proposed draft Terms of Reference for Growth and Innovation Group.</p> <p>Cabinet: 30 May 2017 - Report No: <a href="#">CAB/FH/17/026</a> The Future of Local Government in West Suffolk.</p>	
<b>Documents attached:</b>		<p>Terms of Reference and Membership:</p> <ul style="list-style-type: none"> <li>• <b>Appendix A</b> – Local Plan Working Group</li> <li>• <b>Appendix B</b>– West Suffolk Joint Growth Steering Group (Proposed New – to replace existing)</li> <li>• <b>Appendix C</b> – Future Governance Steering Group (Proposed Amended)</li> <li>• <b>Appendix D</b> – West Suffolk Joint Health and Safety Panel</li> <li>• <b>Appendix E</b> – West Suffolk Joint Staff Consultative Panel</li> <li>• <b>Appendix F</b> – Joint Member Development Group</li> </ul>	

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

### **1.1 Background**

- 1.1.1 Under Article 6 (The Cabinet) (paragraph 6.5.2) of the Council's Constitution, it states that:

*"The Cabinet may carry out its functions:*

*d. by delegating power to a joint committee, area committee or another local authority".*

- 1.1.2 Under Article 10 (Joint Arrangements and Working Groups) of the Council's Constitution, it states that:-

**"10.2 Joint Arrangements**

*10.2.3 .... the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political balance of the Council as a whole."*

**"10.3 Working Groups**

*10.3.1 The Council, Cabinet or Committees may appoint from time to time such working groups as they think fit, including joint working groups with Forest Heath District Council...."*

- 1.1.3 The following Working Parties, Joint Committee/Panels and other Groups, either report to the Cabinet or exercise Executive functions:

- (a) Exercise Executive functions on behalf of the Cabinet
  - Anglia Revenues and Benefits Partnership Joint Committee
- (b) Report to the Cabinet
  - Local Plan Working Group
  - West Suffolk Joint Growth Steering Group
  - Future Governance Steering Group
  - West Suffolk Joint Health and Safety Panel
  - West Suffolk Joint Staff Consultative Panel
  - Other informal working groups, as detailed in Section 1.4 below

- 1.1.4 The Cabinet is requested to review the membership and the terms of reference for its Working Group, Joint Panels and other Groups for the interim period to May 2018 as set out below. No interim review however, is required to the membership or appointment to the Anglia Revenues and Benefits Partnership Joint Committee at this time (see 1.1.3 (a) above).

### **1.2 Current Working Parties and Panels: District Council Membership only**

- 1.2.1 The following Cabinet Working Group currently operates in accordance with the Appendix attached as indicated in the table below:

<b>FHDC Working Group</b>	<b>Members</b>	<b>Terms of Reference and Membership</b>
Local Plan Working Group*	9	Appendix A

\*membership is appointed with regard to the political balance – see Section 1.5 below

#### 1.2.2 **Local Plan Working Group**

1.2.3 As the Council's Local Plan is not due to be adopted until early 2018, it is recommended that the Local Plan Working Group continues to remain in operation and meetings be arranged, if and when, substantive business dictates. Following adoption of the Council's Local Plan, it would then be the intention for the Working Group to be disbanded, as its primary purpose would no longer be required.

1.2.4 It is **RECOMMENDED** that **the Local Plan Working Group continues to operate in accordance with its Terms of Reference, as detailed in Appendix A of Report No: CAB/FH/18/005.**

#### 1.3 **Current Joint Panels and Steering Groups: Joint Membership with Forest Heath District Council**

1.3.1 The following Joint Panels and Steering Groups have been established with St Edmundsbury Borough Council:

<b>Joint Panels and Steering Group</b>	<b>District Council Members</b>	<b>Substitutes</b>	<b>Terms of Reference and Membership</b>
West Suffolk Joint Growth Steering Group*	6	2	Appendix B
Future Governance Steering Group	3	1	Appendix C
West Suffolk Joint Health and Safety Panel	3	1	Appendix D
West Suffolk Joint Staff Consultative Panel	3	2	Appendix E

\*membership is currently appointed with regard to the political balance – see Section 1.5 below; however this is proposed to be changed.

#### 1.3.2 **West Suffolk Joint Growth Steering Group/Growth and Innovation Group**

On 9 October 2017, the West Suffolk Joint Growth Steering Group (WSJGSG) considered new proposed draft Terms of Reference, which would see the Group evolve into a 'Growth and Innovation Group'. The prime purpose of this Group is to develop and push thinking by considering other best practice and using personal insights to inform debate on issues relating to the Councils' Growth agenda. It is not a decision making body nor a duplicate of Cabinet decision making. The Group will, through debate and discussion, inform Portfolio Holders' recommendations to Cabinet on strategy and policy, thus according more suitably to the revised Strategic Priorities contained in the newly adopted West Suffolk Strategic Plan [Council – 20 December 2017] and the emerging West Suffolk Growth Investment Strategy [Council – 21 February 2018].

- 1.3.3 There is no defined membership of the Growth and Innovation Group, therefore, there would no longer be a requirement for the Group to have regard to the political balance of the Council. Agenda topics will be given to all members, who may attend wherever the subject matter is of interest to them.
- 1.3.4 As is the case with the WSJGSG, the new Growth and Innovation Group would not be a decision making body. However unlike the WSJGSG, meetings would not be open to the public. Where appropriate, Officers and the Portfolio Holders may however, request that other stakeholders attend meetings. Issues under consideration will obviously become public when they reach a formal decision-making stage and be subject to all the normal transparency and scrutiny roles in the Constitution at this point.
- 1.3.5 Some aspects of the new Group's work may require the formation of sub-groups to assess detailed proposals with their own separate ToR.
- In certain circumstances, such as when development plan documents require consideration that may inform the development of a new West Suffolk Local Plan, it may be more appropriate for such a sub-group to be constituted by the Cabinet and operate in a traditional committee format, with nominated Members, a Chairman, voting arrangements and operate to the Council's standard rules of debate.
- 1.3.6 In relation to the development of a new West Suffolk Local Plan, it should be noted that further discussions will be held with Portfolio Holders and Cabinet in early 2018 regarding engaging Members with the detail of its development.
- 1.3.7 The existing and proposed new Terms of Reference are shown in Appendix B attached. Membership is not listed as the proposal is not to define membership or have regard to the political balance.
- 1.3.8 It is **RECOMMENDED** that **the existing West Suffolk Joint Growth Steering Group be disbanded and replaced by the Growth and Innovation Group, in accordance with the new Terms of Reference contained in Appendix B.**
- 1.3.9 **Future Governance Steering Group**
- On 30 May 2017, both Forest Heath District and St Edmundsbury Borough Councils' Cabinets approved the establishment and ToR for the Future Governance Steering Group (Report No: [CAB/FH/17/026](#)) refers. Its principal remit was to assess the technical requirements involved in moving forward the proposals for the creation of a single council for West Suffolk, the business case for which was approved by both Forest Heath and St Edmundsbury Councils in September 2017.
- 1.3.10 It has been established that the FGSG has functioned extremely well since its inception and has undertaken the requirements and responsibilities set out in its original ToR to the letter.
- 1.3.11 As matters for creating a single council for West Suffolk are progressing rapidly with a view to the new Council being formed from April 2019, the role and remit of the FGSG needs to evolve to enable it to consider a wider

range of technical issues to ensure the appropriate governance is in place for the new Council.

- 1.3.12 The proposed amended Terms of Reference, as indicated using tracked changes, and its current membership, are shown in Appendix C attached.
- 1.3.13 It is **RECOMMENDED** that **the Future Governance Steering Group continues to operate, in accordance with the amended Terms of Reference contained in Appendix C.**
- 1.3.14 **West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel**
- 1.3.15 It is suggested that the West Suffolk Joint Health and Safety Panel and West Suffolk Joint Staff Consultative Panel continue to operate to consider policy matters for recommending to Cabinet/Council for approval, in accordance with the remit of each Panel's ToR.
- 1.3.16 Where recommendations to Cabinet and/or Council are not required, the greater use of electronic means is exercised to keep Members informed of issues that would usually be noted by these Joint Panels. With greater emphasis now placed on Members' use of electronic devices, such information can be accessed more easily by email, or within dedicated areas on the West Suffolk intranet. This practice has been exercised in previous years; however the importance of maintaining positive face-to-face engagement between employer (council) and employee (staff) representatives on both of these Panels is recognised.
- 1.3.17 It is therefore suggested that this arrangement continues to operate for the remainder of the 2017/2018. However, subject to the agreement of the relevant Chairman of each of the Joint Panels, this does not preclude Members suggesting that meetings be convened to discuss a specific topic that may arise from information provided electronically.
- 1.3.18 It is **RECOMMENDED** that:
  - (1) **the West Suffolk Joint Health and Safety Panel and the West Suffolk Joint Staff Consultative Panel continue to operate in accordance with their current Terms of Reference contained in Appendices D and E respectively; and**
  - (2) **periodical meetings of the Joint Panels continue to be scheduled as and when required but with regard to the discussion outlined in Section 1.3.16.**

#### 1.4 **Other Informal Working Groups**

- 1.4.1 The Cabinet also sets up from time to time informal Member/Officer Working Groups to consider specific issues usually on a task-and-finish basis and often as joint groups with Forest Heath District Council. These groups make recommendations directly to Cabinet or the appropriate Committee in the form of reports and it is proposed that the practice of setting up such informal groups to look at specific issues should continue as required, provided there are resources available to support them.
- 1.4.2 In relation to the groups currently operating, the situation for the remainder

of 2017/2018 is as follows:

- (a) **Joint Member Development Group:** This is a joint group with St Edmundsbury Borough Council which was established in December 2012 as an informal group to contribute to and support member development opportunities. It has met reasonably frequently in 2017/2018 and has recently considered the findings of review undertaken by the Overview and Scrutiny Committee on implementing an effective member development programme, which included exploring alternative means of delivery to encourage greater engagement. **Retain.** ToR and membership contained in Table 1 of Appendix F.

1.4.3 It is **RECOMMENDED** that:

- (1) the Cabinet's existing informal Working Group be retained as indicated in Section 1.4.2; and**
- (2) provided that resources are available to support them, further informal task-and-finish working groups continue to be established to consider specific issues as required throughout the remainder of 2017/2018.**

#### 1.5 **Political Balance and Appointment of Membership**

- 1.5.1 The formula for the allocation of seats to the political groups of the Council was last approved by Council at an extraordinary meeting on 18 October 2017. It is therefore suggested that the allocation of seats to the Local Plan Working Group, which has historically been calculated with regard to the political balance be considered and membership to be re-appointed/appointed in accordance with Table 1 set out in Appendix A.
- 1.5.2 Although not required to have regard to the political balance, Table 1 contained in Appendices C to F include the existing membership of each of these Joint Panels/Steering Group (Appendix B does not as it is proposed that the new Growth and Innovation Group does not have defined membership). It is proposed that the membership for each of these Panels/Groups be re-appointed/appointed as applicable.
- 1.5.3 Any future changes to membership of the Working Party/Joint Panels/Steering Group, are suggested to be made under existing delegation, as reflected in the following recommendation.
- 1.5.4 It is **RECOMMENDED** that:

- (1) Forest Heath District Council's membership (including substitutes) of the Local Plan Working Group, Future Governance Steering Group, West Suffolk Joint Health and Safety Panel, West Suffolk Joint Staff Consultative Panel and Joint Member Development Group, as set out in Table 1 of Appendices A, C, D, E and F respectively, be re-appointed for the remainder of 2017/2018;**
- (2) should any future changes to membership of the bodies listed in (1) above be required in the remainder of 2017/2018, the Service Manager (Democratic Services) be requested to**

**exercise their existing delegated authority to appoint on the nominations of Group Leaders; and**

- (3) such appointments be made on the basis of political balance requirements, where applicable and identified in Report No: CAB/FH/18/005.**



## Local Plan Working Group: Terms of Reference

To consider the appropriate issues and to advise the Cabinet in relation to the Local Plan Review process, with the aim of producing an appropriate Local Plan (and related documentation)

**Table 1: Membership as at 22 December 2017**

<b>FHDC Local Plan Working Group (9)</b> (Politically balanced) (Named Substitute Members not appointed.)	
<b>Political Group</b>	<b>Full Member</b>
Conservative	Bowman, David
Conservative	Burt, Rona ( <i>Chairman</i> )
<del>West Suffolk Independent</del> Conservative	Cole, Simon
Conservative	Lynch, Carol
Conservative	Marston, Louise
Conservative	Mason, Christine
Conservative	Millar, Robin ( <i>Vice-Chairman</i> )
West Suffolk Independent	Palmer, David
UKIP	Silvester, Reg

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# **Growth and Innovation Group: Proposed New Terms of Reference**

## **Proposed Terms of Reference for New Growth and Innovation Group:**

**It is the intention that this new Group will replace the existing West Suffolk Joint Growth Steering Group.**

### **Purpose**

1. The prime purpose of the Growth and Innovation Group is to develop and push thinking by considering other best practice and using personal insights to inform debate on issues relating to the Councils' Growth agenda. It is not a decision making body nor a duplicate of Cabinet decision making. The Group will through debate and discussion inform Portfolio Holders' recommendations to both Cabinets on strategy and policy.
2. They may assist the Cabinets through:
  - Participating in strategic workshops and the development of new thinking on key growth issues which respond to Growth outcomes in the Strategic Plan and beyond.
  - Help shape the development of key strategies and policy documents which flow from the Strategic Plan such as the Investment and Housing Strategies as well as the emerging West Suffolk Local Plan.
  - Considering government consultations and assisting in developing potential responses to these.
  - Support the Councils' ambition in being trail blazing authorities in developing new and innovative ways to contribute to the Growth agenda.
  - Monitoring how the Councils and key stakeholders are delivering key growth priorities of the Councils.

### **Membership**

3. There is no defined membership of the Growth and Innovation Group. Agenda topics will be given to all members, who may attend wherever the subject matter is of interest to them. The following members would be expected to attend meetings on a regular basis:
  - FHDC and SEBC Portfolio Holders
  - SEBC's informal Assistant Portfolio Holders for Planning and Growth, and Leisure and Culture
  - FHDC and SEBC Chairmen and Vice-Chairmen of Development Control Committees

4. Members who wish to attend meetings are expected to be informed of the key issues at stake, through having read key strategy and policy documents in advance of meetings, and undertaken necessary research or background reading (for example, through reading government white papers). Officers will assist members through providing links to key research materials in advance of meetings.

### **Facilitation**

5. Meetings shall be facilitated by the Portfolio Holders for Growth and lead officers for the subject area. The Portfolio Holder members will be responsible for steering the agenda for discussion at these meetings in consultation with the lead officers.

### **Decision Making**

6. The Growth Group is not a decision making body. Members are expected to express views, and be challenged on these. Robust discussions may take place in an atmosphere of mutual respect following "Chatham House" rules. Facilitators will be expected to draw conclusions from debate to facilitate Growth and Housing Portfolio Holders to take appropriate recommendations back to the Cabinets. Growth Group members should be aware that Cabinet may not draw the same conclusions as the Growth Group on matters under consideration.
7. Formal minutes of Growth Group meetings will not normally be taken. Officers will capture key actions and conclusions from debates.

### **Confidentiality**

8. As a non-decision making, forming Group, meetings shall not be open to the public. Where appropriate, officers and the Portfolio Holders may request that other stakeholders attend meetings.
9. Wherever matters under discussion are confidential, officers will endeavour to make this clear to members and similarly, members will be expected to maintain the confidentiality of the discussions that take place in line with the Code of Conduct for members.
10. Issues under consideration will obviously become public when they reach a formal decision-making stage, and be subject to all the normal transparency and scrutiny rules in the Constitutions at this point.

### **Quorum**

11. As an informal, confidential non-decision making body with no defined membership, there is no defined quorum as such; however, a minimum of three members from each authority will be its recognised quorum.

### **Sub-Groups**

12. Some aspects of the Group's work may require the formation of sub-groups to assess detailed proposals. It is expected that members of both Cabinets should be briefed by the Portfolio Holders on the purpose of any sub-group and terms of reference, which will require both Cabinets' endorsement and approval.

13. In certain circumstances, such as when consideration of development plan documents are required, it may be more appropriate for the sub-group to operate in traditional committee format, with nominated members, a chair, voting arrangements and operate to the standard Councils' rules of debate. Such sub-groups shall be formally constituted by the Cabinets.

## **Review**

14. As a Group appointed by the Cabinets, its role, remit and responsibilities will be subject to annual review at the Cabinets' first meeting of each municipal year as part of the composite review of all Cabinet Working Parties, Panels and Other Groups. Such reviews, which are subject to Cabinet approval, assess whether each body remains fit-for-purpose and whether they should continue to operate in their current or a revised form. Interim reviews may be undertaken at any other time of year as the Cabinets see fit.

## **For information: Existing Terms of Reference for West Suffolk Joint Growth Steering Group**

1. *To consider and advise the Cabinets of Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) on:*
  - (a) *creating the conditions to encourage and support sustainable growth across the whole of the West Suffolk area;*
  - (b)
    - (i) *common planning policy affecting both districts;*
    - (ii) *planning policy specifically associated with the individual districts*
  - (c)
    - (i) *common strategic housing policy affecting both districts*
    - (ii) *strategic housing policy specifically associated with the individual districts;*
  - (d) *the strategic investment in infrastructure, transportation and highway matters that are of more than local significance ;*
  - (e) *monitoring the delivery of the West Suffolk Six Point Plan for Jobs and Growth;*
  - (f) *the formulation of a West Suffolk Local Plan for Forest Heath District and St Edmundsbury Borough; and*
  - (g) *environmental management issues*
2. *Recommendations to Cabinet (and Council, where appropriate) for a decision to be made, will be reported in the normal manner. Reports for information, the purpose of which will be to provide a brief summary to Cabinet of the outcomes from the Group, will be included on the next available Cabinet agenda, following each meeting of the Steering Group;*
3. *Agendas will include the Work Programme of the Steering Group as a 'Standing Item', The content of the Work Programme to be agreed by the Chairman and Vice Chairman and the Portfolio Holders for Planning and Growth and Housing, prior to inclusion within the agenda papers.*

4. *The Steering Group comprises 12 Members, six from each Council. The Chairmanship and Vice-Chairmanship will rotate annually between the two Councils.*
5. *Membership of the Steering Group to be politically balanced, and each Council must ensure that its Development Control Committee, Overview and Scrutiny Committee, FHDC's Local Plan Working Group (whilst it remains in operation), are represented, alongside Members of the two Cabinets.*
6. *Two Substitute Members to be appointed by each local authority, having regard to the political balance of each authority.*
7. *The quorum of the Steering Group be specifically defined as three Councillors from each Council (six in total).*
8. *The Group is given the flexibility to directly co-opt up to two voting or non-voting external representatives to its membership, in such a manner as it sees fit.*
9. *Meetings will be governed by normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in both Councils.*
10. *Frequency of meetings will be every other month, but this will be reviewed in the light of workload.*
11. *Meetings will be held on Mondays at 4.30 pm unless otherwise agreed by the Chairman and Vice-Chairman. Venues for meetings to alternate between FHDC's District Offices and SEBC's offices at West Suffolk House, unless an alternative venue is agreed by the Chairman and Vice-Chairman.*

# Future Governance Steering Group: Terms of Reference (Amended)

## Amended Terms of Reference for the Future Governance Steering Group (as indicated by tracked changes)

### Objective

1. To advise and support the Leaders of Forest Heath District Council and St Edmundsbury Borough Council on the arrangements being implemented to support the creation of a single Council for West Suffolk ~~on the technical decisions required as the relevant Councils proceed in reviewing their governance arrangements~~

### Terms of Reference

- ~~• To advise on the development of the final business case for future governance to be approved by Council in September 2017, ensuring that the business case is robust and has given due consideration to relevant material factors~~
- To advise on recommendations Councils ~~it~~ should make to the Secretary of State and / or Local Government Boundary Commission for England on the technical requirements for new future governance arrangements
- ~~• To oversee the development of an~~ implementation programme plan to support the creation of a single Council ~~implement the future governance arrangements~~, and monitor the delivery of the ~~programme~~ implementation plan
- To support the principles in developing new governance and decision making structures (the constitutional detail being reserved to the Joint Constitution Working Group to resolve)
- To make recommendations to the Leaders of the Councils accordingly

### Powers

3. The Technical Steering Group's role is advisory and thus will not have any delegated decision making responsibility.

## **Membership**

4. Membership shall be comprised of 6 members, three to be nominated by the Leader of each Council. The following members (unless otherwise appointed to the Group) shall be invited to each meeting as observers, and whilst they shall not take part in any formal voting at the group, they will be provided copies of papers presented to each meeting and be allowed to participate in group debates at the discretion of the Chairman:
  - The Chairmen of the Overview and Scrutiny Committees of each Council; (or their Vice-Chairmen where they are unable to attend)
  - The Leaders of each recognised minority group (or their notified Deputies where they are unable to attend)
  - Members of each Cabinet
5. The Leader of each Council may also appoint one named substitute member of the Committee.

## **Chairman and Vice-Chairman**

6. The Chairman and Vice-Chairman shall be elected at the first meeting of the Group by a majority vote of the group members. Where the Chairman is a member of one Council, the Vice-Chairman shall be a member of the other Council. They shall hold office for a period of 6 months, and except where the members of the Group agree, the Vice-Chairman shall usually be expected to become the Chairman of the Group 6 months after his nomination as Vice-Chairman, the purpose being that each Council shall take it in turn to Chair the Group.

## **Quorum**

7. The quorum level for the Group shall be 3, to include at least 1 member from each Council.

## **Access to Information**

8. As a non-decision making body, the normal Access to Information Rules do not apply to the working group.
9. Officers should endeavour to make clear to members of the Group where matters under discussion are confidential, and should be treated by members privy to the information as such.

## **Frequency**

10. Meetings will be scheduled according to the demands of the work programme and decision making framework. It should be expected that this will require meetings on at least a monthly basis.

**Table 1: Membership as at [INSERT DATE]**

<b>Future Governance Steering Group (6)</b> (Group established 30 May 2017)  (Not politically balanced) (To make recommendations to the Leaders of FHDC and SEBC) (The following Members to be invited to meetings as observers: - The Chairmen of both FHDC and SEBC Overview and Scrutiny Committees (or Vice-Chairmen in their absence - The Leaders of each recognised minority group (or notified Deputies in their absence - Members of both FHDC and SEBC Cabinets)  (Chairman/Vice-Chairman to alternate between each authority after a period of office of six months, after which the Vice-Chairman will become Chairman and vice-versa, or by other arrangements, as agreed by the Group)		
<b>FHDC</b>		
<b>Political Group</b>	<b>Full Member</b>	<b>Substitute Members</b>
Conservative	Bowman, Ruth ( <i>Chairman</i> )	Burt, Rona
Conservative	Busuttil, Louis	
Conservative	Harvey, Brian	
<b>SEBC</b>		
<b>Political Group</b>	<b>Full Member</b>	<b>Substitute Members</b>
Conservative	Bull, Carol ( <i>Vice-Chairman</i> )	Fox, Paula
Conservative	Roach, David	
Conservative	Thorndyke, Jim	

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# **West Suffolk Joint Health and Safety Panel: Terms of Reference**

## **1. Overview**

- 1.1 The Panel's membership will be drawn from Councillors and staff of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC).
- 1.2 The Panel will consider both authorities' health and safety arrangements and provide guidance to support the development of executive action by officers of both authorities, including policy guidance.
- 1.3 To provide a group of Members who can develop an enhanced level of understanding of health and safety matters.
- 1.4 To make recommendations to the Cabinets and/or officers of both authorities about policies and actions required to develop and maintain effective health and safety arrangements.

## **2. Constitution**

- 2.1 The West Suffolk Joint Health and Safety Panel shall comprise 12 Members. Three Councillors from both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC), to be the 'employers' side'. Six members of staff from across the two authorities to be the 'employees' side', drawn from the officer Joint Health and Safety Group.
- 2.2 A substitute Member from each authority on the employer's side and two substitutes from the employees' side to provide a total of six full members and two substitute members on each 'side' shall be permitted.
- 2.3 It shall be the Health and Safety Manager's duty to attend and advise the Panel.
- 2.4 The Panel shall appoint a Chairman from the Employer's Side and a Vice-Chairman from the Employees' Side. When the Chairman is a Member of one side of the Panel, the Vice-Chairman shall be a Member of the other side.

- 2.5 The Panel may invite attendance of any person whose particular knowledge or experience may assist the Panel in its considerations. Such attendance shall be in a consultative capacity and only for the period during which the relevant subject is under consideration.

### **3. Terms of Reference**

- 3.1 The Panel shall keep under review all matters relating to the health, safety and welfare of the Councils' employees, and to the protection of other persons against risks arising out of the work activities of the employees and of persons working under contract.
- 3.2 To review and monitor the Joint Health and Safety Policy and recommend amendments to the Officers and/or Cabinet of both authorities in accordance with their respective schemes of delegation. Specifically, the Panel will work directly with the Health and Safety Manager to review and implement revisions to the operational instructions and annexes contained in Part 5 of the Policy ("Arrangements") under his/her delegated authority to make such changes.
- 3.3 Without prejudice to the foregoing terms, items for particular consideration may include:-
- (a) the study of accidents and diseases, and in particular those notifiable to the Health and Safety Executive;
  - (b) considering and making recommendations in respect of items submitted by the staff Joint Health and Safety Group;
  - (c) consideration of reports and information from the Inspectors of the Health and Safety Executive;
  - (d) consideration of reports submitted by Safety Representatives;
  - (e) the development of safety procedures and safe systems of work;
  - (f) recommending and monitoring the effectiveness of employee safety training;
  - (g) the presentation of publicity on safety matters; and
  - (h) inspecting or arranging for an inspection of any particular area or activity.

#### 4. Arrangements and Procedures

- 4.1 Meetings shall normally be held three times a year but, exceptionally, the Chairman may decide, after consultation with the Health and Safety Manager, to convene an extraordinary meeting at any time or to cancel a scheduled meeting due to lack of business to transact. Meetings to alternate between a venue in SEBC and FHDC or as agreed by the Panel.
- 4.2 Agendas shall be prepared by the Democratic Services Section, after discussion with the Health and Safety Manager, and shall be made available at least five days before the meeting.
- 4.3 The quorum for the Joint Health and Safety Panel shall be four, comprising at least two employee representatives, and two Members, one from each authority.
- 4.4 Voting shall be by a show of hands and simple majority.
- 4.5 The report from the Joint Health and Safety Panel to the respective Cabinets shall be by way of presentation of the minutes or in a format agreed by the Cabinet.

**Table 1: Membership as at 22 December 2017:**

<b>West Suffolk Joint Health and Safety Panel (6)</b> (Employee's side) (Not politically balanced.) (Chairman/Vice-Chairman to be elected from the Employer's/Employees' side respectively.)		
<b>FHDC</b>		
<b>Political Group</b>	<b>Full Member</b>	<b>Substitute Members</b>
Conservative	Barker, Chris	Roman, Nigel
Conservative	Burt, Rona	
UKIP	Ridgwell, Peter	
<b>SEBC</b>		
<b>Political Group</b>	<b>Full Member</b>	<b>Substitute Members</b>
Conservative	Chung, Patrick ( <i>Vice-Chairman</i> )	McLatchy, Betty
Conservative	Warby, Frank	
Charter	Cockle, Bob	

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# **West Suffolk Joint Staff Consultative Panel: Terms of Reference**

## **1. Overview**

- 1.1 The Panel's membership will be drawn from Councillors and staff of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC). The definition of 'staff' includes all groups of employees covered by the National Joint Council for Local Government Services.
- 1.2 The Panel will consider both authorities' staffing arrangements and provide a regular forum to secure the largest measure of agreement between the Councils as employers and Trade Union employees regarding matters directly affecting employment by the Councils.
- 1.3 To provide a group of Members who can develop an enhanced level of understanding on staffing matters.
- 1.4 To make recommendations to the Cabinets of both authorities about policies and actions required to develop and maintain effective employee/employer arrangements.

## **2. Constitution**

- 2.1 The Joint Staff Consultative Panel shall comprise 12 Members. Three Councillors from both FHDC and SEBC, which desirably reflects the political balance of each Council, to be the 'employers' side.
- 2.2 Six members of staff from across the two authorities to be the 'employees' side', nominated by the Trade Unions recognised by the Authorities in accordance with the formula set out below:-
  - (a) employee representatives appointed by each of the Trade Unions recognised by the authorities should be on a proportional basis to the total number of employees within the individual union compared to the total Trade Union membership; and
  - (b) each Trade Union recognised by the Authority shall have a minimum of one seat.

- 2.3 The Trade Unions recognised by the Authorities shall represent all Council employees. This will include raising issues on behalf of non-Trade Union members, should they be requested.
- 2.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.
- 2.5 Two substitute Members shall be permitted from each authority on the 'employer's side' and four substitutes shall be permitted from the 'employees' side' to provide a total of 6 full Members and 4 substitute Members on each 'side'.
- 2.6 It shall be the duty of a senior Human Resource Officer to attend and advise the Panel.
- 2.7 The Panel shall elect a Chairman and Vice-Chairman from its members. When the Chairman is a Member of one side of the Panel, the Vice-Chairman shall be a Member of the other side. The Chairman of the Panel shall be rotated on an annual basis between the Employees' and Employers' side. The Chairman of the meeting shall not have a casting vote.
- 2.8 The Panel may invite attendance by any person whose particular knowledge or experience may assist the Panel in its considerations. Such attendance shall be in a consultative capacity and only for the period during which the relevant subject is under consideration. In addition, the Employee side may arrange for the attendance of a Trade Union official at any meeting of the Panel, subject to the prior agreement of the Chairman and Vice Chairman.

### **3. Terms of Reference**

- 3.1 To establish and maintain methods of negotiation and consultation, to consult on matters affecting the employment of all groups of employees of the Councils, with a genuine commitment to seek consensus and enter into agreements, as appropriate.
- 3.2 These matters may include such subjects as:-
- (a) application or implementation of National Agreements;
  - (b) application or implementation of Local Agreements or local conditions of service;
  - (c) productivity or performance arrangements;
  - (d) issues referred to the Panel by the Trade Unions as provided for by the formal 'Consultation Procedures' (Employment Restructuring & Redundancy);
  - (e) working conditions;

- (f) welfare and health of employees;
  - (g) personnel procedures including recruitment, sickness, discipline and handling of grievances and redundancies;
  - (h) training & development of employees;
  - (i) equality issues; and
  - (j) any issue referred to the Joint Staff Consultative Panel by the Cabinets.
- 3.3 Issues affecting individuals (e.g. pay, discipline) are excluded from consideration unless they represent matters of principle which are of general application to employees.

#### **4. Authority of the Panel**

- 4.1 Decisions of the Joint Staff Consultative Panel shall be in accordance with the voting arrangements set out in paragraph 5.4 below and shall be subject to the approval of the Cabinets, as provided for by the Councils' Schemes of Delegation.

#### **5. Arrangements and Procedures**

- 5.1 Meetings shall normally be held quarterly but, exceptionally, the Chairman may decide, after consultation with a Senior Human Resources Officer to convene an extraordinary meeting at any time or to cancel a scheduled meeting due to lack of business to transact. Meetings to alternate between a venue in SEBC and FHDC or as agreed by the Panel.
- 5.2 Agendas shall be prepared by the appropriate Committee Services Section, after discussion with a Senior Human Resources Officer, Chairman and Vice Chairman, and shall be circulated at least five working days before the meeting.
- 5.3 The quorum for the Joint Staff Consultative Panel shall be four, comprising at least two Employee representatives and two Members, one from each authority.
- 5.4 Voting shall be by a show of hands and simple majority. No motion shall be regarded as carried unless it has been approved by a majority of Employer representatives and a majority of Employee representatives present and voting.
- 5.5 The report from the Joint Staff Consultative Panel to the respective Cabinets shall be by way of presentation of the minutes/draft minutes or by way of a brief report in a format agreed by the Cabinet.

- 5.6 If the Panel is unable to agree and no local settlement can be achieved, the matter may be referred by either side to the Cabinets.

**Table 1: Membership as at 22 December 2017:**

<b>West Suffolk Joint Staff Consultative Panel (6)</b> (Employer's side) (Not politically balanced but is desirable.) (Chairman/Vice-Chairman to be elected from the Employer's/Employees' side respectively.)		
<b>FHDC</b>		
<b>Political Group</b>	<b>Full Member</b>	<b>Substitute Members</b>
Conservative	Bowman, Ruth ( <i>Vice-Chairman</i> )	Harvey, Brian
Conservative	Burt, Rona	Lynch, Carol
Conservative	Edwards, Stephen	
<b>SEBC</b>		
<b>Political Group</b>	<b>Full Member</b>	<b>Substitute Members</b>
Conservative	Springett, Clive	Hopfensperger, Beccy
Conservative	Warby, Patsy	Bull, Carol
Charter	Cockle, Bob	

# **Joint Member Development Group: Terms of Reference**

## **Introduction**

The Joint Member Learning and Development Group (JMLDG) is an informal working group of councillors that complies with the standards expected in the Charter for Elected Members Development.

## **Membership and attendance**

The Joint Member Learning and Development Group will make recommendations to Cabinet with regard to the effective learning, support and development of councillors. Meetings will be held bi-monthly, agreed in advance. Meetings may be scheduled more frequently should it be required to support project work and development initiatives. The Group will make recommendations to Cabinet at each Council.

The group will consist of a minimum of 6 and maximum of 8 members across the political parties to consist of the respective Portfolio Holders and three members from each authority. An officer from the Learning and Development team will be part of the group and will take note of actions agreed. A Councillor will be elected to chair the group.

## **Terms of Reference**

- to act as champions of learning and development and inform peers of opportunities and ways to access learning and development for Members.
- to assist and contribute in the development and evaluation of Member learning and development opportunities and initiatives to ensure that needs at a local level are addressed while recognising the need to consider and include national standards and initiatives where appropriate
- to identify priorities for learning and development support for members which supports authority and individual needs, while fulfilling the standards of the Charter for Elected Member Development
- to consider the evaluation of the quality and effectiveness of interventions and development programmes and to monitor attendance at events and development opportunities.
- To operate in a transparent manner and promote best practice in the provision of development opportunities for Members.

**Table 1: Membership as at 22 December 2017:**

<b>Joint Member Development Group (8)</b> (Not politically balanced and preferable to have a mix across political groups) (Membership to include the Portfolio Holder with responsibility for Member Development) (No Substitute Members required.)(Chairman to be elected.)	
<b>FHDC</b>	
<b>Political Group</b>	<b>Full Member</b>
Conservative	Barker, Chris
Conservative	Bowman, David
Conservative	Burt, Rona
Conservative	Edwards, Stephen
<b>SEBC</b>	
<b>Political Group</b>	<b>Full Member</b>
Conservative	Bull, Carol
Conservative	Fox, Paula
Conservative	Warby, Patsy
<del>UKIP</del> -Haverhill Indys	Burns, John