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COMMITTEE:	MID SUFFOLK CABINET
DATE:	TUESDAY, 14 MAY 2024 4.30 PM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Cllr. Teresa Davis	Cabinet Member for Thriving Towns & Rural Communities
Cllr. Rachel Eburne	Cabinet Member for Finance & Resources
Cllr. Andrew Mellen	Cabinet Member for Performance & Resilience
Cllr. Andrew Stringer	Cabinet Member for Heritage, Planning & Infrastructure
Cllr. Tim Weller	Cabinet Member for Environment, Culture and Wellbeing
Cllr. Richard Winch	Cabinet Member for Housing and Property

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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7 **FORTHCOMING DECISIONS LIST**

Please note the most up to date version can be found via the website:

[Forthcoming Decisions List - Mid Suffolk District Council](#)

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Cabinet Member for Environment, Culture and Wellbeing

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Leader and Cabinet Member for Performance and Resilience

13 **MCa/23/58 MSDC RURAL TRANSPORT GRANTS FUNDING AWARDS** 89 - 96

Cabinet Member for Thriving Towns and Rural Communities

14 **EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

To consider whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item. The author of the report proposed to be considered in Part 2 of the Agenda is satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15 **MCa/23/57 SKILLS & INNOVATION CENTRE ON GATEWAY 14 - CONFIDENTIAL APPENDICES A & B** 97 - 100

Date and Time of next meeting

Please note that the next meeting is scheduled for Tuesday, 11 June 2024 at 9.30 am.

Webcasting/ Live Streaming

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https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

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Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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4. Use the stairs, not the lifts.
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Agenda Item 3

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK CABINET** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Tuesday, 9 April 2024

PRESENT:

Councillors:	Teresa Davis	Rachel Eburne
	Andrew Mellen	Andrew Stringer
	Tim Weller	

In attendance:

Officers:	Chief Executive (AC)
	Interim Monitoring Officer (JR)
	Director - Housing (DF)
	Head of Service - Housing Transformation Manager (Via Hybrid Link) (DF)
	Assistant Manager – Governance (HH)

Apologies:

Richard Winch

100 MCA/23/50 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 MARCH 2024

It was RESOLVED:-

That the minutes of the meeting held on the 4 March be confirmed and signed as a correct record.

101 DECLARATION OF INTERESTS BY COUNCILLORS

There were no declarations made by Councillors.

102 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

103 QUESTIONS BY COUNCILLORS

None received.

104 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES

There were no matters referred from the Overview and Scrutiny or the Joint Audit and Standard Committees.

105 FORTHCOMING DECISIONS LIST

Councillor Eburne advised that an item for a Hardship Fund was to be added to the Forthcoming Decisions List for the May Cabinet.

106 MCA/23/51 JOB MANAGEMENT IT SYSTEM FOR BUILDING SERVICES

- 106.1 The Chair invited the Cabinet Member for Finance and Resources to introduce the report on behalf of the Cabinet Member for Housing and Property.
- 106.2 Councillor Eburne introduced the report, which was seconded by Councillor Davis.
- 106.3 Councillor Mellen queried whether the Council did not already have existing IT provision for managing repairs for Building services.
- 106.4 The Manager for Housing Transformation responded the proposed software programme allowed for better management of the workload, and would provide additional functions, which would improve the workflow for the Building Repairs team.
- 106.5 The Manager for Housing Transformation outlined the three phases for the implementation of the new software, including tracking of the appointment process.
- 106.6 Councillor Stringer queried the migration of the data currently stored on the existing system and how long it would take to implement.
- 106.7 The Manager for Housing Transformation responded that there was a backlog of repairs, which needed to be added in addition to the data migration. It was therefore not possible to provide a specific timeline, as it was important that data was accurate and consistent.
- 106.8 In response to Councillor Weller's question regarding in-house modifications to the Totalmobile software, the Manager for Housing Transformation confirmed that the ability to do modification in-house had been one of the reasons for getting this specific software system.
- 106.9 Members debated the issues including that it was important to be able to deliver a good service to residents. That the past year had made it clear that additional resources were needed to provide the full picture of the housing repairs process to ensure that appointments and repairs were carried out in a timely manner.

106.10 Councillor Mellen stated that he was aware that there had been difficulties in the past year with getting council homes repairs completed, and that this had been identified as a need. Councillor Mellen was looking forward to improvements over the next twelve months.

By a unanimous vote

It was RESOLVED: -

That Cabinet approves the appointment of Totalmobile Limited to supply and implement its comprehensive job management system, to help BMSDC implement its transformation / strategic objectives within Building Services. The decision is sought subject to satisfactory agreement of terms with Totalmobile.

REASON FOR DECISION

Key Decision required due to the financial value of the contract.

Alternative Options Considered and Rejected:

- 1.1 A detailed study undertaken in Building Services determined that current IT systems in place were not fit for purpose and did not have the right capability to support overall service management and continuous improvement.
- 1.2 Building services set out several key objectives which placed heavy emphasis on customer satisfaction, enabling appointment booking at first point of contact, ensuring that customer commitments are fulfilled, increasing first time fix rates and reducing the need for secondary customer contact to chase repairs. These were reflected in a detailed specification of requirement which formed part of an Invitation to Tender (ITT process)
- 1.3 3 suitable suppliers were evaluated in detail (ROCC, Totalmobile and Propeller) through a comprehensive supplier evaluation process. Two further suppliers declined to bid due to maximum budget restrictions and ability to meet our functional requirements.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

107 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

As Members had completed their discussion of Item MCA/23/51- Job Management IT System for Building Service the Chair refrained from going into closed session.

108 MCA/23/51 - CONFIDENTIAL APPENDIX A - JOB MANAGEMENT IT SYSTEM FOR BUILDING SERVICES

The business of the meeting was concluded at 10.07 am.

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Chair

Agenda Item 8

MID SUFFOLK DISTRICT COUNCIL

TO: Mid Suffolk Cabinet	REPORT NUMBER: MCa/23/53
FROM: Cllr Tim Weller, Cabinet Member for Environment, Culture and Wellbeing	DATE OF MEETING: 14/05/2024
OFFICER: Mark Emms, Director of Operations	KEY DECISION REF NO. CAB454

APPROVAL OF SCRAP METAL POLICY

1. PURPOSE OF REPORT

- 1.1 To set out the new Scrap Metal Policy for approval by Cabinet.

2. OPTIONS CONSIDERED

- 2.1 That the Cabinet review the final version of the revised Policy and approve it for immediate implementation.
- 2.2 Not to implement the policy, however, to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.

3. RECOMMENDATIONS

- 3.1 It is recommended that Cabinet adopt the draft Scrap Metal Policy 2024 to 2029. Appendix (a).

REASON FOR DECISION

The adoption of a policy supports the council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with relevant legislation.

This policy will provide a framework for the process of licensing, auditing and enforcement of scrap metal dealers and collectors and ensure that the process is robust and fit for purpose.

4. KEY INFORMATION

- 4.1 In accordance with the Scrap Metal Dealers Act 2013 (SMDA), Mid Suffolk District Council, in its role as Licensing Authority, has been responsible for licensing scrap metal dealers as defined within the Act.
- 4.2 Whilst there is no statutory requirement for a policy under the legislation, it is now considered appropriate to produce a single policy for both Babergh and Mid Suffolk District Councils which sets out a clear and consistent framework for the council's approach to scrap metal licensing.
- 4.3 The draft policy was presented to the Licensing and Regulatory (L&R) Committee on the 8th December 2023.

- 4.4 The L&R Committee approved the policy for consultation and deemed the policy approved to proceed to Cabinet if there were no representations or objections.
- 4.5 On receipt of a representation the following amendments were made to the policy:
- Pg 6, 3.2 - Replaced the wording for skip hire requirements with the exact wording from the Scrap Metal Government Guidance for clarification.
 - Pg 8, 4.4 - Added in a link to the scrap metal guidance issued by the Secretary of State on determining suitability.
 - Pg 14, 12.3 - Added that the Council will consult with Suffolk Constabulary and Environmental Protection. (This has always been undertaken but is now clarified in the Policy)
 - Pg 21, 17.3 - Added a section in relation to complaints to clarify the process.
- 4.6 These amendments are minor and were approved by the Chair of the L&R committee to proceed to Cabinet.
- 4.7 The policy will be reviewed as legislative changes occur and updated accordingly, ensuring it is fit for purpose. A formal review will be carried out at least every five years.

5. LINKS TO OUR PLAN FOR MID SUFFOLK

- 5.1 Supporting local businesses.
- 5.2 Providing high quality council services that are easy to access when needed and that can be relied on.
- 5.3 Continuing to listen to, and work in partnership with, all citizens of Mid Suffolk.
- 5.4 Working closely and cooperatively with others.
- 5.5 Enabling and empowering citizens to be active in their communities.
- 5.6 Working to achieve net zero carbon emissions as a Council and across the whole district.

6. FINANCIAL IMPLICATIONS

- 6.1 The fees are set on a cost recovery basis with the approval of the Licensing & Regulatory Committee. The council is committed to reviewing fees including those for Scrap Metal Licensing on an annual basis as part of the budget-setting process.

7. LEGAL IMPLICATIONS

- 7.1 The policy ensures consistency and proportionality of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal and our approach to enforcement.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Legal Challenge and poor decision making framework	2	1	Policy ensures consistency and proportionality of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal and out approach to enforcement. Consultation complete and benchmarked against other local authorities.	OPR Protection 016

**Name of risk register where risk is currently documented and being actively managed and its reference number*

9. CONSULTATIONS

9.1 The draft policy has undergone consultation.

10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) is not required. An Equality Impact Assessment Initial Screening Form was completed which concluded that there was no need to produce a full EIA.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications.

12. APPENDICES

Title	Location
(a) Draft Scrap Metal Policy	Appendix (a)

13. BACKGROUND DOCUMENTS

13.1 Scrap Metal Dealers Act 2013 - [Scrap Metal Dealers Act 2013 \(legislation.gov.uk\)](http://legislation.gov.uk)

13.2 Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013 - [The Scrap Metal Dealers Act 2013 \(Prescribed Documents and Information for Verification of Name and Address\) Regulations 2013 \(legislation.gov.uk\)](http://legislation.gov.uk)

- 13.3 Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 - [The Scrap Metal Dealers Act 2013 \(Prescribed Relevant Offences and Relevant Enforcement Action\) Regulations 2013 \(legislation.gov.uk\)](#)
- 13.4 Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 - [The Scrap Metal Dealers Act 2013 \(Commencement and Transitional Provisions\) Order 2013 \(legislation.gov.uk\)](#)
- 13.5 Scrap Metal Dealers Act 2013: Determining suitability to hold a scrap metal dealer's licence - [Determining suitability to hold a scrap metal dealer's licence - GOV.UK \(www.gov.uk\)](#)
- 13.6 Scrap Metal Dealers Act 2013: Supplementary Guidance - [Scrap Metal Dealers Act 2013: supplementary guidance - GOV.UK \(www.gov.uk\)](#)

REPORT AUTHORS

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SCRAP METAL LICENSING POLICY

2024-2029



www.babergh.com

www.midsuffolk.com

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1. Introduction

1.1 Metal theft over the last few years has had a significant impact upon our communities, businesses, and local authorities. Such thefts have seen communications and the train networks disrupted, as well as significant costs to local authorities in relation to stolen drainage gully covers and stolen road signs. The Scrap Metal Dealers Act 2013 (SMDA) has been introduced to address these issues, ensuring that the sale, collection, storage, and disposal of scrap metal, is carried out lawfully.

1.2 This policy outlines the requirements of the SMDA. It also provides guidance to new applicants, existing licence holders and members of the public as to how the council will undertake its role in the administration and enforcement of the act.

1.3 Babergh and Mid Suffolk District Councils (the licensing authority) may depart from its own policy if individual circumstances warrant such a deviation.

1.4 The council has consulted widely in the formulation of this policy, including the following:

- Suffolk Constabulary
- Environment Agency
- Babergh and Mid Suffolk District Councils' Environmental Protection
- All current licence holders
- British Metals Recycling Association
- British Vehicle Salvage Federation
- Vehicles Recyclers Association
- Suffolk Fire and Rescue Service
- Babergh and Mid Suffolk District Councils' Legal Services
- Babergh and Mid Suffolk District Councils' Health & Safety Officer
- Babergh and Mid Suffolk District Councils' Planning Service
- Local residents and businesses

1.5 To ensure the policy remains fit for purpose, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years. We may make minor amendments to this policy, with the agreement of the Chairperson of the Licensing & Regulatory Committee, Cabinet Member for Licensing and the Corporate Manager for Licensing.

1.6 The legislation that applies to scrap metal dealers should be read in conjunction with this policy. The relevant legislation is as follows:

(a) Scrap Metal Dealers Act 2013 and its subordinate Regulations

2. Background

2.1 The SMDA received Royal Assent on 28th February 2013 and came into force on 1 October 2013, with its enforcement powers subsequently coming into force on 1 December 2013. It repeals previous legislation and creates a new regulatory regime for scrap metal recycling and vehicle dismantling.

2.2 The SMDA aims to raise standards across the scrap metal industry by:

- Requiring dealers to keep detailed and accurate records of transactions.
- Requiring dealers to verify the identity of those selling metal to them.
- Prohibition of cash payments for scrap metal.

2.3 A person carries on business as a scrap metal dealer if the person:

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a))

2.4 This does not include manufacturing operations that sell metal as a by-product of the operation or because it has a surplus of materials. However, it does include the business of collecting scrap metal, i.e., door to door collectors.

2.5 The SMDA identifies local authorities as the principal regulator and gives them powers to regulate, refuse and revoke licences.

2.6 The SMDA states that “scrap metal” includes:

- (a) Any old, waste, or discarded metal or metallic material, and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

2.7 The following is not considered to be “scrap metal”:

- Gold
- Silver, and
- Any alloy of which two per cent or more by weight is attributable to gold or silver.

3. Types of Licence

3.1 For anyone to carry on a business as a scrap metal dealer, or collector they must have a licence. A licence is valid for three years from the date of issue. Trading without a licence is a criminal offence.

3.2 There are two types of licences specified in the Act:

Site Licence

A site is defined as any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there). This means a dealer will require a licence for an office, even if they do not operate a metal store or yard from those premises.

This includes motor salvage operations which carries on a business which consists:

- (a) Wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,

- (b) Wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
- (c) Wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale_ of any of the activities mentioned in paragraphs (a) or (b), or
- (d) Wholly or mainly in activities falling within paragraphs (b) or (c).

Skip hire companies may require a site licence depending on the circumstances. A company engaging in the buying or selling of scrap metal is likely to require a licence from the council if it forms the whole or part of the person's business.

It is important to note that any person, agent, broker, or trader that buys or sells metal on paper/online without operating a physical scrap metal site is carrying on business as a scrap metal dealer and will require a licence.

Depending on the location of the site, Babergh or Mid Suffolk District Council is responsible for granting licences to any site located within the council's boundaries. All of the sites within the council's area from which the licence holder carries on the business as a scrap metal dealer must be identified. A site manager must be named for each site. A site licence holder can transport scrap metal from third party businesses by arrangement from any other local council area provided it is in the course of business from that site but cannot engage in the regular door to door collections of a licensed collector.

The site licence shall include the following:

- Name of the licensee
- Trading name
- Name of the authority (Babergh or Mid Suffolk District Council)
- All the sites in the authority's area at which the licensee is authorised to carry on business,
- Name of the site manager of each site,

- The date on which the licence is due to expire.

Collector's Licence

A collector is defined as a person who carries on a business as a scrap metal dealer otherwise than at a site, and regularly engages in the course of that business in collecting waste metal including old, broken, worn out or defaced articles by means of door-to-door collections. Scavenging for metal can be classed as making door to door collections.

The licence allows the holder to collect scrap metal within the area of the issuing local authority, (Babergh or Mid Suffolk District Council). The licence does not permit the holder to operate a scrap metal site, nor does it allow collection outside of the area of the issuing authority. If a person collects scrap from numerous local authority areas, a collector's licence will be required from each local authority they collect scrap within.

A mobile collector cannot store scrap metal at a premises. However, in the course of a collection, it is common practice for collectors to wait for their vehicle to be at capacity before unloading it at a scrap metal dealer's site. Babergh and Mid Suffolk Councils do not consider the storage of scrap metal on the collector's vehicle to render the premises the vehicle is stored at as a site, provided the vehicle is not unloaded at that location.

Those transporting metal to a scrap metal site for profit are required to be registered as a 'waste carrier'. Waste carriers must ensure that the waste goes to a properly licensed or exempt site; they must complete a waste transfer note which must include a description of the waste and be signed by the carrier and the person to whom the waste is given or sold. Details of licensed sites can be checked on the Environment Agency public register.

3.3 A dealer can only hold ONE type of licence in any one local authority area. They cannot hold both a site and mobile collectors' licence with one authority.

4 Suitability of Applicant

4.1 The SMDA is clear that the council has to be satisfied that an applicant is a suitable person to carry on the business as a scrap metal dealer.

4.2 The council may have regard to any information which it considers to be relevant, this may include:

- (a) Whether the applicant or site manager has been convicted of any relevant offence; or
- (b) Whether the applicant or site manager has been the subject of any relevant enforcement action; or
- (c) Whether there has been any refusal of an application of the issue or renewal of a scrap metal licence, and the reasons for the refusal; or
- (d) Whether there has been any refusal of an application for a relevant environmental permit or registration, and the reasons for the refusal; or
- (e) If there has been any previous revocation of a scrap metal licence, and the reasons for the revocation; or
- (f) Whether the applicant has demonstrated there will be adequate procedures in place to ensure compliance with the Act.

4.3 The Council may consult other persons regarding the suitability of an applicant including, in particular:

- (a) Any other local authority
- (b) The Environment Agency
- (c) An officer of a police force

4.4 The Council will also have regard to the guidance issued by the Secretary of State on determining suitability. [Scrap Metal Dealers Act 2013: determining suitability to hold a scrap metal dealer's licence \(publishing.service.gov.uk\)](#)

- 4.5 Relevant offences or relevant enforcement action are those listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013. [The Scrap Metal Dealers Act 2013 \(Prescribed Relevant Offences and Relevant Enforcement Action\) Regulations 2013 \(legislation.gov.uk\)](#)
- 4.6 Each application will be considered and determined on its own merits and on a case-by-case basis, having taken into consideration this policy and any statutory requirements and other relevant information.
- 4.7 In accordance with the council's scheme of delegations, decisions relating to scrap metal licensing are made by authorised officers.

5 Supply of Information by the Authority

- 5.1 The council has a duty to pass on information in relation to an application for, or relating to a scrap metal licence when requested by;
- (a) Any other local authority;
 - (b) The Environment Agency; or
 - (c) An officer of a police force.

This does not limit any other power the authority has to supply that information.

6 Register of Licences

- 6.1 The Environment Agency will maintain a register of scrap metal licences issued by all local authorities in England. The register will include the following information:
- (a) name of the authority which issued the licence;
 - (b) the name of the licensee;
 - (c) any trading name of the licensee;
 - (d) the address of the site identified on the licence;
 - (e) the type of licence, and
 - (f) the date of expiry on the licence.

The register will be open for inspection by members of the public.

7 Display of Licence

- 7.1 Once granted, a copy of the licence must be displayed at each site identified on the licence, in a prominent place accessible to members of the public.
- 7.2 A copy of a collector's licence must be displayed on any vehicle that is being used during a dealer's business. It must be affixed to the rear of the vehicle. If a collector has multiple vehicles there will be an additional charge for each extra plate.
- 7.3 A mobile collector and site manager must also have with them the prescribed form of identity available for inspection at all times that they are carrying out activities under the SMDA.

8 Verification of Supplier's Identity

- 8.1 Before receiving scrap metal, the dealer must verify a person's full name and address, by reference to documents or data from a reliable and independent source e.g. driver's licence, utility bill, council tax bill or bank statement.
- 8.2 In the course of collecting door to door, it may not be possible for a mobile collector to verify the name and address of the supplier if the waste materials and old, broken, worn out or defaced articles have been left on the roadside.
- 8.3 A mobile collector shall record the description of the metal, including its type (or types if mixed), form, condition, weight, and any marks identifying previous owners or other distinguishing features and the date and time of its receipt.
- 8.4 If suitable verification is not obtained the scrap metal dealer, or site manager, or person who has been delegated responsibility shall be guilty of an offence.

9 Payment for Scrap Metal

- 9.1 From 1 October 2013, cash cannot be used by any scrap metal dealer to buy scrap metal. It is an offence to buy scrap metal for cash under section 12 of the Act and there are no exceptions. Only payment by a non-transferable cheque or an

electronic transfer of funds will be acceptable. This will mean that the payment will be linked to a readily identifiable account, for both the payee and the payer.

10 Records

10.1 The scrap metal dealer must keep three types of records:

- (a) Receipt of Metal
- (b) Dispose of Metal
- (c) Supplementary

10(a) Receipt of Metal

10.2 If metal is received in the course of the dealer's business, the following must be recorded:

- (a) Description of the metal, including its types (types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
- (b) Date and time of receipt
- (c) The registration mark of the vehicle it was delivered by;
- (d) Full name and address of the person delivering it, and
- (e) Full name of the person making payment on behalf of the dealer.

10.3 The dealer must keep a copy of the documents used to verify the delivery person's name and address.

10.4 If payment is by cheque a copy of the cheque must be retained.

10.5 If payment is by electronic transfer a receipt identifying the transfer must be retained, or the details of the transfer.

10(b) Disposal of Metal

10.6 Disposal under the Act covers metal:

- (a) Whether or not it is in the same form when it was purchased;
- (b) Whether or not it is to another person; or
- (c) Whether or not it is dispatched from a site

- 10.7 Disposal records must be recorded, including:
- (a) Description of the metal, including its type (types if mixed), form, weight
 - (b) Date and time of disposal;
 - (c) If to another person, their full name and address, and
 - (d) If payment is received for the metal (sale or exchange) the price or other consideration received.
- 10.8 If disposal is in the course of business conducted under a collector's licence, the dealer must record:
- (a) Date and time of disposal, and,
 - (b) If to another person, their full name and address.

10 (c) Supplementary

- 10.9 The information collected during receipt and disposal must be recorded in such a manner that allows the information and the metal to which it relates to be easily identified.
- 10.10 The records of receipt must be marked to identify the metal to which they relate.
- 10.11 Records must be kept for a period of 3 years beginning on the day of receipt, or disposal (as may be).
- 10.12 If suitable records for the receipt or disposal of scrap metal are not kept, then the scrap metal dealer, or site manager, or person who has been delegated responsibility by the dealer or site manager for keeping records, shall be committing an offence.
- 10.13 A dealer or site manager may have a defence if they can prove arrangements had been made to ensure the requirement to keep records was fulfilled, or that they took all reasonable steps to ensure those arrangements were complied with.

11 Right of Entry & Inspection

- 11.1 An authorised officer of the council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager if:
- (a) Reasonable attempts to give notice had been given or
 - (b) Entry to the site is reasonably required for the purpose of ascertaining whether the provisions of the Act are being complied with or investigating offences under it, and, in either case, the giving of the notice would defeat that purpose.
- 11.2 An authorised officer of the council is not entitled to use force to enter a premises, but may ask a justice of the peace to issue a warrant authorising entry, if they are satisfied there are reasonable grounds for entry to the premises is reasonably required for the purpose of:
- (a) Securing compliance with the provisions of the Act, or
 - (b) Ascertaining whether those provisions are being complied with.
- 11.3 'Premises' under this section include:
- (a) Licensed site, or
 - (b) Premises that are not licensed, but there are reasonable grounds for believing the premises are being used as scrap metal dealing business.
- 11.4 An authorised officer of the council may use reasonable force in the exercise of the powers under a warrant issued by the justice of peace, refer to point 11.2 of this policy.
- 11.5 An authorised officer of the council may require:
- (a) Production of, and inspect, any scrap metal kept at any licensed premises, and
 - (b) Require production of, and inspect, any records kept in respect of receipt and disposal of metal, and
 - (c) To take copies of or extracts from any such record.

11.6 An authorised officer of the council must produce evidence of their identity, and evidence of their authority to exercise these powers, if requested by the owner, occupier, or other person in charge of the premises.

12 Application Procedure

12.1 An application form, available from the relevant council's website or from the licensing team must be completed, together with the correct fee and a current Basic Disclosure of Criminal Convictions. A Basic Disclosure will be valid for 3 months from the date of issue.

12.2 All applicants, directors and site managers must prove their right to work at the point of application. This may be by providing original documents in line with the requirements of the legislation. The Council will recognise the Government Right to Work Share Code service as a means of proving right to work.

12.3 Suffolk Constabulary and Environmental Protection will be consulted on all applications.

12.4 A licence once granted is valid for 3 years.

12.5 A renewal application must be received before the expiry of the current licence.

12.6 If a licence renewal application is refused, the licence expires when no appeal is possible, or no appeal is determined or withdrawn.

12.7 A licence may be varied from one type to another, i.e., site licence to collector's licence.

A variation application must be made to reflect changes to:

- (a) Name of licensee, site manager, or sites on a site licence, or
- (b) Name of licensee on a collector's licence.

A variation cannot be used to transfer the licence to another person, only to amend the name of a licensee. Application to vary must be made to the issuing authority.

- 12.8 When a renewal application is received prior to the expiry date of the licence, the licence continues in effect unless the application is subsequently withdrawn, and then the licence will expire on the day in which the application was withdrawn.
- 12.9 The council may request additional information is provided for the consideration of the application. Failure to provide such information may result in the application being refused.
- 12.10 The fee is set by the council under the guidance issued by the Home Office with the approval of the Licensing & Regulatory Committee.
- 12.11 Fees are set after considering the cost of processing, administering and compliance costs associated with the licence. The council is committed to reviewing fees on a regular basis.
- 12.12 If the council proposes to refuse an application, or to revoke, or to vary a licence by imposing conditions, a notice must be issued to the licence holder setting out the council's proposals and the reasons for their decision. The notice will indicate the time in which the applicant or licensee can either:
- (a) make representation about the proposal, or
 - (b) Inform the council that the applicant or licensee wishes to do so.

The council will stipulate a period of 21 days for representations or intentions to be received.

- 12.13 If the applicant or licensee does not make representation or notify the council that they wish to do so, the council may refuse, revoke, or vary the licence.
- 12.14 If a notification is received that the applicant or licensee wishes to make representation, the council must allow a reasonable period for them to make their representation. The council will allow 21-days for written representations to be received from the date the application becomes contested, or the council receives

notification of the applicant having a relevant offence. The applicant or licensee may wish to make an oral representation; if this is the case the person must notify the council within the 21-day period.

12.15 If this period lapses, without a written representation, or a request for an oral representation being received, the council may refuse, revoke or vary the licence.

12.16 Where there is a representation, a hearing will be arranged within 28 days, and the case will be presented before a panel of the Licensing and Regulatory Committee. The applicant or licensee will be invited to attend. The council will give at least 10 working days' notice of the date and time of the hearing to the applicant or licensee.

12.17 In the event of a refusal of an application, revocation or variation of a licence, notice outlining the council's decision and the reasons for it will be given to the applicant/licensee. The notice will include the appeal procedure.

13 Revocation and Imposing Conditions

13.1 The council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.

13.2 The council may revoke a scrap metal licence if it is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.

13.3 The council may revoke a scrap metal licence if it is no longer satisfied the licence holder is a suitable person to carry on the business.

13.4 If the licence holder, or site manager named on a licence is convicted of a relevant offence, the authority may impose one or both of the following conditions:

- (a) The dealer must not receive scrap metal except between 9am and 5pm on any day.

(b) All scrap metal received must be kept in the form in which it was received for a specified period, not exceeding 72 hours, beginning with the time when it was received.

13.5 A revocation or variation only comes into effect when no appeal under the Act is possible, or when such appeal has been determined or withdrawn.

13.6 If the authority considers the licence should not continue without the addition of one or more of the conditions in section 14.4 of this policy, the licence holder will be given notice:

(a) that, until a revocation comes into effect, the licence is subject to one or both conditions, or

(b) that a variation comes into immediate effect.

14 Appeals

14.1 An applicant may appeal to the Magistrates' Court against a refusal of an application or variation.

14.2 The licensee may appeal to the Magistrates' Court against the inclusion on the licence of a condition under Section 3(8) of the Act, or a revocation or variation of a licence under Section 4 of the Act.

14.3 The appeal procedure will be in accordance with the Magistrates' Courts Act 1980 and must be lodged within 21 days of receipt of the decision notice.

14.4 On appeal the Magistrates' Court may confirm, vary or reverse the council's decision, and give such directions as it considers appropriate having regards to the provisions of the Act.

15 Closure of Unlicensed Sites

15.1 If an authorised officer of the council is satisfied premises are being used by a scrap metal dealer in the course of their business and the premises are unlicensed, they may issue a closure notice.

- 15.2 A copy of the notice must be given to:
- (a) a person who appears to be the site manager, and
 - (b) any person who appears to be a director, manager, or other officer of the business.
- 15.3 A copy may also be given to any person who has an interest in the business, a person who occupies part of the premises, or where the closure may impede a person's access to that other part of the premises.
- 15.4 After a period of 7 days, the authorised officer may apply to a justice of the peace for a closure order. The court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be.
- 15.5 A closure order may close the premises immediately, and the premises may remain closed to the public until the council makes a termination of closure order by certificate. The scrap metal dealer may be required to cease business immediately. It may require the defendant to pay a sum into the court, which shall not be released until the person has complied with the requirements of the order.
- 15.6 Such an order may have a condition relating to the admission of people into the premises or may include a provision the court considers appropriate.
- 15.7 A copy of the order must be placed on the premises in a prominent position by the council.
- 15.8 Once the requirements of the order have been complied with and the council is satisfied the need for the order has ceased, a certificate may be made. This ceases the order and the sum of money paid into the court is released.
- 15.9 A copy of the certificate must be given to any person the closure order was made against, give a copy to the court, and place a copy on the premises.
- 15.10 A copy must be given to anyone who requests one.

- 15.11 Anyone issued with a closure order may make representation to a justice of the peace. The court may discharge the order, if it is satisfied there is no longer a need for a closure order.
- 15.12 The licensing authority may be required by the court to attend and answer the representation made.
- 15.13 Notice of the hearing must be given to all people issued with the closure order.
- 15.14 Appeal may be made to the Crown Court against:
- (a) a closure order;
 - (b) a decision not to make a closure order;
 - (c) a discharge order; or
 - (d) a decision not to make a discharge order.
- 15.15 Any appeal must be lodged within 21 days beginning on the day on which the order or decision was made.
- 15.16 Appeal a) and b) may be made by any person who was issued with an order.
- 15.17 Appeal c) and d) may be made by the Licensing Authority.
- 15.18 A person is guilty of an offence, if they allow the premises to be open in contravention of a closure order, without reasonable excuse, or fails to comply with, or contravenes a closure order.
- 15.19 An authorised officer of the authority may enter the premises at any reasonable time to ensure compliance with the order. They may use reasonable force if necessary.
- 15.20 An authorised officer must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

16. Delegation of Functions

16.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant the determination should be dealt with by the council's licensing officers.

16.2 Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, revocation of a licence or the imposition of conditions will be presented to the Licensing and Regulatory Committee.

16.3 Table 1 below outlines the Delegation of Functions.

Table 1. Delegation of Functions			
Matter to be dealt with	Licensing and Regulatory Committee	Corporate Manager or Team Leader	Officers
Determination of policies and strategies		All cases	Officers
New or renewal application	All cases where there are unspent relevant convictions or contested cases following receipt of information from other statutory bodies		All cases where there are no unspent relevant convictions or where cases are uncontested
Variation of licence by imposition of conditions following licence holder or site manager being			All cases

convicted of a relevant offence			
Revocation of licence	All cases	Some cases if urgent decision required	
Variation of licence under schedule 1/section 3			All cases

17 Enforcement

- 17.1 In order to ensure compliance with the legislation and any conditions imposed, premises will be inspected using a risk-based approach.
- 17.2 The council will work with partner agencies to ensure that the provisions of the Act are complied with. Non-compliance may result in enforcement action being taken.
- 17.3 Complaints made to the Council regarding licensed or unlicensed Scrap Metal Dealers are investigated, recorded and monitored and enforcement action will be taken as appropriate and necessary.
- 17.4 Appropriate enforcement action will be taken in accordance with the legislation, any guidance issued under that legislation and the council's enforcement policy.

18. Offences & Penalties

- 18.1 The following paragraphs are indicative of the general offences and penalties. Independent legal advice should be sought for individual cases.
- 18.2 Offence relating to scrap metal dealing are described below under the relevant legislation.
- 18.3 Table of Offences -Scrap Metal Dealers Act 2013

Section	Offence	Maximum Penalty
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1	Carrying on the business as a scrap metal dealer without a licence	Level 5
8	Failure to notify the authority of any changes to details given within the application	Level 3
10	Failure to display site licence or collectors' licence	Level 3
11 (6)	Receiving scrap metal without verifying persons full name and address	Level 3
11 (7)	Delivering scrap metal to a dealer and giving false details	Level 3
12 (6)	Buying scrap metal for cash	Level 5
13	Failing to keep records regarding receipt of metal	Level 5
14	Failing to keep records regarding disposal of metal	Level 5
15 (1)	Failure to keep records which allow the information and the scrap metal to be identified by reference to one another	Level 5
15 (2)	Failure to keep copy document used to verify name and address of person bringing metal, or failure to keep a copy of cheque issued	Level 5
15 (3)	Failure to keep information and records for 3 years	Level 5
16	Obstruction to right of entry and failure to produce records	Level 3

- 18.4 Where an offence under the Act is committed by a corporate body and is proved
- (a) To have been committed with the consent or connivance of a director, manager, secretary or similar officer, or
 - (b) To be attributable to any neglect on the part of any such individual, the individual as well as the body corporate is guilty of the offence and liable to prosecution and receive the appropriate penalty.

18.5 Where the affairs of the body corporate are managed by its members, any acts or omissions committed by that member will be treated as though that member were a director of the body corporate.

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Agenda Item 9

MID-SUFFOLK DISTRICT COUNCIL

TO: Mid Suffolk Cabinet	REPORT NUMBER: MCa/23/54
FROM: Cabinet Member for Environment, Culture & Wellbeing – Tim Weller	DATE OF MEETING: 07/05/2024
OFFICER: Director of Operations & Climate Change – Mark Emms	KEY DECISION REF NO. CAB473

SIMPLER RECYCLING – FOOD WASTE COLLECTIONS

1. PURPOSE OF REPORT

- 1.1 Government has legislated for Councils to align their waste and recycling services with new nationwide Simpler Recycling¹ requirements² by 31st March 2026. The council will need to provide a new kerbside weekly household food waste collection service and vary the existing dry recycling collection service to include glass, to remain compliant.
- 1.2 This report concerns the requirements around separated weekly food waste collections from all households at the kerbside and seeks to enable officers to progress procurement to meet the deadline and manage risk.
- 1.3 The capacity of the supply chain to meet an unprecedented nationwide demand for specialist food waste collection vehicles and bins poses a delivery risk to Waste Collection Authorities meeting the deadline.
- 1.4 Further choices for recycling and residual waste collection methodology and frequency will need to be taken during 2024 and these will be briefed to members and brought to cabinet to make decisions by the summer. Preferred recycling collection options that have been developed by Suffolk Waste Partnership members and the final choices will need to take into account the benefits that a common collections method gives to disposal. This collections choice is not expected to pose the same risk for new vehicle procurement and as such does not need to be considered as expediently.

2. OPTIONS CONSIDERED

- 2.1 The options presented in this report assume that the council will comply with the requirements of the government legislation in respect of food waste collections. Officers do not believe the council has any grounds to apply to DEFRA for an exemption to the legislation and delay making this change by 31st March 2026. Therefore, the paper does not consider options about whether to not provide the service.

¹ [Simpler Recycling Press Release – gov.uk](#)

² [Simpler Recycling reforms summary | Campaign Monitor \(createsend.com\)](#)

2.2 **Option A** - commence procurement of the vehicles, caddies, and bins as soon as practicably possible after a decision has been made by cabinet.

This is the recommended option as it is the most likely to ensure that the procurements are complete, and contracts awarded in sufficient time for deliveries to be made for the Council to meet the implementation deadline of 31st March 2026.

2.3 **Option B** - delay procurement of the vehicles, caddies and bins that will be required and await further funding guidance and information from the Government (not expected before Autumn 2024) on the implementation of food waste collections.

This option is not recommended as the delay may result in vehicle orders being further back in the supply chain resulting in not receiving them in sufficient time to meet the implementation deadline of 31st March 2026.

<p>3. RECOMMENDATIONS</p> <p>3.1 The introduction of a weekly kerbside food waste collection service to all households using dedicated vehicles by or before 31 March 2026 to meet new statutory requirements is approved.</p> <p>3.2 Delegated Authority is given to The Director of Operations, in consultation with the Cabinet Members for the Environment and Finance to agree and authorise the procurement strategy, individually and/or collectively as required with partner Suffolk councils, to deliver the necessary infrastructure including vehicles, bins and material processing within the financial constraints described in section 5.</p> <p>3.3 Delegated Authority is provided to The Director of Operations, in consultation with the Cabinet Member for the Environment and Finance, to progress agreement of the Contract Variation of the Joint Waste Contract with Serco PLC to include the introduction of food waste collections.</p>
<p>REASON FOR DECISION</p> <p>To ensure that the Council can effectively implement weekly Food Waste Collections to meet its statutory requirements in compliance with environmental law in accordance with Simpler Recycling, by the 31st March 2026 deadline.</p>

4. KEY INFORMATION

4.1 The Government has set a clear legal requirement for councils to introduce a separate weekly collection of food waste from all households by 31st March 2026.

4.2 Householders will be asked to separate their food waste and present it for collection on a weekly basis from the kerbside.

4.3 An internal food waste caddy (approx. 5 litres) will need to be provided to householders for use in the kitchen. This provides the householder with somewhere to store food waste in the short term (day to day) and helps improve collection yields.

4.4 Householders will empty their food waste into an external food waste caddy of approximately 23 litres (approximately 10% of the size of a standard 240L wheelie

bin) which can be stored either on top of or beside their existing bins. Residents in houses of multiple occupancy or where larger communal bins are already provided will have larger external bins to empty their food waste into.

- 4.5 The waste collection teams will empty the food waste from these external caddies or communal bins from the kerbside into a dedicated food waste collection vehicle and return the bins.
- 4.6 Modelling carried out by Eunomia for SWP in 2022 has led officers and members to narrow down the preferred food waste collections method to being the use of dedicated 7.5/11.5t vehicles with driver plus two loaders.
- 4.7 The Council will need 7 collect rounds and to share 3 spare vehicles with BDC – 8.5 new food waste collection vehicles. Current lead times on food collection vehicles are estimated at a minimum of 6 months but could easily be 9-15 months as further local authority pressure on the supply chain is expected due to this change.
- 4.8 There is a requirement to procure both internal and external food waste caddies, plus additional bins for communal properties. Colours to be confirmed but expected to be from a standard range of brown, grey, green, blue or black, with a preference to be consistent across the county.
- 4.9 Whilst lead times on the manufacture and supply of both internal and external food waste caddies and communal bins is not expected to be as lengthy as for vehicles, it is considered prudent to undertake the procurement of these as early as possible and ensure that orders are placed which ensure that deliveries are received at least 6 months prior to commencement of the service.
- 4.10 The Suffolk Waste Partnership undertook food waste market research in 2022 and established strong market interest for the processing of Suffolk collected food waste and the most likely technical solution would be through Anaerobic Digestion. This work, supported by Defra's 'Waste Infrastructure Delivery Programme' (WIDP), also concluded that the best value solution for the processing of collected food would be through a market driven procurement.
- 4.11 As the Waste Disposal Authority, Suffolk County Council will undertake the food processing procurement with support from all the Suffolk Waste collection Authorities (4 Districts and Borough Councils).
- 4.12 Suffolk County Council are currently preparing procurement documents for food waste treatment, with an anticipated procurement start of late May/Early June 2024 and contract award in late Summer.
- 4.13 The disposal procurement process is expected to divide the work by geographic lots considering the location of the counties existing waste transfer stations. This will allow potential bidders to offer a whole county solution or bid for the tonnage from a single lot. A similar approach to procurement has previously been adopted for garden waste composting facilities.
- 4.14 In addition to the need for new food waste treatment, SWP councils will need localised delivery points for the collected food waste. Suffolk County Council has begun work to assess and make the changes that will be required at transfer stations. The planning and construction timescales for these infrastructure changes are another reason that food service decisions need to be taken promptly.

4.15 The end delivery point for the food tonnage is not known at this stage and this will be dependent on how the market responds. We expect to deliver collected food waste directly into SCC waste transfer stations at West Suffolk Councils Operational Hub in Bury St Edmunds, Ransomes Europark in Ipswich or directly to a new more advantageous market provided AD facility in the area, if this can be procured.

5. LINKS TO OUR MID SUFFOLK PLAN

5.1 The new food waste collection service will create 7 new HGV class 2 driving positions and 14 loader roles, plus relief cover.

5.2 Environmental benefits are covered in section 11.

6. FINANCIAL IMPLICATIONS

Capital - Expenditure/Income Item - MSDC	Total	2024/25	2025/26	2026/27
New Burdens Capital Grant Funding	-1,041,808	-1,041,808		
Additional Required Capital Expenditure – spare vehicles (50% of 3 spare vehicles)	150,000		150,000	
10% Contingency- cost inflation / containers	104, 000		104,000	
Capital Shortfall / Borrowing	254,000		254,000	
Principal repayment (7 years)	72,570		36,285	36,285
MRP/ Financing Costs	97,039		12,827	11,642

6.1 The Government has announced £295m of capital New Burdens funding in England and Wales to pay for Local Authorities to purchase assets (vehicles and containers) to deliver the new food waste collections service where this is required.

6.2 The allocated capital grant funding for food waste vehicles and containers (bins) is currently set out as below. We do not believe this covers the cost of spare vehicles (1.5 of) and are challenging this with Defra in light of the route modelling information we have. The likelihood of success in this appeal is unknown.

Local Authority	Kitchen caddies (plus spares)	Kerbside caddies (plus spares)	Communal Wheeled Bins (plus spares)	Vehicles (plus spares)	Total Funding
MSDC	£98,265	£219,229	£8,213	£716,100	£1,041,80

6.3 The exact difference between the procured cost of the required number of vehicles and containers and the Defra grant is unknown. Including contingency this is estimated to be up to £254,000, with the grant funding being received in 2024 and the supply expenditure not being expected until 2025. Therefore, it should be recognised that a decision to proceed will require additional funding from the capital programme in 2025, incurring repayment for borrowing (to be determined by treasury

management process) with repayment over 7 years depending on confirmed vehicle life.

- 6.4 Waste Collection Authorities have been advised New Burdens revenue funding will also be available to support the 'new burden' increase in costs of delivering this service. This is expected to be applied to the Revenue Support Grant from April 2026, but at present no further detail is available.
- 6.5 In 2022 the Suffolk Public Sector Leaders group allocated £375,000 of joint funding to support the countywide coordination and collaborative delivery of the simpler recycling changes. This is expected to fund programme management procurement oversight, expert advice such as collection round analysis, and some joint communications activity.
- 6.6 Making this recommended decision to proceed with procurement will move the council further towards implementing food waste collections, and whilst if the government changed its position on new burdens funding it may be possible to stop and resell vehicles, it is likely the council will be committed to fully rolling out the new service.
- 6.7 In order to deliver the service, the Joint Waste Contract Babergh and Mid Suffolk District Councils have with Serco PLC will need to be varied to cover the additional collections cost and initial dialogue has taken place. This will include a range of costs including Drivers (LGV & HGV), loaders, relief staff, vehicle running costs, bin deliveries, compliance and training, overheads and profits.
- 6.8 The new vehicles will require overnight parking spaces in the depot, and it is unknown if a larger depot will be available before this service change is implemented. In the event this is not the case, then we are confident that acceptable temporary arrangements can be put in place for staff and visitor car parking, and with some basic surface reconfiguration works we will be able to accommodate the new vehicles and containers. This will require additional funding to be agreed and is in many respects linked to the depot project.
- 6.9 Suffolk County Council will benefit from reduced residual waste tonnage going to the Energy from Waste plant and will lose some income from lower levels of electricity produced. They will incur Waste Transfer Station modification infrastructure costs and there will be gate fee and transfer costs associated to the new food waste stream. At this stage SCC do not know the nett position on existing or future recycling credits in respect of food waste. SCC will not receive any new burdens funding.
- 6.10 Under the new Extended Producer Responsibility (EPR) scheme for packaging the Government is making producers responsible for the full net costs incurred by local authorities from collection and recycling/disposing of the packaging waste materials they place on the market. Producers will pay into a centrally administered fund which will pay councils.
- 6.11 Councils have been told that Government will provide authority specific EPR payment forecasts by Autumn 2024 to assist with local budget setting. However, actual payments won't commence until late 2025 at the earliest, albeit backdated to cover the period from April 2025.

6.12 We do not expect to profit from this arrangement and have been advised a mechanism would be in place to prevent this. However, it is the intention that EPR payment will become progressively more linked to recycling system performance over time. It is understood that councils who demonstrate that their waste services are efficient and effective will receive the highest tier of payments, however the criteria has not been published.

7. LEGAL IMPLICATIONS

7.1 The introduction of a food waste collection service is a Statutory requirement, so failure to do so will be a breach of our Statutory duties as set out in the Environment Act 2021 and subsequent guidance.

7.2 Procurements will be carried out in accordance with all statutory guidance, the law and the councils standing orders.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Non compliance with legislation and regulatory standards	3	2	Regulatory change management Compliance risk assessment	SRR024
The Council may not be ready for RAWs and may face legislative penalties as a result.	3	3	Work closely as part of member, director and officer groups within the Suffolk Waste Partnership to develop plans, share procurement risk, share project resourcing and support. Monitor and act on all Defra advice and communications Brief joint cabinets and political groups	ORR Waste 11
Allocated Capital and Revenue Funding will not cover the cost of delivering Food Waste Collections	3	3	Challenge of the funding allocations with Defra Ensure costs are managed at all stages	ORR Waste 13

9. CONSULTATIONS

- 9.1 In December 2018 Government published its Resources and Waste Strategy (RAWS).
- 9.2 Government subsequently consulted on various RAWS policies in 2019 and 2021, following which in November 2021 the Environment Act was passed, providing the legislative basis through which the strategic waste reforms will be enacted.
- 9.3 In October 2023 Government published its plans for Simpler Recycling with some further clarity on implementation and funding being released in the subsequent months.

10. EQUALITY ANALYSIS

- 10.1 An EQIA initial screening was completed to determine whether the policy has any relevance for equality and if there is any impact on one or more of the 9 protected characteristics as defined by the Equality Act 2010. The screening identified that a full impact assessment was not required.'

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 Separating food waste will lead to a directly proportional drop in residual waste which is treated via the Energy from Waste plant in Great Blakenham. A reduction in approximately 7,000 tonnes will lead to a Co₂ emissions reduction of 1000 tonnes per annum from Suffolk County Councils carbon emissions.
- 11.2 The vehicle tailpipe emissions for collection and transfer costs of diesel vehicles has been calculated to be in the order of 5% of the overall system emissions.
- 11.3 Purchasing Euro VI engine vehicles will continue to allow the use of alternative HVO fuel which avoids 90% of collection vehicle carbon emissions.
- 11.4 Electric food waste collection vehicles are being quoted as around 2 to 3 times the price of Euro VI engines vehicles. We will investigate this option further – consulting with other councils that use EV's, looking at charging infrastructure needs, obtaining prices through procurement and doing a full options appraisal to be brought back to Cabinet.
- 11.5 Food waste containers will be purchased with a high content of recycled material, but we are advised that some virgin material is required by suppliers to maintain UV resistance and maintain structural integrity over time.
- 11.6 Promoting home composting as a preference over kerbside recycling will be promoted and the current discounted compost bin scheme reviewed.
- 11.7 The by-products of the AD food waste treatment process will be an organic soil improver which can be used locally by farmers and a green biogas which can be injected into the national grid or converted into clean electricity. This will be managed by the winning bidder and detailed in the procurement process.

12. APPENDICES

Title	Location
(a) N/a	

13. BACKGROUND DOCUMENTS

14. REPORT AUTHORS

Mark Emms Director of Operations and Climate Change

Ollie Faiers Head of Waste, Recycling and Fleet.

Agenda Item 10

MID SUFFOLK DISTRICT COUNCIL

TO: Mid Suffolk Cabinet	REPORT NUMBER: MCA/23/55
FROM: Cabinet Member for Finance, Councillor Rachel Eburne	DATE OF MEETING: 14/03/2024
OFFICER: Karen Watling – Interim Section 151 Officer	KEY DECISION REF NO. CAB481

ADDITIONAL INFORMATION 2024/25 HOUSING REVENUE ACCOUNT BUDGET

1. PURPOSE OF REPORT

Agenda item 10 (report reference MC/23/41) incorrectly states the % increase for affordable rent as RPI + 0.5% instead of CPI + 1% under section 4:

b) An increase of 7.7% for council house rents, equivalent to an average rent increase of £7.33 for social rent and a RPI + 0.5% (9.4%) increase for affordable rent of £10.65, a week be implemented.

2. OPTIONS CONSIDERED

2.1 This is a retrospective correction, so there are no other options.

3. RECOMMENDATIONS

3.1 That Cabinet notes the following correction to wording:

b) An increase of 7.7% for council house rents, equivalent to an average rent increase of £7.33 for social rent and a RPI + 0.5% (9.4%) increase for affordable rent of £10.65, a week be implemented.

REASON FOR DECISION

It needs to be noted that the above amendment to the budget wording is required. When calculating the affordable rent, CPI +1% was correctly used in the numbers and so the budget figures are unaffected.

4. KEY INFORMATION

4.1 [Policy statement on rents for social housing - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

5. FINANCIAL IMPLICATIONS

There are no financial implications, this is simply a retrospective report to illustrate the correct figures in the report.

6. LEGAL IMPLICATIONS

6.1 This is to correct the incorrect wording on the budget reports to ensure a clear audit trail.

7. RISK MANAGEMENT

7.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Members of the public are given incorrect information	4	1	This report is being published to correct the misinformation.	Finance, Commissioning and Procurement ref # 2

**Name of risk register where risk is currently documented and being actively managed and it's reference number*

8. CONSULTATIONS

8.1 Finance Portfolio holder and section 151 officer.

9. EQUALITY ANALYSIS

Not Applicable

10. ENVIRONMENTAL IMPLICATIONS

Not Applicable

11. APPENDICES

Not Applicable

12. BACKGROUND DOCUMENTS

MC/23/41 Agenda Item 10 HOUSING REVENUE ACCOUNT (HRA) 2024/25 BUDGET

13. REPORT AUTHORS

Jeni Smithies, HRA Finance Business Partner.

Agenda Item 11

MID SUFFOLK DISTRICT COUNCIL

TO: Mid Suffolk – Cabinet	REPORT NUMBER: MCa/23/56
FROM: Cllr Richard Winch – Cabinet Member for Housing & Property	DATE OF MEETING: 14.05.24
OFFICER: Deborah Fenton – Director of Housing	KEY DECISION REF NO. CAB465

HRA BUSINESS PLAN

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to present the draft 30-year business plan for the HRA to Cabinet. The Business plan is a document which contains our financial plan over the next 30 years and the priorities as decided upon through engagement with members, tenants and officers. The constitution states that the HRA business plan be presented to Cabinet and then to Full Council to be ratified.

2. OPTIONS CONSIDERED

- 2.1 The HRA business plan is essential in achieving a balanced budget and sustainable medium-term financial position. Therefore, no other options are appropriate in respect of this.

3. RECOMMENDATIONS

- 3.1 It is recommended that members agree on the contents of the business plan, which will, after the completion of the governance journey will be formatted to provide a document which will be available to Members, Tenants, and the General Public.

REASON FOR DECISION

The production of a business plan allows both members and tenants to view our aspirations. As part of the social housing regulations, tenants need to be able to hold us to account on the delivery of the priorities and evidence where tenant feedback has been used as part of the decision-making process around what the income from rent is spent on.

4. KEY INFORMATION

- 4.1 There have been many changes in the housing landscape over the last 3 years, and this has impacted the aspirations of local authority landlords in general. Further changes in the sector are expected with the introduction of the Decent Homes Standard 2 and the Competence and Conduct standard which requires senior officers, who deliver services to our tenants to have a minimum level of housing qualification.
- 4.2 With the introduction of the new consumer standards from April 2024, we have had to review our priorities through the lens of the regulatory standards; further work will

be undertaken with regard to governance and how we can demonstrate that we (members) and tenants have oversight over the Housing Directorate.

- 4.3 The Council has committed to producing an annual business plan which sets out our financial position for the next financial year. Our decision making around deciding on our priorities for the housing service have been informed using tenant feedback gained through the Tenant Satisfaction Measures, Complaints, and other tenant insight, as well as councillor and officer engagement through business plan workshops.
- 4.4 It was decided to align these priorities with our Homes and Housing Strategy, and combines actions from our Tenant Engagement Strategy delivery plan through the creation of a master Housing Service Plan.
- 4.5 This sits along side our financial business plan that sets out our legal obligations to carry out repairs, maintenance, capital works and spending on housing management over the next 30 years.
- 4.6 The financial plan is updated regularly throughout the year and gives us the information required to manage our budgets in real time and with current spending and income.
- 4.7 We have taken a responsive approach to developing our financial business plan this year and have contracted with Abovo Consult. This is positive as Abovo take a different approach to the provider used in the past and acts as an additional resource. This means that this year, we are much clearer on our financial position and can plan our capital and revenue spending accordingly. The plan will also help us to understand where the risks are over the next 30 years, thus allowing us to put in place mitigations.

5. LINKS TO THE MID SUFFOLK PLAN

- 5.1 The business plan is aligned to the Mid Suffolk Plan's approach to delivering our vision to see Mid Suffolk thrive, whilst putting environmental sustainability and social justice at the heart of everything we do, through leadership that is fully engage to making change happen and committed to being transparent and responsive:
 - Providing open & honest leadership
 - Putting environmental sustainability and social justice at the heart of everything we do.
 - Providing high quality council services that are easy to access when needed and that can be relied upon.
 - Ensuring we are financially responsible with public money.
 - Continuing to listen to, and work in partnership with, all citizens of Mid Suffolk.
 - Work closely and cooperatively with others.
 - Enabling and empowering citizens to be active in their communities.
 - Nurturing community resilience and heling it to become more robust.

5.2 The priorities of the HRA Business Plan and the Homes and Housing Strategy have been aligned to the Mid Suffolk plan approach and the master Housing Service Plan which will be published alongside the written plan to enable our residents to hold us to account on its delivery.

6. FINANCIAL IMPLICATIONS

6.1 There are significant pressures on the HRA business plan due to several reasons that date back to 2012. The changes to the regulatory landscape add to the already increasing pressures on local authority landlords.

6.2 The business plan provides an overview of the financial position for the next 30 years, updated regularly, so we are working with an accurate plan and can make informed real time decisions. Further context and narrative can be found in the full plan, which is attached to this report.

7. LEGAL IMPLICATIONS

7.1 Producing a business plan is not a legal requirement. However, it is prudent that we understand the financial requirements of our business in the short, medium and long term.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference
HRA Mid Suffolk District Council may fail to be financially sustainable	3 – Probable	4 – Disaster	Continued monitoring and reporting of the Councils financial position including actuals and reserves. Cabinet briefings to review position and budget options and external value for money audits. Development of robust HRA Business Plan over 30 years.	SRR008MSDC

9. CONSULTATIONS

9.1 Tenant feedback gained through the Tenant Satisfaction Measures, Complaints and other insight, as well as Councillor engagement have been used to develop the priorities for the Housing Service Plan as noted in the attached document. In addition, consultations have taken place with the Cabinet member for Housing and Property, the Leader of the council, Director for Housing, Heads of Service and other Budget Managers as appropriate.

10. EQUALITY ANALYSIS

10.1 The initial EQIA screening has been completed and identified that a full impact assessment isn't required.

11. ENVIRONMENTAL IMPLICATIONS

11.1 Actions and priorities across the Housing Service Plan funded by the HRA Business Plan have been aligned to Mid Suffolk's Plan priority of putting environmental sustainability and social justice at the heart of everything we do where appropriate.

In support of the Council's commitment to be Carbon Neutral by 2030, several initiatives have and are being undertaken in relation to the housing and sheltered accommodation stock.

12. APPENDICES

Title	Location
(a) Mid Suffolk Business plan	Attached
(b) EQIA Initial Screening Assessment	Attached

13. BACKGROUND DOCUMENTS

13.1 None

Mid Suffolk District Council

Housing Revenue Account Business Plan



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Housing Revenue Account Business Plan – Mid Suffolk

Introduction

The Housing Revenue Account (HRA) is a ringfenced pot of money, that is used solely for council-owned housing. All rent and service charge income goes into it, and all expenditure, such as management and maintenance, comes out of it. Although the HRA is ringfenced, meaning that the funds are allocated for a particular purpose and cannot be spent on anything else, there still needs to be a focus on maximising income and gaining efficiencies to ensure we deliver the very best value for money.

During the summer of 2021 all tenants, Members and Housing staff were asked to give their views on what priorities should be funded using the HRA over the long term. Feedback was given via digital surveys, with the option of telephone surveys for those not online, and a virtual workshop.

Since then, we have been regularly engaging with our tenants through the collection of the Tenant Satisfaction Measures, transactional surveys on repairs, Anti-Social Behaviour cases and moving into our homes alongside all our other engagement and consultation activities. This insight is being used across our services to improve the customer experience and help us to deliver landlord services our tenants expect and deserve.

The results identified the following eight priorities:

- Investing in our current homes
- Tackling and adapting to climate change
- Building and buying new Council housing
- Improving the services that we provide our tenants
- Improving the neighbourhoods that we manage
- Involving tenants in the running of the service
- Implementing digital transformation
- Ensuring sustainable financial management of our council housing services

The financial business plan provides a view of whether the Council can (over the next 30 years):

- Afford to repay its housing loans as they fall due; and
- Meet its obligations to maintain the housing stock within the Decent Homes Standard (DHS) and any other legislative building requirements; and
- Meet the requirements of the Regulator of Social Housing (RSH) in terms of the Rent Standard and the Consumer Standard

The current version of the business plan was built in October – November 2023 and updated after further engagement with Councillors and the Senior Management Team. It uses current 2023-24 evidence from the council's systems and the proposed HRA revenue and capital budgets to be presented to Members for 2024-25.

Background

The plan uses current 2023-24 evidence from the council's systems and the proposed HRA revenue and capital budgets to be presented to Councillors for 2024-25. These include:

Rent

The number of homes and average weekly rental income agreed to the MSDC housing rental system at 1 April 2023, with an assumption that rents for 2024-25 will rise by 7.7% in line with the Government's Rent Policy, then CPI only thereafter.

Right to Buy

Estimated sales numbers and values of receipts of homes under the Right to Buy from historic information and current records – taken together with the opening number of properties, the business plan assumes future increases in line with forecasts of inflation to give average annual rental income over 30 years.

Other Non-Rental Income

Budgets based on 2023-24 revenue budgets updated to reflect the forecast outturn position for 23-24 based on performance to December 2023, Calculated budgets for 2024-25 which take not account recommendations for increases in non-rental income, and then with increases in inflation in line with CPI going forwards.

Management & Maintenance

Management and day-to-day repairs budgets for 2023-24, updated to reflect the forecast outturn position for 23-24 based on performance to December 2023. Thereafter the revenue budgets for 2024-25 onwards are calculated to reflect the requirements of the business going forwards, taking into consideration transformation objectives and new regulatory requirements. Inflation is then added to the 24-25 budgets over the next 30 years.

Capital Works Programme

The Council is currently undertaking a new independent Stock Condition Survey which will provide a profile of major works costs over 30 years. The survey is designed to provide the estimated costs to maintain the current housing stock to at least the Decent Homes Standard for 30 years and will provide costs based on lifecycle replacements of elements in our homes.

The current asset management information cannot be relied upon as an independent view of the data is long overdue. The profile of required works produced by the asset management system at present presents a programme of works that would not be deliverable due to the peaks and troughs indicated in the level of works. The current HRA business plan therefore assumed a very simple smoothed view of average works required over 30 years to begin the business planning process.

The HRA business plan should be treated with some caution at this point, as the data we obtain from our new Stock Condition Survey will be updated and then costs recalculated.

Year 1 (2023-24) assumes the Capital Programme as forecast for delivery by 31 March 2023. From 2024-25 onwards the "smoothed" major works figures are included with inflation assumed at 6%, then 3% then 2% thereafter.

Additional budgets have been included to cover Other Repairs and Maintenance budgets of £843,000 per annum. Disabled Adaptations are provided for at £400,000 in 2023-24 then £400,000 thereafter. £240,000 of neighbourhood improvements are included for 2024-25 and then £200,000 per annum thereafter. There are only 2 years budgets for net carbon zero at this point – being 2024-25 and 2025-26 at £1.88m per year. IT Project budgets of £200,000 are included for four years from 2023-24.

Reserves, Debt & Loans

Opening balances for all reserves including the HRA, MRR, RTB 1-4-1 receipts and unused other RTB receipts as per the Council's draft accounts 2022/23.

Debt and loan balances as of 1 April 2023 together with interest rates and repayment dates per the Council's Finance Department. The total existing debt (internal and external at 1 April 2023 is £105.823 million).

HRA Minimum Working Balances is assumed to be £1 million per annum.

Assumptions and Financial Baseline

To develop the HRA Business Plan it's important to create a financial baseline.

The assumptions that have been used are as follows:

- Revised inflation assumptions
- Consumer Price Index (CPI) based on ONS (September each year) and Government estimates based on the OBR forecasts provided in the Autumn Statement (November 2023)
- Retail Price Index (RPI) tracks at 1% above CPI
- Rents increase by 7.7% in April 2024 (CPI +1%)
- Rent increases reflect CPI +1% until 2024/25, then CPI only from 2025/26
- Future borrowing requirements based on interest rates currently estimated in the housing sector.
- Rent loss from voids (empty homes being made ready to re-let) assumed at 2% from 2022/23
- Management salaries and wages are assumed to rise by 3% in 2025-26, then by 2% thereafter.
- Non-staffing management costs rise by 3% in 25-26 and 2% thereafter.
- Repairs costs rise by 3% in 25-26 and 2% thereafter.

These assumptions will need to be continually monitored and updated due to the level of uncertainty within the wider environment, for example the rate at which CPI increases, the cost-of-living crisis and other global and national factors needing to be considered.

HRA Business Plan Forecast

The business plan forecast shows that with the current profiles and economic assumptions, the HRA:

- The HRA year on year is running at a deficit after funding the current and projected interest charges.
- The Minimum reserve balance of £1 million can be maintained until 2027/28
- The HRA reserve is predicted to go negative by year 7 (2029/30) without action being taken. This will require addressing. The predicted position on the HRA for 2023-24 is worse than budgeted with pressures arising from increased repairs and maintenance (revenue) costs and interest charges.

- Mid Suffolk DC has day-to-day management and maintenance costs in line with Babergh DC as the stock levels are similar.
- The HRA cannot afford to contribute to revenue to reduce the borrowing required to fund the capital programme, this means that borrowing costs are higher.
- Projected borrowing in Mid Suffolk is higher than Babergh due to the level of development in progress. This requires borrowing over the next two years when interest rates are higher than in past years. This increases the amount of interest charged compared to Babergh DC.
- Refinancing (borrowing to pay off existing loans) will be required throughout the plan.
- The financial position is challenging, one of our key priorities will be undertake a review of our capital and revenue spend over the period of the business plan to bring the financial position to a favourable state.

If additional HRA housing development was planned in future years these would need to be considered on a case-by-case basis and would be subject to a delegated decision and full cost appraisal. At that time an analysis of the affordability of any scheme would be undertaken and any borrowing requirement would be considered along with access to any external grant funding and/or use of receipts.

HRA Business Plan 2023-24 – 30 Year Summary

The base plan shows that the minimum revenue balance is not maintained.

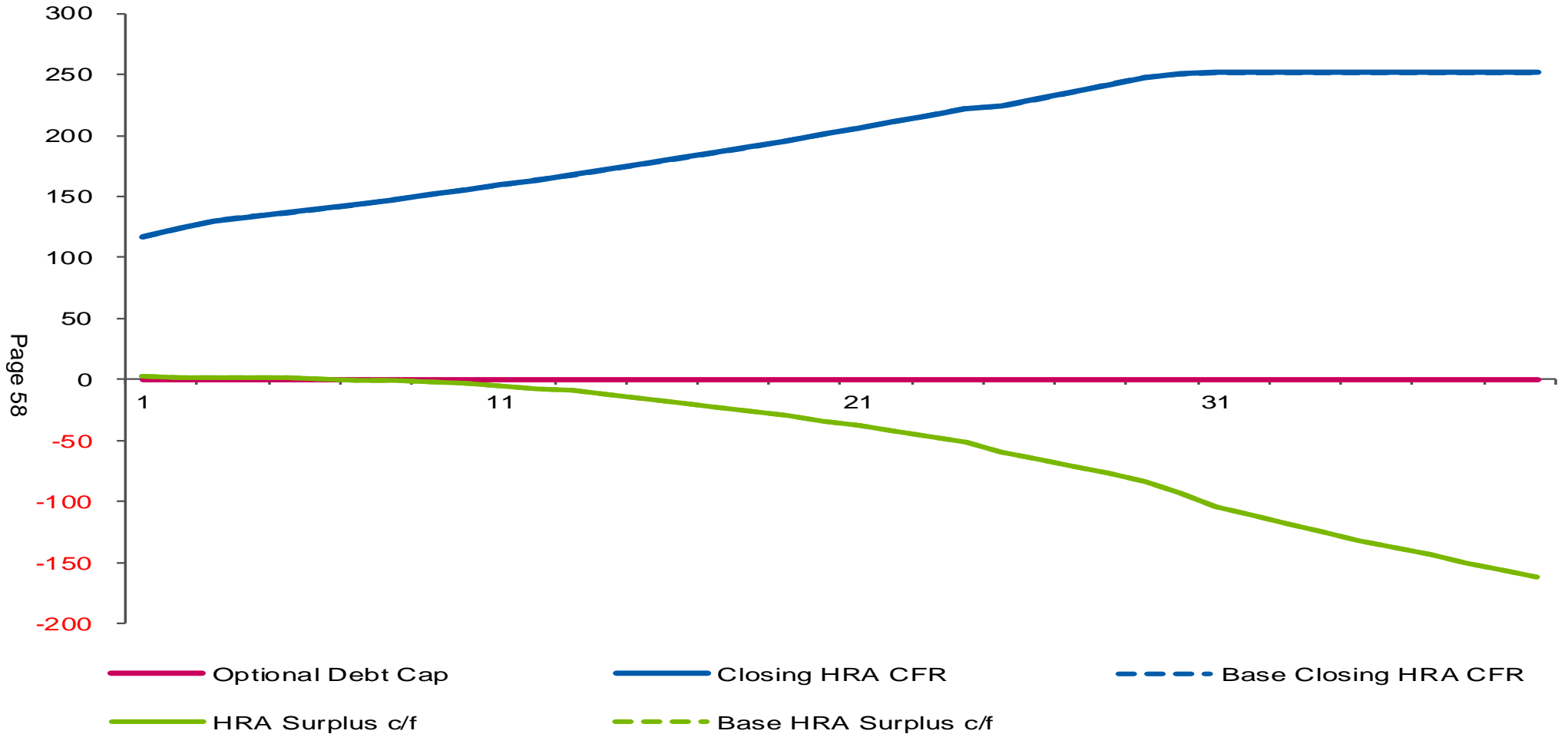
Interest cover is below 1.25 times in all years.

Borrowing more than the current loans is required to maintain the programme of works.

RTB 1-4-1 receipts would be repaid from year 7 if no more development is planned (if sales continue as estimated).

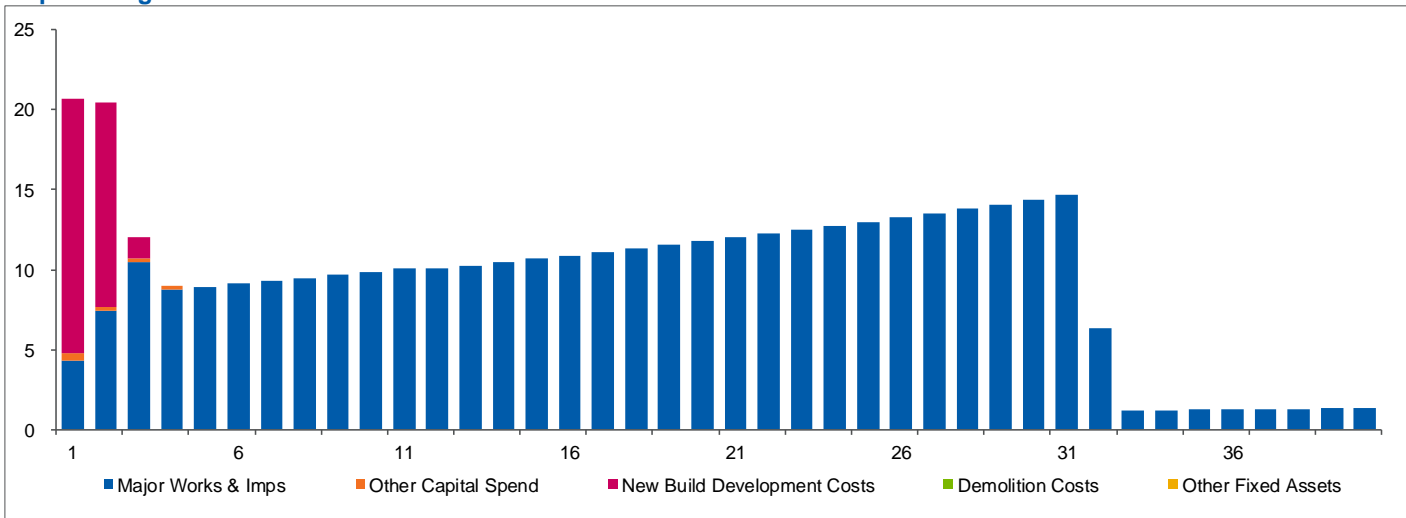
The chart below highlights the debt vs surplus over the next 30 years if action is not taken.

Debt vs HRA Surplus



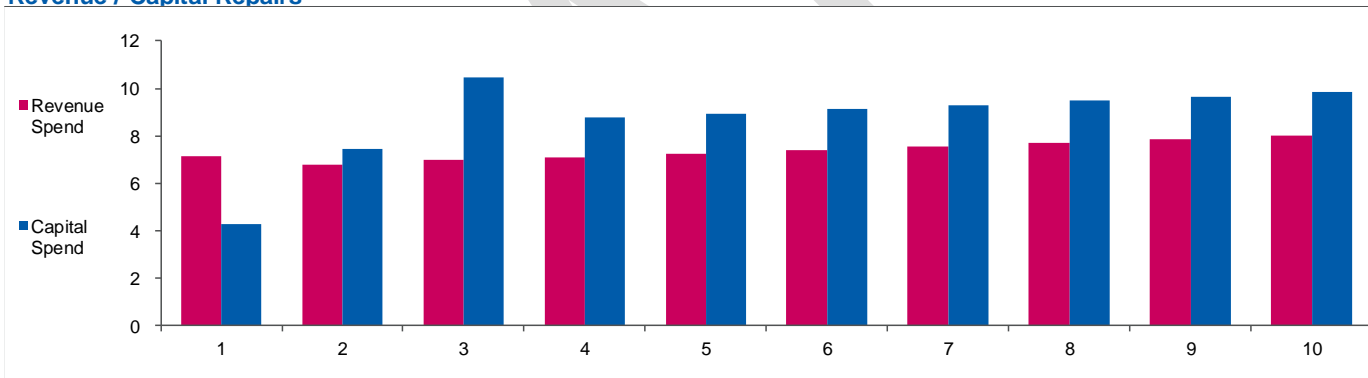
The chart below highlights the spend on the capital programme over the next 30 years. Currently this is an estimated cost. It will be updated when the stock condition survey is completed, in early 2025

Capital Programme



The Chart below highlights the spend on capital and revenue items. There is significant pressure on the revenue, which is made up on income including rents and service charge. The revenue expenditure will need to be significant reduced in future years to ensure a balanced budget.

Revenue / Capital Repairs



Year	1	2	3	4	5	6	7	8	9	10
Revenue	2,096	1,930	1,986	2,035	2,086	2,138	2,192	2,247	2,303	2,361
Capital	1,264	2,121	2,979	2,505	2,567	2,631	2,697	2,765	2,834	2,905

The chart below highlights the financial summary, the 'loan drawdowns' are the loan which are due to be repaid, as noted the plan cannot afford to repay the loans so is having to use a further loan to pay the debt. The summary also set out the level of surplus, the plan falls into debt in year 7 however breaches our balance of £1m by year 6.

A plan will need to be put in place to reduce costs moving forward.

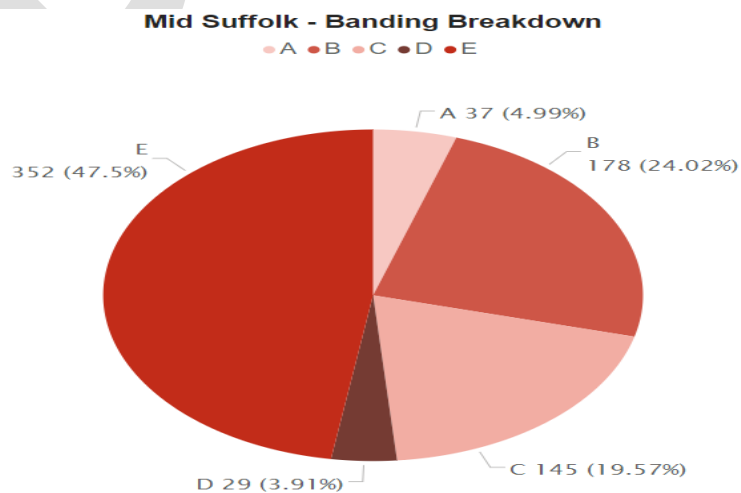
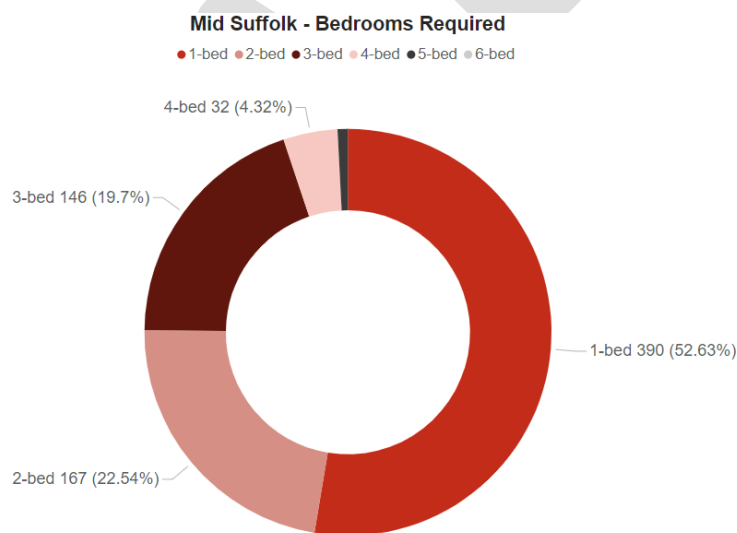
HRA Business Plan | Mid Suffolk DC HRA

Financing Summary

Year	Year	Opening Loan Balance £'000	Loan Drawdowns £'000	Loan Repayments £'000	Drawdown of Revolver £'000	Repayment of Revolver £'000	Closing Loan Balance £'000	HRA Surplus c/f £'000
1	2023/24	105,823	0	0	10,830	0	116,653	2,856
2	2024/25	116,653	0	0	6,977	0	123,630	2,084
3	2025/26	123,630	0	0	6,365	0	129,995	1,692
4	2026/27	129,995	15,000	-15,000	3,349	0	133,344	1,400
5	2027/28	133,344	0	0	3,189	0	136,533	1,013
6	2028/29	136,533	0	0	3,253	0	139,787	459
7	2029/30	139,787	0	0	3,710	0	143,496	-292
8	2030/31	143,496	0	0	3,906	0	147,402	-860
9	2031/32	147,402	15,000	-15,000	3,968	0	151,371	-2,081
10	2032/33	151,371	0	0	4,032	0	155,402	-3,559
11	2033/34	155,402	0	0	4,096	0	159,499	-5,308
12	2034/35	159,499	0	0	3,953	0	163,452	-7,335
13	2035/36	163,452	0	0	4,016	0	167,468	-9,203
14	2036/37	167,468	15,000	-15,000	4,484	0	171,952	-12,260
15	2037/38	171,952	0	0	4,573	0	176,525	-15,481
16	2038/39	176,525	0	0	4,665	0	181,190	-18,947
17	2039/40	181,190	0	0	4,758	0	185,948	-22,663
18	2040/41	185,948	0	0	4,853	0	190,801	-26,638
19	2041/42	190,801	12,206	-12,206	4,950	0	195,751	-29,899
20	2042/43	195,751	0	0	5,049	0	200,800	-33,827
21	2043/44	200,800	0	0	5,150	0	205,950	-37,992
22	2044/45	205,950	0	0	5,253	0	211,203	-42,402
23	2045/46	211,203	0	0	5,358	0	216,561	-47,064
24	2046/47	216,561	0	0	5,465	0	222,027	-51,987
25	2047/48	222,027	0	-3,500	5,575	0	224,102	-60,051
26	2048/49	224,102	0	0	5,686	0	229,788	-65,443
27	2049/50	229,788	0	0	5,800	0	235,588	-71,119
28	2050/51	235,588	0	0	5,916	0	241,504	-77,088
29	2051/52	241,504	0	0	6,034	0	247,538	-83,359
30	2052/53	247,538	0	-3,500	6,155	0	250,193	-92,755

Housing those in need Babergh and Mid Suffolk Charts:

Households active on the Housing Register



National Context

The Social Housing (Regulation) Act 2023

The past few years have seen some of the most significant events in social housing, with the Grenfell fire tragedy in 2017 highlighting the inadequacy of social housing and the lack of tenant involvement and empowerment.

The Government published the Social Housing Green Paper: A New Deal for Social Housing in 2018 and the Social Housing White Paper: The Charter for Social Housing Residents in 2020 all with the aim of improving how social housing is regulated. The Act consolidates a stronger and more proactive regulatory regime to drive up standards in the sector and hold landlords to account for the services they provide to their tenants.

The Building Safety Act 2022

The Building Safety Act 2022 was introduced in the wake of safety concerns for occupants of high-rise buildings after the 2017 Grenfell Tower tragedy. The legislation is intended to improve the design, construction and management of higher-risk buildings. It came into force on the 1st April 2023.

Decent Homes Standard & Awaab's Law

The Decent Homes Standard sets the minimum standards for council owned homes. The government launched a further review of the Decent Homes Standard in June 2023. This review will consider a range of changes to the standard including whether the current Decent Homes Standard sets the right standard on Housing Health and Safety Rating System issues, to help keep residents safe.

Energy Efficiency of Housing Stock

To meet national carbon targets all housing, including council housing, must meet net zero carbon levels by 2050, and all Council homes must meet Energy Performance Certificate (EPC) rating of C by 2030.

Local Context

Setting the Scene: Mid Suffolk Data:

- Nearly 3000 tenants receive 'My Home Bulletin' email
- 50 Properties sold through the Right to Buy between 2020 – 23
- 3493 Properties (All Tenures)
- £16,422,460.23 total income in 2022
- Average Energy efficiency Rating of C
- 97.12% of rent collected
- 5806 average number of repairs completed in 2023
- 754 households on housing register as of December 2023
- 319 homes let in 2022-23 including 60 new builds
- 319 new homes built or purchased between 2015 and 2023
- 63 residents with disabilities were supported in their homes in 2023
- 279 homes adapted through Disabled Facilities or Minor Adaption grants 2020-2021
- 136 Affordable homes for rent were built or acquired between 2015 – 2023
- 58 Shared ownership sales in 2015 - 2023
- 1098 Garages

Mid Suffolk District Council's Plan

The Mid Suffolk Plan's vision is "To see Mid Suffolk thriving, whilst putting environmental sustainability and social justice at the heart of everything we do, by providing leadership that is fully engaged to making change happen and committed to being transparent and responsive."

To achieve this Mid Suffolk District Council will:

1. Providing open & honest leadership.
2. Putting environmental sustainability and social justice at the heart of everything we do.
3. Providing high quality council services that are easy to access when needed and that can be relied on.
4. Ensuring we are financially responsible with public money.
5. Continuing to listen to, and work in partnership with, all citizens of Mid Suffolk.
6. Working closely and cooperatively with others.
7. Enabling and empowering citizens to be active in their communities.
8. Nurturing community resilience and helping it to become more robust.

Further details can be found here: [The Mid Suffolk Plan](#)

Declaration of Climate Emergency

Babergh and Mid Suffolk District Council's declared a Climate Emergency in 2019 and set up a joint Environment and Climate Change Task Force, to look at the climate challenges we face.

The Government's Clean Growth Strategy set a target of 2030 for all Social Housing to have an Energy Performance Certificate (EPC) rating of C. Our properties currently on average have a rating of C. The Government also set a target for all new homes to be "net zero" in relation to carbon emissions by 2030.

Rural districts

Suffolk has double the national average of people resident in rural areas and this rural population is older (higher percentage of those aged 65+) than its urban population.

An All-Party Parliamentary Group inquiry into rural housing showed

- People living in very rural areas, like ours, experience more limited social networks, isolation, and loneliness which can be exacerbated by poor transport.
- There is an urgent need to provide affordable housing for people wanting to live and work in the most rural communities

Ageing population

Over the next 20 years the population across both Districts is projected to increase by 9% (18,200). The biggest increase is projected to be in people over 75. As a population ages there are increasing and different demands on services and facilities, especially housing, transport, medical care, and social care services.

Tenant Engagement Strategy

BMSDC's Tenant Engagement Strategy was launched in November 2022. The strategy was informed by the findings of a tenant engagement survey; over 1,000 tenants responded to the survey and these responses were used to inform our priorities and promises within the strategy.

The strategy, and its action plan, were approved by the Tenant Board and Councillors. They are reviewed annually, so that progress can be tracked and to ensure that the work we are doing is still relevant.

Further details can be found here: [BMSDC Tenant Engagement Strategy](#)

Joint Homelessness Reduction and Rough Sleeping Strategy

Preventing Homelessness is a priority for Babergh and Mid Suffolk. Everyone needs somewhere to live and a place that they can call home.

Our vision is to end rough sleeping in our Districts. We have already gone some way to achieving this through our work to date by helping families to access accommodation in the private sector, reduced the use of B&B accommodation, bringing empty homes back into use, and developing and purchasing additional properties to add to our existing Housing Stock.

Our Housing and Homelessness Rough Sleeping Strategy sets out our commitments up to 2024.

Further details can be found here: [Joint Homelessness Reduction and Rough Sleeping Strategy](#)

Joint Local Plan

The BMSDC Joint Local Plan (Part 1) sets out a planning framework to guide development and facilitate growth in the Districts over the long term. It will play an important role in shaping our future – how towns and villages develop, how we protect and enhance our natural environment, develop our local economy, improve leisure and visitor facilities, improve social infrastructure and support more sustainable forms of travel.

Part 1 of the Joint Local Plan was adopted by both Councils in November 2023 and can be found here: [Mid Suffolk and Babergh Joint Local Plan November 2023](#)

Homes & Housing Strategy

We all need and deserve somewhere to live and call home. Having a place to call our own provides belonging, contributes to positive health and wellbeing and strengthens community spirit.

Our Housing vision is for residents to live in affordable and high-quality homes that enable them to build settled, safe and healthy lives, within sustainable and thriving communities.

The strategy is reviewed annually and this year we are looking to align our delivery plan with the HRA business plan priorities to create a master Housing Service Action Plan.

Our Homes and Housing Strategy sets out how we will meet this challenge and can be found here: [BMSDC Joint Homes and Housing Strategy](#)

DRAFT

Housing Revenue Account Business Plan

Priorities:



Priority 1: Investing in our current homes

We will:

- Develop an asset register to help decisions on our future stock profile, including disposal/redevelopment of the poorest and worst performing stock. It is vital that we invest the limited resources we have in the right place at the right time.
- Invest in new technology to improve the maintenance of existing homes. We intend to invest in homes by introducing smart devices that can reduce fuel poverty and provide remote data insights that could cut maintenance costs and improve resident well-being.
- Develop a ten-year Capital Investment Programme (2024 – 2034) We will develop a 10-year planned maintenance schedule, which will allow us to accurately predict where investment needs to take place. This programme will allow us to inform tenants of exactly what improvements they can expect and when this will take place.

DRAFT

Priority 2: Tackling and adapting to climate change

We will:

- Retrofit 100 homes across both councils using grant funding and additional capital investment.
- Educate tenants in how to be energy efficient within their homes: to encourage and support with minimising energy bills and reducing the risk of damp and mould.
- Encourage greater levels of Biodiversity within our estates and neighbourhoods; by planting wildflowers, reducing grass cutting and using natural solutions. This can both reduce our costs, improve our environment and our tenant satisfaction at the same time.



DRAFT

Priority 3: Building and buying new Council Housing

We will:

- Work with partners to provide new homes at affordable rent or for affordable home ownership, and where financially viable, social rent. Utilising right to buy receipts
- Work with partners to embed the New Build Design Guide and Technical Specification, emphasising Good Quality Design, Energy Efficiency, low running costs, Sustainability and Modern Methods of Construction
- Ensure efficient use of our housing stock by identify tenants currently under occupying their homes and proactively supporting those that would like to consider downsizing.



DRAFT

Priority 4: Improving the services that we provide our tenants

We will:

- Listen to tenants to ensure they have their voices heard. This will be through regular meetings, scrutiny panels and being part of decision making.
- Benchmark our performance and report on it. This will ensure that we learn from those performing well in the sector, continuously improve in the areas in need of development and celebrate our successes.
- Learn from every Complaint and ensure that everyone has their complaints dealt with promptly and fairly and has access to a strong ombudsman who will provide swift and fair redress when needed.
- Meet the new Regulatory Framework and Standards as set by the Regulator of Social Housing. By setting stretching Key Performance Indicators and aspirational outcomes for the service.
- Introduce a Customer Relationship Management (CRM) system. This will enable our teams to collaborate more easily, break down silo working and improve our communication.



DRAFT

Priority 5: Improving the neighbourhoods that we manage

We Will:

- Review each of our larger estates and actively engage tenants and stakeholders in how we could develop solutions to improve the environment and create neighbourhoods that are attractive and desirable to all using capital funding through our HRA Greater Places scheme.
- Increase the visibility on estates by supporting team member to develop a focus on 'knowing our tenant' .
- Improve the quality of estates through the development of a Neighbourhoods Strategy in conjunction with tenants, residents, members, and stakeholders.
- Increases tenant satisfaction with where they live. We will continually review whether the improvements improve the happiness and well-being of tenants, residents, and communities.



DRAFT

Priority 6: Involving tenants in the running of the service

We will:

- Develop an innovative Governance model composed of Council Members, tenant representatives, and independent members with expertise in the field to oversee performance, contribute to strategy, operations and policy development.
- Increase levels of satisfaction that we listen to tenant views and act upon them. We will then regularly monitor progress by making improvements to what we do and how we do it.
- Reduce the 'Stigma' associated with being a tenant We will create a culture that ensures that Tenants feel assured that 'stigma' does not exist within Babergh and Mid Suffolk.



DRAFT

Priority 7: Implementing digital transformation

We will:

- Move to a cloud-based software system: this will enable both our staff and tenants to access services digitally with greater flexibility and reliability.
- Assist more tenants to gain the skills, confidence, and ability to access and utilise Digital Services by developing a programme of activities including access to learning, development, and training.
- Support tenants to actively self-serve and manage their tenancies online, including reporting and monitoring repairs, contacting officers through online chat as well as uploading pictures or video conferencing with staff.
- Introduce 'Digital Tenancies' to enable people to sign their tenancy, book a repair, pay rent, and report anti-social behaviour via a digital portal.
- Use dashboards to provide a clear picture of performance 'in real time'.



DRAFT

Priority 8: Ensuring sustainable financial management of our council housing services

We will:

- Annually review the HRA business plan to reflect our current position and our mid-term financial position.
- Create a defined plan for actions that could alleviate financial stress on the housing revenue account.
- Develop a plan to sell off HRA assets to further ease pressure on the HRA account.
- Improve the financial data we provide to cabinet and members, so they are aware of the status of the HRA account.

DRAFT

Performance and Benchmarking

We work with Housemark, a provider of benchmarking comparable data within the Social Housing sector. We receive monthly and annual performance summaries which show us, at a glance, what the numbers mean to our tenants, our people, and our business. These reports compare our costs and performance with a peer group of similar social landlords.

In line with The Social Housing (Regulation) Act 2023 we publish performance data on the Tenant pages of our website and share this directly with tenants via the My Home Bulletin on a quarterly basis.

In 2022 Babergh & Mid-Suffolk District Council's commissioned Acuity Research & Practice (Acuity) to carry out an independent survey of residents to collect data on their opinions and attitudes towards their landlord and the services provided. Acuity is also collecting our Tenant Satisfaction Measure data through tenant perception surveys. The results of this analysis have been taken into consideration through the development of this Business Plan. It highlighted that we should concentrate our efforts upon the following three areas, as this would lead to a noticeable increase in resident satisfaction: Resident Engagement, Customer Services and the quality of Homes.

We will demonstrate to tenants that we have actively listened to their feedback and will improve our services. We will provide good quality, safe homes. We will monitor progress through regular tenant satisfaction perception surveys.

Monitoring and Governance

A detailed 'smart' action plan will be developed in response to this plan being adopted by both Councils and will run alongside the existing Joint Homes and Housing Strategy Delivery Plan.

An annual review will consider both financial performance of the accounts alongside the qualitative outcomes being delivered and the satisfaction of tenants and leaseholders. This will enable us to ensure that we are continuously adjusting the Business Plan to reflect the environment around us.

Links and Appendices

[Mid Suffolk District Council Corporate Plan](#)

[Tenant Engagement Strategy](#)

[Joint Homelessness Reduction and Rough Sleeping Strategy](#)

[Joint Local Plan](#)

[Joint Homes and Housing Strategy](#)

[Regulatory Standards - Regulator of Social Housing](#)

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Equality Impact Assessment (EIA) Initial Screening Form



Screening determines whether the policy has any relevance for equality, ie is there any impact on one or more of the 9 protected characteristics as defined by the Equality Act 2010. These are:


- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

1. Policy/service/function title	Housing Services
2. Lead officer (responsible for the policy/service/function)	Deborah Fenton
3. Is this a new or existing policy/service/function?	Existing Customer Facing Document
4. What exactly is proposed? (Describe the policy/service/ function and the changes that are being planned?)	The report and document is a customer facing business plan which is presented and updated on an annual basis
5. Why? (Give reasons why these changes are being introduced)	An annual requirement
6. How will it be implemented? (Describe the decision making process, timescales, process for implementation)	Cabinet – Full Council – and back to Cabinet to be ratified

<p>7. Is there potential for differential impact (negative or positive) on any of the protected characteristics?</p>	<p>Yes</p> <p>No x</p> <p>Identify how the impact would affect the specific equality strand.</p>
<p>8. Is there the possibility of discriminating unlawfully, directly or indirectly, against people from any protected characteristic?</p>	<p>Yes</p> <p>No x</p>
<p>9. Could there be an effect on relations between certain groups?</p>	<p>Yes</p> <p>No x</p>
<p>10. Does the policy explicitly involve, or focus on a particular equalities group, i.e. because they have particular needs?</p>	<p>Yes</p> <p>No x</p>

If the answers are 'no' to questions 7-10 then there is no need to proceed to a full impact assessment and this form should then be signed off as appropriate.

If 'yes' then a full impact assessment must be completed.

Authors signature 

Date of completion 30/4/24

Any queries concerning the completion of this form should be addressed to the Equality and Diversity Lead.

* Public sector duty does not apply to marriage and civil partnership.

Agenda Item 12

MID SUFFOLK DISTRICT COUNCIL

TO: Mid Suffolk Cabinet	REPORT NUMBER: MCa/23/57
FROM: Leader and Cabinet Member for Performance and Resilience - Cllr Andrew Mellen	DATE OF MEETING: 14/05/2024
OFFICER: Lee Carvell (Regeneration and Capital Projects Manager)	KEY DECISION REF NO. CAB423/CNL148

This report is open for public inspection. However, Appendices referred to within the report are not open for public inspection as they contain exempt information by virtue of which the Council are likely to exclude the public during the discussion of the agenda item to which the report relates.

The description of the exempt information under Schedule 12A of the Local Government Act 1972 (as amended) is as follows: -

1. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The author(s) confirm(s) that the public interest in maintaining the exemption outweighs the public interest in disclosing the information

SKILLS & INNOVATION CENTRE ON GATEWAY 14

1. PURPOSE OF REPORT

- 1.1 To report to Cabinet, and onward to Council, the Freeport East Supervisory Board decision taken by it at its meeting of 19 March 2024. A total funding package of up to £16.66m was secured by Mid Suffolk District Council at that meeting, to deliver the Skills and Innovation Centre at Gateway 14 in Stowmarket. The Freeport Board strongly supported the delivery of the scheme, reflected in its agreement of a funding package equivalent to 89% of the total project delivery costs.
- 1.2 Whilst the capital delivery cost element has not changed from previous Council approvals (£18.171m), the full project delivery envelope is now increased to £18.827m as a consequence of the Council not now being able to recover £1.512m of its forward funded reserves investment from the Pot B Business Rates that Gateway 14 will generate. These 'lost opportunity' costs accrue as shown in the financial section of this report and Appendices. Mid Suffolk District Council therefore needs to consider if and how it will fund this gap of £2.167m (approximately 11% of the total delivery cost).
- 1.3 To outline the main options available to Mid Suffolk District Council to revise its funding strategy, originally agreed by Cabinet at its meeting of 05 December 2023 (Paper Maca/23/34) and Full Council at its meeting of 25 January 2024 (Paper MC/23/37). This paper recommends a preferred revised funding strategy to address the gap in funding. If approved, this will enable the project to proceed into pre-planning and technical design phase ahead of a planning application submission later

in the year. It will also enable the relevant legal and agreements on the land transfer and building development to conclude.

2. OPTIONS CONSIDERED

- 2.1 **DO-NOTHING / REJECT FUNDING THE COST DEFICIT. Not Recommended.** The project will not be fully funded and cannot proceed as an approximate 11% funding gap will remain (including projected internal borrowing costs arising from use of reserves). The benefits outlined within the approved business case will not be achievable and an opportunity to bridge long-term skills gaps (including green and digital skills) will pass.
- 2.2 **TO APPROVE THE PREFERRED FUNDING STRATEGY REVISION. Recommended.** The Council will be safeguarding the delivery of the project, and its benefits to the local area and wider economy, by setting aside funding from reserves to meet the deficit arising from the Freeport East Ltd decision. This preferred option removes the need for borrowing costs and Minimum Revenue Provision (MRP) impacts on the Council's revenue budget. However, the decision made by Freeport East Ltd means that the Council will not be able to replenish its reserves fully over time, nor fund the opportunity cost of using reserves (internal borrowing costs), through the receipt of Pot B Business Rates income as originally intended. By reviewing this project within the Council's overall capital programme, funding costs are being rationalised and therefore it is also recommended that as part of the 2025/26 budget setting process the funding of the Council's entire capital programme is looked at holistically and strategically, rather than on a project by project basis. This will support achieving value for money, minimise revenue budget impacts and ensure financial sustainability going forward.
- 2.3 **TO APPROVE AN ALTERNATIVE REVISED FUNDING STRATEGY. Not Recommended.** The alternative is for the Council to borrow the additional funding needed. This is not recommended at this point given the high interest rates prevailing at the current time, as the Council will incur additional borrowing and MRP costs which will impact negatively on the overall viability of the business case, as well as the Council's revenue budget.

3. RECOMMENDATIONS

CABINET

- 3.1 That Cabinet approve the recommended revised funding strategy shown in Appendix A (confidential).
- 3.2 That Cabinet approve the increase of the total cost envelope for delivery of the Skills and Innovation Centre to a maximum of £18.85m, from the £18.75m previously resolved.

ONWARD RECOMMENDATION TO COUNCIL

- 3.3 That Council approves:
- (a) The increase of the total cost envelope for delivery of the Skills and Innovation Centre to a maximum of £18.85m, noting that the capital cost for this project of £18.171m as included and approved in the Council's overall capital programme has not changed from the Council's earlier decision.

(b) The use of £10.9m of reserves (from the Gateway 14 Dividend Reserve and Thriving Communities Fund equally), of which £9.4m will be replenished by Pot B Business rates and the remaining £1.5m of those reserves being an investment and not being replenished through Pot B Business Rates income as originally intended.

(c) A cost to the revenue budget of £0.656m (over 30 years) – being the opportunity cost of using reserves to fund this project rather than investing the cash at prevailing interest rates and which now will no longer be funded through the receipt of Pot B Business Rates income.

3.4 That Council note that the funding of the entire capital programme, including this project, will be subject to review as part of the 2025/26 budget setting process.

REASON FOR DECISION

To maximise the opportunities available to the Council to lead the development of a new unique facility which offers skills development, business support, entrepreneurship and innovation at Gateway 14 in Stowmarket. This local leadership opportunity arises from the Council's economic growth and strategic asset management functions, Gateway 14 site investment, Freeport East designation and the Council's active skills, education and innovation sector partnerships.

This proposal seeks to meet the immediate and future skills needs of employers and workers in the local and wider sub-regional area and to address persistent skills gaps which will support transition towards a higher wage economy. It will provide bespoke services to address gaps in provision and add value to the regional economy with a particular focus on, but not limited to, growth of green skills, digital skills, environmental innovation and support for supply chains in the green economy.

The proposal meets many Council, local partnership and government outcomes but also creates the conditions to stimulate some new and exciting partnerships which enhance opportunities for local communities and provides a regionally significant centre in Stowmarket and within the Freeport area.

4. KEY INFORMATION

4.1 Mid Suffolk District Council resolved at its Full Council meeting of 25 January 2024 to add the delivery of the Skills and Innovation Centre on Gateway 14 to its capital programme. It agreed to an upper delivery cost envelope of £18.75m for this project, subject to the satisfactory completion of relevant funding, legal, due diligence and related activities as outlined and resolved via Cabinet Report mica/23/34. An upper project ceiling of £18.85m is now projected given the Council will be incurring additional costs linked to its increased use of reserves, which will still be less than if the Council had to borrow externally. That element will not be recoverable from Pot B business rates generated at Gateway 14. It is proposed that this will over time be recovered from the revenue cashflows forecast to be generated from the operation of the Skills and Innovation Centre.

4.2 The projected operational and ongoing revenue expenditure and income forecasts for running the Skills and Innovation Centre, considered at Full Business Case stage, remain largely unaffected by the funding gap. That modelling projected a cost neutral operation and without a reliance on Council subsidy from the revenue budget. Relevant risks, which will remain live, were also considered as part of that

governance approval stage. Information obtained since then provided by Jaynic (as Gateway 14 Ltd's development manager) and also an approved supplier of hybrid green roof systems indicates a modest annual maintenance cost for the roof system which is unlikely to make any significant impact on the forecast operational cashflows.

ABOUT THE SKILLS AND INNOVATION CENTRE

- 4.3 This project is for the delivery and operation of a new-build circa 35,000 square feet (approximate, equivalent to 3,251m²) Skills and Innovation Centre on the Gateway 14 / Freeport East site. The centre would be set within the designated innovation cluster area of the site masterplan, comprising approximately 85,000 square feet (7,897m²) in total.
- 4.4 The Full Business Case was approved by Mid Suffolk District Council on 25 January 2024 and backed by Freeport East based upon the 'added value' of a skills development (including green skills and digital skills) and education component co-located with businesses and innovation. To this extent it is a non-traditional innovation or enterprise centre format and is attempting to support the reduction of long-term skills gaps, local employer skills shortages and improve lower levels of productivity and attainment. Appendix C outlines the projected updated social value benefits to the locality and wider region from delivering a Skills and Innovation Centre. This shows significant benefits and a Net Present Social Value (i.e. the public benefit value remaining after costs are deducted) of £12.559m.
- 4.5 The building will have enhanced sustainability features as an exemplar development which will have strong identity and presence for skills development, innovation and business - benefitting Gateway 14 and Freeport East in addition to the Council and its communities and delivery partners. It is designed to achieve BREEAM Excellent certification with its specification being carefully considered through its physical form, spaces and flow. This will maximise the operational uses which in turn build the collaborations, shared learning environment and innovation which will make the centre a success.
- 4.6 The Council is preparing to independently source an operator for the centre utilising its usual public procurement processes. The earlier this is done the better as it will support the marketing, fit-out and transitioning of the spaces on a practical level. Work is underway to scope a brief to secure an optimal operator, in dialogue with other key stakeholders. This will enable the Council to progress quickly from the point at which the project is fully funded and green-lighted for progression.

5. LINKS TO THE MID SUFFOLK PLAN

- 5.1 The Mid Suffolk Plan (2023-2027) sets out the priorities of the Council in helping to create thriving and resilient communities in the district. The Skills and Innovation Centre delivers broad economic, social, community and environmental benefits as set out within the approved Full Business Case. It is a forward-looking intervention to face the challenges of the future and grasp an opportunity to improve the lives of people in Mid Suffolk. It supports the Council vision of the district being a great place to live, a great place to work, a great place to do business and a great place to visit.
- 5.2 There are a range of cross-cutting strategic priorities, both corporate and wider, which align with this project, including (in no particular order of weighting):
- Freeport East – as a key strand of the skills and innovation submission to government and support meeting the net zero ambitions of the Freeport area

- Joint Economic Recovery Plan / economic evidence base refresh – Skills, Innovation and Business Support themes
- G14 Board Business Plan, ambitions and KPIs for site including those around environmental sustainability and innovation
- Climate Action Plan / net zero carbon transition by 2030
- Strategic Asset Management Plan 2020-2025 (SAMP)
- Place Regeneration and Investment in Stowmarket
- Joint Local Plan and Local Industrial Strategy – including A14 Growth Corridor
- Business Rates Base Growth for District and Mid-Term Financial Strategy

5.3 The scheme is not being developed for purely commercial purposes but to meet wider social and economic value. If the right format can be established and found to be viable, it is an enabling investment and platform for improving life chances and outcomes for local people. It can help businesses and enterprises to survive, be resilient and grow and for connections and networks to grow organically - raising the profile of the G14 and Freeport sites and district as a home and destination for higher skills, innovation and success.

6. FINANCIAL IMPLICATIONS

6.1 The principles of this funding proposal for the project are based upon:

- The fact that the scheme is not financially viable on a commercial basis and cannot progress without public sector funding in the form of the upfront seed fund capital grant from government, and the use of Council resources as well as the use of Pot B Business Rates income generated from the Gateway 14 site over the medium term.
- The overall value for money of the project is significantly improved by using reserve funding upfront as it removes the need for external borrowing and the consequential financing costs. This is particularly appropriate in the current economic climate when interest rates are at a high level.
- The Centre must be financially sustainable in its day-to-day operations without requiring long-term Council subsidy financed from the Council's revenue budget.

6.2 Council agreed in January 2024 a cost envelope of £18.75m for the project, broken down as:

Original Costs (£m)		Original Funding (£m)	
Capital Build Costs	£18.171m	Seed Capital Govt Grant	£6.00m
Revenue Budget Costs (opportunity costs of using reserves instead of cash investment to gain interest income)	£0.575m	Council Reserves forward funded to be <u>fully</u> replenished by use of Pot B Business Rates generated by Gateway 14	£10.956m
		RCCO (Revenue Contribution to Capital Outlay) <u>fully</u> recovered from Pot B Business Rates	£1.215m
		Internal Borrowing Costs (<u>fully</u> recovered from Pot B Business Rates)	£0.575m
TOTAL	£18.746m	TOTAL	£18.746m

6.3 Freeport East Ltd however has limited the total amount of Pot B business rates income allocated this project to £10.66m instead of the £12.75m requested. This

means there is a shortfall in financing the capital needed of £1.512m and that no funding has been allocated to cover the revenue costs arising from the Council using its reserves to fund the project. If the Council wishes the project to proceed it has two funding options, namely:

Option One: Continue to use reserves to fund the total capital costs of the project but in the knowledge that £1.512m of reserves will not be replenished by Pot B Business Rates, as originally envisaged, and the consequential opportunity cost of not obtaining interest income from investing those reserves will now need to be met from the Council's revenue budget. The total cost to the Council's revenue budget of this option (over 30 years) is £656k.

Option Two: Continue to use reserves to fund the capital costs as above but fund the capital gap (the amount of reserves that will not be replenished from Pot B Business Rates income) from borrowing. The consequential cost to the Council's revenue budget of this option (over 30 years) is £3.668m and comprises of financing charges (interest and MRP costs) as well as the opportunity cost of not obtaining interest income from investing the reserves.

- 6.4 For clarification the capital budget for this project of £18.171m as included and approved in the Council's overall capital programme has not changed from the Council's earlier decision.
- 6.5 Further, alongside building to BREEAM 'Excellent' standards, a hybrid green roof (solar PV integrated with sedum vegetation) will be installed at the Centre and this is already accounted for within the capital project costs outlined within this report.

7. LEGAL IMPLICATIONS

- 7.1 There are no specific additional legal implications arising from this report. The substantive project legal implications were outlined in the previous Full Business Case governance gateway stage reporting.
- 7.2 Councils have the powers to acquire land and property for the purposes of -
 - (a) any of their functions under LGA 1972 or any other enactment, or
 - (b) the benefit, improvement or development of their area.
- 7.3 All land at the Gateway 14 site is owned by Gateway 14 Ltd a private limited company, of which 100% of the shares are owned by Mid Suffolk District Council. Gateway 14 Ltd has appointed Jaynic as its development manager for delivering the site. The Council does not envisage that a market-rate transaction creates any subsidy control issues but this will be carefully monitored and reviewed with legal input as progress is made, including the procurement route and transaction agreement diligence.
- 7.4 The Council has taken external legal advice regarding the procurement implications of the proposed transaction. The Public Contracts Regulations 2015 remain in force in the UK until the Procurement Act 2023 comes into force, anticipated in autumn 2024.
- 7.5 There is a need to review all structures to ensure that future operation of the Skills and Innovation Centre is managed in accordance with a set of agreed outcomes and principles. Given the building is likely to have a range of partners sharing space,

careful consideration is required regarding longer-term management, legal and operational structures.

8. RISK MANAGEMENT

- 8.1 There are no additional risks arising from this specific report over and above the Full Business Case (FBC) as reported to Cabinet and Council at FBC gateway approval stage.

9. CONSULTATIONS

- 9.1 As reported at previous governance gateway approval stage for Full Business Case.

10. EQUALITY ANALYSIS

- 10.1 An EQIA initial screening was completed to determine whether the policy has any relevance for equality and if there is any impact on one or more of the nine protected characteristics as defined by the Equality Act 2010. The screening identified that a full impact assessment was not required.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 As reported at previous governance gateway approval stage for Full Business Case.

- 11.2 The building is being designed to be as sustainable as possible within its cost parameters. This will help deliver against the ambitions held by the Council, partners, the tenants and users and the local community. The Council want the emphasis of the Skills and Innovation Centre to be on developing the green economy and green skills. This includes skills in the low carbon and environmental goods and services sectors, but also more general skills to help all organisations use natural resources efficiently and sustainably and to be resilient to climate change.

- 11.3 Gateway 14 Ltd has a clear business goal to maximise sustainable construction opportunities and explore low carbon heat and energy/water sources on the site. Ambitions for the building are for exemplar level construction, embodiment of carbon and considerate construction in support of the Council's emerging Climate Resilience Plan and Gateway 14 sustainability strategy. BREEAM 'Excellent' is the minimum standard for the innovation cluster (Plot 3000 units) on the Gateway 14 site. BREEAM 'Excellent' would broadly represent performance equivalent to the top 10% of UK new non-domestic buildings. This development will deliver significant energy and carbon savings in comparison to a traditional building design. BREEAM Excellent rated buildings on average reduce carbon emissions by 33%.

12. APPENDICES

	Title	Location
A.	Revised Recommended Funding Strategy RECOMMENDED – CONFIDENTIAL	Attached
B.	Alternative Funding Strategy (Borrowing) NOT RECOMMENDED – CONFIDENTIAL	Attached
C.	Social Value Impact summary (February 2024 update)	Attached

13. BACKGROUND DOCUMENTS

Cabinet Report 05/12/2023 (MCa/23/34 [LINK](#))

Council Report 25/01/2024 (MC/23/37 [LINK](#))



Net Present
Social Value
(Benefits minus costs)
£12.559m



Skills Uplift
£ 6.294 m
Assumptions on undergraduate and degree apprenticeships supported



Value of more productive jobs created
£10.34m



£0.052m
Wellbeing of Residents Benefits
Assumes 5% of jobs taken up by those currently unemployed



People Trained
(Units Completed per Annum)
180
Estimate based on indicative information from partner providers re. likely skills offer



Jobs
by end Year 2
119
Estimate based on floorspace by use and HCA employment density data. Assumes 80% occupancy




Increased
Labour Supply
£4.852m
Assumes 10% of new jobs created are taken up by people not currently in the labour force



Direct Land Value Uplift
£0.123m
Based on DHLUC benchmark data for business park office space in Suffolk



Additional Jobs
63
Over 10 Years
Due to 'churn' in grow-on and co-working space



Benefit to Cost Ratio
1.9
'MEDIUM'
Value for Money
(Note: 2.0 is 'high')



GVA Productivity
Increased by
£8.1m
Gross Per Annum
Estimate based on jobs by sector and ONS GVA / employment sector data



Active Travel Benefits
£0.082m
Census 2021 Travel to Work Data - 2% cycle and 5% walk



“VfM Category reflects **robustness to change** in underlying assumptions, as well as assumed level of non-monetised benefits” **KADA** February 2024

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Agenda Item 13

MID SUFFOLK DISTRICT COUNCIL

TO: MSDC Cabinet	REPORT NUMBER: MCa/23/58
FROM: Cabinet Member for Thriving Towns and Rural Communities	DATE OF MEETING: 14 th May 2024
OFFICER: Mark Emms, Director of Operations and Climate Change	KEY DECISION REF NO. CAB484

This report is open for public inspection. However, appendix 2 referred to within the report is not open for public inspection as it contains exempt information by virtue of which the Council are likely to exclude the public during the discussion of the agenda item to which the report relates.

The description of the exempt information under Schedule 12A of the Local Government Act 1972 (as amended) is as follows: -

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The author(s) confirm(s) that the public interest in maintaining the exemption outweighs the public interest in disclosing the information

MSDC RURAL TRANSPORT GRANTS FUNDING AWARDS

1. PURPOSE OF REPORT

- 1.1 Cabinet is asked to approve the outcome of the previously agreed Rural Transport Grant Scheme programme.

2. OPTIONS CONSIDERED

- 2.1 The cabinet is asked to approve, or not to approve, the outcome of the Rural Transport Grants scheme.

3. RECOMMENDATIONS
3.1 That, as per recommendations made by the funding award panel and with the understanding that the exact funding agreement still requires development, Cabinet approves in principle that MSDC awards a maximum amount of £300,000 to one applicant and a maximum amount of £300,000 to another for the provision of new passenger transport provisions across the district.
3.2 That cabinet delegate the further development and progression of this into formal funding agreements to the Director of Operations and Climate Change in consultation with the Cabinet Member for Thriving Towns and Rural Communities.
REASON FOR DECISION

Formally approving this funding arrangement/intention recommended by the funding awards panel demonstrates political support for this financial investment. Approval also demonstrates members are satisfied with how the recommendations on the funding awards have been reached.

4. KEY INFORMATION

- 4.1 In October, the Cabinet agreed to invest £600,000 into new community bus routes and passenger transport provisions via a rural transport grants scheme.
- 4.2 The scheme consisted of six grants of up to £100,000, each covering six different areas of operation designed to provide total coverage across the whole district.
- 4.3 The application window for this grant scheme has now been delivered. Information regarding how this was carried out, including the full brief to prospective applicants can be read here: www.midsuffolk.gov.uk/rural-transport-grants-scheme
- 4.4 A panel, made up of cross-party Councillors from the MSDC Sustainable Travel Working Group and officers from district and county council working in passenger transport, was established to shortlist, assess and give recommendations on applications.
- 4.5 The panel developed and utilised a 'scoring matrix' to judge each shortlisted application against a range of relevant criteria to assist this process. Please see appendices 1 and 2 for the detail and outcomes of this.
- 4.6 The panel were in agreement that two applications – both for multiple/all of the grants available - scored significantly higher than another application that was shortlisted, and stood out as being worthwhile taking forwards.
- 4.7 The panel agreed that splitting the funding available between these two applicants could offer an opportunity to pilot different types of solutions to the issue of rural transport, and develop partnership working to enable provisions covering as many days and hours as possible.
- 4.8 There are further details, clarifications, caveats, amendments, and negotiations to be developed with both of these applicants regarding their proposals to ensure they are fully meeting the brief of the council's ambitions, which will enable a formal funding agreement to be produced. Officers, in consultation with the already established panel, will work to progress this if cabinet agree to the funding intention in principle.

5. LINKS TO OUR PLAN FOR MID SUFFOLK

The awarding of this grant funding aims to tackle issues with rural connectivity and the lack of sustainable transport options across the district, meaning it is closely aligned to the councils emerging priorities and plan.

6. FINANCIAL IMPLICATIONS

The General Fund financial implications of the overall spend/project remain the same as the previous Cabinet reports on this topic.

The monies required to deliver on this grant scheme are already ringfenced from the Growth and Efficiency fund (following an approved budget amendment put forward by the Green and

Liberal Democrat group in February 2022). Following the delivery of the grant scheme and the approval of the funding awards, it is expected to be paid out within the next 2-3 months.

All funding invested is at risk – as noted throughout previous reports on this topic and within the risk management report of this section, there is no guarantee that the new provision will become financial sustainable for the longer term. The schemes may require further investment, and this is heavily dependent on passenger numbers that use them, with MSDC making no commitment to issue any further future funding at this stage. However, much consideration has been given to ensure the funding awards recommended reflect applications that best demonstrated robust plans, making longer term financial sustainability more likely.

7. LEGAL IMPLICATIONS

Advice has been sought from procurement with regards to allocating the grants, and no issues have been raised.

The application process required funding applicants to confirm they would be delivering a new service that would not have an effect on competition, which has ensured that rules around state aid/subsidy control do not apply to these grant awards. (The financial assistance does not meet 'Limb D' within the subsidy control guidance definition of a subsidy).

8. RISK MANAGEMENT

As noted within the previous cabinet report on this topic, the key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference
Issues with vehicle procurement and suitability which then impact on operational delivery and timelines	3	3	The grant scheme has been aimed at existing transport operators, who already have fleets of vehicles. This may reduce the need for so many vehicles to be procured, and also means that provision can start with existing fleet whilst newer, more environmentally sustainable fleet vehicles are procured.	Climate Change Project Risk Register for MSDC EV BUS/RURAL TRANSPORT FUNDING ST01
Insufficient funding is granted to deliver the desired routes or	2	3	Work closely with applicants to understand financials and adjust where necessary	Climate Change Project Risk Register for MSDC EV BUS/RURAL

length of delivery planned/proposed				TRANSPORT FUNDING ST02
Lack of users	2	3	Service must be created to be easy to use and book (e.g. provision of an app and phone line if it's DRT, well promoted if it's flexible-scheduled routes) and marketed well before launch and beyond	Climate Change Project Risk Register for MSDC EV BUS/RURAL TRANSPORT FUNDING ST03
Reputational risk from working with/investing in partners	1	3	Priorities, delivery methods and monitoring agreements must be outlined in a funding agreement	Climate Change Project Risk Register for MSDC EV BUS/RURAL TRANSPORT FUNDING ST04

9. CONSULTATIONS

Some initial informal key stakeholder consultation – with parish councils and local community transport operators - has already been undertaken to gauge the areas currently completely lacking in any passenger transport provision, or with very poor, irregular, or infrequent services. This helped to develop the brief of the grants scheme.

Grant applicants were asked to demonstrate consultation evidence, or plans to undertake consultation, to demonstrate the need for, and likely success of, their proposed delivery. The robustness of this was taken into account by the funding award panel when making their recommendations.

10. EQUALITY ANALYSIS

An EQIA screening was previously carried with the recommendation to proceed with a grants scheme, and concluded that a subsequent full EQIA is not deemed necessary. Approving the decision on the funding awards does not alter this.

One key principle of any new provision funded by the council, and a core remit of community transport in general, is that the provision is accessible and inclusive for all users. This will need to be ensured by any transport operator utilising grant funding to deliver routes specified by the council, and this will be documented and enforced by a funding agreement.

11. ENVIRONMENTAL IMPLICATIONS

The grant awards proposed are intended to support a number of MSDC's environmental, climate change mitigation, and carbon reduction management ambitions, particularly with regards to sustainable travel and air quality – by offering an alternative to single occupancy car journeys.

12. BACKGROUND DOCUMENTS

Please find, hyperlinked, [the previous cabinet report and minutes from the cabinet meeting that agreed the delivery of the Rural Transport Grants Scheme \(item 41\)](#)

Please find attached;

- Appendix 1: Scoring matrix used to assess applications
- Appendix 2: (Confidential): further detail on the recommended successful applicants including scoring matrix.

APPENDIX 1: Scoring Matrix used to assess applications

		Score			
		-1	0	1	2
Meeting the brief	The service will be accessible to all	<i>The proposal raises concerns around accessibility.</i>	<i>There is little detail of this in the proposal, and the proposal raises questions on issues regarding vehicle and booking accessibility and fare affordability</i>	<i>There is some detail of this in the proposal, and consideration has been given to vehicle and booking accessibility and fare affordability</i>	<i>The proposal includes detail around wheelchair (and other mobility needs) accessible vehicles, use of an app and a phoneline for journey bookings if applicable, or service will be operated as a local bus with no need to pre-book. Affordable pricing and acceptance of ENCTS passes, participation in £2 fare-cap or other future govt initiatives.</i>
	The service will deliver provision at useful times for those accessing work, education, healthcare, shops and services, as well as the night-time economy	~	<i>The service will not deliver this, or deliver very little of this and there does not appear to be scope to negotiate the hours of operation.</i>	<i>The service will operate at times that accommodate most of this, but not capture all. There is scope to negotiate the hours of operation.</i>	<i>The service will operate between 7am and 11pm everyday</i>
	The service will cover the entire area applied for	<i>The proposal has only focused on one part/route within an area of operation, rather than the whole area.</i>	<i>It is not clear from the operational detail given that the entire area will be included/covered</i>	<i>It is clear from the operational detail given that the majority of the area will be included/covered, or there is potential for the entire area to be included/covered</i>	<i>It is clear from the operational detail given that the entire area will be included/covered</i>
	The service will offer something different and new, and appeal to a broader demographic of passengership than existing community transport operations	<i>The proposal does not offer anything new, different or innovative</i>	<i>The closely mimicks existing provision (such as Connecting Communities), but perhaps increases capacity.</i>	<i>The proposal offers something different to the services already in existence, and has given consideration to how the appeal/use of the provision will be broadened out to a new demographic of people</i>	<i>The proposal is innovative, offering a new take on community transport with a good plan to attract a new demographic people - such as a strong branding/comms campaign and/or an app</i>
Environmental criteria	Proposal will deliver provision in the most environmentally sustainable way possible	<i>There is no reference to environmental sustainability in the proposal.</i>	<i>Proposal demonstrates an operation model that reduces dead mileage</i>	<i>Proposal demonstrates an operation model that reduces dead mileage and includes the provision vehicles that are 'cleaner' and/or can use lower carbon fuel such as biofuel</i>	<i>Proposal includes the provision of zero emission/electric vehicles</i>
	The service will connect people to onward travel sustainable transport connections and/or significant 'hub' destinations with significant opportunity to reduce car journeys to that destination	~	<i>Proposal does not demonstrate any linkages to onward sustainable travel connections or demonstrate a real opportunity to reduce car journeys.</i>	<i>Proposal demonstrates a link-in to centres of employment, retail, education and health services which might otherwise be accessed by car, and/or other passenger transport provisions, eg other bus operations and/or railway stations with timings considered. Proposal includes provision for cycles on buses.</i>	<i>Proposal gives details about how the service will link-in to centres of employment, retail, education and health services which might otherwise be accessed by car, and/or other passenger transport provisions, eg other bus operations and/or railway stations with timings considered. Proposal includes provision for cycles on buses.</i>
Economic criteria	The proposal offers good value for money	<i>The proposal raises concerns around value for money.</i>	<i>The proposal maxes out the budget available but does not evidence how all criteria/the ethos of the funding is met, and/or the financial breakdown does not seem effective</i>	<i>The service being delivered meets the majority of the criteria/the ethos of the funding and the breakdown of costings demonstrates this. Other value-adding elements are being brought to the table.</i>	<i>There is a comprehensive and effective breakdown of costings, either coming in under budget, or maximising the available budget to meet all of the criteria/the ethos of the funding. Match funding is being brought to the table.</i>
	The proposal demonstrates how the service will become financially sustainable in the longer term/beyond the life of the initial funding	<i>There is no plan or reference to the financial future-proofing of the service.</i>	<i>There is a vague plan or reference to the financial future-proofing of the service, but it is questionable.</i>	<i>There is some detail or consideration given to the financial future-proofing of the service, but it is not very thorough or realistic</i>	<i>There is a clear plan of action as to how this service will be marketed/used enough so that continuation of the service beyond the life of the grant (through passenger fare revenue, for example) will be as likely as possible</i>
Deliverability & Operational considerations	Scheme/service implementation feasibility	<i>The proposal raises concerns around deliverability and the applicant does not offer any reassurances via either their proposal or their reputation.</i>	<i>The proposal lacks any real detail around how the service will be implemented/delivered, and/or the proposal does not appear to be viable and the applicant lacks experience in transport operations.</i>	<i>The proposal appears realistic and achievable for the applicant, although there are some questions regarding implementation that may require further detail or reassurance</i>	<i>There is a clear plan of action as to how this service will be implemented, and the operational detail appears to be well thought through and realistic</i>
	Timeline	~	<i>There is no real plan of action as to when this service will be implemented, and there are many constraints referenced with too many uncertainties</i>	<i>There is a plan of action as to when this service will be implemented, and although there are some constraints they are reasonable and can be accommodated/will not delay implementation to an extent that is unacceptable</i>	<i>There is a clear plan of action as to when this service will be implemented, and it is in the not-too-distant future</i>
	Partnership working	~	<i>There is little to no reference to partnership working</i>	<i>There is some reference to partnership working and how it will be utilised to enhance the proposal/provision. There is acknowledgement that this proposal could tie in with others submitted.</i>	<i>There has already been some groundwork laid with regards to partnership working, and the proposal clearly demonstrates a commitment to further partnership working to enhance it. There is a clear and detailed plan about how this proposal could tie in with others submitted (e.g. benefits from this applicant covering multiple areas of operation, or how they will work with operators in the area of operation nextdoor).</i>

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Agenda Item 15

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Agenda Item 16

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