

# Council



**Forest Heath**  
District Council

**Minutes** of a meeting of the **Council** held on  
**Wednesday 21 February 2018** at **6.00 pm** at the **Council Chamber,**  
**District Offices,** College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Ruth Bowman J.P.

**Vice Chairman** Brian Harvey

Ruth Allen	Carol Lynch
Michael Anderson	Christine Mason
Andrew Appleby	Robin Millar
Chris Barker	Robert Nobbs
John Bloodworth	Colin Noble
David Bowman	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	Nigel Roman
Andy Drummond	Reg Silvester
Stephen Edwards	James Waters
Victor Lukaniuk	

## 285. **Minutes**

Councillor Victor Lukaniuk made reference to Minute No 282 and the reference therein to the questions he raised in relation to The Flowerpot and the Industrial Estate in Brandon. He thanked the Assistant Director (Operations) for his response but did not consider all his questions to have been fully addressed.

The Chairman explained that under the Council's Constitution no discussion was permitted on the minutes except with regard to their accuracy. As such, Councillor Lukaniuk was advised to raise this matter separately with the Assistant Director (Operations).

The minutes of the meeting held on 20 December 2017 were then received as an accurate record, with 19 voting for the motion, 1 against and with 2 abstentions, and were signed by the Chairman.

## 286. **Chairman's Announcements (Report No: COU/FH/18/001)**

The report was noted.

## 287. **Apologies for Absence**

Apologies for absence were received from Councillors Rona Burt, Louis Busuttill and Lance Stanbury.

Councillor Louise Marston was also unable to attend the meeting.

*(Councillor Roger Dicker joined the meeting at 6.05pm on commencement of this item.)*

#### **288. Declarations of Interest**

The following Declarations of Interest were made in respect of Agenda Item 9 (Report No: COU/FH/18/004):

Councillor James Waters declared a local non pecuniary interest in this item as an owner of a site within the emerging Local Plan. The site was proposed for allocation and already had a resolution to grant planning permission. Councillor Waters stated that he did not, therefore, stand to gain from the report on the agenda and would take part and vote on the item.

Councillors Andrew Appleby, Andy Drummond and Robert Nobbs declared local non pecuniary interests in this item in that they had made comments in the past in relation to this matter. They indicated that they would abstain from taking part and voting on the report.

#### **289. The Leader's Report (Report No: COU/FH/18/002)**

The Leader presented his statement to the meeting as set out in Report No COU/FH/18/002.

Councillor Victor Lukaniuk raised a question with regard to the Toggam Solar Farm as made reference to within the statement. He asked the Leader at what point would the solar farm generate the predicted £700,000 per annum income.

In response, the Leader explained that this was on course to be achieved by year 10 of the investment. The Leader also stressed how the scheme had enabled Forest Heath District Council to become carbon neutral. He also explained that other commercially sensitive investment proposals were being explored by the Authority.

Councillor Simon Cole also raised a question with regard to recent media reports concerning the District Council's Community Chest Fund allocations.

The Leader welcomed the question and stressed the importance of the Council in supporting the District's valuable local and voluntary organisations. He explained that he had written to the newspaper in question to correct some of the misconceptions and he would ensure that his letter was shared with all Members.

The report was noted.

#### **290. Public Participation**

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

291. **Request for Apology from Councillor Reg Silvester**

The Service Manager (Democratic Services) explained that following comments made at the Council meeting of 26 July 2017, and a subsequent complaint being made, it was determined that Councillor Reg Silvester had breached the Code of Conduct and was requested to apologise to Councillor Simon Cole at the next available meetings of both the Overview and Scrutiny Committee and Council.

Councillor Silvester had formally offered apologies to Councillor Cole at the meeting of the Overview and Scrutiny Committee on 9 November 2017.

At the invitation of the Chairman, Councillor Silvester again formally apologised to Councillor Cole and apologised for any offence caused by the language he used.

The Chairman thanked Councillor Silvester and stated that the matter was now closed.

292. **Referrals Report of Recommendations from Cabinet (Report No: COU/FH/18/003)**

The Council considered the referral report of recommendations from Cabinet as set out in Report No COU/FH/18/003:

1. Treasury Management Report 2017-2018 and Investment Activity (April – December 2017)  
(Cabinet: 13 February 2018)

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

Councillor Peter Ridgwell raised a question with regard to the Barclays loan as identified in Paragraph 1.3 of the report. The Cabinet Member explained that, as Councillor Ridgwell had been advised previously during meetings of the Performance and Audit Scrutiny Committee, the loan in question was inherited by the current administration and there was currently no way out of the agreement until 2078.

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

**RESOLVED:**

That the Treasury Management Report 2017-2018 for the period 1 April 2017 to 31 December 2017, attached at Appendix 1 to Report No PAS/FH/18/008, be approved.

2. Treasury Management Policy Statement and Investment Strategy 2018-2019 and Treasury Management Code of Practice  
(Cabinet: 13 February 2018)

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

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

**RESOLVED:**

That:-

1. The Updated (December 2017) Treasury Management in the Public Services Code of Practice and Cross-Sectional Guidance Notes, be adopted;
  2. The Treasury Management Policy Statement and Investment Strategy 2018-2019, as set out in Appendix 1 and 2 to Report No: PAS/FH/18/009, be approved; and
  3. The Treasury Management Code of Practice 2018-2019, as set out in Appendix 3 and 4 to Report No: PAS/FH/18/009, be approved.
3. Budget and Council Tax Setting: 2018/2019 and Medium Term Financial Strategy 2018-2022  
(Cabinet: 13 February 2018)

Members were asked to note the Cabinet recommendations in respect of this item as it was to be considered separately by Council under Item 11 of the agenda (Report No: COU/FH/18/006).

4. Overarching West Suffolk Growth Investment Strategy, Governance and Delegation  
(Cabinet: 13 February 2018)

In the absence of the Cabinet Member for Planning and Growth, the Leader presented this referral item.

The Service Manager (Democratic Services) explained that Officers were aware of some minor typographical errors within the Strategy and these would be addressed under the delegation afforded to the Monitoring Officer at recommendation 3.

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

**RESOLVED:**

That:-

1. The Overarching West Suffolk Growth Investment Strategy, as attached at Appendix A to Report No: CAB/FH/18/014, be approved;

2. Subject to the safeguards set out within Report No: CAB/FH/18/014, as detailed in Table 1 at paragraph 6.4, decisions on expenditure made from the previously approved capital and revenue Growth Investment Fund, be agreed as follows:
  - (a) in accordance with Section 1.3 (b) of the Cabinet Procedure Rules contained within Part 4 of the Constitution which allows the Leader to amend the delegations to individual Cabinet Members, the relevant Portfolio Holder and Leader, in consultation with the statutory officers, be authorised to make decisions of up to £0.5m expenditure.
  - (b) Cabinet be authorised to make decisions of up to £2m expenditure; and
  - (c) Council shall make decisions where the expenditure is anticipated to exceed £2m;
3. The Monitoring Officer shall make the necessary amendments to the Cabinet's scheme of delegation in accordance with her existing delegation, and be authorised to make other amendments to the Constitution as a consequence of 2. above.

**293. Forest Heath Local Plan Examination - Post-Submission Interim SA Report Dealing with Alternative Approaches to Adjusting the Submission Single Issue Review (SIR) Spatial Strategy (Report No: COU/FH/18/004)**

*(Councillors Andrew Appleby, Andy Drummond, Robert Nobbs and James Waters had declared interests in this item earlier in the meeting.)*

The Chairman opened this item and explained that the Council's Core Strategy Single Issue Review and the Site Allocations Local Plan were submitted to the Secretary of State in March 2017, following which two Inspectors were appointed and hearings were held throughout September and October 2017.

The Inspectors wrote to the Council in January 2018 setting out their soundness concerns in relation to the balance of distribution of housing between Market Towns and Key Service Centres and indicating possible ways forward.

Accordingly, this report was presented to Council in order for Members to consider revised distribution options to address the specific concerns raised, as outlined in Paragraph 7 onwards of Report No COU/FH/18/004.

The Chairman explained that Officers were aware that Members had been sent correspondence from third parties in relation to this agenda item and reminded the meeting that any revised distribution option would be subject to

a six week period of public consultation during which all representations could be appropriately made.

In the absence of the Cabinet Member for Planning and Growth, the Deputy Leader presented this report in his capacity as Vice Chairman of the Local Plan Working Group.

The Deputy Leader summarised the 'journey' the Authority's Local Plan had been on and outlined the Inspectors' response in relation to the recommended options before Members.

It was moved by the Deputy Leader, seconded by Councillor Simon Cole and with 20 voting for the motion and 3 abstentions, it was

**RESOLVED:**

That:-

1. The Council endorse Option A in response to the Inspectors' letter dated 10 January 2018 (attached as Annex A of Report No COU/FH/18/004) and reconsider the balance of distribution between the Towns and Key Service Centres and put forward proposed main modifications accordingly; and
2. The Assistant Director of Growth, in consultation with the Portfolio Holder for Planning and Growth, Chairman and Vice-Chairman of the Local Plan Working Group, be given Delegated Authority to authorise all proposed main modifications and additional modifications on the Single Issue Review (SIR) and Site Allocations Local Plan (SALP) based on the housing redistribution Option 4 (as detailed in Annex C) which would result in an additional 450 homes at Newmarket together with 5ha of employment and a school; and reduce the distribution in both Red Lodge (by 50 homes) and Lakenheath (by 165 homes).

The revised distribution option would be subject to a six week period of public consultation as part of the consultation on Local Plan modifications.

294. **Single Council for West Suffolk: Legislative Process (Report No: COU/FH/18/005)**

This report asked Council to consider the expected legislative process and policy requirements of the Ministry of Housing, Communities and Local Government (MHCLG) and sought Members' support towards the proposed next steps as set out within Report No COU/FH/18/005.

The Chairman drew attention to the addendum paper which had been circulated after the agenda was published.

The Cabinet Member for Resources and Performance also made reference to Councillors having been given access to the draft orders which were currently confidential and not in the public domain.

Councillor Reg Silvester raised questions with regard to the impact the formation of the West Suffolk Council would have on staff resource and the planned Mildenhall Hub development.

The Chairman stated that whilst Councillor Silvester's questions were not directly related to the report before Council she permitted Officers to respond.

The Service Manager (Democratic Services) advised that the business case agreed by both West Suffolk Councils in September 2017 did not propose staff redundancies as a result of the single council and staff had been operating under a single staffing structure since 2012.

The Director responded with regard to the Mildenhall Hub and reiterated that the Mildenhall Hub scheme was a much needed community facility for Mildenhall and the surrounding area. It would include a new leisure centre, a swimming pool and a new high school amongst other facilities – it was not simply a replacement for the District Offices. West Suffolk staff currently worked across two main sites (West Suffolk House and the District Offices) and this would continue once the Hub was in operation.

On the motion of the Cabinet Member, seconded by the Leader and with 21 voting for the motion and 2 against, it was

**RESOLVED:**

That:-

1. The policy requirements and next steps to create a single Council for West Suffolk as set out in Report No COU/FH/18/005, be endorsed; and
2. Cabinet be recommended to delegate the Chief Executive, in consultation with the Leaders of the Councils and the Chairman and Vice-Chairman of the Future Governance Steering Group, to authorise the relevant Orders on the condition that they remain in line with the policy requirements within this report.

295. **Budget and Council Tax Setting 2018/2019 and Medium Term Financial Strategy 2018-2022 (Report No: COU/FH/18/006)**

Councillor Stephen Edwards, Cabinet Member for Resources and Performance, presented this report which set out the Council's proposed revenue and capital budgets for 2018 – 2022 and sought approval to set the level of Council Tax required to fund the budget.

The Cabinet Member praised Officers and Members for their efforts in the production of the budget report and thanked the Performance & Audit Scrutiny Committee for their valued input.

He drew attention to the supplementary papers that had been circulated following publication of the agenda, which set out the recommendations in full after having been mistakenly truncated in the report. Members were also

directed to Recommendation 2.(iv.) and advised that the reference therein to St Edmundsbury Borough Council should read Forest Heath District Council.

Following the motion of the Cabinet Member, as seconded by the Deputy Leader, the Service Manager (Democratic Services) explained that a recorded vote was legally required for this item.

Upon being put to the vote Members voted as follows:

<b>Name of Member</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Ruth Allen	X		
Michael Anderson	X		
Andrew Appleby	X		
Chris Barker	X		
John Bloodworth	X		
David Bowman	X		
Ruth Bowman	X		
Simon Cole	X		
Roger Dicker	X		
Andy Drummond	X		
Stephen Edwards	X		
Brian Harvey	X		
Carol Lynch	X		
Victor Lukaniuk	X		
Christine Mason	X		
Robin Millar	X		
Colin Noble	X		
Robert Nobbs	X		
David Palmer	X		
Peter Ridgwell	X		
Nigel Roman	X		
Reg Silvester	X		
James Waters	X		
<b>TOTAL</b>	<b>23</b>	<b>0</b>	<b>0</b>

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. Having taking into account the information received by Cabinet on 13 February 2018 (Report No: CAB/FH/18/013) including the report by the Assistant Director (Resources and Performance) / Section 151 Officer set out in Attachment C, together with the up to date information and advice contained in Report No: COU/FH/18/006, the level of Band D Council Tax for 2018/2019 be set at £147.33;
2. Subject to 1. above, the following formal Council Tax resolution be adopted:-



- i. The revenue and capital budget for 2018-2022 attached at Attachment A, and as detailed in Attachment D, Appendices 1 – 5 , Attachment E and Attachment F, be approved;
  - ii. A general fund balance of £2 million be agreed to be maintained, as details in Paragraph 1.11.2;
  - iii. The statutory calculations under Section 30 to 36 of the Local Government Finance Act 1992, attached as Attachment I, be noted;
  - iv. The Suffolk County Council and Suffolk Police Authority precepts issued to Forest Heath District Council, in accordance with Section 40 of the Local Government Finance Act 1992 and outlined at Paragraphs 2.5 and 2.6 be noted;
  - v. In accordance with Section 30(2) of the Local Government Finance Act 1992, the amounts shown in Schedule D of Attachment H be agreed as the amount of Council Tax for the year 2018/2019 for each of the categories of dwellings shown; and
3. The Assistant Director (Resources and Performance), in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus on the 2017/2018 revenue budget to the Invest to Save Reserve as detailed in Paragraph 1.9.4, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year;
  4. The offer to participate for Forest Heath in the Business Rate Pilot for 2018-19 as set out in Paragraphs 1.2.7-1.2.9 of the report, be accepted;
  5. Approval be given to the Assistant Director (HR, Legal and Democratic) in consultation with the relevant service Assistant Director, to determine the establishment and the employment arrangements to deliver the Council's priorities within agreed budgets and the principles of the Medium Term Financial Strategy; and
  6. Approval be given to the Flexible Use of Capital Receipts Strategy as set out in Attachment G.

296. **Brownfield Land Register - Constitutional Amendments (Report No: COU/FH/18/007)**

The Cabinet Member for Resources and Performance presented this report which proposed necessary amendments to the Constitution in order to assign responsibility for brownfield land register management.

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

**RESOLVED:**

That the amendment to the Scheme of Delegation, as set out in Paragraph 1.5 of Report No COU/FH/18/007, be agreed and the Monitoring Officer be authorised to make the necessary constitutional amendments to reflect this.

*(Councillor Reg Silvester was absent from the meeting during the consideration of and voting on this item.)*

**297. Calendar of Meetings 2018/2019 (Report No: COU/FH/18/008)**

The Cabinet Member for Resources and Performance presented the Calendar of Meetings for 2018/2019 for approval.

The Chairman highlighted to Members that the calendar contained a higher quantity of meetings than a usual municipal year in light of the important journey ahead towards the creation of a single council for West Suffolk. Any meetings that were not required would be cancelled.

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

**RESOLVED:**

That the Calendar of Meetings for 2018/2019, attached as Appendix A to Report No COU/FH/18/008, be approved.

**298. Questions to Chairmen of other Committees**

There were no questions to Chairmen of other Committees.

**299. Urgent Questions on Notice**

There were no urgent questions on notice.

The meeting concluded at 6.50pm

**Signed by:**

**Chairman**

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