

Cabinet



Forest Heath
District Council

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

Present: **Councillors**

Chairman James Waters
Vice Chairman Robin Millar

David Bowman
Andy Drummond

Stephen Edwards
Lance Stanbury

By Invitation:

Louis Busuttil

(Chairman of the Performance and
Audit Scrutiny Committee)

Simon Cole

(Chairman of the Overview and
Scrutiny Committee)

278. Apologies for Absence

There were no apologies for absence.

279. Minutes

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

280. Open Forum

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

281. Public Participation

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

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

Councillor Simon Cole, Chairman of the Overview and Scrutiny Committee, presented this report which informed the Cabinet of the following items which had been discussed by the Committee on 12 January 2017:

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

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

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

With the vote being unanimous, it was

RESOLVED:

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

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

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

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

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

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

With the vote being unanimous, it was

RESOLVED:

That:-

1. The Public Space Protection Orders relating to dog control across Forest Heath, be approved, subject to public consultation.
2. Subject to receiving confirmation from Legal Services that this is possible under the legislation:
 - (i) The Service Manager (Operations, Leisure and Culture), in consultation with the Portfolio Holder, informs the local Town and Parish Councils of the District Council's proposal to introduce PSPO's which:
 - Requires dog walkers to clear up after their dogs whilst in public open space in the District (regardless of who owns the public open space)
 - Excludes dogs from certain specific play areas (Currently just those owned/managed by FHDC and listed in a schedule) and;
 - (ii) Invite Town and Parish Councils (at cost) to include their play areas in the proposed PSPO schedule of sites which excludes dogs.

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

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

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

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

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

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That note be taken of the findings of the Overview and Scrutiny Committee in developing a new Partnership Agreement with Abbeycroft moving forward, in particular:

1. The need for full '*disclosure of all*' costs to the Council of providing leisure services.
2. The need for the agreement to focus on the outcomes for the health and wellbeing of communities.
3. The approach to developing a Partnership Agreement with Abbeycroft for at least 10 years and alignment of leases will deliver a value for money service for the Council.

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

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

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

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

With the vote being unanimous, it was

RESOLVED:

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

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

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

Councillor Busuttil particularly drew to the attention of the Cabinet the position with a £4m long term loan of 70 years (which had been taken out in March 2008 and which would mature in March 2078). Officers had contacted the Lender in December 2016 for a redemption figure and had been quoted a significant sum. The Cabinet considered the quoted redemption figure to be totally unreasonable. Therefore, Officers were requested to strongly pursue a re-negotiation with the Lender to see whether a more acceptable settlement figure could be achieved. If this could not be achieved, then Officers to seek further independent advice on the matter.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That:-

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

287. **Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Annual Treasury Management and Investment Strategy 2017/2018 and Treasury Management Code of Practice (Report No: CAB/FH/17/006)**

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

The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management required that, prior to the start of the

financial year, the Council formally approved an Annual Treasury Management and Investment Strategy, setting out the Council's treasury management policy and strategy statements for the forthcoming year.

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

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

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

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

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That:-

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

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

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

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

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

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

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

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

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That the proposals, as detailed in Table 1, at paragraph 1.2.1 of Report No: PAS/FH/17/005, be included in order to progress securing a balanced budget for 2017/2018.

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

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

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

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

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

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

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

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

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

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

The Assistant Director (Resources and Performance) also informed the Cabinet that an updated National Non-Domestic Rate (NNDR)¹ had been submitted to the Department of Communities and Local Government (DCLG) which stated that since the publication of the Cabinet report, the anticipated business rate income had increased. This would not, however, affect the net position of the 2017/2018 budget and the updated figures would be presented to Council on 22 February 2017.

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That:-

1. The revenue and capital budget for 2017-2021 contained in Attachment A to Report No: CAB/FH/17/008 and as detailed in Attachment D, Appendices 1-5 and Attachment E, be approved.
2. Having taken into account the conclusions of the Assistant Director (Resources and Performance) report on the adequacy of reserves and the robustness of budget estimates (Attachment C) and the Medium Term Financial Strategy (MTFS) (Attachment D), particularly the Scenario Planning and Sensitivity Analysis (Attachment D, Appendix 5) and all other information contained in Report No: CAB/FH/17/008, Cabinet recommends a 3.6% increase (equates to £4.95 for an average Band D property) in Council Tax for 2017/2018 . The level of Band D Council Tax for 2017/2018, therefore, be set at £142.38.
(Note: the level of Council Tax beyond 2018 will be set in accordance with the annual budget process for the relevant financial year.).
3. The Assistant Director (Resources and Performance), in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus from the 2016/2017 revenue budget to the Invest to Save Reserve as detailed in paragraph 1.11.4, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year.
4. The Discretionary Business Rates Relief awarded for local newspapers as detailed in paragraphs 1.4.2.1 to 1.4.2.3 to Report No: CAB/FH/17/008, be approved.

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

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

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

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

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

(1) ARP Joint Committee Partnership Budget.

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

With the vote being unanimous, it was

RESOLVED:

That the contents of Report No: CAB/FH/17/009, being the report of the Anglia Revenues and Benefits Partnership Joint Committee, be noted.

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

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

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

In order to operate under the legislation, 'best practice' advised that Councils adopted a policy for the issue of licences and the maintenance of Sex Establishments and approve a set of conditions to be applied to each licence. The District Council had a Sex Establishment Policy adopted on 8 May 2013 and St Edmundsbury Borough Council had a separate policy. It was proposed that the Joint Policy, which aligned the operation of the two authorities, thus increasing efficiency and had been subject to public consultation, as contained as Appendix 1 to Report No: LIC/FH/17/002, replaced both documents.

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

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

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

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

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

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

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

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

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

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That:-

1. The funding model, with estimated project budget and cash flow, as set out in Report No: CAB/FH/17/011 and its Appendix, be agreed and the Mildenhall Hub Project be approved to proceed to its planning and delivery stages.
2. A funding/partnership agreement with the project partners be prepared and signed by the Director, in consultation with the Leader of the Council and the Portfolio Holder for Resources and Performance, on the basis set out in Section 6 of Appendix A to Report No: CAB/FH/17/011.
3. The Cabinet be authorised to approve a separate business case for an investment of up to £4m in renewable energy provision in

the Hub provided that this business case is in line with the Council's Medium Term Financial Strategy.

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

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

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

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

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

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

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

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

With the vote being unanimous, it was

RESOLVED:

That the write-off of the amounts detailed in the exempt Appendices to Report No: CAB/FH/17/013, be approved, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With the vote being unanimous, it was

RECOMMENDED TO COUNCIL: (22 February 2017)

That:-

1. The contents of Report No: CAB/FH/17/014 and the estimated financial impact of introducing Civil Parking Enforcement (CPE) shown at Exempt Appendix A, be noted.

2. Suffolk County Council be supported in seeking the transfer of Civil Parking Enforcement powers to Forest Heath District Council.
3. An Agency Agreement be entered into with Suffolk County Council for the period 2019-2029 to undertake delegated Civil Parking Enforcement Powers across the District.
4. £10,000 be contributed towards the countywide set up costs for Civil Parking Enforcement.
5. Forest Heath District Council to meet the cost of operating Civil Parking Enforcement delivered by a shared West Suffolk service, subject to:
 - (i) the retention of all on-street parking income;
 - (ii) a Service Level Agreement with Suffolk County Council on the processing of new requests for restrictions and maintenance of lines and signs; and
 - (iii) assume delegated responsibility to this authority for on street pay and display tariff setting, and provision of on-street parking bays (subject to a Highway Authority pre-defined assessment).
6. The planned introduction of on-street charging in Newmarket High Street (as previously agreed by Cabinet 22 December 2015; Report No: CAB/FH/15/063) be noted and Suffolk County Council be requested to prioritise the development of this scheme at the earliest opportunity.
7. Subject to resident consultation, the introduction of an on-street Resident Permit Scheme in Newmarket, be approved.
8. The review of off-street parking tariffs and identify further opportunities for on-street charging by the end of 2017, be approved.
9. The use of reserves in the short term to offset the deficit to provide time to review full financial implications post implementation, be approved.
10. Delegated authority be given to the Assistant Director (Operations), in consultation with the Portfolio Holder for Operations, to sign-off the final agreements relating to the introduction of Civil Parking Enforcement.

296. Exclusion of the Press and Public

See Minute Numbers 297. and 298. below.

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

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

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

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

The Meeting concluded at 7.18 pm

Signed by:

Chairman
