

Council



Forest Heath
District Council

Minutes of a meeting of the **Council** held on
Wednesday 26 September 2018 at **6.00 pm** at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

<i>Vice Chairman in the Chair</i> Chris Barker	
Ruth Allen	Victor Lukaniuk
Michael Anderson	Carol Lynch
John Bloodworth	Christine Mason
David Bowman	Robert Nobbs
Ruth Bowman J.P.	Colin Noble
Rona Burt	David Palmer
Louis Busuttil	Peter Ridgwell
Simon Cole	Nigel Roman
Roger Dicker	Reg Silvester
Andy Drummond	Lance Stanbury
Stephen Edwards	James Waters

321. **Minutes**

The minutes of the meeting held on 25 April 2018 and the Annual Meeting held on 9 May 2018 were unanimously received as an accurate record and were signed by the Chairman.

322. **Chairman's Announcements (Report No: COU/FH/18/016)**

The report was noted.

323. **Apologies for Absence**

Apologies for absence were received from Councillors Brian Harvey, Louise Marston and Robin Millar.

Councillor Andrew Appleby was also unable to attend the meeting.

324. **Declarations of Interest**

None were declared.

325. **The Leader's Report (Report No: COU/FH/18/017)**

The Leader presented his statement to the meeting as set out in Report No COU/FH/18/017.

Councillor Victor Lukaniuk thanked the Leader for the congratulations he included in his statement to Brandon for their recent achievement in being awarded Best Newcomer in the Anglia in Bloom awards.

Councillor Lukaniuk then went on to make reference to Toggam Solar Farm and he questioned the level of return that the project was achieving.

Councillor Stephen Edwards responded, in his capacity as Cabinet Member for Resources and Performance, and robustly challenged the figures stated by Councillor Lukaniuk. He outlined in detail the income that had been generated from the project to date and what was forecast to be achieved.

Councillor Edwards stressed that the project had performed exceptionally well, above all expectations, and should be recognised for this.

Councillor Lance Stanbury also spoke in response to the comments made by Councillor Lukaniuk and expressed disappointment that the points raised seemingly did not appreciate the real success of the solar farm and were, instead, appearing to portray it to the public (inaccurately) as a 'failed project'.

Councillors Ruth Allen and Roger Dicker then both spoke in response to Councillor Stanbury and objected strongly to the comments he made.

The Leader then addressed the meeting and reiterated the achievements of the solar farm project and asked all present to note his report as written.

326. **Public Participation**

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

327. **Referrals Report of Recommendations from Joint Executive (Cabinet) Committee - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April - 30 June 2018) (Report No: COU/FH/18/018)**

The Council considered the referral report of recommendations from the Joint Executive (Cabinet) Committee as set out in Report No COU/FH/18/018 in respect of:

1. Annual Treasury Management Report 2017/2018 and Investment Activity (1 April – 30 June 2018)
(Joint Executive (Cabinet) Committee: 4 September 2018)

Councillor Stephen Edwards, Cabinet Member for Resources and Performance, presented this referral item.

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

RESOLVED:

That the Annual Treasury Management Report for 2017-2018, attached as Attachment 1 to Report No: PAS/FH/18/028, be approved.

328. Exclusion of the Press and Public

The Chairman explained that in order to allow the Director to provide an update on the commercially sensitive information within the exempt papers appended to the agenda in respect of Cabinet referral item No 2 (Mildenhall Hub), a vote needed to be taken in order to move the consideration of this item into Part 2 and exclude any attending press and public from the meeting.

Accordingly, it was moved by Councillor Simon Cole, seconded by Councillor Carol Lynch and with the vote being unanimous, it was

RESOLVED:

That the press and public be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information, as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972 and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

329. Referrals Report of Recommendations from the Joint Executive (Cabinet) Committee - Mildenhall Hub (Exempt: Para 3) (Report No: COU/FH/18/018)

The Council considered the referral report of recommendations from the Joint Executive (Cabinet) Committee as set out in Report No COU/FH/18/018 in respect of:

2. Mildenhall Hub (Exempt: Para 3)
(Joint Executive (Cabinet) Committee: 4 September 2018)

The Director tabled an addendum to the exempt Appendix to Report No CAB/JT/18/027, as appended to the agenda, and outlined the updated financial information set out therein.

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

RESOLVED:

That:-

1. On the basis set out in the exempt Appendix to Report No CAB/JT/18/027 and the tabled addendum paper, the final cost plan for the Mildenhall Hub project (including renewables and health facilities) be approved, and contractor appointments be made,

subject to it still achieving at least the net revenue position previously agreed in 2017; and

2. The Council's Section 151 Officer make any necessary changes to the Council's prudential indicators as a result of recommendation 1 above.

On conclusion of this item the Chairman moved the meeting back into Part 1.

330. **Referrals Report of Recommendations from the Joint Executive (Cabinet) Committee - Habitats Regulations Assessment (HRA) Report and Barley Homes: Interim Business Plan and Changes in Governance (Report No: COU/FH/18/018)**

The Council considered the referral report of recommendations from the Joint Executive (Cabinet) Committee as set out in Report No COU/FH/18/018 in respect of:

3. Habitats Regulations Assessment (HRA) Report
(Joint Executive (Cabinet) Committee: 4 September 2018)

Councillor Lance Stanbury, Cabinet Member for Planning and Growth, presented this referral item.

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

RESOLVED:

That:-

1. The Council as a competent authority, undertake an Appropriate Assessment.
2. The procedural changes required following the European court ruling, be confirmed.
3. The HRA Addendum to the HRAs of the Forest Heath SIR and SALP (modification stage) (June 2018), attached as Appendix 1 to Report No CAB/JT/18/028, be endorsed; and
4. Having regard to the HRA as a whole, the Council is satisfied that the FHDC Local Plan (SIR and SALP) will not have adverse effects on the integrity of any European site.

and

4. Barley Homes: Interim Business Plan and Changes in Governance
(Joint Executive (Cabinet) Committee: 18 September 2018)

The Chairman welcomed Councillor Sara Mildmay-White to the meeting, who was in attendance in her capacity as the West Suffolk Lead for Housing and presented this referral item.

Attention was drawn to the addendum to this report which had been circulated separately to the agenda and which set out amended recommendations.

Councillors Victor Lukaniuk and Ruth Allen raised concerns with the business plan and stated that they felt they were unable to support the recommendation.

In response, Councillor Lance Stanbury expressed disappointment that the Independent Group had apparently failed to recognise the value of the project and, furthermore, had not suggested any alternative ways of generating revenue.

The Leader explained that he appreciated that the project had resulted in some frustration and delay, however, he was confident it had great potential and was capable of delivering a good level of return and much needed housing for West Suffolk.

Councillor Lukaniuk requested that a recorded vote be taken on this item which was duly supported by four other Members.

On the motion of the Leader, seconded by Councillor David Bowman and upon being put to the vote Members voted as follows:

Name of Member	For	Against	Abstained
Ruth Allen		X	
Michael Anderson	X		
Chris Barker	X		
John Bloodworth	X		
David Bowman	X		
Ruth Bowman	X		
Rona Burt	X		
Louis Busuttil	X		
Simon Cole	X		
Roger Dicker	X		
Andy Drummond	X		

Name of Member	For	Against	Abstained
Stephen Edwards	X		
Carol Lynch	X		
Victor Lukaniuk		X	
Christine Mason	X		
Robert Nobbs	X		
Colin Noble	X		
David Palmer			X
Peter Ridgwell		X	
Nigel Roman	X		
Reg Silvester	X		
Lance Stanbury	X		
James Waters	X		
TOTAL	19	3	1

It was therefore

RESOLVED:

That:-

- (1) The proposal for Suffolk County Council to transfer its ownership of Barley Homes to the West Suffolk Councils be noted, and the terms of the deal as set out in Paragraph 2.2 of Report No: CAB/JT/18/032, be agreed.
- (2) An additional working capital loan facility of £350,000 funded from the Strategic Priorities and Medium Term Financial Strategy (MTFS) reserves and as set out in section 3.4, be approved.
- (3) A revised total of £7.5 million (currently £6 million) revolving investment facility, be added to the Councils' capital programme, financed from capital receipts in line with Paragraph 3.3.2.

- (4) Delegation be given to the S151 Officer and Monitoring Officer, in consultation with the Portfolio Holders for Resources and Performance and Housing to issue equity and loan funding from the revolving investment facility (set out in (3) above) subject to state aid requirements.
- (5) The S151 Officer and Monitoring Officer, in consultation with the Portfolio Holders for Resources and Performance, be authorised to negotiate and agree the terms of such loans with Barley Homes and the funding and necessary legal agreements, taking into consideration the Council's loans policy and state aid requirements.
- (6) Approval of the Interim Business Plan will constitute consent for Barley Homes to issue shares and enter into debt financing, in line with the Business Plan, be noted.
- (7) The Councils' medium term financial revenue plans in line with section 3.5, be updated.
- (8) The proposed shareholder representative arrangements be agreed, and authority be given for the representatives to make all necessary decisions on behalf of the shareholders as required by the Articles of Association and Shareholder Agreement as set out in Paragraphs 5.4 to 5.6.
- (9) The Shareholder Representatives be authorised to make all necessary arrangements for the purchase of the County Council's shareholding in Barley Homes, and the consequential governance amendments required to the Company's Articles of Association and Shareholder Agreement, as set out in Paragraph 5.2.
- (10) The Shareholder Representatives be authorised to agree the Interim Business Plan contained in Exempt Attachment A of Report No: CAB/JT/18/032, subject to the development of the Town Hall Car Park, Haverhill, being paused to allow for further discussions on the aspirations of the site, and priority to be given to development of the sites at Westfields and Castle Hill.
- (11) It be noted that a comprehensive business case for Barley Homes will be presented to West Suffolk Council in 2019.
- (12) Agreement be given for the Council's Section 151 Officer to make the necessary changes to the Council's 2018/19 prudential indicators as a result of Recommendation (3).

331. Annual Scrutiny Report: 2017/2018 (Report No: COU/FH/18/019)

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented Forest Heath's Annual Scrutiny Report for 2017/2018.

He thanked his fellow Overview and Scrutiny Members for all their support and input over the past year, together with those Officers and Portfolio Holders who contributed towards the work of the Committee.

Councillor Louis Busuttill also spoke in support of the report in his capacity as Chairman of the Performance and Audit Scrutiny Committee and similarly gave thanks to the Members and Officers concerned.

It was moved by Councillor Simon Cole, seconded by Councillor Louis Busuttill and with the vote being unanimous, it was

RESOLVED:

That the Annual Scrutiny Report for 2017/2018 be received and noted.

332. Representation on Suffolk County Council's Health Overview and Scrutiny Committee

The Council was asked to nominate one Member and one substitute Member to serve on the County's Health Overview and Scrutiny Committee.

Councillor Simon Cole advised that the Overview and Scrutiny Committee had, at their meeting on 7 June 2018, nominated Councillor John Bloodworth as the full Member and Councillor Christine Mason as the substitute Member for 2018/2019.

Councillor Cole then formally moved the recommendation of the Overview and Scrutiny Committee, this was duly seconded by Councillor Nigel Roman and with the vote being unanimous, it was

RESOLVED:

That Councillor John Bloodworth be nominated as the District Council's representative and Councillor Christine Mason as the nominated substitute Member on the Suffolk Health Overview and Scrutiny Committee for 2018/2019.

333. Questions to Chairmen of other Committees

There were no questions to Chairmen of other Committees.

334. Urgent Questions on Notice

There were no urgent questions on notice.

The meeting concluded at 6.54 pm

Signed by:

Chairman
