

**Minutes** of a meeting of the **Cabinet** held on  
**Tuesday 10 September 2019** at **6.10 pm** in the **Council Chamber,**  
**District Offices,** College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

**Chair** John Griffiths (Leader of the Council)

**Vice Chair** Sara Mildmay-White (Deputy Leader of the Council)

Sarah Broughton  
Andy Drummond  
Robert Everitt

Susan Glossop  
Joanna Rayner  
Peter Stevens

**By invitation**

Ian Houlder (Chair of Performance and Audit Scrutiny Committee)

**In attendance:**

Mike Chester  
Brian Harvey  
Rachel Hood

David Roach  
Marion Rushbrook  
Ian Shipp

33. **Apologies for Absence**

Apologies for absence were received from Councillor Carol Bull.

34. **Minutes**

The minutes of the meeting held on 23 July 2019 were confirmed as a correct record and signed by the Chair.

35. **Open Forum**

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

36. **Public Participation**

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

37. **Report of the Performance and Audit Scrutiny Committee: 25 July 2019 (Report No: CAB/WS/19/020)**

The Cabinet received and noted this report, which informed Members of the following substantive items discussed by the Performance and Audit Scrutiny Committee at their meeting held on 25 July 2019:

- (1) Ernst and Young – 2018/2019 Annual Results Report to those charged with Governance (FHDC and SEBC).
- (2) 2018-2019 Statement of Accounts (FHDC and SEBC).
- (3) Annual Treasury management Report 2018-2019 (FHDC).
- (4) Annual Treasury Management Report 2018-2019 (SEBC).
- (5) Treasury Management Report (June 2019).
- (6) 2019-2020 Performance Report (Quarter 1).
- (7) Work Programme Update 2019-2020.

Separate reports in relation to Items (3), (4) and (5) above were also included within the Cabinet agenda papers.

Councillor Ian Houlder, Chair of the Performance and Audit Scrutiny Committee, drew relevant issues to the attention of the Cabinet.

The Assistant Director (Resources and Performance) referred to paragraph 1.2.3 of the report (2018-2019 Statement of Accounts) and confirmed that the External Auditors had since completed their audit of the Statement of Accounts for 2018-2019, therefore, allowing the Accounts to be finally signed-off in August 2019.

38. **Recommendations of the Performance and Audit Scrutiny Committee - 25 July 2019: Annual Treasury Management Report 2018-2019 (FHDC) (Report No: CAB/WS/19/021)**

The Cabinet received this report which explained that the former Forest Heath District Council's Annual Treasury Management Report for 2018-2019 included tables summarising interest earned and the average rate of return achieved during 2018-2019; investment activity during the year; investments held as at 31 March 2019; capital borrowing budget 2018-2019 and borrowing and temporary loans.

The budget for investment income in 2018-2019 was £224,000 (target average rate of return 0.75%). Interest actually earned during the financial year totalled £145,597 (average rate of return of 0.724%), against a budget for the year of £224,000; a budgetary deficit of £78,404.

The Cabinet was required to consider the Annual Treasury Management Report for 2018/2019, prior to seeking its approval by Council.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, also drew relevant issues to the attention of Cabinet.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

That the Annual Treasury Management Report for 2018-2019 for the former Forest Heath District Council, being Report No: FRS/WS/19/001, be approved.

39. **Recommendations of the Performance and Audit Scrutiny Committee - 25 July 2019: Annual Treasury Management Report 2018-2019 (SEBC) (Report No: CAB/WS/19/022)**

The Cabinet received this report which explained that the former St Edmundsbury Borough Council's Annual Treasury Management Report for 2018-2019 included tables summarising the interest earned and the average rate of return achieved during 2018-2019; investment activity during the year; investments held as at 31 March 2019 and capital borrowing budget 2018-2019.

The budget for investment income in 2018-2019 was £308,000 (target average rate of return 0.70%). Interest actually earned during the financial year totalled £344,766 (average rate of return of 0.751%), against a budget for the year of £308,000; a budgetary surplus of £36,766.

The Cabinet was required to consider the Annual Treasury Management Report for 2018/2019, prior to seeking its approval by Council.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, also drew relevant issues to the attention of Cabinet.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

That the Annual Treasury Management Report for 2018-2019 for the former St Edmundsbury Borough Council, being Report No: FRS/WS/19/002, be approved.

40. **Recommendations of the Performance and Audit Scrutiny Committee - 25 July 2019: Treasury Management Report (June 2019) (Report No: CAB/WS/19/023)**

The Cabinet received this report which provided information on the investment activities for the West Suffolk Council for the period 1 April 2019 to 30 June 2019.

Following the creation of West Suffolk Council, the total amount invested at 1 April 2019 was £47,750,000 and at 30 June 2019 £46,250,000. Various deposit accounts were closed in the lead up to the year end in order to wind up both Forest Heath District Council and St Edmundsbury Borough Council. These balances were held in the current account until the first trading day of West Suffolk Council when new deposit accounts could be opened.

The 2019-2020 Annual Treasury Management and Investment Strategy sets out the Council's projections for the current financial year. The budget for investment income in 2019-2020 was £142,141 which was based on a 0.90% target interest rate of return on investments.

The Cabinet was required to consider the Treasury Management Report, prior to seeking its approval by Council.

Councillor Sarah Broughton, Portfolio Holder for Resources and Performance, also drew relevant issues to the attention of Cabinet.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

That the Treasury Management Report for 2018-2019, being Report No: FRS/WS/19/003, be approved.

41. **Single Issue Review (SIR) of Core Strategy Policy CS7: Planning Inspector's Report and Adoption (Report No: CAB/WS/19/024)**

*(Councillor Sarah Broughton declared a non pecuniary interest in this item, as she was a personal acquaintance of the owner of the land at Hatchfield Farm, Newmarket. Councillor Broughton remained in the meeting and participated in the discussion and voting thereon)*

The Cabinet considered this report which recommended to Council, the adoption of the Single Issue Review (SIR) of Policy CS7, including both the main and additional modifications.

The preparation of the Forest Heath Core Strategy Single Issue Review (SIR) of Policy CS7 had now reached the end of the plan making process. The Inspector's Report had been received and, subject to incorporating the associated Main Modifications identified by the Inspector, they had concluded that the Local Plan was sound.

The following documents were also attached to this report:

- Appendix A set out the Inspector's Report which found the Local Plan sound and considered it an appropriate basis for the planning for the area of West Suffolk District Council, formally known as Forest Heath. The main modifications were attached to the Inspector's Report.
- Appendix B set out the suggested additional modifications by Officers made to the SIR document to-date.
- Appendix C set out the final version of the SIR of Core Policy Strategy CS7, which included all of the main modifications required by the Planning Inspector and the additional modifications suggested by Officers.
- As a result of the modifications, the Habitats Regulations Assessment (HRA) (Appendix D) and the Sustainability Appraisal (SA) (Appendix E) documents had also been updated.

This Local Plan Single Issue Review set out the overall housing requirement for the area (formally Forest Heath) which was 6,800 homes (340 dwellings per annum) and its broad distribution across the settlements. The Inspector had dealt with concerns arising from the horseracing industry, noise and environmental constraints and had found the document sound and an appropriate basis for planning in the area formally known as Forest Heath. The Inspector's report was very supportive of the work the Council had done and praised the Authority, including on the extensive consultation that was carried out. This was a huge achievement for the Council.

Officers also clarified that in relation to Recommendation (3) of Report No: CAB/WS/19/024, the Habitats Regulations Assessment (Appendix D) and the

Sustainability Appraisal (Appendix E), it had since been confirmed that these documents did not require formal adoption by the Council.

The Cabinet wished to express their thanks to the Service Manager (Strategic Planning) and the Strategic Planning Team for all of the work which had been undertaken to be able to get to this position. The Cabinet were particularly mindful of the repercussions of not adopting this Plan and the negative impact that this could have on the District as a whole. However, the Cabinet also wished to acknowledge the particular concerns raised by the horseracing industry within Newmarket regarding the adoption of this Local Plan, but wished to reassure them that within the development of the new West Suffolk Local Plan, there would continue to be a recognition of the importance of the horseracing industry for Newmarket.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

That:-

- (1) The content of the Inspector's report to the Single Issue Review of Core Strategy Policy CS7 containing Main Modifications (Appendix A to Report No: CAB/WS/19/024) be noted;
- (2) The schedule of Additional Modifications (Appendix B to Report No: CAB/WS/19/024) to the Single Issue Review of Core Strategy Policy CS7 to make minor updates and corrections, be noted;
- (3) The Single Issue Review (SIR) of Policy CS7 including both main and additional modifications (Appendix C to Report No: CAB/WS/19/024) be adopted;
- (4) The Service Manager for Strategic Planning, in consultation with the Leader of the Council, be authorised to make minor typographical amendments or updates in preparing the final version of the Plan.

*(It was noted that Councillor Andy Drummond had abstained from voting on this item)*

42. **Site Allocations Local Plan (SALP): Planning Inspector's Report and Adoption (Report No: CAB/WS/19/025)**

*(Councillor Sarah Broughton declared a non pecuniary interest in this item, as she was a personal acquaintance of the owner of the land at Hatchfield Farm, Newmarket. Councillor Broughton remained in the meeting and participated in the discussion and voting thereon)*

The Cabinet considered this report which recommended to Council, the adoption of the Site Allocations Local Plan, including both the main and additional modifications.

The preparation of the Forest Heath Site Allocations Local Plan (SALP) had now reached the end of the plan making process. The Inspector's Report had

now been received and, subject to incorporating the associated Main Modifications identified by the Inspector, they had concluded that the Local Plan was sound.

The following documents were also attached to this report:

- Appendix A set out the Inspector's Report which found the Local Plan sound and considered it an appropriate basis for the planning for the area formally known as Forest Heath.
- Appendix B set out the additional modifications suggested by Officers to the SALP document.
- Appendix C set out the final version of the SALP, along with a Policies Map Book showing the allocations (Appendix D). These documents included all of the main modifications required by the Planning Inspector and the additional modifications suggested by Officers.
- As a result of the modifications, the Habitat Regulations Assessment (HRA) and the Sustainability Appraisal (SA) documents had also been updated.

The Forest Heath Site Allocations Local Plan contained the site specific housing, employment and other allocations to meet the requirements of the Core Strategy. This Plan would complete the suite of Local Plan documents for the former Forest Heath area and for West Suffolk. The Inspector had dealt with concerns arising from the horseracing industry, noise and environmental constraints and had concluded finding the document sound and an appropriate basis for planning in the area formally known as Forest Heath. The Inspector's report was very supportive of the work that the Council had done and praised the Authority, including on the extensive consultation that was carried out. This was a huge achievement for the Council in order for development to be delivered in a planned way.

Officers also clarified that in relation to Recommendation (3) of Report No: CAB/WS/19/025, the Habitats Regulations Assessment (Appendix E) and the Sustainability Appraisal (Appendix F), it had since been confirmed that these documents did not require formal adoption by the Council.

The Cabinet wished to express their thanks to the Service Manager (Strategic Planning) and the Strategic Planning Team for all of the work which had been undertaken to be able to get to this position. The Cabinet were particularly mindful of the repercussions of not adopting this Plan and the negative impact that this could have on the District as a whole. However, the Cabinet again wished to acknowledge the particular concerns raised by the horseracing industry within Newmarket regarding the adoption of this Local Plan, but wished to reassure them that within the development of the new West Suffolk Local Plan, there would continue to be a recognitions of the importance of the horseracing industry for Newmarket.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

That:-

- (1) The content of the Inspector's report to the Site Allocations Local Plan containing Main Modifications (Appendix A to Report No: CAB/WS/19/025) be noted; and
- (2) The schedule of Additional Modifications (Appendix B to Report No: CAB/WS/19/025) to the Site Allocations Local Plan to make minor updates and corrections be noted; and
- (3) The following documents be adopted:
  - The Site Allocations Local Plan including both main and additional modifications (Appendix C to Report No: CAB/WS/19/025).
  - The Policies Map (Appendix D to Report No: CAB/WS/19/025).
- (4) The Service Manager for Strategic Planning, in consultation with the Leader of the Council, be authorised to make minor typographical amendments or updates in preparing the final version of the Plan.

*(It was noted that Councillor Andy Drummond had abstained from voting on this item)*

**43. Western Way Development: Final Business Case (Report No: CAB/WS/19/026)**

The Cabinet considered this report which recommended to Council, approval of the Final Business Cases for the Western Way Development (WWD), Bury St Edmunds and, as part of the wider scheme, the replacement of the Bury St Edmunds Leisure Centre, allowing the project to be delivered on the basis set out in those Business Cases and the Council's Constitution.

Councillor Jo Rayner, Portfolio Holder for Leisure, Culture and Community Hubs, drew relevant issues to the attention of the Cabinet and particularly wished to thank Officers for all of the work which had been undertaken on the delivery of this project to-date. Councillor Rayner also re-iterated that the Final Business Cases had been written on the basis that, having considered alternative options, Councillors and Partners had already agreed, in principle, to redevelop the Western Way site in the manner proposed.

The Director explained that although public consultation had already taken place on both the 2016 Masterplan and the future of the leisure centre, a further community consultation on the WWD had been carried out over the Summer and would close at midnight on 10 September 2019. The main purpose of this process was an informal pre-application consultation for any future planning applications, given people the chance to influence the design and transportation aspects of the scheme.

The Director provided a verbal update on this consultation. In addition to over 30 forms completed at a drop-in exhibition on 6 September 2019, to-date over 250 people had completed the detailed online questionnaire. The most prevalent topics were traffic, transport, parking and health and leisure facilities. This feedback would assist in refining the proposals in the next stage of the project, if the Business Case was approved. There were, however, no issues arising in the consultation that would prevent consideration of the Final Business Case, not least as many of the issues raised in the consultation would be thoroughly tested through the formal planning process. After the consultation had formally closed, a short summary of the results would be provided as a report (to follow) for Council on 19 September 2019. A full report on the consultation, with responses to all comments made, would then be included in any later planning application.

The Final Business Case was being recommended to Council on the basis of an external gateway review before making final decisions on the project. This review was primarily to be focused on the financial and delivery vehicle aspects of the project, as these were the new dimensions compared to other hub projects.

As the Final Business Case demonstrated, having absolute certainty on the partner requirement would shape how the first phase of the project was tendered and then actually delivered. The proposed design was flexible enough to adapt to however this requirement ended up. Therefore, there was no reason to hold up a planning application. However, the core focus of the gateway review was only ready at this point to be approved in principle and then clarified before the contractual spending decisions were taken. Therefore, it was being proposed that this review was a condition of moving into the procurement phase of the project, rather than the planning phases and that the funding for carrying it out was rolled into the next phase of the project. It was the intention for this review to be presented to Cabinet on 14 January 2020 for sign-off.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

That, subject to no further significant concerns or matters arising from the outcome of the public consultation:

- (1) The Final Business Cases for the Western Way Development (WWD), Bury St Edmunds and, as part of that wider scheme, the replacement of the Bury St Edmunds Leisure Centre be approved, allowing the project to be delivered on the basis set out in those Business Cases and the Council's Constitution;
- (2) Subject to the updates in this Final Business Case, the Strategic Case for the WWD contained in the 2018 Outline Business Case be reconfirmed;
- (3) Taking into account the outcome of the pre-application consultation, planning consent be sought by the Council and its partners for the WWD as described in the Final Business Case;

- (4) Provision of £300,000 be made from the Strategic Priorities and MTFS Reserve to fund the planning consent stage (i.e. (3) above);
- (5) Before any work commences on the tender pack(s) for any individual component of the scheme:
  - (a) As set out in Paragraph 5.9.6 (a) of Part E of this Final Business case, the project must undergo a gateway review with an independent external expert to the satisfaction of the Council's Monitoring and Section 151 Officers and the Cabinet;
  - (b) Any public sector partners wishing to take part in phase 1 of the project will be required to enter into formal agreements to confirm the basis on which they will occupy the WWD and, in relation to their part(s) of the tender pack(s), to indemnify the Council for their share of its abortive costs if they subsequently withdraw or substantially reduce their requirements. With the Council, therefore, only holding the investment risk of its own elements of the project (e.g. the commercial offices) which will be underwritten by revenue balances or reserves; and
  - (c) Taking into account (a) and (b) above, the Cabinet will have adjusted the final phase 1 scheme so that it continues to meet the objectives set out in this Final Business Case, including the budgetary limits set out in (7) and (8) below;
- (6) If the Council is to be involved directly in their delivery, a separate final business case will be required for the projects to provide student accommodation for West Suffolk College and/or a pre-school as part of the WWD;
- (7) Excluding the costs and income relating to the leisure centre, pre-school building and student accommodation, the Council's capital expenditure, through its capital programme, on the WWD be capped at a maximum of £112 million, funded at this stage by borrowing, subject to the Council's Section 151 Officer being satisfied at all times that, under the adopted principles set out in the Outline and Final Business Cases, the WWD is capable of achieving at least a break-even position on this expenditure over the whole life of the project allowing for the management of cash flow risk;
- (8) The Council's capital expenditure, through its capital programme, for the replacement of the Bury St Edmunds Leisure Centre be set at £27.9m, funded at this stage by borrowing, allowing this element of the project to be delivered on the basis set out in the Outline and Final Business Cases and in accordance with the Council's Constitution;

- (9) The Council's Section 151 Officer make the necessary changes to the Council's prudential indicators to reflect the direct cost to the Council of funding the project budgets set out in (7) and (8) above;
- (10) Provision be made from 2023/24 onwards for the revenue implications of the replacement of the leisure centre as set out in section 5.3.3 of Part E (Financial Case), with this funding being identified in the Council's Medium Term Financial Strategy as part of the 2020/21 budget process;
- (11) Subject to consultation with the relevant Portfolio Holders and, if appropriate, the Council's Monitoring Officer, the Council's Section 151 Officer determine the most beneficial and economic funding method for the project, including entering into agreements with third-party investors if required; and
- (12) Funding bids be made to regional and national funding bodies to offset the project funding and cash flow risks and support delivery of the actual scheme.

**44. Recommendation of the Grants to External Organisations Review Group (Report No: CAB/WS/19/027)**

The Cabinet considered this report which related to the review of West Suffolk Council's Grants to External Organisations.

Councillor Robert Everitt, Portfolio Holder for Families and Communities explained that in June 2019, the Cabinet had agreed to establish a group to carry out a review of West Suffolk Council's Grants to External Organisations. The aim of the review was to ensure that locality budgets, grants and reliefs made from 1 April 2019 were aligned to the Council's strategic objectives and offered value for money.

In November 2018, the Shadow Executive (Cabinet) agreed for a full review of the Community Chest Grant Scheme be undertaken in Summer 2019, which was now being included as part of the Review of Grants to External Organisations. It was also proposed that the 2020/2021 grants continue on the basis of the current schemes and that consideration be given as to whether decisions be made by the Portfolio Holder or a West Suffolk Grants Working Party and the Cabinet.

In line with this proposal, the Review Group was recommending that this year, a West Suffolk Grant Working party be established to advise Cabinet on the 2020/2021 round of Community Chest funding. Furthermore, it was also being recommended that the West Suffolk Grant Working Party be constituted as the Members of the Grants to External Organisations Review Group. The Group would need to meet in September and November 2019 with a view to making their recommendations to Cabinet in November 2019.

In future meetings, the Grants to External Organisations Review Group would then assess the arrangements for supporting community organisations for

2021/2022 onwards and for the other existing grant decisions which sat outside of the Community Chest for 2020/2021.

**RESOLVED:**

That:-

- (1) A West Suffolk Grant Working Party be established to consider Community Chest grant applications for 2020/21 and make recommendations to Cabinet on the allocation of funding.
- (2) The Grants to External Organisations Review Group, including all current Members, be constituted to form the West Suffolk Grant Working Party, with each Group Leader invited to nominate one substitute Member from amongst their Members to the West Suffolk Grant Working Party; and
- (3) Progress of the Grants to External Organisations Review Group be noted.

**45. Update on the Work of the West Suffolk Rural Taskforce (Report No: CAB/WS/19/028)**

The Cabinet received and noted this report which provided an update on the work to-date which had been undertaken by the West Suffolk Rural Taskforce.

In June 2019, the Cabinet had announced the establishment of a rural taskforce with a view to making recommendations back to Cabinet on how best to ensure the different issues facing residents, communities and businesses in more rural areas, as opposed to more urban areas, were taken into account by West Suffolk Council in all of its relevant future activities and decision making.

Councillor Mike Chester, Chair of the West Suffolk Rural Taskforce, also drew relevant issues to the attention of the Cabinet and explained that the Taskforce had now confirmed their definition of rural as being:

*"Generally settlements of 3,000 population or less, but recognised that there were exceptions within this, such as the settlements of Red Lodge, Lakenheath, Beck Row, Holywell Row and Kenny Hill, all of which are greater than 3,000 population, but in their own ways, share many of the characteristics and challenges of rural communities."*

Councillor Chester also wished to draw the Cabinet's attention to the engagement approach which had been agreed by the Taskforce, this being:

- Local Members meeting with groups in their communities to discuss their thoughts on the strengths and challenges of their area and to provide this feedback to the Taskforce.
- Four community events, to be hosted by the Taskforce in mid September 2019, where Members and community groups were invited to come and discuss their thoughts.

- A community survey, which had been widely published through media and social media and which had been sent to a wide range of groups within communities (the closing date for responses was 30 September 2019).
- Members of the Taskforce attending meetings of groups that served communities across the West Suffolk area to raise awareness of the Taskforce's work and to also ask for their feedback into the process.
- Inviting specific bodies to come before future meetings of the Taskforce to discuss their thoughts in more detail (to take place in October/November 2019).

Section 4 of the report set out the various topics/priorities for rural communities for consideration by the Taskforce. Over their next meetings, the Taskforce would be discussing these key topics/priorities, incorporating the feedback from the community engagement and looking to make recommendations back to Cabinet on 14 January 2020 as to what action they believed the Council could take in its future decision making to support rural communities.

**46. Decisions Plan: 1 September 2019 to 31 May 2020 (Report No: CAB/WS/19/029)**

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 September 2019 to 31 May 2020.

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

**47. Exclusion of Press and Public**

As Report No: CAB/WS/19/030 needed to be considered by the Cabinet in private session, it was proposed, seconded and

**RESOLVED:**

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

**48. Investing in our Commercial Asset Portfolio (para 3) (Report No: CAB/WS/19/030) (para 3)**

The Cabinet received this report which advised of the opportunity to acquire a commercial property investment. It was considered that this purchase offered the opportunity to project jobs with a major employer, provide an addition to the Council's commercial asset portfolio to generate revenue

income and to provide strategic opportunities. The overall investment would also be in line with the Council's principles of its Investing in Growth Strategy.

**RECOMMENDED TO COUNCIL:** (19 September 2019)

The recommendations were approved as set out in Exempt Report No: CAB/WS/19/030.

*(This decision and associated papers will be available in the public domain in due course)*

The meeting concluded at 7.15 pm

**Signed by:**

**Chair**

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