

# Joint Executive (Cabinet) Committee

<b>Title:</b>	<b>Agenda</b>	
<b>Date:</b>	<b>Tuesday 4 September 2018</b>	
<b>Time:</b>	<b>6.00 pm</b>	
<b>Venue:</b>	<b>Council Chamber District Offices</b> College Heath Road Mildenhall, IP28 7EY	
<b>Membership:</b>	<div><div><b>Chairman</b> James Waters</div><div><b>Vice-Chairman</b> John Griffiths</div></div>	
<u>Forest Heath DC</u>	<div><div><b>Councillor</b></div><div>David Bowman Ruth Bowman J.P. Andy Drummond Stephen Edwards Robin Millar</div></div>	<div><div><b>Portfolio</b></div><div>Operations Future Governance Leisure and Culture Resources and Performance Deputy Leader/Families and Communities</div></div>
	<div><div>Lance Stanbury James Waters</div></div>	<div><div>Planning and Growth Leader</div></div>
<u>St Edmundsbury BC</u>	<div><div>Carol Bull Robert Everitt John Griffiths Ian Houlder Sara Mildmay-White</div></div>	<div><div>Future Governance Families and Communities Leader Resources and Performance Deputy Leader/Housing/West Suffolk Lead for Housing</div></div>
	<div><div>Alaric Pugh Jo Rayner Peter Stevens</div></div>	<div><div>Planning and Growth Leisure and Culture Operations</div></div>
<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>	Six Members, to include at least three of the total number of Members of each Cabinet.	
<b>Committee administrator:</b>	<b>Sharon Turner</b> Democratic Services Officer <b>Tel:</b> 01638 719237 <b>Email:</b> <a href="mailto:sharon.turner@westsuffolk.gov.uk">sharon.turner@westsuffolk.gov.uk</a>	

# Public Information

Forest Heath & St Edmundsbury councils

## West Suffolk

working together

<b>Venue:</b>	<b>District Offices</b> <b>College Heath Road</b> Mildenhall Bury St Edmunds Suffolk IP28 7EY	Tel: 01638 719237 Email: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> Web: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a>
<b>Access to agenda and reports before the meeting:</b>	Copies of the agenda and reports are open for public inspection at the above and following address:  <b>West Suffolk House</b> Western Way Bury St Edmunds Suffolk IP33 3YU at least five clear days before the meeting. They are also available to view on our website.	
<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 Borough/District are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. 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>	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Committee Administrator who will be able to help you.	
<b>Induction loop:</b>	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.	
<b>Recording of meetings:</b>	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.	
<b>Personal Information</b>	Any personal information processed by Forest Heath District Council or St Edmundsbury Borough Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: <a href="https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm">https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm</a> or call Customer Services: 01284 763233 and ask to speak to the Data Protection Officer.	

# **Agenda**

## **Procedural Matters**

**1. Apologies for Absence**

**2. Minutes**

**1 - 10**

To confirm the minutes of the meeting held on 24 July 2018 (copy attached).

## **Part 1 - Public**

**3. Open Forum**

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

**4. Public Participation**

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

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

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

**5. Reports of the Performance and Audit Scrutiny Committees**

**(a) Forest Heath and St Edmundsbury (Informal Joint) Performance and Audit Scrutiny Committee's: 25 July 2018**

**11 - 16**

Report No: **CAB/JT/18/022**

Portfolio Holders: FHDC Cllr Stephen Edwards and SEBC Cllr Ian Houlder

Chairmen of the Committee's: FHDC Cllr Louis Busuttil and SEBC Cllr

Sarah Broughton

Lead Officer: Christine Brain

- (b) Forest Heath Performance and Audit Scrutiny Committee: 25 July 2018** **17 - 22**

**Report No: CAB/JT/18/023**

Portfolio Holder: FHDC Cllr Stephen Edwards

Chairman of the Committee: FHDC Cllr Louis Busuttil

Lead Officer: Christine Brain

- (c) St Edmundsbury Performance and Audit Scrutiny Committee: 25 July 2018** **23 - 28**

**Report No: CAB/JT/18/024**

Portfolio Holder: SEBC Cllr Ian Houlder

Chairman of the Committee: SEBC Cllr Sarah Broughton

Lead Officer: Christine Brain

NON-KEY DECISIONS

- 6. Recommendations of the Forest Heath Performance and Audit Scrutiny Committee: 25 July 2018 - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April to 30 June 2018)** **29 - 32**

**Report No: CAB/JT/18/025**

Portfolio Holder: FHDC Cllr Stephen Edwards

Chairman of the Committee: FHDC Cllr Louis Busuttil

Lead Officer: Rachael Mann

- 7. Recommendations of the St Edmundsbury Performance and Audit Scrutiny Committee: 25 July 2018 - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April to 30 June 2018)** **33 - 36**

**Report No: CAB/JT/18/026**

Portfolio Holder: SEBC Cllr Ian Houlder

Chairman of the Committee: SEBC Cllr Sarah Broughton

Lead Officer: Rachael Mann

- 8. Mildenhall Hub** **37 - 40**

**Report No: CAB/JT/18/027**

Portfolio Holder: FHDC Cllr James Waters

Lead Officer: Alex Wilson

- 9. Habitats Regulations Assessment (HRA) Report** **41 - 62**

**Report No: CAB/JT/18/028**

Portfolio Holder: FHDC Cllr Lance Stanbury

Lead Officer: Marie Smith

**10. Suffolk 100% Business Rates Retention Pilot - West Suffolk Place Based Projects Update**

63 - 72

Report No: **CAB/JT/18/029**

Portfolio Holders: FHDC Cllr James Waters and SEBC Cllr John Griffiths;  
FHDC Cllr Stephen Edwards and SEBC Cllr Ian Holder

Lead Officer: Rachael Mann

**11. Exemption to Contract Procedure Rules: Compactors for West Suffolk Hospital Waste Contract**

Portfolio Holders: FHDC Cllr David Bowman and SEBC Cllr Peter Stevens  
Lead Officer: Mark Walsh

Summary and Reason for Recommendation:

**Purchase of three portable waste compaction machines**

Section 4.3 of the West Suffolk Contract Procedure Rules state that: Between £50,001 and the EU Threshold any exemption must be approved by the Officer and the relevant Assistant Director in consultation with the Assistant Director for Resources and Performance. The Officer must produce evidence to support the request for any exemption and the relevant Assistant Director shall prepare a report for the next Cabinet to support the action taken, hence this agenda item.

The exemption, which was exercised on 30 July 2018, the reason for it (together with support evidence) has been be forwarded to the Assistant Director for Resources and Performance for approval.

The West Suffolk Councils have been successful in their bid to provide West Suffolk Hospital Trust with waste disposal services in a bespoke operation. Due to the short lead time between award of contract and commencement of operations, there was insufficient time to run the specified procurement process. An expeditious informal quotation exercise has been carried out to establish the best value option for the Council.

Three portable waste compaction machines have been purchased from supplier, Enviro-Tek Limited. This supplier was chosen on the basis of cost and their ability to provide the requisite number of machines in the timeframe necessary to commence servicing the contract. An evaluation has been undertaken based on information sourced from four suppliers taking into account not only the purchase price but ongoing service costs. The compactors will remain the property of the Council and their cost will be recovered from the customer through a hire charge over the lifetime of the contract (three years with an option to extend by a further two).

The estimated total value of the exemption is £68,000 and was made under the following exemption criteria, as stated in Section 4.5 of the Contract Procedure Rules:

<b>Exemption category</b>	
<i>The items to be supplied consist of goods or services</i>	The machines will provide the Trust with their own type

<i>which are currently in use and are required for the purposes of standardisation.</i>	specification and will be replacing the existing machines currently on site.
<i>The specialised nature of the goods, services to supplied or the works to be executed means that only one suitable supplier has been identified or is available.</i>	This is partly correct in so much that the supplier has been selected based on their ability to supply the appropriate machines in the limited timescale available to the Councils and also the price has been taken into consideration.
<i>Unforeseen works where delay will adversely impact on the service delivery for the Councils.</i>	This is correct in so much as inability to mobilise for a new contract.

Recommendation:

The Joint Executive (Cabinet) Committee is requested to **NOTE** this exemption to the West Suffolk Contract Procedure Rules, as contained in FHDC's and SEBC's Constitutions.

## **12. Forest Heath and St Edmundsbury Decisions Plans**

### **(a) Forest Heath Decisions Plan: 1 September 2018 to 31 March 2019 73 - 88**

To consider the most recently published version of Forest Heath's Cabinet Decisions Plan.

Report No: **CAB/JT/18/030**  
Portfolio Holder: FHDC Cllr James Waters  
Lead Officer: Ian Gallin

### **(b) St Edmundsbury Decisions Plan: 1 September 2018 to 31 March 2019 89 - 104**

To consider the most recently published version of St Edmundsbury's Cabinet Decisions Plan.

Report No: **CAB/JT/18/031**  
Portfolio Holder: SEBC Cllr John Griffiths  
Lead Officer: Ian Gallin

## **Part 2 – Exempt**

## **13. Exclusion of the Public and Press**

To consider whether the press and public should 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 item, 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.

**14. Mildenhall Hub (para 3)**

**105 - 114**

**Exempt Appendix to Report No: CAB/JT/18/027**

Portfolio Holder: FHDC Cllr James Waters

Lead Officer: Alex Wilson

*(This exempt Appendix is to be considered in private under paragraph 3 of Schedule 12A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information))*

*(No representations had been received from members of the public regarding this item being held in private)*

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# Joint Executive (Cabinet) Committee



**Minutes** of a meeting of the **Joint Executive (Cabinet) Committee** held on **Tuesday 24 July 2018 at 6.00 pm** in the **Conference Chamber West, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

**Chairman** John Griffiths (SEBC Leader of the Council)  
**Vice Chairman** James Waters (FHDC Leader of the Council)

**Forest Heath DC:**

David Bowman  
Andy Drummond  
Stephen Edwards  
Robin Millar

**St Edmundsbury BC:**

Carol Bull  
Robert Everitt  
Ian Houlder  
Sara Mildmay-White  
Alaric Pugh  
Joanna Rayner

**By Invitation:**

Simon Cole

(Chairman of FHDC Overview and Scrutiny Committee)

Diane Hind

(Chairman of SEBC Overview and Scrutiny Committee)

**In attendance:**

Susan Glossop

(SEBC Member)

**17. Apologies for Absence**

Apologies for absence had been received from Councillors Ruth Bowman, Lance Stanbury and Peter Stevens.

**18. Minutes**

The minutes of the meeting held on 25 June 2018 were confirmed as a correct record and signed by the Chairman.

## 19. **Open Forum**

In response to questions from SEBC Councillor Diane Hind, the Joint Committee was informed that:

- (a) whilst not the only authority with issues, the Customer Services and Housing Options teams were working with Anglia Revenues Partnership (ARP) to establish the difficulties being experienced by Universal Credit claimants since the roll-out of SEBC's live operation of the full service. The Director explained that she would provide an update on progress following discussions with the teams and ARP; and
- (b) the West Suffolk Councils worked closely with Suffolk County Highways and the Police to ensure abandoned vehicles were removed as quickly as possible and enforcement action taken, as appropriate.

## 20. **Public Participation**

No members of the public in attendance had registered to speak.

## 21. **Reports of the Overview and Scrutiny Committees**

The reports of the SEBC and FHDC Overview and Scrutiny Committees were received and noted as contained in minutes 21(a) and 21(b) below.

### (a) **St Edmundsbury Overview and Scrutiny Committee: 11 July 2018 (Report No: CAB/JT/18/014)**

The Joint Committee received and noted the above report, which informed Members of the following substantive items discussed by SEBC's Overview and Scrutiny Committee on 11 July 2018:

- (1) Haverhill Research Park;
- (2) Annual Presentation by the Cabinet Member for Housing;
- (3) Decisions Plan: 1 July 2018 to 31 March 2019;
- (4) Shadow Executive (Cabinet) Decisions Plan: 1 July 2018 to 31 March 2019; and
- (5) Work Programme.

Councillor Diane Hund, Chairman of SEBC's Overview and Scrutiny Committee drew relevant issues to the attention of the Joint Committee.

### (b) **Forest Heath Overview and Scrutiny Committee: 12 July 2018 (Report No: CAB/JT/18/004)**

The Joint Committee received and noted the above report, which informed Members of the following substantive items discussed by FHDC's Overview and Scrutiny Committee on 12 July 2018:

- (1) Annual Presentation by the Lead Cabinet Member for Housing;
- (2) Evaluation of the Families and Communities Approach;
- (3) Annual Presentation by the Cabinet Member for Families and Communities;

- (4) Decisions Plan: 1 July 2018 to 31 March 2019
- (5) Shadow Executive (Cabinet) Decisions Plan: 1 July 2018 to 31 March 2019
- (6) Work Programme.

Councillor Simon Cole, Chairman of FHDC's Overview and Scrutiny (O&S) Committee drew relevant issues to the attention of the Joint Committee. Attention was particularly drawn to (2) above and how the Committee had held a thorough discussion on evaluating the Families and Communities (F&C) approach and whether it was making a difference to communities and residents. It had been acknowledged by the O&S Committee that it was difficult to score, measure and evaluate using traditional methods; however the Committee considered that the Councils should continue to refine the evaluation approach and develop the methods and ethos applied. It was anticipated that this work would be embedded within the Councils' F&C Strategy, a revised version of which would come forward for consideration by the Joint Executive (Cabinet) Committee in due course.

The Joint Committee commended the O&S Committee for its scrutiny of this extremely important area of the Councils' work.

22. **Report of the Anglia Revenues and Benefits Partnership Joint Committee: 26 June 2018 (Report No: CAB/JT/18/016)**

The Joint Committee received and noted the above report, which informed Members of the following substantive items discussed by the Anglia Revenues and Benefits Partnership (ARP) Joint Committee on 26 June 2018:

- (1) Highlight Report, Balance Scorecards and Finance Report;
- (2) Welfare Reform Update;
- (3) Joint Committee Update – New Councils' Status;
- (4) Summary of 2017/18 Internal Audit Reviews of Anglia Revenues Partnership (ARP) for Joint Committee; and
- (5) Forthcoming Issues.

Councillors Stephen Edwards and Ian Houlder, FHDC and SEBC Portfolio Holders for Resources and Performance respectively, drew relevant issues to the attention of the Joint Executive (Cabinet) Committee.

23. **Newmarket Neighbourhood Plan: Pre-Submission Consultation (Report No: CAB/JT/18/017)**

*(Councillor Andy Drummond declared a local non-pecuniary interest as a member of the Newmarket Neighbourhood Plan Steering Group. He remained in the meeting but did not vote.)*

The Joint Committee considered the above report, which sought approval for proposed consultation responses to the Pre-Submission Consultation Draft Newmarket Neighbourhood Plan.

Members noted the background to the development of the Newmarket Neighbourhood Plan (pre-submission version), and the actions and conditions that must be undertaken / met before the Plan proposal could be "made"

(adopted) to become part of the Forest Heath District Council (or West Suffolk after April 2019) statutory development plan. Together with meeting the basic conditions of neighbourhood planning, as summarised in paragraph 1.2.1 of the report, the Neighbourhood Plan needed a designated area, and was required to successfully progress through Pre-submission, Submission, Examination and Referendum stages and adhere to the findings of the independent Examiner's report on the Plan.

The Newmarket Neighbourhood Plan (NNP), which was being developed by Newmarket Town Council (NTC), had reached Pre-Submission stage. Whilst significant progress had been made by NTC in refining the NNP, concerns had been raised by officers regarding policy content, wording, mapping and whether some of the policies and proposals were based on robust evidence that would stand the test of Examination.

In the absence of Councillor Lance Stanbury, FHDC Portfolio Holder for Planning and Growth, Councillor Alaric Pugh, SEBC Portfolio Holder for Planning and Growth, drew relevant issues to the attention of the Joint Committee, including that whilst it was acknowledged that a significant amount of work had been undertaken by NTC and its partners to reach this point which was to be commended, the advice of the officers contained in both Appendix B (Planning Policy team) and Appendix C (other services affected by the NNP's proposals) should be taken on board. He highlighted issues that would need addressing, as set out in Appendices B and C, and explained that NTC would need to consider all responses to the Pre-Submission consultation, make any amendments they considered appropriate, and submit the revised Neighbourhood Plan (Submission version) to Forest Heath District Council (FHDC) as Local Planning Authority for assessment. A formal six week consultation would then take place on this version before progression to the Examination stage could be made.

Councillor Pugh added that the new National Planning Policy Framework (NPPF) had been published that day and would therefore need to be assessed to ascertain whether any revisions to the NPPF would necessitate amendments to the Council's proposed consultation responses (Appendices B and C) accordingly. These revisions, if required, could be taken under delegated authority, as set out in Recommendation (2).

Members also noted potential timetabling issues in relation to the NNP proposal progressing through to the Examination, Referendum and "Making" stages as there were potential implications if these were to coincide with the timing of the district/borough/town/parish elections in May 2019. NTC would therefore be urged to submit the Submission version of the NNP to FHDC either before or after the district/borough/town/parish pre-election (purdah) period.

The Joint Committee considered the consultation responses contained in Appendices B and C were acceptable for submission to NTC, subject to the final wording being agreed under delegated authority.

**RESOLVED:**

That:

- (1) the content of the Pre- Submission Consultation Draft Newmarket Neighbourhood Plan as attached at Appendix A to Report No: CAB/JT/18/017, be noted; and
- (2) the Planning Policy response to the Pre-Submission Consultation Draft Newmarket Neighbourhood Plan, as attached at Appendix B and the Corporate Response at Appendix C to Report No: CAB/JT/18/017, be endorsed to form the basis of a submission to Newmarket Town Council.

The approval of the final wording be delegated to the Assistant Director (Growth) and the Service Manager (Strategic Planning).

**24. Single Council Preparations: Approval to Consult on Harmonised Regulation and Licensing Policies (Report No: CAB/JT/18/018 and Addendum)**

The Joint Committee considered the above report, which sought approval for a proposed approach for consulting on licensing and regulation policies to be harmonised in preparation for the creation of West Suffolk Council.

As Forest Heath District and St Edmundsbury Borough Councils moved towards the creation of a single council for West Suffolk from 1 April 2019, it was acknowledged that in respect of Licensing and Regulatory services, new West Suffolk policies needed to be in place that reflected the purpose of regulation in protecting the public, regulating business activity and enabling growth.

Updating the policy framework was a matter for the Shadow Authority and its Executive, and in this case, taking advice from the Licensing and Regulatory Committee and officers. The approach to the review took into account the principles set out in the adopted Single Council Implementation Plan developed for that purpose. Specifically, these principles set certain parameters, as summarised in paragraph 1.1.2 of the report.

The report detailed the proposed approach to policy harmonisation, including that some policies:

- (a) were already harmonised but required decisions for renewal;
- (b) required harmonisation decisions to be made for the Planning and Regulatory Service;
- (c) were already harmonised and would only be subject to minor amendment and were anticipated to be 'rolled forward' to West Suffolk Council; and
- (d) other additional planning and regulatory publications and decisions required for 2018/19 in the normal course of business as they were due for renewal.

These policies referred to above were listed in the report accordingly.

The policy areas and proposed approach to harmonisation listed in Section 1.1.7 of the report were for specific consideration at this meeting. Consultation on each of the proposed approaches would be undertaken with stakeholders and interested parties accordingly, details of which was provided in Section 2 of the report.

Councillor Alaric Pugh, SEBC Portfolio Holder for Planning and Growth drew relevant issues to the attention of the Joint Committee, including that an addendum to Report No: CAB/JT/18/018 had been previously circulated which provided further information on exploring the scope for retaining existing hackney carriage licensing zones. However, whilst a different approach was proposed in this addendum, this had not affected the proposal to still undertake the original consultation process on taxi policy transition options, as proposed in the original report.

In response to a question, the Joint Committee was informed that the mandatory training for existing and new taxi drivers was working well and was already incorporated into a harmonised policy and therefore would be 'rolled forward' to West Suffolk Council, as referred to in (c) above.

The Joint Committee was supportive of the proposed approaches for consultation on the various policies detailed in the report, including the different consultation approach on taxi policy transition options, as set out in the addendum.

**RESOLVED:**

That:

- (1) the proposed approach for consultation on the following policies, as set out in Report No: CAB/JT/18/018, be agreed:
  - (a) Taxi policy
  - (b) Street Trading and Vending policy
  - (c) Enforcement policy; and
- (2) the FHDC Portfolio Holder for Planning and Growth be asked to take decisions on undertaking the following consultations under their existing delegated authority:
  - (a) Statement of Licensing Policy; and
  - (b) Newmarket Cumulative Impact Area.

In addition, and following the consideration of an addendum to the original Report No: CAB/JT/18/018, which necessitated consideration of issues relating to exploring the scope for retaining existing Hackney Carriage licensing zones, the following decisions have also been made to clarify the process that will be undertaken:

**RESOLVED:**

That:

- (3) it be noted that officers are exploring the necessity to combine the hackney carriage licensing areas of Forest Heath and St Edmundsbury for the new single West Suffolk Council;
- (4) it be noted that, as resolved in (1) above, the recommendation set out in the original Report No: CAB/JT/18/018, which seeks to undertake consultation on taxi policy transition options, continues as proposed; and
- (5) the current approach for the taxi policy transition consultation, as outlined in paragraphs 1.6 and 1.7 of the Addendum to Report No: CAB/JT/18/018, be agreed.

**25. Forest Heath and St Edmundsbury Decisions Plans**

The Forest Heath and St Edmundsbury Decisions Plans were received and noted as contained in minutes 25(a) and 25(b) below.

**(a) Forest Heath Decisions Plan: 1 July 2018 to 31 March 2019 (Report No: CAB/JT/18/019)**

The Joint Committee received the above report, which was Forest Heath District Council's (FHDC) Executive Decisions Plan covering the period 1 July 2018 to 31 March 2019.

Members took the opportunity to review the intended forthcoming decisions of FHDC's Cabinet, its Joint Committees, Portfolio Holders and Officers under delegated authority; however, no further information or amendments were required on this occasion.

**(b) St Edmundsbury Decisions Plan: 1 July 2018 to 31 March 2019 (Report No: CAB/JT/18/020)**

The Joint Committee received the above report, which was St Edmundsbury Borough Council's (SEBC) Executive Decisions Plan covering the period 1 July 2018 to 31 March 2019.

Members took the opportunity to review the intended forthcoming decisions of SEBC's Cabinet, its Joint Committees, Portfolio Holders and Officers under delegated authority; however, no further information or amendments were required on this occasion.

**26. Forest Heath and St Edmundsbury Revenues Collection Performance and Write-Offs (Report No: CAB/JT/18/021 and Exempt Appendices)**

The Joint Committee considered the above report, which provided the collection data in respect of Council Tax and National Non-Domestic Rates for both Forest Heath District Council (FHDC and St Edmundsbury Borough

Council (SEBC) and sought approval for the write-off of FHDC and SEBC debts as contained in the Exempt Appendices.

The Chairman explained that whilst each Cabinet was familiar with the format for presenting the quarterly write-off reports to each authority, this was the first occasion that both FHDC's and SEBC's proposed write-offs were contained in a combined report. The write-offs themselves were however, listed separately in the Exempt Appendices to ensure the distinction between the two authorities remained clear.

Councillors Ian Houlder and Stephen Edwards, SEBC and FHDC Portfolio Holders for Resources and Performance respectively, drew relevant issues to the attention of the Joint Committee, including the current collection performances of each authority, as set out in Section 3 of the report.

Following a brief discussion, Members considered that further detailed discussion on specific elements of the Exempt Appendices was required in private session.

**27. Exclusion of Public and Press**

As discussion was required on specific elements of the Exempt Appendices attached to Report No: CAB/JT/18/021, it was proposed, seconded and

**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 item, 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 the item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

*(Councillors Simon Cole and Alaric Pugh left the meeting before discussion was held in private session.)*

**28. Exempt Appendices: FHDC and SEBC Revenues Collection and Performance Write-Offs (paras 1 and 2)**

The Joint Committee considered the Exempt Appendices attached to Report No: CAB/JT/18/021.

Together with raising specific questions regarding the amounts proposed to be written off, clarification was sought on the reasons given for writing off the debt and whether further detail could be given in future reports. This would be fed back to the Anglia Revenues and Benefits Partnership accordingly.



**RESOLVED:**

That the write-off of the amounts detailed in the exempt appendices to Report No: CAB/JT/18/021, be approved, as follows:

- (1) Exempt Appendix 1: FHDC Council Tax totalling £9,602.00
- (2) Exempt Appendix 2: SEBC Council Tax totalling £29,404.88
- (3) Exempt Appendix 3: FHDC Business Rates totalling £56,255.40
- (4) Exempt Appendix 4: SEBC Business Rates totalling £41,225.83
- (5) Exempt Appendix 5: SEBC Sundry Debt totalling £2,917.08

The meeting concluded at 6.49 pm

**Signed by:**

**Chairman**

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# Joint Executive (Cabinet) Committee



*St Edmundsbury*  
BOROUGH COUNCIL



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Report of the (Informal Joint) Performance and Audit Scrutiny Committee's: 25 July 2018</b>	
<b>Report No:</b>	<b>CAB/JT/18/022</b>	
<b>Report to and date:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
<b>Portfolio holders:</b> <b>(St Edmundsbury)</b>	Councillor Ian Houlder Portfolio Holder for Resources and Performance <b>Tel:</b> 07970 729435 <b>Email:</b> <a href="mailto:ian.houlder@stedsbc.gov.uk">ian.houlder@stedsbc.gov.uk</a>	
<b>(Forest Heath)</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>Chairmen of the Committee's:</b> <b>(St Edmundsbury)</b>	Councillor Sarah Broughton Performance and Audit Scrutiny Committee <b>Tel:</b> 01284 787327 <b>Email:</b> <a href="mailto:sarah.broughton@stedsbc.gov.uk">sarah.broughton@stedsbc.gov.uk</a>	
<b>(Forest Heath)</b>	Councillor Louis Busuttil 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>	<p>On 25 July 2018, St Edmundsbury Borough Council's and Forest Heath District Council's Performance and Audit Scrutiny Committee's held an informal joint meeting together, and <u>considered the following items jointly:</u></p> <ol style="list-style-type: none"> <li>(1) 2018-2019 Performance Report – Quarter 1;</li> <li>(2) West Suffolk Strategic Risk Register Monitoring Report – June 2018;</li> <li>(3) Work Programme Update;</li> <li>(4) Approach to Delivering a Sustainable West Suffolk Budget 2019-2020 and Medium Term Plan; and</li> <li>(5) Appointment of Auditors for West Suffolk Council.</li> </ol> <p>Items <b>(4)</b> and <b>(5)</b> above will be considered by the Shadow Executive (Cabinet), at its meeting on 18 September 2018.</p>
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that Report No: CAB/JT/18/022, being the report for both St Edmundsbury Borough Council's and Forest Heath District Council's Performance and Audit Scrutiny Committee's, be noted.</b>
<b>Key Decision:</b>	No, it is not a Key Decision - <input checked="" type="checkbox"/> Report for information only.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>See reports listed 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>	
Are there any <b>financial</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
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"/> Please see background papers.
Are there any <b>equality</b> implications? <i>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>	All Wards
<b>Background papers:</b>	Please see background papers, which are listed at the end of the report.
<b>Documents attached:</b>	None

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

**1.1 2018-2019 Performance Report – Quarter 1 (Report Nos: PAS/SE/18/021 and PAS/FH/18/020)**

1.1.1 The Committees received and **noted** the above reports, which set out the performance for the first quarter and forecasted financial outturn position for 2018-2019.

1.1.2 In previous years Performance Indicators and Budget Monitoring figures were reported separately. It was now the intention to combine these reports in order to give a clearer indications of the councils' overall performance.

1.1.2 This report showed the current Performance Indicators for the first quarter of 2018-2019, as set out in the following appendices, attached to the report:

Appendix A: 2018-2019 Performance Indicators, Commentary;  
Appendices B to E: Performance Indicators by Strategic Priority;  
Appendices F to J: Financial Performance for Forest Heath District Council  
Appendices K to O: Financial Performance for St Edmundsbury Borough Council.

1.1.3 Each Assistant Director then presented their performance indicators, set out either in the commentary section or Appendices A to E, and highlighted key areas for the Committees attention.

1.1.3 The Committees considered the report in detail and asked questions of the Assistant Directors on their indicators, to which comprehensive responses were provided. Discussions were held on the update of pre-planning advice and how it was promoted to developers/agents; the resolution of noise complaints and what the breakdown of the various noise nuisances were and temporary housing accommodation. In particular discussions were held on:

**Appendix B** – (G5 - % of business and residents with high speed broadband)

**Appendix C** – (F6 – residual household waste per household (kg))

**Appendix M** – Bury Christmas Fayre (predicted overspend arising from additional security)

**Appendix M** – Off Street Car Parking (car parking income currently expected to fall short of budget levels)

**1.2 West Suffolk Strategic Risk Register Monitoring Report – June 2018 (Report Nos: PAS/SE/18/022 and PAS/FH/18/021)**

1.2.1 The Committees received and **noted** the first 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 June 2018 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 Strategic Risk Register (Appendix 1 to Report No: PAS/SE/18/022 and PAS/FH/18/021).

- 1.2.2 Some individual controls or actions had been updated and those that were not ongoing and had been completed by June 2018 had been removed from the register.
- 1.2.3 There had been no major amendments made to any existing risks since the Strategic Risk Register was last reported to the Committee. Also no existing risks had been closed since the Register was last reported to the Committee.
- 1.2.4 Members considered the report and did not raise any issues for the attention of the Joint Executive (Cabinet) Committee.
- 1.3 **Work Programme Update Report Nos: PAS/SE/18/023 and PAS/FH/18/022)**
- 1.3.1 The Committee's received and **noted** the above reports, which provided information on the current status of its forward work programme for 2018-2019.

## **2. Background Papers**

- 2.1.1 Report No: [PAS/SE/18/021](#) and [PAS/FH/18/020](#) to the Performance and Audit Scrutiny Committees: 2018-2019 Performance Report – Quarter 1
- 2.1.2 Report No: [PAS/SE/18/022](#) and [PAS/FH/18/021](#) and [Appendix 1](#) to the Performance and Audit Scrutiny Committees: West Suffolk Strategic Risk Register Monitoring Report – June 2018
- 2.1.3 Report No: [PAS/SE/18/023](#) and [PAS/FH/18/022](#) to the Performance and Audit Scrutiny Committees: Work Programme Update

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# Joint Executive (Cabinet) Committee



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Report of the Performance and Audit Scrutiny Committee: 25 July 2018</b>	
<b>Report No:</b>	<b>CAB/JT/18/023</b>	
<b>Report to and date:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 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 25 July 2018, the Performance and Audit Scrutiny Committee considered the following items:  (1) Ernst and Young – Presentation of 2017-2018 ISA 260 Annual Results Report to those Charged with Governance;  (2) West Suffolk Annual Governance Statement 2017-2018;  (3) 2017-2018 Statement of Accounts;  (4) Annual Treasury Management Report 2017-2018 and Investment Activity (April – June 2018)	

	A separate report is included on this Joint Executive (Cabinet) Committee agenda for Item <b>(4)</b> above.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that Report No: CAB/JT/18/023, being the report of the Performance and Audit Scrutiny Committee, be noted.</b>	
<b>Key Decision:</b>	No, it is not a Key Decision - <input checked="" type="checkbox"/> Report for information only.	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• See reports listed 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>		
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
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"/> Please see background papers.
Are there any <b>equality</b> implications? <i>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>		All Wards
<b>Background papers:</b>		Please see background papers, which are listed at the end of the report.
<b>Documents attached:</b>		None

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

### **1.1 Ernst and Young – Presentation of 2017-2018 ISA 260 Annual Results Report to those Charged with Governance (Report No: PAS/FH/18/025)**

- 1.1.1 Prior to the consideration of the 2017-2018 Statement of Accounts, the Committee received a presentation from Mark Hodgson (Associate Partner) and Mark Russell (Manager) from Ernst and Young (EY) on the results of EY's work to date. A copy of the Audit Results Report was attached as Appendix A. Attached at Appendix B, was a Letter of Representation on behalf of the Council in connection with the audit and financial statement for the year ended 31 March 2018.
- 1.1.2 Mr Hodgson confirmed that all work on the audit of the Council's 2017-2018 financial statements had been concluded and no further errors had been identified. EY issued an unqualified opinion and certificate on 25 July 2018, stating the Council had proper arrangements in securing economy, efficiency and effectiveness in its use of resources. He thanked the Assistant Director (Resources and Performance) and her team who had been instrumental in making this a very smooth audit for EY, as this was the first year of the accelerated closure of accounts.
- 1.1.3 He drew the Committee's attention to a couple of key areas contained within Appendix A. Members then asked questions in relation to the report to which Mr Hodgson duly responded.
- 1.1.4 The Committee **noted** the unqualified opinion of the Financial Statements for 2017-2018, and the Value for Money Conclusions, stating that the Council had proper arrangements in securing economy, efficiency and effectiveness in the use of resources (Appendix A), issued by the Auditor.
- 1.1.5 Following the resolution of the Committee, the Letter of Representation (Appendix B) on behalf of the Council was **approved**, before the Audit Director (EY) issued his opinion and conclusion, and the Chief Finance Officer in consultation with the Chairman of the Performance and Audit Scrutiny Committee, was given delegated authority to conclude the signing of the accounts.

### **1.2 West Suffolk Annual Governance Statement 2017-2018 (Report No: PAS/FH/18/026)**

- 1.2.1 The Committee received Report No PAS/FH/18/026, which sought members' approval of the draft West Suffolk Annual Governance Statement (AGS) 2017-2018, attached as Appendix A, which was produced following completion of the annual review of the council's governance arrangements.
- 1.2.2 The AGS is designed to provide stakeholders of the Council with the assurance that the Council, has operated within the law and the Council has met the requirements of the Accounts and Audit Regulations 2015.

- 1.2.3 The AGS was prepared by the Officer Governance Group and was presented as a joint statement for St Edmundsbury Borough Council and Forest Heath District Council to reflect both councils working together and sharing services across West Suffolk.
- 1.2.4 The Committee was informed that the report format of the AGS had slightly changed from previous years and was more streamlined.
- 1.2.5 The Committee considered the report and the AGS, and did not raise any issues.
- 1.2.6 Following the resolution, the AGS for 2017-2018, attached as Appendix A to Report No: PAS/FH/18/026 was **approved** for signing by the Chief Executive and the Leader of the Council.

1.3 **2017-2018 Statement of Accounts (Report No: PAS/FH/18/027)**

- 1.3.1 The Committee scrutinised the 2017-2018 Statement of Accounts as contained within Report No: PAS/FH/18/027. Approval was sought for the accounts attached as Appendix A, in accordance with the powers delegated to it under the Council's Constitution.
- 1.3.2 The attached Statement of Accounts (Appendix A) had been amended, as appropriate to take on board issues raised by the audit process up to the date of distribution.
- 1.3.3 The covering report summarised financial highlights 2017-2018; revenue and expenditure; capital expenditure; usable reserves; pensions fund; annual governance statement; and conclusions. The Assistant Director (Resources and Performance) then drew the Committee's attention to a couple of key areas set out in Appendix A.
- 1.3.4 The Committee scrutinised the draft accounts and asked questions on the CDCM maximum investment in overseas banks, and whether under "future assumptions" whether Barley Homes Group Limited should be included, to which officers duly responded. The Committee then **resolved**: That
  - 1) The 2017-2018 Statement of Accounts, attached as Appendix A to Report No: PAS/FH/18/027 be **approved**, in accordance with the powers delegated to it under the Council's Constitution.
  - 2) The Chairman of the Performance and Audit Scrutiny Committee signs the certification of the 2017-2018 Statement of Accounts on behalf of the Committee.
  - 3) The Chief Finance Officer, in accordance with the Portfolio Holder for Resources and Performance, be given delegated authority to make any presentational and non-material changes that may be required up to the date of publication.

## **2. Background Papers**

- 2.1.1 Report No: [PAS/FH/18/025](#) and [Appendix A](#) and [Appendix B](#) to the Performance and Audit Scrutiny Committee: Ernst and Young – Presentation of 2017-2018 ISA 260 Annual Governance Report to those Charged with Governance
- 2.1.2 Report No: [PAS/FH/18/026](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: West Suffolk Annual Governance Statement 2017-2018
- 2.1.3 Report No: [PAS/FH/18/027](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: 2017-2018 Statement of Accounts

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# Joint Executive (Cabinet) Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Report of the Performance and Audit Scrutiny Committee: 25 July 2018</b>	
<b>Report No:</b>	<b>CAB/JT/18/024</b>	
<b>Report to and date:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
<b>Portfolio holder:</b>	Councillor Ian Houlder Portfolio Holder for Resources and Performance <b>Tel:</b> 07970 729435 <b>Email:</b> <a href="mailto:ian.houlder@stedsbc.gov.uk">ian.houlder@stedsbc.gov.uk</a>	
<b>Chairman of the Committee:</b>	Councillor Sarah Broughton Chairman of the Performance and Audit Scrutiny Committee <b>Tel:</b> 01284 787327 <b>Email:</b> <a href="mailto:sarah.broughton@stedsbc.gov.uk">sarah.broughton@stedsbc.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 25 July 2018, the Performance and Audit Scrutiny Committee considered the following items:  (1) Ernst and Young – Presentation of 2017-2018 ISA 260 Annual Results Report to those Charged with Governance;  (2) West Suffolk Annual Governance Statement 2017-2018;  (3) 2017-2018 Statement of Accounts;	

	<p>(4) Annual Treasury Management Report 2017-2018 and Investment Activity (April – June 2018)</p> <p>A separate report is included on this Joint Executive (Cabinet) Committee agenda for Item <b>(4)</b> above.</p>
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that Report No: CAB/JT/18/024, being the report of the Performance and Audit Scrutiny Committee, be noted.</b>
<b>Key Decision:</b>	No, it is not a Key Decision - <input checked="" type="checkbox"/> Report for information only.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>See reports listed 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>	
Are there any <b>financial</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> Please see background papers.
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"/> Please see background papers.
Are there any <b>equality</b> implications? <i>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>	All Wards
<b>Background papers:</b>	Please see background papers, which are listed at the end of the report.
<b>Documents attached:</b>	None



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

**1.1 Ernst and Young – Presentation of 2017-2018 ISA 260 Annual Results Report to those Charged with Governance (Report No: PAS/SE/18/018)**

1.1.1 Prior to the consideration of the 2017-2018 Statement of Accounts, the Committee received a presentation from Mark Hodgson (Associate Partner) and Mark Russell (Manager) from Ernst and Young (EY) on the results of EY's work to date. A copy of the Audit Results Report was attached as Appendix A. Attached at Appendix B, was a Letter of Representation on behalf of the Council in connection with the audit and financial statement for the year ended 31 March 2018.

1.1.2 Mr Hodgson confirmed that all work on the audit of the Council's 2017-2018 financial statements had been concluded and no further errors had been identified. EY issued an unqualified opinion and certificate on 25 July 2018, stating the Council had proper arrangements in securing economy, efficiency and effectiveness in its use of resources. He thanked the Assistant Director (Resources and Performance) and her team who had been instrumental in making this a very smooth audit for EY, as this was the first year of the accelerated closure of accounts.

1.1.3 He drew the Committee's attention to a couple of key areas contained within Appendix A. Members then considered the report and did not raise any issues.

1.1.4 The Committee **noted** the unqualified opinion of the Financial Statements for 2017-2018, and the Value for Money Conclusions, stating that the Council had proper arrangements in securing economy, efficiency and effectiveness in the use of resources (Appendix A), issued by the Auditor.

1.1.5 Following the resolution of the Committee, the Letter of Representation (Appendix B) on behalf of the Council was **approved**, before the Audit Director (EY) issued his opinion and conclusion, and the Chief Finance Officer in consultation with the Chairman of the Performance and Audit Scrutiny Committee, was given delegated authority to conclude the signing of the accounts.

**1.2 West Suffolk Annual Governance Statement 2017-2018 (Report No: PAS/SE/18/019)**

1.2.1 The Committee received Report No PAS/SE/18/019, which sought members' approval of the draft West Suffolk Annual Governance Statement (AGS) 2017-2018, attached as Appendix A, which was produced following completion of the annual review of the council's governance arrangements.

1.2.2 The AGS is designed to provide stakeholders of the Council with the assurance that the Council, has operated within the law and the Council has met the requirements of the Accounts and Audit Regulations 2015

- 1.2.3 The AGS was prepared by the Officer Governance Group and was presented as a joint statement for St Edmundsbury Borough Council and Forest Heath District Council to reflect both councils working together and sharing services across West Suffolk.
- 1.2.4 The Committee was informed that the report format of the AGS had slightly changed from previous years and was more streamlined.
- 1.2.5 The Committee considered the report and the AGS, and did not raise any issues.
- 1.2.6 Following the resolution, the AGS for 2017-2018, attached as Appendix A to Report No: PAS/SE/18/019 was **approved** for signing by the Chief Executive and the Leader of the Council.

1.3 **2017-2018 Statement of Accounts (Report No: PAS/SE/18/020)**

- 1.3.1 The Committee scrutinised the 2017-2018 Statement of Accounts as contained within Report No: PAS/SE/18/020. Approval was sought for the accounts attached as Appendix A, in accordance with the powers delegated to it under the Council's Constitution.
- 1.3.2 The attached Statement of Accounts (Appendix A) had been amended, as appropriate to take on board issues raised by the audit process up to the date of distribution.
- 1.3.3 The covering report summarised financial highlights 2017-2018; revenue and expenditure; capital expenditure; usable reserves; pensions fund; annual governance statement; payments to councillors and conclusions. The Assistant Director (Resources and Performance) then drew the Committee's attention to a couple of key areas set out in Appendix A.
- 1.3.4 The Committee scrutinised the draft accounts and asked questions on the West Suffolk Operational Hub, in particular the cost split between the West Suffolk Councils and Suffolk County Council, to which officers duly responded. The Committee then **resolved**: That
  - 1) The 2017-2018 Statement of Accounts, attached as Appendix A to Report No: PAS/SE/18/020 be **approved**, in accordance with the powers delegated to it under the Council's Constitution.
  - 2) The Chairman of the Performance and Audit Scrutiny Committee signs the certification of the 2017-2018 Statement of Accounts on behalf of the Committee.
  - 3) The Chief Finance Officer, in accordance with the Portfolio Holder for Resources and Performance, be given delegated authority to make any presentational and non-material changes that may be required up to the date of publication.

## **2. Background Papers**

- 2.1.1 Report No: [PAS/SE/18/018](#) and [Appendix A](#) and [Appendix B](#) to the Performance and Audit Scrutiny Committee: Ernst and Young – Presentation of 2017-2018 ISA 260 Annual Governance Report to those Charged with Governance
- 2.1.2 Report No: [PAS/SE/18/019](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: West Suffolk Annual Governance Statement 2017-2018
- 2.1.3 Report No: [PAS/SE/18/020](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: 2017-2018 Statement of Accounts

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# Joint Executive (Cabinet) Committee



**Forest Heath**  
District Council

<b>Title of Report:</b>	<b>Recommendations of the Performance and Audit Scrutiny Committee – 25 July 2018: Annual Treasury Management Report 2016-2017 and Investment Activity (1 April – 30 June 2018)</b>	
<b>Report No:</b>	<b>CAB/JT/18/025</b>	
<b>Report to and dates:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
	<b>Council</b>	26 September 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>	Rachael Mann Assistant Director (Resources and Performance) <b>Tel:</b> 01638 719245 <b>Email:</b> <a href="mailto:rachael.mann@westsuffolk.gov.uk">rachael.mann@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	On 25 July 2018, the Performance and Audit Scrutiny Committee considered Report No: <a href="#">PAS/FH/18/028</a> , which provided information on the Council's Annual Treasury Management Report summarising the investments activities for the year 2017-2018; and provided a summary of the investment activities for the first three months of 2018-2019 financial year.	

<b>Recommendation:</b>	It is <b>RECOMMENDED</b> that, subject to the approval of Council, the Annual Treasury Management Report for 2017-2018, attached as Attachment 1 to Report No: PAS/FH/18/028, be <b>approved</b> .		
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>		
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>		
<b>Implications:</b>			
Are there any <b>financial</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>	
Are there any <b>staffing</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>	
Are there any <b>ICT</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>	
Are there any <b>legal and/or policy</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>	
Are there any <b>equality</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>See Report No: PAS/FH/18/028</li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
See Report No: PAS/FH/18/028			
<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>		Report No: <a href="#">PAS/FH/17/023</a> and <a href="#">Attachment 1</a> ; <a href="#">Appendix 1</a> ; <a href="#">Appendix 2</a> ; <a href="#">Appendix 3</a> ; <a href="#">Appendix 4</a> ; <a href="#">Appendix 5</a>	
<b>Documents attached:</b>		None	

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

### **1.1 Annual Treasury Management Report 2017-2018**

- 1.1.1 The Council's Annual Treasury Management Report for 2017-2018 was attached as Attachment 1 to Report No: PAS/FH/18/028. The report included tables summarising the interest earned during 2017-2018 on the various treasury management investments held by the Council; investment activity during the year and investments held as at 31 March 2018.
- 1.1.2 The budgeted income from investments in 2017-2018 was £181,000 (average rate of return of 0.75%). Interest actually earned during the year totalled £118,328, an under achievement in interest of £62,671. The under achievement was primarily due to reduced funds available for investment following the purchase of the Solar Farm at Toggam Farm. This, combined with the continuing low rates of return offered by our counterparties, has resulted in this under achievement.
- 1.1.3 The Performance and Audit Scrutiny Committee considered the report and did not raise any issues.

### **1.2 Investment Activity 1 April to 30 June 2018**

- 1.2.1 The total amount invested at 1 April 2018 was £16.005m and at 30 June 2018 £19.005m. The increase in balances over this period was due primarily to timing differences in respect of the collection of local taxes; Council Tax and Non-Domestic Rates, and the payment of precepts i.e. to Suffolk County Council, Suffolk Police and central government.
- 1.2.2 The 2018-2019 Annual Treasury Management and Investment Strategy (report PAS/FH/18/009 refers) sets out the Council's projections for the current financial year. The budget for investment income in 2018-2019 was £224,000 which was based on a 0.75% target average rate of return on investments.
- 1.2.3 As at the end of June 2018, interest actually earned during the first quarter of the financial year amounted to £29,440 against a profiled budget for the period of £42,250; a budget deficit of £56,000. The budget deficit was due to lower cash balances as a result of rephrasing of some income generating projects. These projects were budgeted to be funded through external borrowing which would have temporarily boosted the cash balances and resultant interest.
- 1.2.4 The 2018-2019 budget also included new assumptions on borrowing for capital projects included within. As at the end of Quarter 1, there has been no requirement to borrow externally over and above the £4.0m Barclays loan relating to the Newmarket Leisure Centre. Therefore, the only interest payable for Quarter 1 is the £169,600 relating to this.
- 1.2.5 The Performance and Audit Scrutiny Committee considered the report and Committee has put forward a recommendation as set out on page two of this report.

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# Joint Executive (Cabinet) Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Recommendation of the Performance and Audit Scrutiny Committee: 25 July 2018: Annual Treasury Management Report 2017/2018 and Investment Activity (1 April – 30 June 2018)</b>	
<b>Report No:</b>	<b>CAB/JT/18/026</b>	
<b>Report to and date:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
	<b>Council</b>	25 September 2018
<b>Portfolio holder:</b>	Councillor Ian Houlder Portfolio Holder for Resources and Performance <b>Tel:</b> 01284 810074 <b>Email:</b> <a href="mailto:ian.houlder@stedsbc.gov.uk">ian.houlder@stedsbc.gov.uk</a>	
<b>Chairman of the Committee:</b>	Councillor Sarah Broughton Chairman of the Performance and Audit Scrutiny Committee <b>Tel:</b> 01284 787327 <b>Email:</b> <a href="mailto:sarah.broughton@stedsbc.gov.uk">sarah.broughton@stedsbc.gov.uk</a>	
<b>Lead Officer:</b>	Rachael Mann Assistant Director (Resources and Performance) <b>Tel:</b> 01638 719245 <b>Email:</b> <a href="mailto:rachael.mann@westsuffolk.gov.uk">rachael.mann@westsuffolk.gov.uk</a>	

<b>Purpose of report:</b>	<p>On 25 July 2018, the Performance and Audit Scrutiny Committee considered Report No: <a href="#">TMS/SE/18/003</a>, <a href="#">Appendix 1</a> and <a href="#">Appendix 2</a>, which had been scrutinised by the Treasury Management Sub-Committee on 16 July 2018.</p> <p>The report provided information on the Council's Annual Treasury Management Report summarising the investment activities for the year 2017-2018; and provided a summary of investment activities for the first three months of 2018-2019 financial year.</p>		
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that, subject to the approval of Council, the Annual Treasury Management Report for 2017-2018, attached as Appendix 1 to Report No: TMS/SE/18/003, be approved.</b></p>		
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</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>		
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>See Report No: TMS/SE/18/003</li> </ul>		
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>See Report No: TMS/SE/18/003</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"/> • See Report No: TMS/SE/18/003	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: TMS/SE/18/003	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: TMS/SE/18/003	
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"/> • See Report No: TMS/SE/18/003	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: TMS/SE/18/003	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
See Report No: TMS/SE/18/003			
<b>Wards affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		Annual Treasury Management and Investment Strategy – 2017/18 <a href="#">(COU/SE/17/002)</a>  Annual Treasury Management and Investment Strategy Statements (report <a href="#">COU/SE/17/002</a> approved 21 February 2017)	
<b>Documents attached:</b>		None	

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

### **1.1 Key Issues**

- 1.1.1 Following the Treasury Management Sub-Committee's consideration of Report TMS/SE/18/003, the Service Manager (Finance and Performance) reported on the Sub-Committee's consideration of the report and recommendation.

### **1.2 Annual Treasury Management Report 2017-2018**

- 1.2.1 The Council's Annual Treasury Management Report for 2017-2018 was attached at Appendix 1 to Report No: TMS/SE/18/003. The report included tables which summarised the interest earned during 2017-2018 on the various treasury investments held by the Council; investment activity during the year and the investments held as at 31 March 2018.
- 1.2.2 The budgeted income from investments in 2017-2018 was £253,000 (average rate of return of 0.55%). Interest actually earned during the year totalled £292,825 (average rate of return of 0.571%); an over-achievement in interest of £39,825, and an over-achievement of 0.021% on average rate of return. This was primarily due to higher cash balances being held during the year than originally budgeted for.
- 1.2.3 The Sub-Committee had scrutinised the Annual Treasury Management Report 2017-2018 and asked questions of officers, as necessary. In particular discussions were held on the over-achievement in interest earned.

### **1.3 Investment Activity 1 April to 30 June 2018**

- 1.3.1 The total amount invested at 1 April 2018 was £36.35m and at 30 June 2018 £40.15m. The increase in balances over this period was due primarily to timing differences in respect of the collection of the local taxes; Council Tax and Non-Domestic Rates, and payments of precepts i.e. to Suffolk County Council, Suffolk Police and central government.
- 1.3.2 The 2018-2019 Annual Treasury Management and Investment Strategy sets out the Council's projections for the current financial year. The budget for investment income in 2018-2019 was £308,000, which was based on a 0.70% target interest rate of return on investments.
- 1.3.3 As at the end of June 2018, interest actually earned during the first quarter of the financial year amounted to £68,693 against a profiled budget for the period of £77,000; a budgetary deficit of £8,306. The budgetary deficit related to lower than anticipated interest rates offered by lenders.
- 1.3.4 The report also included for the first time, assumptions on borrowing for capital projects included within it. The borrowing was based around four specific projects as per their agreed business cases. The report included a summary of the capital borrowing budget for 2018-2019, and a summary of capital borrowing for quarter one – all of which was currently internally borrowed from the Councils overall cash balances. As at the end of quarter

one, there had been no requirement to borrow externally, therefore there was no interest payable in quarter one.

1.3.5 The Sub-Committee had scrutinised the Investment Activity for 1 April to 30 June 2018 and asked questions of officers as necessary. In particular discussions were held on the new section in the report on borrowing and capital financing costs. The Sub-Committee suggested including in future quarter reporting:

- Reference to total project costs
- The % rate of interest returned over the period of investment after borrowing to provide context to the investment decisions made.
- The Investing in our Growth Fund be split to show the various projects being funded from within.

1.3.6 The Performance and Audit Scrutiny Committee considered the report and has put forward a recommendation as set out on page two of this report.

# Joint Executive (Cabinet) Committee



<b>Title of Report:</b>	<b>Mildenhall Hub</b>	
<b>Report No:</b>	<b>CAB/JT/18/027</b>	
<b>Report to and dates:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
	<b>Forest Heath Council</b>	26 September 2018
<b>Portfolio Holder:</b>	Councillor James Waters Leader of Forest Heath District 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 officer:</b>	Alex Wilson Director <b>Tel:</b> 01284 757695 <b>Email:</b> <a href="mailto:alex.wilson@westsuffolk.gov.uk">alex.wilson@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To review the financial model for the Mildenhall Hub project before completion of the procurement of the main construction contract in Autumn 2018.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> to Council that:</b>  <b>(1) On the basis set out in the exempt Appendix to Report No: CAB/JT/18/027, 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</b>  <b>(2) The Council's Section 151 Officer make any necessary changes to the Council's prudential indicators as a result of recommendation (1) above.</b>	

<b>Key Decision:</b>	<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>	The prior development of the Hub project has been based on public, partner and stakeholder consultation. Public consultation has also taken place in early 2017 before the submission of a planning application (which will entail its own consultation). Councillors have been extensively involved in the decision-making process for the Hub (see background papers below).		
<b>Alternative option(s):</b>	The 2014 Hub business case examined over 10 different options		
<b>Implications of this report:</b>			
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"/> Signing of contracts with contractors.	
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.	
<b>Risk/opportunity assessment:</b>  <b><i>Please note: this is not a risk assessment for the Hub project as a whole, but for the subject matter of this report only</i></b>			<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
The Hub is unaffordable to FHDC and its taxpayers – either at the outset or due to budget changes during project delivery	Medium	Properly review and evaluate likely costs (including borrowing costs), with contingencies, and sources of funding through this report prior to award of contract.  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 outlined in this report.	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> <i>(all background papers are to be published on the website and a link included)</i>	<b>Hub papers</b> <ul style="list-style-type: none"> <li>• <a href="#">Council report – renewable technologies –July 2017</a></li> <li>• <a href="#">Cabinet/Council report – Hub Funding – 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>	<b>Exempt Appendix</b> – Mildenhall Hub: Review of Financial Model

- 1 The Mildenhall Hub received planning consent at the end of 2017. As previously reported, enabling packages for the Mildenhall Hub have started during the spring/summer to fulfil pre-commencement conditions.
- 2 Procurement of the main contractor has been carried out under the Suffolk Framework, which comprises four major building companies. Time has been taken under this process to prepare a fully developed technical and value-engineered design for the scheme with planning consent, as this will give much greater cost certainty with the contract, most likely under a fixed price arrangement. Work is expected to start shortly in Autumn 2018, with completion of the works in phases between Spring 2020 and Summer 2020, ready for the new school term in September 2020.
- 3 Before the Hub is occupied in 2020, a scheme of mitigating highways works must also be approved and implemented.
- 4 The Hub is a multi-partner project but Forest Heath is the largest single funder. For this reason, FHDC will hold the main contract with the selected builder and then have a separate legal agreement with the other partners to indemnify all parties, and manage recharges.
- 5 The timing of the process is such that, at the time of writing this report, the final cost plan is still under preparation, with market-testing of sub-contractor packages taking place and being appraised. However, it is intended that a cost plan will be available just before the Council meeting on 26 September 2018. It is also intended to appoint the selected contractor at the end of September 2018, so that they can mobilise for a start on site in October 2018. These timings are important to maintain the programme in relation to completing works in 2020 with still some contingency around the school opening date.
- 6 Clearly, the project not only affects the finances of third party organisations but the partners are also currently in a commercially sensitive process ahead of procurement finishing and contracts being signed. Therefore, a review of the financial model is contained in an exempt Appendix to this report. However, at this stage, there is no suggestion that the Council will need to change the net position for its spending on the project agreed in 2017 i.e. a small average annual revenue surplus of £28,750 over the funding period of the project. As such, financially, the project is still expected to deliver the objectives in its agreed business case. The contract price for the works will be available as public information once procurement is concluded.



# Joint Executive (Cabinet) Committee



<b>Title of Report:</b>	<b>Habitats Regulations Assessment (HRA) Report</b>	
<b>Report No:</b>	<b>CAB/JT/18/028</b>	
<b>Report to and dates:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
	<b>Forest Heath Council</b>	26 September 2018
<b>Portfolio holder:</b>	Councillor Lance Stanbury FHDC Portfolio Holder for Planning and Growth <b>Tel:</b> 07970 947704 <b>Email:</b> <a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Marie Smith Service Manager (Strategic Planning) <b>Tel:</b> 01638 719260 <b>Email:</b> <a href="mailto:marie.smith@westsuffolk.gov.uk">marie.smith@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To consider and recommend to Council, the procedural changes to the Habitats Regulations Assessment Report which supports the FHDC Local Plan. The changes are required following a new European Court legal ruling relating to the consideration of mitigation measures.	
<b>Recommendation:</b>	<b>Subject to the approval of Council, it is <u>RECOMMENDED</u>:</b>  <b>(1) That the Council as competent authority, to undertake an Appropriate Assessment.</b>  <b>(2) To confirm the procedural changes required following the European court ruling.</b>  <b>(3) To endorse the HRA Addendum to the HRAs of the Forest Heath SIR and SALP (modification stage) (June 2018); and</b>	

	<b>(4) That having regard to the HRA as a whole, the Council are satisfied that the FHDC Local Plan (SIR and SALP) will not have adverse effects on the integrity of any European site.</b>		
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
<b>Consultation:</b>	The HRA Addendum was subject to consultation.		
<b>Alternative option(s):</b>	None		
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> FHDC as the 'plan-making authority' is required to carry out a Habitats Regulations Assessment as required by The Conservation of Habitats and Species Regulations 2017.	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>		The Local Development Scheme includes a risk assessment of issues that could affect the Councils ability to deliver the Local Plan(s) in accordance with the programme. Actions to manage the risks have also been identified.	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Legal Challenge	High	As a measure of last resort anyone may issue a legal challenge within six week of adoption of the Local Plan. Officers will continue to seek to ensure that local plan documents are prepared within the legal framework in order to reduce the risk of successful legal challenge	Medium

		through retaining a planning solicitor and seeking feedback from the Planning Advisory Service through document preparation.	
<b>Ward(s) affected:</b>		All Wards in the Forest Heath District	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>Single Issue Review (CS SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution and Site Allocations Local Plan (Regulation 19) and supporting document and evidence base.</p> <p><a href="http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/forest-heath-local-plan.cfm">http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/forest-heath-local-plan.cfm</a></p>	
<b>Documents attached:</b>		Appendix 1 - Addendum to the HRAs of the Forest Heath SIR and SALP (Modification Stage) (June 2018)	

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

### **1.1 Background**

- 1.1.1 On 12 April 2018 the Court of Justice of the European Union issued a judgement in the People Over Wind & Peter Sweetman v Coillte Teoranta (Case C-323/17) that ruled the Habitats Directive “*must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site*”.
- 1.1.2 Prior to this judgment, case law in England and Wales had established that avoidance or reduction measures that form part of a proposal could be taken into account when considering whether the plan or project would be likely to have a significant effect on a European site. Although the Habitats Directive does not use the terminology of ‘screening’, it is a wide-spread practice (recognised by the CJEU in its judgment) to refer to the initial consideration of likely significant effects on a European site as the screening stage. If the risk of a significant effect could be excluded on the basis of objective information, there was no need to undertake an Appropriate Assessment (AA). Where such risks could not be excluded, the competent authority has to undertake AA and can only authorise the plan or project in question if satisfied that there will be no adverse effects on the integrity of the European site. Both at the screening stage and at the AA stage, the competent authority has to consider cumulative effects of the plan or project ‘in combination with’ any other relevant plan or project. Depending on the particular circumstances, a Habitats Regulations Assessment (HRA) might end at the screening stage or might include both a screening stage and an AA stage.
- 1.1.3 The implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering, at the screening stage, whether the plan or project is likely to have an adverse effect on a European Site. Such measures can, however, be brought into account at the AA stage, provided there is sufficient certainty about their effects and deliverability.

### **1.2 HRA of the Single Issue Review (SIR) and Site Allocations Local Plan (SALP)**

- 1.2.1 When preparing its Local Plan, including the Single Issue Review (SIR) and Site Allocations Local Plan (SALP), FHDC as the ‘plan-making authority’ is required to carry out a Habitats Regulations Assessment as required by The Conservation of Habitats and Species Regulations 2017. The Regulations transpose the Habitats Directive, Council Directive 92/43/EEC, into national law. HRA refers to the assessment of the potential effects of a development plan on one or more European sites and embraces both the screening stage and the AA stage, as appropriate, depending on the particular circumstances.

- 1.2.2 The HRA work that supported the SIR and the SALP reflected the approach that had been endorsed by the UK domestic courts and so had taken into account mitigation measures when determining whether potential adverse effects on the relevant European sites could be 'screened out' at the initial stage as having no likely significant effects on those sites. Following the CJEU judgment, this work was then carefully reviewed in the HRA Addendum (June 2018) produced by the Council's consultants and attached at Appendix 1.
- 1.2.3 The review process is explained at para 2.1 of the HRA Addendum. Three circumstances were distinguished:
- Where the plan or its allocations would have a likely significant effect so that an 'appropriate assessment' had already been undertaken of those effects: no further action required;
  - Where there are no pathways for the plan or its allocations to cause any likely significant effects: no further action required;
  - Where reliance had been placed on avoidance or reduction measures to support a conclusion of no likely significant effects: action is required to amend the HRA in line with the CJEU judgment.
- 1.2.4 The action taken in that third circumstance was to revise the HRA screening in line with the methodology required by the CJEU judgment so that mitigation measures were disregarded at the screening stage. Any required Appropriate Assessment has been carried out, and consideration has been given to whether the Appropriate Assessment necessitates any main modifications to the plan (SIR and SALP), in the light of the avoidance and reduction measures already identified and secured.
- 1.2.5 Recreation pressure was the only issue where further action was required. Earlier work had relied on mitigation measures to screen out likely significant effects and an appropriate assessment had not been undertaken. The HRA Addendum presents the information needed to allow the competent authority to undertake an appropriate assessment of this issue in paras 3.13 to 3.17. The conclusion, in para 3.17, clearly answers the 'appropriate assessment' stage question in Article 6(3) of the Habitats Directive (and the parallel provision in Regulation 105 of the Conservation of Habitats & Species Regulations 2017), namely whether the plan or programme will have an adverse effect on the integrity of the European site, in this case is Breckland Special Protection Area (SPA).
- 1.2.6 Section 4 of the HRA Addendum then sets out the overall conclusions of the HRA and paras 4.5 and 4.7 address the 'appropriate assessment' stage question for the SIR and the SALP respectively. The overall conclusions of the HRA of the SIR and the SALP are that they will have **no adverse effect on the integrity of any European site, either alone or in combination with other plans and projects**.
- 1.2.7 The HRA Addendum has been provided to Natural England (NE), the Government's statutory nature conservation advisor. NE advised in correspondence to the council on 19 June 2018 that *"we agree with the approach taken and the conclusions of the addendum"*.

- 1.2.8 The HRA of the FHDC Local Plan (SIR and SALP) now comprises a series of reports including the HRA Addendum. When the reports are read together (as they are intended to be), it is quite clear that no reliance is now placed on the earlier finding that the effects of recreational pressures could be 'screened out' at the initial stage as having no likely significant effects by reason of mitigatory measures. Instead, those likely significant effects are recognised, and the HRA Addendum has therefore gone on to the 'appropriate assessment' stage and reached a proper conclusion in relation to it.
- 1.2.9 Members are asked to consider the HRA Addendum and the information it presents for the purpose of allowing the Council, as competent authority, to undertake an Appropriate Assessment; to confirm that, having regard to the HRA as a whole they are satisfied that the FHDC Local Plan will not have adverse effects on the integrity of any European site; and recommend to Council, procedural changes to the Habitats Regulations Assessment Report which supports the FHDC Local Plan.

## **2. Next steps**

The SIR and SALP are nearing the end of the Local Plan Examination process, with the post-modifications hearing sessions concluding in June 2018. Officers are now awaiting the Inspectors' reports into the soundness of the plans. On the basis that the reports conclude that the Plans are sound, with modifications, the SIR and SALP will be recommended to Cabinet and Council for adoption.



## **Addendum to the HRAs of the Forest Heath SIR and SALP (Modification stage)**

### **Implications of CJEU judgment in Case C-323/17 People Over Wind and Sweetman v. Coillte Teoranta**

Prepared by LUC  
June 2018

**Project Title:** HRA of the Forest Heath SIR and SALP

**Client:** AECOM on behalf of Forest Heath District Council

Version	Date	Version Details	Prepared by	Checked by	Approved by
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## Addendum to the HRAs of the Forest Heath SIR and SALP (Modification stage)

Implications of CJEU judgment in Case C-323/17 People Over Wind and Sweetman v. Coillte Teoranta

Prepared by LUC  
June 2018

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# 1 Introduction

## Background

- 1.1 This note has been prepared in response to a request from Forest Heath District Council (FHDC) that LUC reviews the Habitats Regulations Assessment (HRA) of the Single Issue Review (SIR) of Forest Heath Core Strategy Policy CS7 and the HRA of the Forest Heath Site Allocations Local Plan (SALP) in light of the 12 April 2018 Court of Justice of the European Union (CJEU) judgment in the case of *People over Wind and Peter Sweetman v Coillte Teoranta*<sup>1</sup>. Both Natural England and the Inspectors examining the Local Plan have requested that the Council carries out such a review.
- 1.2 The CJEU judgment ruled that Article 6(3) of the Habitats Directive<sup>2</sup> must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage of HRA. The reasons given for this are:

*"Taking account of such measures at the screening stage would be liable to compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular, as the latter stage would be deprived of its purpose and there would be a risk of circumvention of that stage, which constitutes, however, an essential safeguard provided for by the directive."*

*In that regard, the Court's case-law emphasises the fact that the assessment carried out under Article 6(3) of the Habitats Directive may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site concerned..."*

- 1.3 The precise wording of the ruling is as follows:

*"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."*

- 1.4 As the planning consultants commissioned to undertake the HRA on behalf of FHDC, LUC is not able to provide a legal opinion. Instead, we have provided below an opinion on the implications of the CJEU judgment for the HRA work undertaken to date on the SIR and SALP, based on our professional expertise in HRA and our interpretation of the CJEU judgment.

## HRA work undertaken for the Forest Heath SIR and SALP

- 1.5 HRA reports were produced by LUC to accompany the August-October 2015 consultation on the 'Issues and Options' versions of the SIR and SALP, the April-July 2016 consultation on the 'Preferred Options' versions, and the January-March 2017 consultation on the 'Proposed Submission' versions. This review relates to the latest version of the HRAs - those prepared to accompany the April-June 2018 consultation on the modification versions of the SIR and SALP.

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<sup>1</sup> Available from <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

<sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

- 1.6 A screening of air quality effects indicated the need for Appropriate Assessment in relation to air quality effects on Breckland SAC (including Rex Graham Reserve SAC) and Breckland SPA. This was carried out by AECOM and the results are presented in a separate report<sup>3</sup> which forms part of the HRAs of SIR and SALP. Where relevant, this HRA review also considers the separately documented assessment of air quality effects.

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<sup>3</sup> Forest Heath District Council, Single Issue Review of CS7 and Site Allocations Local Plan - Air Quality Assessment Regarding Breckland SAC and Breckland SPA, AECOM, 2018

## 2 Approach to the review of the HRAs of the SIR and SALP

- 2.1 The HRA reports for the SIR and SALP have been reviewed as follows to determine whether the HRA Screening relied on avoidance and reduction measures to rule out the need for Appropriate Assessment, contrary to the direction of the CJEU judgment:
- If the HRA report identifies that the plan is likely to have a particular type of significant effect on European site(s) and their designated features and an Appropriate Assessment of the plan has been carried out in relation to that type of effect then **no further action is required**.
  - If the HRA report includes information that concludes that there are no pathways for the policies/allocations in the plan to cause a particular type of likely significant effect on European site(s) and their designated features then **no further action is required**.
  - If the HRA report includes information that identifies particular types of likely significant effects on European site(s) and their designated features but concludes that they can be mitigated through avoidance or reduction measures (and does not go on to the Appropriate Assessment stage) then **action is required to amend the HRA in line with the CJEU judgment**. In this case the screening assessment has been revised in line with the methodology required by the CJEU judgment, any required Appropriate Assessment has been carried out, and consideration has been given to whether the Appropriate Assessment necessitates any main modifications to the plan, in light of the avoidance and reduction measures already identified and secured.
- 2.2 As explained in the HRAs of the SIR and SALP, the potential for some types of effect was most appropriately assessed by reference to the total amount of housing development being proposed, as set out in the 'Provision' section of the SIR. Other types of effect were more appropriately assessed by reference to the amount of development proposed at broad locations (as set out in the 'Broad Distribution' section of the SIR) or by reference to the specific development sites being allocated (as set out in the HRA of the SALP document being prepared and consulted on in parallel with the SIR). In some cases, although the potential effect was most appropriately assessed at a detailed scale, it was necessary to rule out the possibility that a likely significant effect could not be avoided under any conceivable spatial distribution of the housing provision, leading to assessment of the effect at more than one scale. Table 2.1 summarises the scale/ level in the planning process at which each of the types of potential effect was assessed.

**Table 2.1 Scale at which each type of potential effect was assessed**

Potential effect	HRA of SIR overall housing provision	HRA of SIR Broad distribution of housing	HRA of individual site allocations in the SALP
Direct loss or physical damage due to construction			✓
Disturbance and other urban edge effects from construction or occupation of buildings		✓	✓
Disturbance from construction or operation of roads		✓	
Recreation pressure	✓	✓	✓
Water quantity		✓	
Water quality		✓	
Air quality		✓	

- 2.3 The screening stage of the HRAs of the SIR and SALP therefore came to a conclusion on the existence of likely significant effects and the need for Appropriate Assessment in relation to each of the types of potential effect shown in Table 2.1 on European sites. This review considers the HRA carried out for each of these types of potential effect, following the approach outlined above. If any potential effect was screened out by reliance on the mitigation provided by avoidance or reduction measures, further consideration is given to whether the requirements of the Habitats Regulations have been met, in light of the CJEU judgment.

## 3 Review of the HRAs of the SIR and SALP

### Review of HRA of the SIR

- 3.1 Table 3.1 applies the three step approach outlined in Chapter 2 to determine whether HRA Screening of the SIR relied on avoidance or reduction measures to rule out likely significant effects (LSE).

**Table 3.1 Reliance of HRA screening on avoidance or reduction measures to rule out LSE**

Potential effect considered by HRA Screening of SIR	1. LSE not ruled out - Appropriate Assessment carried out	2. LSE ruled out due to no pathways for significant effects	3. LSE ruled out by reliance on avoidance or reduction measures	Additional notes
Effects of overall housing provision				
Recreation pressure	HRA of SIR relies on findings of HRA of SALP – see review in Table 3.2			
Effects of broad distribution of housing				
Disturbance and other urban edge effects from construction or occupation of buildings	HRA of SIR relies on findings of HRA of SALP – see review in Table 3.2			
Disturbance from construction or operation of roads	✓	No further action required		
Recreation pressure	HRA of SIR relies on findings of HRA of SALP – see review in Table 3.2			
Water quantity	✓	No further action required		
Water quality	✓	No further action required		
Air quality	✓	No further action required		Assessment of air quality effects is presented in a separate report <sup>4</sup> which forms part of the HRA of the SIR and SALP.

- 3.2 The housing provision strategy set out in the SIR is implemented via allocation policies in the SALP that are being prepared, consulted on, and being subject to HRA in parallel to preparation and HRA of the SIR. The parallel HRA of the SALP concludes that it is feasible to implement the overall housing provision and broad distribution of housing within the SIR without likely significant effects and/or adverse effects on integrity in relation to recreation pressure, disturbance and other urban edge effects, or road disturbance. The HRA of the SIR relies on the separately presented findings of the HRA of the SALP in relation to these types of effect. The following section reviews the findings of the HRA of the SALP in light of the CJEU judgment.

<sup>4</sup> Forest Heath District Council, Single Issue Review of CS7 and Site Allocations Local Plan - Air Quality Assessment Regarding Breckland SAC and Breckland SPA, AECOM, 2018



- 3.3 For the remaining types of effect considered by the HRA of the SIR, Table 3.1 shows that the HRA proceeded to the Appropriate Assessment stage and thus no further action is required in relation to the CJEU judgment.

## Review of HRA of the SALP

- 3.4 Table 3.2 applies the three step approach outlined in Chapter 2 to determine whether HRA Screening of the SALP relied on avoidance or reduction measures to rule out likely significant effects.

**Table 3.2 Reliance of HRA screening on avoidance or reduction measures to rule out LSE**

Potential effect considered by HRA Screening of SALP	1. LSE not ruled out - Appropriate Assessment carried out	2. LSE ruled out due to no pathways for significant effects	3. LSE ruled out by reliance on avoidance or reduction measures	Additional notes
Direct loss or physical damage due to construction	x	✓	No further action required	LSE ruled out because no site allocation proposed by the SALP overlaps any European site or any 1 km grid square functionally linked to Breckland SPA with five or more stone curlew nesting attempts during 2011-2015.
Disturbance and other urban edge effects from construction or occupation of buildings	✓	No further action required		
Recreation pressure	x	x	✓	Reliance placed on policies to provide and enhance open space and rights of ways networks and the linkage of these to a coherent Recreation Mitigation and Monitoring Strategy - further action required (see below).

- 3.5 As shown in Table 3.2, the HRA Screening of the SALP relied on avoidance or reduction measures to rule out likely significant effects in relation to recreation pressure. The compliance of the HRA in relation to this type of effect is therefore considered further below.

### Further consideration of compliance with requirements of the Habitats Regulations and revised HRA conclusions

#### *Current approach to HRA in relation to recreation pressure*

- 3.6 The HRA of the SALP presents an 'Initial screening' in Appendix 1 and Chapter 5. This is an assessment of which site allocations have the potential for likely significant effects on European sites, prior to the consideration of existing mitigation (i.e. avoidance or reduction measures).
- 3.7 In assessing the effect of recreation pressure, this 'initial screening' considers the location of the SALP housing allocations in relation to zones of influence around sensitive European sites, these zones being based on a detailed review of evidence and consultation with Natural England. Prior to consideration of mitigation, the 'initial screening' assumed that it is not possible to rule out likely significant effects for any housing development (potential for species mortality or disturbance):
- within 7.5 km of the boundary of non-farmland parts of Breckland SPA, or

- within 1.5 km of the boundary of farmland parts of Breckland SPA or of stone curlew nesting attempts areas.
- 3.8 The finding of this 'initial screening' was that prior to consideration of mitigation, the potential for likely significant recreation pressure effects exists for a number of identified housing and mixed use allocations.
- 3.9 Chapter 6 of the HRA of the SALP then presents the conclusions of the HRA Screening, having considered in-combination effects and whether any existing mitigation could rule out the potential likely significant effects identified by the 'initial screening'.
- 3.10 In relation to in-combination effects, Chapter 6 notes that recreation pressure acts at a strategic scale (7.5 km zone of influence). A potential for recreation pressure to arise within this zone of influence from development proposed by Breckland District Core Strategy and St Edmundsbury Borough Core Strategy, was identified in the review of other plans and projects. As reported in the HRAs for these development plans, mitigation has been put in place to avoid recreation pressure effects on European sites from the development plans for those districts. The HRA of the SALP assumed that the residual (post-mitigation) recreation pressure from development in neighbouring districts is negligible and need not be considered further in the HRA of Forest Heath's Local Plan documents. That conclusion continues to hold good because those mitigation measures are secured as part of the policies of adopted development plans but should be expressed as a finding as part of the information required for an Appropriate Assessment of Forest Heath's Local Plan documents. It was considered that economic and tourism development proposed by adopted Forest Heath Core Strategy policy CS 6 could have recreation effects which are insignificant alone but which could combine with those of the SIR and SALP to become significant. The HRA of the SALP therefore considers the recreation effects of its site allocations in combination with these otherwise insignificant effects.
- 3.11 In relation to mitigation of recreation pressure, Chapter 6 describes the measures provided by adopted Core Strategy policies, adopted Development Management policies, and implementation by the SALP's allocation policies of the FHDC's Recreation Mitigation and Monitoring Strategy.
- 3.12 The HRA Screening concludes that the mitigation offered by policies to provide and enhance open space and rights of ways networks and the linkage of these to a coherent Recreation Mitigation and Monitoring Strategy set out in the Accessible Natural Greenspace study is sufficient to avoid likely significant effects due to recreation pressure on any European site both alone and in combination with other relevant plans and projects and therefore Appropriate Assessment was not required.

*Changes required to current approach in light of CJEU judgment and revised HRA conclusions*

- 3.13 As described above, in coming to a conclusion of no likely significant effect from recreation pressure, HRA Screening placed reliance on avoidance and reduction measures in the form of:
- Forest Heath Local Plan policies to provide and enhance open space and rights of ways networks and the linkage of these to a coherent Recreation Mitigation and Monitoring Strategy; and
  - policies in the adopted development plans of Breckland District and St Edmundsbury Borough (in relation to in-combination effects).
- 3.14 The CJEU judgment states that such reliance on avoidance and reduction measures is not appropriate at the screening stage. In the absence of mitigation, the amended conclusion of the HRA Screening of the SALP in relation to recreation pressure is therefore that **likely significant recreation pressure effects on Breckland SPA cannot be ruled out.**
- 3.15 It is LUC's professional opinion that, notwithstanding its description as 'screening', the information provided in Appendix 1 and Chapters 5 and 6 of the HRA of the SALP provides the information required of an Appropriate Assessment of the implications of the recreation pressure arising from the SALP for Breckland SPA in view of that site's conservation objectives.
- 3.16 Under the CJEU judgment, avoidance and reduction measures should be taken into account as part of an Appropriate Assessment and Chapter 6 of the HRA of the SALP describes the avoidance and reduction measures that are already identified and secured. In summary, these avoidance and reduction measures are policies to provide and enhance open space and rights of ways

networks and the linkage of these to a coherent Recreation Mitigation and Monitoring Strategy set out in the Accessible Natural Greenspace study. The relevant policies are:

- adopted Core Strategy policies CS2 and CS13;
- adopted Development Management policies DM12, DM42, DM44;
- site allocation policies SA2, SA4, SA5, SA7, SA8, SA9, SA10, SA11, SA13, SA14 within the SALP that implement the principles of the Recreation Mitigation and Monitoring Strategy as they relate to the specific sites being allocated; and
- policies in the adopted development plans of Breckland District and St Edmundsbury Borough (in relation to in-combination effects).

3.17 These avoidance and reduction measures are sufficient to avoid and reduce recreation pressure such that there will be **no adverse effect on the integrity of Breckland SPA, either alone or in combination with other plans and projects**. As such, no further assessment is required and no additional main modifications are required to the SALP to meet the requirements of the Habitats Regulations.

## 4 Summary and conclusions

- 4.1 This addendum report to the HRAs of the Forest Heath SIR and SALP has reviewed the approach and findings of each of those HRAs in light of the CJEU judgment in the case of *People over Wind and Peter Sweetman v Coillte Teoranta*.
- 4.2 The HRAs were reviewed to determine whether the screening stage of each HRA relied on avoidance and reduction measures to rule out the need for Appropriate Assessment, contrary to the direction of the CJEU judgment. Where this was found to be the case, action was taken to amend the HRA in line with the CJEU judgment.
- 4.3 The findings of the review and the overall conclusion of each HRA, as reviewed in light of the CJEU judgment, are summarised below.

### Conclusions of review of HRA of SIR

Potential effect considered by HRA Screening of SIR	Review finding
<b>Effects of overall housing provision</b>	
Recreation pressure	<p>HRA of SIR relies on findings of HRA of SALP. As set out for the review of the SALP below, HRA Screening of SALP relies on avoidance and reduction measures to rule out likely significant effects and need for Appropriate Assessment</p> <p>Conclusion of HRA Screening is now revised to state that <b>likely significant recreation pressure effects on Breckland SPA cannot be ruled out</b></p> <p>Conclusion of Appropriate Assessment is now that avoidance and reduction measures are sufficient to ensure <b>no adverse effect on the integrity of Breckland SPA, either alone or in combination with other plans and projects</b></p>
<b>Effects of broad distribution of housing</b>	
Disturbance and other urban edge effects from construction or occupation of buildings	HRA of SIR relies on findings of HRA of SALP. As set out for the review of the SALP below, this effect was subject to Appropriate Assessment therefore no change required to HRA of SALP
Disturbance from construction or operation of roads	Effect subject to Appropriate Assessment therefore no change required to HRA of SIR
Recreation pressure	<p>HRA of SIR relies on findings of HRA of SALP. As set out for the review of the SALP below, HRA Screening of SALP relies on avoidance and reduction measures to rule out likely significant effects and need for Appropriate Assessment</p> <p>Conclusion of HRA Screening is now revised to state that <b>likely significant recreation pressure effects on Breckland SPA cannot be ruled out</b></p> <p>Conclusion of Appropriate Assessment is now that avoidance and reduction measures are sufficient to ensure <b>no adverse effect on the integrity of Breckland SPA, either alone or in combination with other plans and projects</b></p>
Water quantity	Effect subject to Appropriate Assessment therefore no change required to HRA of SIR
Water quality	Effect subject to Appropriate Assessment therefore no change required to HRA of SIR

Potential effect considered by HRA Screening of SIR	Review finding
Air quality	Effect subject to Appropriate Assessment (presented in a separate report <sup>5</sup> ) therefore no change required to HRA of SIR

- 4.4 The HRA of the Forest Heath SIR comprises the main HRA report prepared by LUC dated April 2018, the Air Quality Assessment report prepared by AECOM dated April 2018, and this addendum report; these documents should therefore be read together. In LUC's opinion **the HRA of the SIR, as amended by this addendum, meets the requirements of the Habitats Regulations, taking into account the CJEU judgment.**
- 4.5 The overall conclusion of the HRA of the SIR is that it will have **no adverse effect on the integrity of any European site, either alone or in combination with other plans and projects.**

## Conclusions of review of HRA of SALP

Potential effect considered by HRA Screening of SIR	Review finding
Direct loss or physical damage due to construction	Effect ruled out due to no pathways for significant effects therefore no change required to HRA of SALP
Disturbance and other urban edge effects from construction or occupation of buildings	Effect subject to Appropriate Assessment therefore no change required to HRA of SALP
Recreation pressure	<p>HRA Screening of SALP relies on avoidance and reduction measures to rule out likely significant effects and need for Appropriate Assessment</p> <p>Conclusion of HRA Screening revised to state that <b>likely significant recreation pressure effects on Breckland SPA cannot be ruled out</b></p> <p>Conclusion of Appropriate Assessment is that avoidance and reduction measures are sufficient to ensure <b>no adverse effect on the integrity of Breckland SPA, either alone or in combination with other plans and projects</b></p>

- 4.6 The HRA of the Forest Heath SALP comprises the main HRA report prepared by LUC dated April 2018, the Air Quality Assessment report prepared by AECOM dated April 2018, and this addendum report; these documents should therefore be read together. In LUC's opinion, **the HRA of the SALP, as amended by this addendum, meets the requirements of the Habitats Regulations, taking into account the CJEU judgment.**
- 4.7 The overall conclusion of the HRA of the SALP is that it will have **no adverse effect on the integrity of any European site, either alone or in combination with other plans and projects.**

LUC

June 2018

<sup>5</sup> Forest Heath District Council, Single Issue Review of CS7 and Site Allocations Local Plan - Air Quality Assessment Regarding Breckland SAC and Breckland SPA, AECOM, 2018

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# Joint Executive (Cabinet) Committee

<b>Title of Report:</b>	<b>Suffolk 100% Business Rates Retention Pilot – West Suffolk Placed Based Projects Update</b>	
<b>Report No:</b>	<b>CAB/JT/18/029</b>	
<b>Report to and date:</b>	<b>Joint Executive (Cabinet) Committee</b>	4 September 2018
<b>Portfolio holders:</b>	<p>Cllr James Waters FHDC Leader of the Council Tel: 07771 621038 Email: <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.gov.uk</a></p> <p>Cllr Stephen Edwards FHDC Portfolio Holder for Resources and Performance Tel: 07904 389982 Email: <a href="mailto:stephen.edwards@forest-heath.gov.uk">stephen.edwards@forest-heath.gov.uk</a></p>	<p>Cllr John Griffiths SEBC Leader of the Council Tel: 07958 700434 Email: <a href="mailto:john.griffiths@stedsbc.gov.uk">john.griffiths@stedsbc.gov.uk</a></p> <p>Cllr Ian Houlder SEBC Portfolio Holder for Resources and Performance Tel: 01284 810074 Email: <a href="mailto:ian.houlder@stedsbc.gov.uk">ian.houlder@stedsbc.gov.uk</a></p>
<b>Lead officer:</b>	<p>Rachael Mann Assistant Director (Resources and Performance) Telephone: 01638 719245 Email: <a href="mailto:rachael.mann@westsuffolk.gov.uk">rachael.mann@westsuffolk.gov.uk</a></p>	
<b>Purpose of report:</b>	To receive an update on the West Suffolk place based projects under the 2018/19 100% Business Rates Retention Pilot for Suffolk, along with an update on the government's intentions regarding pilots for 2019/20 and the new 75% retention scheme from 2020.	
<b>Recommendation:</b>	<b>The Joint (Executive) Cabinet is requested to <u>note</u> the report.</b>	

<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>		Leadership Team, the Leaders and Portfolio Holders for Resources and Performance have been consulted with on the projects set out in this update report	
<b>Alternative option(s):</b>		See paragraph 3.3 in respect of the Suffolk Business Rates Pilot for 2018/19. The Councils could choose to not submit a proposal for the 2019/20 pilot.	
<b>Implications:</b>			
Are there any <b>financial</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • As set out in the body of the report	
Are there any <b>staffing</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • As set out in the body of the report	
Are there any <b>ICT</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • None as a direct result of this report	
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 set out in the body of the report	
Are there any <b>equality</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> • None as a direct result of this report, each project will consider equality implications as part of its implementation plan.	
<b>Risk/opportunity assessment:</b>		<i>Risks are assessed and monitored in detail as part of each individual project. These risk relate to this paper only.</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Agreement on the West Suffolk place based projects is not reached	Low	Early engagement and agreement in principle received	Low
Agreement is not reached on future West Suffolk place based projects	Low	Early engagement with Leaders including Suffolk County Council on future proposals. Spending principles have been agreed to manage expectations of the fund.	Low
<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>		SEBC - COU/SE/18/004 - <a href="#">2018-19 Budget and Council Tax Setting Report - item 327</a> FHDC - COU/FH/18/006 - <a href="#">2018-19 Budget and Council Tax Setting Report - item 295</a>	
<b>Documents attached:</b>		None	



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

- 1.1 Suffolk councils were successful in becoming a pilot area for 100% business rate retention. Suffolk is the only pilot of its type in the country to be placed based to more successfully target issues and seize local opportunities. This is an approach being championed by West Suffolk. Since the announcement West Suffolk Councils have been working, with partners, to identify several projects to benefit from the one-off funding allocation for West Suffolk (expected to total £2.6m).
- 1.2 The principles Suffolk authorities set out as part of the pilot submission to Government for funding projects align with our own strategic aims and are:
- Doing what's right for Suffolk
  - Better outcomes with less money
  - Integrated Suffolk System
  - More resilient people and communities
  - Delivering our Inclusive growth agenda
- 1.3 West Suffolk already has ambitious priorities and strategic projects in train aimed at driving our local economy, creating jobs, managing growth, improving health and wellbeing as well as transforming how public services work together. Therefore, it seemed sensible to concentrate on those projects which not only meet the principles highlighted in 1.2 but we also know will make a difference and help us deliver our strategic priorities and wider ambitions while at the same time making sure we have the capacity to deliver them well. The projects West Suffolk are looking to support initially are those that already exist in some form as part of our plans linked to public sector reform – section 4 provides further details of these projects for noting by Joint Cabinet.
- 1.4 In summary we have identified projects that:
- would enable us to support wider challenges and opportunities within a place i.e. Brandon Leisure Centre;
  - give us the opportunity to extend what we are already doing well, for example our very successful social prescribing project in Haverhill and the surrounding villages, to more areas within West Suffolk; and finally
  - need some additional funding in order to unlock their potential i.e. Western Way Development;
  - deliver the capacity we already recognise we need and have, in principle, signed up to around supporting our growth agenda in the form of highways capacity working with our County colleagues to add to the capacity that exists within the strategic highways department.
- 1.5 This report also sets out future proposals for the Business Rates Retention Scheme from 2020, the Suffolk 100% business rates pilot for 2018/19 and the Government's invitation for pilot bids for 2019/20.

## **2. Background – Business Rates Retention Scheme (BRR)**

- 2.1 BRR was introduced in April 2013 as part of a fundamental review of local government funding. Prior to 2013, business rates were pooled nationally and distributed back to local authorities on the basis of need. This current system

allows local authorities to retain 50% of business rates (known as the local share) with the remaining 50% paid over to the Government.

- 2.2 The new system was introduced to incentivise local authorities to boost economic growth in their areas by allowing authorities to keep part of the business rate income they raise and collect locally. Previously there was no real incentive for local authorities to take actions to increase business rates because of the national pooling mechanism in place. Since its inception in 2013, Suffolk authorities have formed a Business Rates pool under the current BRR scheme, enabling additional business rates growth to be retained within Suffolk.
- 2.3 The government announced its intention to introduce 100% Business Rates Retention (BRR) for all local authorities in 2015 (up from the current 50% local retention). This proposal is a further significant change to the way local government is funded and has been supported by the Local Government Association and most local authorities.
- 2.4 The original plan was to introduce 100% BRR from April 2019 with an announcement in the Queens Speech in June 2017. No announcement was made in June 2017 and, at the time, no firm date set as to when the new system would be fully introduced however the government confirmed it intended to introduce 100% BRR.
- 2.5 As part of the Provisional Local Government Finance Settlement in December 2017, the government said its aim is for 75% of all business rates to be retained by local government from 2020/21.
- 2.6 The implementation towards the new 75% Business Rates Retention (BRR) scheme and the review of the needs based assessment/formula that underpins our financial needs settlement from central government are both planned to be implemented from April 2020. Both changes create significant uncertainty to the council's medium term financial planning assumptions.
- 2.7 The worst case scenario for the review of the BRR scheme could be to completely re-set (although government has now proposed a partial re-set) the baseline position to our current level of business rate income, thus removing the majority of the growth Forest Heath has generated since 2013 under the current 50% BRR scheme. This would remove a significant amount of income (worst case approximately £1m) from the budget in 2020/21. At this stage it is not possible to model the outcome of the needs based assessment review. However, this could have a further impact on the income assumptions currently in the medium term financial plans. This situation will be monitored and reviewed as information becomes available with a further update to be provided as part of the 2019/20 budget setting process. We will continue to lobby and input into government consultations in order to make our position clear.

### **3. Suffolk 100% Business Rates Retention Pilot - 2018/19**

- 3.1 In preparation for the introduction of BRR, in September 2017 the government invited all interested local authorities to submit an application to be a pilot scheme. On 19 December 2017 the Suffolk bid was chosen as one of the 10 successful pilots in a competitive process. This reflected the quality of the bid submission and builds upon the excellent partnership working by all Suffolk

local authorities, including successful operation of the Suffolk Business Rates Retention pool since 2013.

- 3.2 In all pilot areas, the councils within the pool have to forego the funding streams of revenue support grant and rural services delivery grant in return for higher shares of business rates. The Suffolk pilot is based on a no detriment to each of the councils and therefore the risk to the Council's budget of not achieving the business rates anticipated in the 2018/19 budget is low. Any additional business rates collected in Suffolk will be invested in inclusive growth. This is unique nationally and reflects our 'place based' way of working which better supports both the urban and rural areas.
- 3.3 Based on the proposal submitted, West Suffolk is anticipated to receive a one off benefit in 2018/19 of approximately £2.6m (this is an estimated figure and is regularly reviewed to ensure it continues to be realistic) as a result of the pilot. The detailed agreement with our partners across Suffolk means that the Leaders in West Suffolk will first need to endeavour to reach agreement on the activities to be funded from that pot with the Leader of Suffolk County Council. However if agreement cannot be achieved then the District will retain 75% of the funding allocated to the West Suffolk area and the County Council 25% of the allocation.
- 3.4 This is a one off, one year pilot (at this stage). For budgetary purposes it was agreed as part of the 2018/19 Budget and Council Tax report (Report numbers COU/FH/18/006 and COU/SE/18/004), that the benefit of the pilot (estimated £2.6m across West Suffolk) is transferred to a new earmarked reserve, where its utilisation will be determined through agreement of the West Suffolk District/Borough and County Leaders. The actual benefit value of the pilot won't be known until completion of the 2018/19 end of year statutory NNDR3 return (submitted in summer 2019). It was therefore agreed as part of that same budget report that the West Suffolk councils assume the £2.6m is available during 2018/19 and underwrite the cash flow and receipt risk within its overall prudent reserves assessment.

#### **4. West Suffolk 'Placed Based' projects under the 2018/19 pilot**

- 4.1 In line with the Suffolk pilot agreement (and as described in 3.3 above), the West Suffolk projects below have been shared with the County's leadership. We have received informal support and agreement (formal agreement expected early September 2018) that they deliver against the principles agreed by Suffolk authorities. (See 1.1).
- 4.2 The projects outlined below total £1.65m of the £2.6m fund. Further project proposals from the fund are in development and an update will be provided to members in due course. For noting - officers are currently in the process of approaching Suffolk Public Sector Leaders for funding from the Suffolk Business Rates Pool Benefit towards the delivery of our adopted Town Centre masterplans.

## Public Sector Reform - Supporting national and local strategies for health and wellbeing

- 4.3 The **£500k - £700k** investment, will contribute to the further development of the **Brandon Health and Leisure Centre**. This investment will support the established capital fund in Forest Heath for leisure centre improvements, enabling further investment that seeks to:
- integrate a GP surgery and community health into the current leisure centre and deliver a new sports hall;
  - create a local "health & wellbeing hub".
  - support people to move from inactive to active;
  - increase footfall to the leisure centre site;
- 4.4 The detail of this project is being developed and will be agreed after local engagement with partners and the local community is completed. A full business case will be produced in late Autumn 2018 as part of the wider utilisation of Forest Heath District Council's £3.5m Leisure Investment Fund.

## Public Sector Reform – Integrated system working

- 4.5 **Expanding social prescribing in West Suffolk.** Social Prescribing is a non-medical intervention which can help address social needs and issues of individuals. Not only can it support individuals who are reliant on statutory and health services to become more independent and resilient it is also one of the main routes to prevention. A system wide/multi agency project to drive public sector reform and will build on our experience of what works in Haverhill to expand our offer to town and rural areas (**£500k**).
- 4.6 There are a number of outcomes that can be achieved through social prescribing and which support the delivery of the councils' strategies, along with partner strategies such as health and wellbeing. These outcomes can be broken down into four key areas:

<b>Individuals/families</b>	<b>Statutory Services</b>
<ul style="list-style-type: none"> <li>• Improvement in how people feel and their sense of wellbeing</li> <li>• Increased opportunities for local people in employment, volunteering and training/education</li> <li>• Increased support and connections within the community</li> <li>• Reduced social isolation and feelings of loneliness</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced demand on a primary healthcare, e.g. GP visits, A&amp;E visits</li> <li>• Reduced medication and prescriptions</li> <li>• Reduced demand on secondary care, e.g. mental health, physios</li> <li>• Reduced demand on social care</li> <li>• Reduced dependency on benefits</li> <li>• Reduced costs across the entire public sector system</li> </ul>
<b>Voluntary and community sector</b>	<b>Other</b>
<ul style="list-style-type: none"> <li>• Increased number of volunteers</li> <li>• Increased numbers of community/support groups</li> <li>• Improved sustainability for existing community and voluntary groups and organisations</li> <li>• Increased use and strengthening of the voluntary and community sector</li> </ul>	<ul style="list-style-type: none"> <li>• Improved connections and partnership working across the locality</li> <li>• Improved support networks leading to more resilient communities</li> <li>• Increase in employment figures within each locality</li> </ul>

- 4.7 West Suffolk councils and One Haverhill Partnership commenced Haverhill LifeLink in August 2017. This project was funded through Public Health and the DCLG. It was developed by local people and organisations in order to address current needs and assets within the town. We currently have two LifeLink Coordinators who operate within the town. Referrals from the two GP practices within the town and open to self-referrals. The next step in the process is to commence with referrals from Social Care.
- 4.8 West Suffolk councils along with partners have identified the strength of social prescribing within the community of Haverhill and would like to build upon that within in the town and look at developing social prescribing projects within other parts of the West. We propose that Newmarket and Brandon would be the next appropriate locations to start having those conversations and developing a model which suits the localities needs and assets.
- 4.9 To do this we would need to increase the delivery headcount in Haverhill to 3 FTE and introduce 2 FTE in Newmarket and 1 FTE in Brandon. This equates to approx. 10,000 residents per coordinator. In addition we would need a project manager to set up, recruit, manage relationships across partners, manage the budget and report on outcomes. They would also be responsible for sourcing future funding and bringing partners into that conversation. The expansion and development of social prescribing within West Suffolk amounts to circa. £800k over a 3 year period. A sum of £500,000 is to be funded from the Suffolk 100% Business Rates fund and we have commenced conversations with West Suffolk CCG with regards to further funding with a view to expanding into Mildenhall.
- 4.10 The community and stakeholder engagement and co-design of Haverhill LifeLink contributed to the success of the project to date. It is therefore key that time is invested in this stage before the recruitment process can commence.
- 4.11 The above proposal has been based on the Haverhill LifeLink model (see link below at 4.12 for further info). Although models and style of delivery could change in each locality there are key principles that can be applied. The core principles are:
- Keep it local – utilise the existing community assets and coproduce the project
  - Aim to reduce reliance on statutory and health services
  - Build resilience within the community by equipping people with the tools they need
  - Ensure support services and community groups are accessible
  - Improve the wellbeing and general happiness of individuals and families
- 4.12 For more information about Haverhill social prescribing see:  
<http://www.onehaverhill.co.uk/lifelink>
- 4.13 **To increase Suffolk County Councils highways officer capacity** to support the delivery of major infrastructure and growth schemes in West Suffolk - 4 year funding for a West Suffolk placed based post (**£250k**).

- 4.14 The importance of infrastructure is acknowledged as a key priority in the West Suffolk Strategic Framework in both underpinning growth and supporting housing delivery. We recognise that infrastructure is a strategic issue and that a partnership approach is critical to achieving its effective planning and delivery. Working together across our organisations enables insights, activities and expertise to be knitted together throughout the County, via the Growth Programme Board and at a local level in understanding and responding to local characteristics. With good infrastructure planning we can work together to connect our Places and maximise the many opportunities they present across Suffolk and beyond.
- 4.15 However, capacity in our teams is consistently quoted as a barrier to driving forward our Growth. When reviewing capacity within our growth team here at West Suffolk, it was highlighted we needed additional highways expertise and rather than the Council's seeking to appoint its own in-house or external highways expertise, in the spirit of our system wide working and on the principles of recognising our individual statutory roles, the value we can bring and ensuring value for money, the proposal is that West Suffolk Placed Based Fund, allocates a four year provision for additional capacity to be available within the Suffolk Highways Team locally delivered here in West Suffolk. The expectation being the individual would predominantly sit within the West Suffolk growth team, but would be able to access and would still be part of the wider Suffolk Highways system, practices, support and overall resilience.
- 4.16 **Western Way Development – Feasibility funding** to consider options to deliver the agreed sites Masterplan vision and to unlock various public assets sites (**£200k**).
- 4.17 The Western Way mission statement, endorsed by the public sector partners, is:
- ❖ Our mission is to create a vibrant flagship destination that enhances Bury St Edmunds and confirms West Suffolk as an area supporting and investing in business, public services and local communities, including health and education, to create prosperity and a high quality of life.
  - ❖ We will do this by bringing public and private organisations together in an innovative, dynamic and complementary way to achieve exemplary social and economic benefits for local communities beyond what would could be done as separate organisations.
- 4.18 Following the adoption of the Western Way Masterplan late 2016, work has been progressing on seeking public sector partner's interest in the site alongside site development options. Western Way development is a One Public Estate supported programme and is overseen by the West Suffolk Property Board. Key partners for the site have committed (through a declaration of intent), including putting in their own resources and leadership, to the development of a joint strategic business case. The allocation of £200k will be towards the feasibility costs for the creation of the joint strategic business case due in Winter 2018 along with the production of suitable materials to promote the development/scheme to external funding partners/pots.

## **5. 75% Business Rates Retention Pilots 2019/20**

- 5.1 On 24 July 2018, the Government published the 2019/20 business rates retention pilot prospectus inviting local authorities in England to apply to become 75% business rates retention pilots in 2019/20. The government has previously announced the aim of introducing a 75% business rates retention system in 2020/21, and the pilots will aid government's understanding of how local authorities can best transition into the new system in 2020.
- 5.2 Applications for the 2019/20 piloting programme are now open and will close on 25 September 2018. West Suffolk continues to work across Suffolk looking at whether there is an opportunity to further extend the Suffolk Business Rates Pilot into 2019/20.

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# Forest Heath District Council

**Report No: CAB/JT/18/030**

## Decisions Plan

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

**Date: 1 September 2018 to 31 March 2019**

**Publication Date: 3 August 2018**

The following plan shows both the key decisions and other decisions/matters taken in private, that the Cabinet, Joint Committees or Officers under delegated authority, are intending to take up to 31 March 2019. This table is updated on a monthly rolling basis and provides at least 28 clear days' notice of the consideration of any key decisions and of the taking of any items in private.

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

Members of the public may wish to:

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

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format [firstname.surname@westsuffolk.gov.uk](mailto:firstname.surname@westsuffolk.gov.uk) or via Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Bury St Edmunds, Suffolk, IP28 7EY.

<b>Expected Decision Date</b>	<b>Subject and Purpose of Decision</b>	<b>Reason for taking item in private (see Note 1 for relevant exempt paragraphs)</b>	<b>Decision (D), Key Decision (KD) or Rec (R) to Council on date</b>  <b>(see Note 2 for Key Decision definitions)</b>	<b>Decision Taker (see Note 3 for membership)</b>	<b>Portfolio Holder Contact Details</b>	<b>Lead Officer Contact Details</b>	<b>Wards Affected</b>	<b>Documents to be submitted</b>
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
04/09/18	<b>Habitats Regulations Assessment (HRA) Report</b>  The Cabinet will be asked to consider and recommend to Council, procedural changes to the Habitats Regulations Assessment (HRA) Report which supports the Forest Heath Local Plan. The changes are required following a new European Court legal ruling to the consideration of mitigation measures.	Not applicable	(R) – Council 26/09/18	Joint Executive (Cabinet) Committee / Council	Lance Stanbury Planning and Growth 07970 947704	Julie Baird Assistant Director (Growth) 01284 757613  Marie Smith Service Manager (Planning Strategy) 01638 719260	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council
04/09/18 <i>(Deferred from 26/06/18)</i>	<b>Mildenhall Hub</b>  Following procurement and further design, the Cabinet will be provided with an update and will be asked to sign-off the final capital and revenue budgets for the Mildenhall Hub project before delivery begins.	Exempt Appendix: paragraph 3	(R) - Council 26/09/18	Joint Executive (Cabinet) Committee / Council	James Waters Leader of the Council 07771 621038	Alex Wilson Director 01284 757695	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
04/09/18	<b>Annual Treasury Management Report 2017/2018 and Investment Activity 1 April to 30 June 2018</b>  The Cabinet will be asked to consider the recommendations of the Performance and Audit Scrutiny Committee regarding the seeking of approval for the Annual Treasury Management Report for 2017/2018, which summarised the investment activities for the period 1 April to 30 June 2018.	Not applicable	(R) - Council 26/09/18	Joint Executive (Cabinet) Committee / Council	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council
18/09/18  (Extra-ordinary meeting)	<b>Barley Homes Group</b>  The Cabinet will be asked to consider and recommend to Council, a report on the future of the Barley Homes Group, including an interim	Paragraph 3	(R) – Council 26/09/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	business plan and governance arrangements.							Council
06/11/18 <i>(Deferred from 24/07/18)</i>	<b>Custom and Self Build Interim Policy Statement</b>  The Cabinet will be asked to agree an Interim Policy Statement which will be used to assess whether or not an application for self/custom build should be granted planning permission and how the West Suffolk Councils (Forest Heath and St Edmundsbury) plan to meet the self/custom build demand in West Suffolk.	Not applicable	(D)	Joint Executive (Cabinet) Committee	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613  Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including Interim Policy Statement
06/11/18 <i>(Deferred from 02/10/18)</i>  <i>(Since the publication</i>	<b>West Suffolk Joint Tenancy Strategy</b>  The Localism Act (2011) introduced a duty for local authorities to produce a	Not applicable	(R) - Council 21/11/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613  Simon Phelan	All Wards	Report to Joint Executive (Cabinet) Committee, including

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
<i>of this version of the Decisions Plan, this item has been deferred to 11/12/18 with (R) to Council on 19/12/18).</i>	Tenancy Strategy. The Cabinet will be asked to consider a Strategy which outlines both the West Suffolk Councils' (Forest Heath and St Edmundsbury) and Registered Providers' approach to issues which affect tenants living in West Suffolk, including the management and allocation of affordable housing.					Service Manager (Strategic Housing) 01638 719440		Tenancy Strategy
06/11/18	<b>Revenues Collection and Performance Write-Offs</b>  The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt Appendices.	Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Report to Joint Executive (Cabinet) Committee

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
11/12/18 <i>(Deferred from 02/10/18)</i>	<b>Review of the West Suffolk Housing Strategy</b>  The West Suffolk Housing Strategy is due to be reviewed in 2018. Through the review of the Housing Strategy, there will be the opportunity to reflect priorities, actions and projects set out in the recently adopted Strategic Plan 2018-2020. Furthermore, there are a number of additional changes to housing legislation that will be reflected in the Housing Strategy.  The draft Strategy will have previously been considered by the FHDC and SEBC Overview and Scrutiny Committees.	Not applicable	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Davina Howes Assistant Director (Families and Communities) 01284 757070  David Collinson Assistant Director (Planning and Growth) 01284 757306  Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Report to Joint Executive (Cabinet) Committee with draft Strategy, overview of existing Housing Strategy review and results of consultation

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
11/12/18 (Deferred from 04/09/18)  (Since the publication of this version of the Decisions Plan, this item has been deferred. New timeline to be confirmed)	<b>West Suffolk Joint Affordable Housing Supplementary Planning Document (SPD)</b>  The Affordable Housing Supplementary Planning Document (SPD) provides additional guidance to Core Strategy Policies CS5 (St Edmundsbury Borough Council) and CS9 (Forest Heath District Council) 'Affordable Housing' to ensure that applicants and developers have a clear understanding of affordable housing requirements when considering the submission of a planning application. The Cabinet will be asked to recommend to Council approval of this SPD.	Not applicable	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White West Suffolk Lead for Housing 01359 270580	Julie Baird Assistant Director 9Growth) 01284 757613  Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including Supplementary Planning Document



Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	<b>Applications for Community Chest Grant Funding 2019/2020</b>  This item has been removed from the Decisions Plan, as this will be considered by the Shadow Executive (Cabinet), as the funding is to be awarded after 1 April 2019 when the West Suffolk Council will be created.				Robin Millar Families and Communities 07545 423782	Davina Howes Assistant Director (Families and Communities) 01284 757070		
11/12/18	<b>Treasury Management Report 2018/2019 Investment Activity (1 April to 30 September 2018)</b>  The Cabinet will be asked to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the	Not applicable	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee / Council	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	period 1 April to 30 September 2018.							
11/12/18 <i>(Deferred from 02/10/18)</i>	<b>Asset Management Strategy and Asset Management Plan</b>  The Cabinet will be asked to consider the recommendations of the Overview and Scrutiny Committee regarding the adoption of a new Asset Management Strategy and associated Asset Management Plan, which has been produced jointly with St Edmundsbury Borough Council.	Possible Exempt Appendices: Paragraph 3	(R) - Council 19/12/18	Joint Executive (Cabinet) Committee / Council	Lance Stanbury Planning and Growth 07970 947704	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Recommendations of the Overview and Scrutiny Committee to Joint Executive (Cabinet) Committee and Council with the possibility of Exempt Appendices.
05/02/19	<b>Treasury Management Report 2018/2019 - Investment Activity (1 April to 31 December 2018)</b>  The Cabinet will be asked	Not applicable	(R) - Council 20/02/19	Joint Executive (Cabinet) Committee / Council	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the period 1 April to 31 December 2018.							Executive (Cabinet) Committee and Council
12/03/19	<b>Revenues Collection and Performance Write-Offs</b>  The Cabinet will be asked to consider writing-off outstanding debts detailed in the exempt Appendices.	Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Stephen Edwards Resources and Performance 07904 389982	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Report to Joint Executive (Cabinet) Committee

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

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

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

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

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

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

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

## **NOTE 2: KEY DECISION DEFINITIONS**

Key decisions are:

- (a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:
  - (i) Be significant in terms of its effects on communities living or working in an area in the Borough/District; or
  - (ii) Result in any new expenditure, income or savings of more than £100,000 in relation to the Council's revenue budget or capital programme.
  - (iii) Comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.

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

#### **(a) Membership of Forest Heath Cabinet and their Portfolios:**

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

#### **(b) Membership of the Joint Executive (Cabinet) Committee:**

<b>Authority</b>	<b>Cabinet Member</b>	<b>Portfolio</b>
Forest Heath District Council	Councillor James Waters	FHDC Leader of the Council
	Councillor Robin Millar	FHDC Deputy Leader of the Council/ Families and Communities
	Councillor David Bowman	FHDC Portfolio Holder for Operations
	Councillor Ruth Bowman J.P.	FHDC Portfolio Holder for Future Governance
	Councillor Andy Drummond	FHDC Portfolio Holder for Leisure and Culture
	Councillor Stephen Edwards	FHDC Portfolio Holder for Resources and Performance
St Edmundsbury Borough Council	Councillor Lance Stanbury	FHDC Portfolio Holder for Planning and Growth
	Councillor John Griffiths	SEBC Leader of the Council
	Councillor Sara Mildmay-White	SEBC Deputy Leader of the Council/ Housing
	Councillor Carol Bull	SEBC Portfolio Holder for Future Governance
	Councillor Robert Everitt	SEBC Portfolio Holder for Families and Communities
	Councillor Ian Houlder	SEBC Portfolio Holder for Resources and Performance
	Councillor Alaric Pugh	SEBC Portfolio Holder for Planning and Growth
	Councillor Joanna Rayner	SEBC Portfolio Holder for Leisure and Culture
	Councillor Peter Stevens	SEBC Portfolio Holder for Operations

(c) **Membership of the Anglia Revenues Partnership Joint Committee (Breckland Council, East Cambridgeshire District Council, Fenland District Council, Forest Heath District Council, Suffolk Coastal District Council, St Edmundsbury Borough Council and Waveney District Council** (Membership: one Member/two Substitutes per Authority)

<b>Full Breckland Cabinet Member</b>	<b>Full East Cambridgeshire District Council Cabinet Member</b>	<b>Full Fenland District Council Cabinet Member</b>	<b>Full Forest Heath District Council Cabinet Member</b>	<b>Full Suffolk Coastal District Council Cabinet Member</b>	<b>Full St Edmundsbury Borough Council Cabinet Member</b>	<b>Full Waveney District Council Cabinet Member</b>
Cllr Paul Classen	Cllr David Ambrose-Smith	Cllr Chris Seaton	Cllr Stephen Edwards	Cllr Richard Kerry (Chairman)	Cllr Ian Houlder	Cllr Bruce Provan (Vice Chairman)
<b>Substitute Breckland Cabinet Members</b>	<b>Substitute East Cambridgeshire District Council Cabinet Members</b>	<b>Substitute Fenland District Council Cabinet Members</b>	<b>Substitute Forest Heath District Council Cabinet Members</b>	<b>Substitute Suffolk Coastal District Council Cabinet Members</b>	<b>Substitute St Edmundsbury Borough Council Cabinet Members</b>	<b>Substitute Waveney District Council Cabinet Members</b>
Cllr Sam Chapman-Allen	Cllr Lis Every	Cllr John Clark	Cllr James Waters	Cllr Stuart Lawson	Cllr Sara Mildmay-White	Cllr Mark Bee
Cllr William Nunn	Cllr Julia Huffer	Cllr Will Sutton	Cllr David Bowman	Cllr Ray Herring	Cllr Robert Everitt	Cllr Chris Punt

Jennifer Eves  
Assistant Director (HR, Legal and Democratic Services)  
Date: 3 August 2018

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## Decisions Plan

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

**Date: 1 September 2018 to 31 March 2019**

**Publication Date: 3 August 2018**

The following plan shows both the key decisions and other decisions/matters taken in private, that the Cabinet, Joint Committees or Officers under delegated authority, are intending to take up to 31 March 2019. This table is updated on a monthly rolling basis and provides at least 28 clear days' notice of the consideration of any key decisions and of the taking of any items in private.

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

Members of the public may wish to:

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

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format [firstname.surname@westsuffolk.gov.uk](mailto:firstname.surname@westsuffolk.gov.uk) or via St Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
04/09/18	<b>Annual Treasury Management Report 2017/2018 and Investment Activity 1 April to 30 June 2018</b> The Cabinet will be asked to consider the recommendations of the Performance and Audit Scrutiny Committee regarding the seeking approval for the Annual Treasury Management Report for 2017/2018, which summarised the investment activities for the period 1 April to 30 June 2018.	Not applicable	(R) – Council 25/09/18	Joint Executive (Cabinet) Committee / Council	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council.
18/09/18  (NEW)  (Extra-ordinary meeting)	<b>Barley Homes Group</b> The Cabinet will be asked to consider and recommend to Council, a report on the future of the Barley Homes Group, including an interim business plan and	Exempt Appendices: Paragraph 3	(R) – Council 25/09/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	governance arrangements.							
02/10/18 <i>(Deferred from 22/05/18)</i> <i>(Since the publication of this version of the Decisions Plan, this item is potentially to be deferred – new timeline to be determined)</i>	<b>Future Additional Car Parking Provision, Bury St Edmunds</b> The Cabinet will be asked to consider and recommend to Council, a business case for additional car parking provision in Bury St Edmunds, in accordance with the aspirations set out in the Bury St Edmunds Town Centre Masterplan.	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899  Peter Stevens Operations 01787 280284	Julie Baird Assistant Director (Growth) 01284 757613  Sabrina Pfuetzenreuter-Cross Principal Growth Officer 01284 757113	All Wards	Report to Joint Executive (Cabinet) Committee with possible exempt appendices and recommendations to Council.
02/10/18 <i>(Deferred from 17/04/18)</i>	<b>Haverhill Research Park</b> The Cabinet will be asked to consider proposed options for Haverhill Research Park in terms of	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	David Collinson Assistant Director (Planning and Regulatory) 01284 757306	All Wards	Report to Joint Executive (Cabinet) Committee

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
<i>(Since the publication of this version of the Decisions Plan, this item has been removed for the foreseeable future.)</i>	how its development (influenced by the Borough Council) will support the local economy and local people in the context of the Council's own strategies and policies.					Julie Baird Assistant Director (Growth) 01284 757613  Andrea Mayley Service Manager (Economic Development and Growth) 01284 757343		with recommendations to Council and the possibility of exempt appendices.
02/10/18  <i>(Deferred from 24/07/18)</i>  <i>(Since the publication of this version of the Decisions Plan, this item is potentially to be deferred –</i>	<b>Suffolk Business Park</b> The Cabinet will be asked to consider proposed options for Suffolk Business Park in terms of how its development (influenced by the Borough Council) will support the local economy and local people in the context of the Council's own strategies and policies.	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	Julie Baird Assistant Director (Growth) 01284 757613  Andrea Mayley Service Manager (Economic Development and Growth) 01284 757343	All Wards	Report to Joint Executive (Cabinet) Committee with recommendations to Council and the possibility of exempt appendices.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
<i>new timeline to be determined)</i>								
02/10/18  <i>(Deferred from 28/03/17)</i>	<b>Western Way Development Programme</b> The Cabinet will consider an outline business case, including recommendations to Council, in relation to the Western Way Development Programme. A separate proposal (which integrates with this paper) regarding the potential investment in renewable energy schemes may also be considered at this time.	Possible Exempt Appendices: Paragraph 3	(R) – Council 30/10/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	Rachael Mann Assistant Director (Resources and Performance) 01638 719295  Sabrina Pfuetzenreuter-Cross Principal Growth Officer 01284 757113  Peter Gudde Service Manager (Environmental Health) 01284 757042 (renewable energy scheme element)	All Wards	Report to Joint Executive (Cabinet) Committee with recommendations to Council and possibility of Exempt Appendices.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
06/11/18 <i>(Deferred from 22/05/18)</i>	<b>Custom and Self Build Interim Policy Statement</b> The Cabinet will be asked to agree an Interim Policy Statement which will be used to assess whether or not an application for self/custom build should be granted planning permission and how the West Suffolk Councils (Forest Heath and St Edmundsbury) plan to meet the self/custom build demand in West Suffolk.	Not applicable	(D)	Joint Executive (Cabinet) Committee	Sara Mildmay-White Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613  Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, including interim Policy Statement.
06/11/18	<b>Revenues Collection Performance and Write Offs</b> The Cabinet will be asked to consider writing-off outstanding debts, as detailed in the exempt appendices.	Exempt Appendices: Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Report to Joint Executive (Cabinet) Committee with exempt appendices.

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
06/11/18 <i>(Deferred from 26/06/18)</i>  <i>(Since the publication of this version of the Decisions Plan, this item has been deferred to 11/12/18 with (R) to Council on 18/12/18.</i>	<b>West Suffolk Joint Tenancy Strategy</b> The Localism Act (2011) introduced a duty for Local Authorities to produce a Tenancy Strategy. The Strategy outlines both the West Suffolk Councils' (Forest Heath and St Edmundsbury) and Registered Providers' approach to issues which affect tenants living in West Suffolk, including the management and allocation of affordable housing.	Not applicable	(R) – Council 20/11/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	Julie Baird Assistant Director (Growth) 01284 757613  Simon Phelan Service Manager (Strategic Housing) 01638 719440	All Wards	Report to Joint Executive (Cabinet) Committee, with recommendations to Council, including Tenancy Strategy
11/12/18 <i>(Deferred from 26/06/18)</i>	<b>Review of West Suffolk's Housing Strategy</b> West Suffolk's Housing Strategy 2014 is due to be reviewed in 2018. Through the review of the Housing Strategy, the opportunity to reflect	Not applicable	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	Davina Howes Assistant Director (Families and Communities) 01284 757070  David Collinson Assistant Director (Planning and	All Wards	Report to Joint Executive (Cabinet) Committee with draft Strategy, overview of existing

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	<p>priorities, actions and projects set out in the recently adopted West Suffolk Strategic Framework 2018-2020 will be taken. Furthermore, there are a number of additional duties and fundamental changes to housing legislation that will be reflected in the Housing Strategy.</p> <p>The draft Strategy will have previously been considered by the FHDC and SEBC Overview and Scrutiny Committees.</p>					<p>Regulatory) 01284 757306</p> <p>Julie Baird Assistant Director (Growth) 01284 757613</p>		Housing Strategy review and results of consultation.
<p>11/12/18</p> <p><i>(Deferred from 18/06/18)</i></p> <p><i>(Since the publication of this version of</i></p>	<p><b>West Suffolk Joint Affordable Housing Supplementary Planning Document</b></p> <p>The Affordable Housing supplementary planning document (SPD) provides additional guidance to Core Strategy Policies CS5</p>	Not applicable	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Sara Mildmay-White Housing 01359 270580	<p>Julie Baird Assistant Director (Growth) 01284 757613</p> <p>Simon Phelan Service Manager (Strategic Housing)</p>	All Wards	Report to Joint Executive (Cabinet) Committee, including Supplementary Planning Document



Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
<i>the Decisions Plan, this item has been deferred: New timeline to be confirmed)</i>	(St Edmundsbury Borough Council) and CS9 (Forest Heath District Council) 'Affordable Housing' to ensure that applicants and developers have a clear understanding of affordable housing requirements when considering submission of a planning application. The Cabinet will be asked to recommend to Council approval of this SPD.					01638 719440		
	<b>Applications for Community Chest Grant Funding 2019/2020</b> This item has been removed from the Decisions Plan, as this will be considered by the Shadow Executive (Cabinet), as the funding is to be awarded after 1 April 2019 when the West Suffolk Council will be created.				Robert Everitt Families and Communities 01284 769000	Davina Howes Assistant Director (Families and Communities) 01284 757070		

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
11/12/18	<b>Treasury Management Report 2018/2019 – Investment Activity (1 April to 30 September 2018)</b> The Cabinet will be asked to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the period 1 April to 30 September 2018.	Not applicable	(R) - Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council
11/12/18	<b>Asset Management Strategy and Asset Management Plan</b> The Cabinet will be asked to consider the recommendations of the Overview and Scrutiny Committee regarding the adoption of a new Asset Management Strategy and associated Asset	Possible Exempt Appendices: Paragraph 3	(R) – Council 18/12/18	Joint Executive (Cabinet) Committee / Council	Alaric Pugh Planning and Growth 07930 460899	Julie Baird Assistant Director (Growth) 01284 757613	All Wards	Recommendations of the Overview and Scrutiny Committee to Joint Executive (Cabinet) Committee and Council with the

Expected Decision Date	Subject and Purpose of Decision	Reason for taking item in private (see Note 1 for relevant exempt paragraphs)	Decision (D), Key Decision (KD) or Rec (R) to Council on date  (see Note 2 for Key Decision definitions)	Decision Taker (see Note 3 for membership)	Portfolio Holder Contact Details	Lead Officer Contact Details	Wards Affected	Documents to be submitted
<b>All expected decisions listed below are intended to be taken by the Joint Executive (Cabinet) Committee, unless specified otherwise</b>								
	Management Plan, which has been produced jointly with Forest Heath District Council.							possibility of Exempt Appendices.
05/02/19	<b>Treasury Management Report 2018/2019 – Investment Activity (1 April to 31 December 2018)</b> The Cabinet will be asked to recommend to Council, the approval of the Treasury Management Report 2018-2019 which summarised the investment activity for the period 1 April to 31 December 2018.	Not applicable	(R) - Council 19/02/19	Joint Executive (Cabinet) Committee / Council	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Recommendations of the Performance and Audit Scrutiny Committee to Joint Executive (Cabinet) Committee and Council
12/03/19	<b>Revenues Collection Performance and Write Offs</b> The Cabinet will be asked to consider writing-off outstanding debts, as detailed in the exempt appendices.	Exempt Appendices: Paragraphs 1 and 2	(KD)	Joint Executive (Cabinet) Committee	Ian Houlder Resources and Performance 01284 810074	Rachael Mann Assistant Director (Resources and Performance) 01638 719245	All Wards	Report to Joint Executive (Cabinet) Committee with exempt appendices.

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

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

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

#### PART 1

#### DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

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

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

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

**NOTE 2: KEY DECISION DEFINITION**

- (a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:
  - (i) be significant in terms of its effects on communities living or working in an area in the Borough/District; or
  - (ii) result in any new expenditure, income or savings of more than £100,000 in relation to the Council's revenue budget or capital programme;
  - (iii) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.

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

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

<b>Cabinet Member</b>	<b>Portfolio</b>
Councillor John Griffiths Councillor Sara Mildmay-White	Leader of the Council Deputy Leader of the Council/ Housing
Councillor Carol Bull Councillor Robert Everitt Councillor Ian Houlder	Portfolio Holder for Future Governance Portfolio Holder for Families and Communities Portfolio Holder for Resources and Performance
Councillor Alaric Pugh Councillor Joanna Rayner Councillor Peter Stevens	Portfolio Holder for Planning and Growth Portfolio Holder for Leisure and Culture Portfolio Holder for Operations

**(b) Membership of the Joint Executive (Cabinet) Committee:**

<b>Authority</b>	<b>Cabinet Member</b>	<b>Portfolio</b>
St Edmundsbury Borough Council	Councillor John Griffiths	SEBC Leader of the Council
	Councillor Sara Mildmay-White	SEBC Deputy Leader of the Council/ Housing
	Councillor Carol Bull	SEBC Portfolio Holder for Future Governance
	Councillor Robert Everitt	SEBC Portfolio Holder for Families and Communities
	Councillor Ian Houlder	SEBC Portfolio Holder for Resources and Performance
Forest Heath District Council	Councillor Alaric Pugh	SEBC Portfolio Holder for Planning and Growth
	Councillor Joanna Rayner	SEBC Portfolio Holder for Leisure and Culture
	Councillor Peter Stevens	SEBC Portfolio Holder for Operations
	Councillor James Waters	FHDC Leader of the Council
	Councillor Robin Millar	FHDC Deputy Leader of the Council/ Families and Communities
	Councillor David Bowman	FHDC Portfolio Holder for Operations
	Councillor Ruth Bowman J.P.	FHDC Portfolio Holder for Future Governance
	Councillor Andy Drummond	FHDC Portfolio Holder for Leisure and Culture
	Councillor Stephen Edwards	FHDC Portfolio Holder for Resources and Performance
	Councillor Lance Stanbury	FHDC Portfolio Holder for Planning and Growth

(c) **Membership of the Anglia Revenues Partnership Joint Committee (Breckland Council, East Cambridgeshire District Council, Fenland District Council, Forest Heath District Council, Suffolk Coastal District Council , St Edmundsbury Borough Council and Waveney District Council**

<b>Full Breckland Cabinet Member</b>	<b>Full East Cambridgeshire District Council Cabinet Member</b>	<b>Full Fenland District Council Cabinet Member</b>	<b>Full Forest Heath District Council Cabinet Member</b>	<b>Full Suffolk Coastal District Council Cabinet Member</b>	<b>Full St Edmundsbury Borough Council Cabinet Member</b>	<b>Full Waveney District Council Cabinet Member</b>
Cllr Paul Claussen	Cllr David Ambrose-Smith	Cllr Chris Seaton	Cllr Stephen Edwards	Cllr Richard Kerry	Cllr Ian Houlder	Cllr Bruce Provan
<b>Substitute Breckland Cabinet Members</b>	<b>Substitute East Cambridgeshire District Council Cabinet Members</b>	<b>Substitute Fenland District Council Cabinet Members</b>	<b>Substitute Forest Heath District Council Cabinet Members</b>	<b>Substitute Suffolk Coastal District Council Cabinet Members</b>	<b>Substitute St Edmundsbury Borough Council Cabinet Members</b>	<b>Substitute Waveney District Council Cabinet Members</b>
Cllr Sam Chapman-Allen	Cllr Lis Every	Cllr John Clark	Cllr James Waters	Cllr Stuart Lawson	Cllr Sara Mildmay-White	Cllr Mark Bee
Cllr William Nunn	Cllr Julia Huffer	Cllr Will Sutton	Cllr David Bowman	Cllr Ray Herring	Cllr Robert Everitt	Cllr Chris Punt



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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