
Council



Forest Heath
District Council

Title of Report:	Referrals Report of Recommendations from the Joint Executive (Cabinet) Committee	
Report No:	COU/FH/18/000	
Report to and date:	Council	19 December 2018
Documents attached:	<p>Appendix 1: 'West Suffolk Gambling Act 2005 Statement of Policy'.</p> <p>Appendix 2: 'West Suffolk Gambling Act 2005: Local Area Profile 2019'.</p> <p>Appendix 3: 'Joint Executive (Cabinet) Committee Report No: CAB/JT/18/041 'Forest Heath Statement of Licensing Policy 2019 to 2022 and Newmarket Cumulative Impact Assessment (CIA) Area and Appendix 1'.</p> <p>Appendix 4: 'Appendix 1 to Report No: CAB/JT/18/051: Draft West Suffolk Housing Strategy (including Appendices A, B, C and D)</p> <p>Appendix 5: 'Working Paper 1 to Report No: CAB/JT/18/054: West Suffolk Councils Local Development Scheme – December 2018)'</p> <p>Appendix 6: 'Working Paper 1 to Report No: CAB/JT/18/055: West Suffolk Statement of Community Involvement – December 2018'</p>	

(A) Referrals from Joint Executive (Cabinet) Committee: 2 October 2018

1. West Suffolk Gambling Act 2005: Statement of Policy 2019 to 2022

Portfolio Holder: Cllr Lance Stanbury

[Report No: CAB/JT/18/035](#) and [Appendix 1](#); [Appendix 2](#); [Appendix 3](#)

RECOMMENDED

That the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2019 to 2022, as contained in Appendices 1 and 2 to Report No: COU/FH/18/022, be adopted.

1.1 The Joint Executive (Cabinet) Committee at their meeting on 2 October 2018, considered Report No: CAB/JT/18/035 which sets out the results of the public consultation and sought approval for adoption of a revised joint West Suffolk Councils' Statement of Policy in accordance with the Gambling Act 2005, 2016-2019.

1.2 A statement of policy typically runs for a period of three years, although there is nothing to prevent the Councils from updating the policy more frequently, if so wished. The current West Suffolk policy will expire on 30 January 2019 and a revised version has been consulted on with statutory consultees. This will then require review in 2021 for re-adoption by January 2022.

1.3 The Joint Executive (Cabinet) Committee particularly discussed the regulatory and enforcement powers of local authorities in relation to fixed odds betting terminals in betting shops and the harm that gambling could cause to some individuals. In particular, reference was made to the Local Area Profile for Newmarket and the Joint Committee requested to ensure that this adequately reflected the Town's particular local circumstances and that the most up-to-date and relevant data was used when applying the licensing principles.

1.4 Therefore, the Joint Executive (Cabinet) Committee had *RECOMMENDED*:

That, subject to the approval of Forest Heath District and St Edmundsbury Borough Councils, the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2019 to 2022, as contained in Appendix 2 to Report No: CAB/JT/18/035, be adopted, subject to:

- 1) *Ensuring that the future Local Area Profile, as set out in Appendix 3 to Report No: CAB/JT/18/035, adequately reflects the particular local circumstances in Newmarket, and to ensure the most up-to-date and relevant data is used when applying the licensing principles.*

- 2) *Further clarification being provided on the regulatory and enforcement powers of the local authority regarding fixed odds betting terminals.*

1.5 Following on from the discussions and recommendations from the Joint Executive (Cabinet) Committee on 2 October 2018, the Statement of Policy and the Local Area Profile has since been amended as set out below (these amended documents are attached at Appendices 1 and 2 to this Council report, with the changes highlighted in red text):

- West Suffolk Gambling Act 2005 Statement of Policy (Appendix 1)
 - Additional text to clarify the role of the Gambling Commission in comparison to that of licensing authorities (Part A; Sections 8.4 to 8.6).
 - Additional paragraph outlining the Gambling Act definition of 'gaming machines' in order to distinguish them from 'betting machines' (Part B; Section 8.1).
 - Added the Gambling Commission guidance and requirements to Schedule C:
 - Betting machines categories according to their use in different premises
 - Betting machines categories according to their maximum stake and prizes
 - Summarising the requirements specifically for fixed odds betting machines.
- Local Area Profile (Appendix 2)
 - Updated the bullet points on page 4 of the Local Area Profile where there were anomalies within the statistical information presented.
 - Removed the references to the Dog Track (Mildenhall area). As of October 2018 this Track was no longer in operation. (The licence had not been revoked at the time of the preparation and consideration of the Joint Committee report).

1.6 In relation to the specific circumstances which have been referred to with regards to gambling in Newmarket, Officers will be reviewing the Local Area Profile in line with the West Suffolk Council to add specific information about different wards and this will then include information about Newmarket.

1.7 This referrals report had also been considered by St Edmundsbury Borough Council at their meeting on 30 October 2018, where the recommendation to adopt the revised West Suffolk Gambling Act 2005: Statement of Policy for the period 2019 to 2022, as contained in Appendices 1 and 2, was approved.

1.8 Members may also view the full Joint Executive (Cabinet) Committee report and its Appendices on the Council's website via the above links or may request a paper copy from Democratic Services.

(B) Referrals from Joint Executive (Cabinet) Committee: 6 November 2018

2. Forest Heath Statement of Licensing Policy 2019 to 2022 and Newmarket Cumulative Impact Assessment (CIA) Area

Portfolio Holder: Cllr Lance Stanbury

Report No:

[CAB/JT/18/041](#)

[Appendix 1](#) (also attached to this Council report at Appendix 3)

[Appendix 2](#);

[Appendix 3](#);

[Appendix 4](#)

RECOMMENDED, that:

(1) The draft overarching Statement of Licensing Policy for Forest Heath 2019-2022, as set out in Appendix 1 to Report No: CAB/JT/18/041, be adopted.

(2) The existing Newmarket Cumulative Impact Assessment (CIA) Area (as incorporated within Appendix 1 to Report No: CAB/JT/18/041) be:

(a) renewed; and

(b) reviewed again within approximately 18 months.

2.1 The Joint Executive (Cabinet) Committee considered this report which had reviewed the updated mandatory Statement of Licensing Policy, incorporating the Cumulative Impact Assessment (CIA) Area for Newmarket. For ease of reference, the full Joint Executive (Cabinet) Committee report and associated Appendix 1 are also attached to this referrals report.

2.2 Whilst the full Joint Executive (Cabinet) Committee report and Appendix 1 are attached, Members may also view these documents, along with Appendices 2 to 4, on the Council's website via the above links or may request a paper copy from Democratic Services.

(C) Referrals from Joint Executive (Cabinet) Committee: 11 December 2018

(These referrals have been compiled before the meeting of the Joint Executive (Cabinet) Committee on 11 December 2018 and are based on the recommendations contained within each of the reports listed below. Any amendments made by the Joint Executive (Cabinet) Committee to the recommendations within these reports will be notified to Members accordingly)

3. Recommendations of the St Edmundsbury and Forest Heath Overview and Scrutiny Committees: 7 and 8 November 2018 – West Suffolk Housing Strategy 2018-2023

Portfolio Holders:

Cllr Lance Stanbury

SEBC Cllr Sara Mildmay-White (West Suffolk Lead for Housing)

Report No:

CAB/JT/18/051

Appendix 1

and **Appendix A**

Appendix B

Appendix C

Appendix D

(These Appendices are also attached to this Council report at Appendix 4)

RECOMMENDED

The West Suffolk Housing Strategy 2018-2023, attached as Appendix 1 to Report No: CAB/JT/18/051, be adopted.

- 3.1 The St Edmundsbury and Forest Heath Overview and Scrutiny Committees, at their meetings on 7 and 8 November 2018 respectively, received [Report No: OAS/SE/18/030](#) and [Report No: OAS/FH/18/029](#) which informed Members that a review of West Suffolk's Housing Strategy was due in 2018. Through the review the opportunity has been taken to reflect priorities, actions and projects set out in the Strategic Framework 2018-2020. Furthermore, there are a number of additional duties and fundamental changes to housing legislation that have been reflected in the Housing Strategy.
- 3.2 It was no longer a legal requirement for a local authority to have a Housing Strategy in place. However, it was recognised that a strategic overview is necessary in order to set out how we plan to address the housing challenges we are facing and to provide a range of housing options for the growing need for a range of quality housing in West Suffolk.
- 3.3 Report Nos: OAS/SE/18/030 and OAS/FH/18/029 provided an overview of progress against the Housing Strategy that covered the period from 2015 to 2018. The Overview and Scrutiny Committees requested figures for the number of affordable houses delivered in towns and in the rural areas, which has been incorporated in the evidence base at Appendix B to these reports.
- 3.4 The Overview and Scrutiny Committees considered the Housing Strategy while the consultation was still ongoing, detail about which can be found in Report Nos: OAS/SE/18/030 and OAS/FH/18/029. The Committees requested that further information relating to the consultation be submitted to Cabinet once it had concluded, as set out below.
- 3.5 The formal consultation took place for a six week period between 9 October and 20 November 2018. It involved an online survey available on our webpages which was sent directly to Members, parish councils and a number of our partners.

3.6 There were a total of 31 responses to the online consultation and three responses submitted by letter which were received from: local residents, partner organisations (including community and voluntary groups), registered providers, housing developers, agents, parish councils and neighbouring local authorities. A focus group with young people also took place. A number of themes emerged during the consultation mainly around the following themes:

- The need for infrastructure and services to support growth.
- The need for social and affordable housing in the towns and rural areas which is appropriate for local needs.
- Providing accessible properties to meet the needs of vulnerable groups and those with additional needs.
- Providing sufficient housing in the right places to ensure that local people can find suitable employment.

3.7 The points raised during the consultation have been addressed through our robust implementation plan. However, the actions in the implementation plan have been further developed and refined during the consultation period. An Implementation Plan that accompanies the Housing Strategy has been developed so that we can deliver against the priorities and actions set out in the strategy.

3.8 As part of this report, the Joint Executive (Cabinet) Committee will also be considering a review of the West Suffolk Tenancy Strategy, which is also due to be undertaken in 2018, as part of the requirements of the Localism Act 2011. However, as the review of this Strategy does not require Council approval, these recommendations have not been included within this report.

3.9 This referrals report is also due for consideration by the St Edmundsbury Council at their meeting on 18 December 2018.

3.10 Members may also view the Joint Executive (Cabinet) Committee report and its associated Appendices on the Council's website via the above links or may request a paper copy from Democratic Services.

4. Recommendations of the Forest Heath Performance and Audit Scrutiny Committee: 28 November 2018 – Mid- Year Treasury Management Report and Investment Activity (1 April – 30 September 2018)

Portfolio Holder: Cllr Stephen Edwards

**[Report No:
CAB/JT/18/052](#)**

***Performance and Audit
Scrutiny Committee:
28 November 2018:***

**[Report No:
PAS/FH/18/040](#)**

RECOMMENDED:

That the Mid-Year Treasury Management Report 2018-2019 and Investment Activity (1 April to 30 September 2018), as set out in Report No: PAS/FH/18/040, be approved.

- 4.1 The Joint Executive (Cabinet) Committee will be considering this report which provides a summary of investment activities for the first six months of 2018-2019.
- 4.2 The total amount invested at 1 April 2018 was £16.005m and at 30 September 2018, £19.800m. The increase in balances over the period was due primarily to timing differences in respect of the collection of local taxes, the payment of precepts and changes in the profile of the Capital Programme:

TREASURY MANAGEMENT – INVESTMENT ACTIVITY SUMMARY	
	2018/19
Opening Balance 01 April 2018	16,005,000
Investments made during the year (including transfers to business reserve accounts)	25,300,000
Sub Total	41,305,000
Investments realised during the year (including withdrawals from business reserve accounts)	21,505,000
Closing Balance 30 September 2017	19,800,000

- 4.3 The 2018/19 Annual Treasury Management and Investment Strategy (Report PAS/FH/18/009) sets out the Council’s projections for the current financial year. The budget for investment income in 2018/19 was £224,000, which was based on a 0.75% target average rate of return on investments.
- 4.4 As at the end of September 2018, interest actually earned during the first six months of the financial year amounted to £62,722 (average rate of return of 0.676%) against a profiled budget for the period of £112,000; a budgetary deficit of £49,278. The budgetary deficit was due to lower cash balances as a result of re-phasing 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. In addition, investments were made on a shorter term basis for liquidity resulting in lower yields:

INTEREST EARNED & AVERAGE RATE OF RETURN SUMMARY			
Investment Category	Total Average Investment	Average Rate of Return (%)	Interest Earned
City Deposit Cash Managers	2,000,000	0.798%	4,328.10
Temporary Investments	1,179,341	0.699%	39,820.27
Lloyds 95 Day Account	2,460,705	0.767%	9,459.53
NatWest LSA	61,130	0.062%	18.96
Barclays FIBCA	2,035,600	0.400%	4,082.36
Santander 180 Day Account	1,000,000	0.700%	3,509.59
Santander 95 Day Account	500,000	0.600%	1,504.11
Total Overall Average Return on Investments %			0.676%
Total Interest Earned - 1 April 2018 to 30 Sept 2018			62,722.92
LIBOR 3 Month Average			0.686%

- 4.5 The report also included assumptions on borrowing for capital projects included within it. The borrowing was based around seven specific

projects as per their agreed business cases. The report included a summary of capital borrowing budget 2018-2019, and a summary of capital borrowing for Quarter Two. As at the end of Quarter Two, there had been no requirement to borrow externally over and above the £4.0m Barclays loan. Therefore the only interest payable for Quarter Two was the £169,000 relating to this:

SUMMARY OF CAPITAL BORROWING BUDGET 2018/19 (including c/f amounts)			
Project	Borrowing	Minimum Revenue Provision (MRP)	Interest Payable
West Suffolk Operational Hub	£2,585,263	£0	£0
Mildenhall Hub*	£4,560,000	£0	£0
Mildenhall Swimming Pool	£24,000	£0	£0
The Flowerpot – Brandon *	£50,000	£0	£0
Wellington Street Pedestrian Scheme – Newmarket *	£150,000	£0	£0
Barley Homes – Loan Facility *	£1,695,750	£0	£0
Investing in our Growth Fund	£20,000,000	£600,000	£412,500
Newmarket Leisure Centre (relating to £4m from 2008)	£4,000,000	£122,250	£169,600
Toggam Solar Farm (amount carried forward from 2017/18)	£2,290,041	£436,000	£202,000
Total	£35,355,054	£1,158,250	£784,100

**These projects were originally to be funded from capital receipts, however the Council took advantage of utilising capital receipts available at the time to finance the solar farm projects – creating additional (albeit temporary) savings in borrowing costs. The borrowing costs to fund these projects sits within the Toggam Solar Farm line.*

- 4.6 Members may also view the Joint Executive (Cabinet) Committee and the Performance and Audit Scrutiny Committee reports and their associated Appendices on the Council’s website via the above links or may request a paper copy from Democratic Services.

5. West Suffolk Local Development Scheme (LDS) December 2018: Adoption

Portfolio Holder: Cllr Lance Stanbury

Report No:
CAB/JT/18/054 and
Working Paper 1

(Working Paper 1 is also attached to this Council report at Appendix 5)

RECOMMENDED

That the West Suffolk Local Development Scheme (LDS), as set out in in Working Paper 1 to Report No: CAB/JT/18/054, be adopted.

- 5.1 The Local Plan is the tool used to deliver the land use elements of the wider place-making function of the Council. It is part of the suite of corporate strategies/plans and programmes which collectively deliver the strategic priorities.
- 5.2 As the starting point for considering whether planning applications can be approved. The Local Plan provides the framework for good development across West Suffolk.
- 5.3 A review of the existing Local Plans is now required to meet our Council ambitions and to safeguard communities from speculative unsustainable growth – development in the wrong locations and without the necessary strategic infrastructure. The Local Plan will provide a positive, flexible and deliverable planning policy framework for West Suffolk.
- 5.4 Before starting work on the West Suffolk Local Plan, the Council has reviewed and updated the Local Development Scheme which sets out what development plan documents are to be produced, their subject matter and broad timetable for their preparation including consultation, examination and adoption.
- 5.5 A revision to the 2016 joint St Edmundsbury and Forest Heath LDS is now required in order to:
 - reflect recent changes to the planning system
 - prioritise plan preparation and progression in order to meet the single council consequential order clause which requires West Suffolk to prepare a Local Plan across the administrative area within 5 years of becoming a single council (April 2024)
 - to update progress on the development plan documents currently in preparation; and
 - to roll the programme forward to 2023 for the preparation of a West Suffolk Local Plan. The revised LDS is attached at Working Paper 1 to Report No: CAB/JT/18/054.
- 5.6 Annex 1 to the LDS document is the programme chart with milestones for the preparation of the West Suffolk Local Plan. The key milestones are set

out below for information. The programme takes a realistic and inclusive approach, based on the time taken to achieve key milestones during the preparation of previous Local Plans and to ensure proper engagement and consultation. Progress will be measured against milestones to assess whether there is any need to revise the published timetable. The timeline is a 'live' document and will be updated on the West Suffolk Council's website as necessary.

Stage	Dates
First Regulation 18 public consultation on issues and options	November 2019 - January 2020
Second Regulation 18 public consultation on preferred options	August – October 2020
Pre-submission consultation	April - May 2021
Submission to the Secretary of State	July 2021
Examination in public	January - February 2022
Adoption of West Suffolk Local Plan	May 2023

- 5.7 This referrals report is also due for consideration by the St Edmundsbury Council at their meeting on 18 December 2018.
- 5.8 Members may also view the Joint Executive (Cabinet) Committee report and its associated Appendices on the Council's website via the above links or may request a paper copy from Democratic Services.

6. West Suffolk Statement of Community Involvement (SCI) December 2018: Adoption

Portfolio Holder: *Cllr Lance Stanbury*

Report No:
[CAB/JT/18/055](#) and
[Working Paper 1](#)
(Working Paper 1 is also attached to this Council report at Appendix 6)

RECOMMENDED

That the West Suffolk Statement of Community Involvement (SCI), as set out in Working Paper 1 to Report No: CAB/JT/18/055, be adopted.

- 6.1 The Local Plan is the tool used to deliver the land use elements of the wider place-making function of the Council. It is part of the suite of corporate strategies/plans and programmes which collectively deliver the strategic priorities.
- 6.2 As the starting point for considering whether planning applications can be approved. The Local Plan provides the framework for good development across West Suffolk.
- 6.3 A review of the existing Local Plans is now required to meet our Council ambitions and to safeguard communities from speculative unsustainable growth – development in the wrong locations and without the necessary strategic infrastructure. The Local Plan will provide a positive, flexible and deliverable planning policy framework for West Suffolk.

- 6.4 Before starting work on the West Suffolk Local Plan, the Council has reviewed and updated its Statement of Community Involvement which explains how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications.
- 6.5 Section 18 of the Planning and Compulsory Purchase Act 2004 introduced the requirement for local planning authorities to produce a Statement of Community Involvement (SCI). The current joint Forest Heath District Council and St Edmundsbury Borough Council SCI was adopted in February 2014.
- 6.6 Recently, a number of legislation changes have resulted in the need to update the SCI. These include, through the Neighbourhood Planning Act 2017, a requirement for the SCI to set out the local planning authority's policies for giving advice and assistance in relation to making and modifying neighbourhood plans and neighbourhood development orders. The Neighbourhood Planning Act also requires the SCI to include the authorities' policies for involvement in relation to the preliminary stages of plan production.
- 6.7 The NPPF 2018 also introduced new requirements to produce Statements of Common Ground under the Duty to Cooperate. The requirement for the SCI to be subject to examination and for any review to be the subject of public consultation has also been removed. Reviewing the SCI also provided an opportunity to reflect changes to the Councils' practices such as the introduction of charging for pre-application advice and the forthcoming creation of a single West Suffolk Council.
- 6.8 A reviewed version of the SCI taking into account recent legislative and procedural changes is attached as Working Paper 1 to Report No: CAB/JT/18/055.
- 6.9 This referrals report is also due for consideration by the St Edmundsbury Council at their meeting on 18 December 2018.
- 6.10 Members may also view the Joint Executive (Cabinet) Committee report and its associated Appendices on the Council's website via the above links or may request a paper copy from Democratic Services.