

Monday, 6 March 2023



MID SUFFOLK DISTRICT COUNCIL

DECISIONS NOTICE

**DECISIONS BY THE MID SUFFOLK CABINET
CALL IN DEADLINE 5:00PM ON 15 MARCH 2023**

The following decisions have been taken by the Mid Suffolk Cabinet and will come into effect on 16 March 2023 unless the call-in procedure is activated. For clarity, where an item is 'to be noted', 'received' or recommended to Council for a decision, this is deemed not to be a formal Executive decision and so the call-in provisions will not apply.

MCa/22/48 GENERAL FUND FINANCIAL MONITORING 2022/23 - QUARTER 3

It was **RESOLVED**: -

- 1.1 That, subject to any further budget variations that arise during the rest of the financial year, the net expenditure overspend position of £548k and forecast reserve movements, referred to in Appendix A of the report, be noted.
- 1.2 The revised 2021/22 Capital Programme referred to in Appendix A of the report, section 5 be noted.

REASON FOR DECISION

To ensure that Members are kept informed of the current budgetary position for both General Fund Revenue and Capital.

Alternative Options Considered and Rejected:

At this stage in the year, the financial position is for noting only.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/22/49 HOUSING REVENUE ACCOUNT (HRA) FINANCIAL MONITORING 2022/23 - QUARTER 3

It was RESOLVED: -

- 1.1 That, subject to any further budget variations that arise during the rest of the financial year, the adverse variance of £927k, referred to Appendix A, section 2 of the report, be noted;
- 1.2 The 2022/23 revised Capital Programme referred to in Appendix A, section 3 of the report be noted.

REASON FOR DECISION

To ensure that Members are kept informed of the current budgetary position for both the HRA Revenue and Capital Budgets.

Alternative Options Considered and Rejected:

At this stage in the year, the financial position is for noting only.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/22/51 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE PROGRAMME MARCH 2023

It was RESOLVED: -

- 1.1 That the CIL Expenditure Programme (March 2023) and accompanying technical assessment of the CIL Bids M22-14, M22-26, M22-17, M22-23, M22-24 and M22-28 (forming Appendices, A and B) and which include decisions on these CIL Bids for Cabinet to make and approve and to note (delegated decisions only) are as follows:-

Decisions for Cabinet to make: - Ringfenced Infrastructure Fund (Haughley Stradbroke and Stowupland) and Local Infrastructure Fund (Hoxne)

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
M22-14 HAUGHLEY Play Area	Amount of CIL Bid £71,000.00 Total costs of the project £102,000 Other funding sources are:	Recommendation to Cabinet to approve CIL Bid M22-14 for £71,000.00 from the Ringfenced Infrastructure Fund (Haughley)

	<p>Parish Council £20,000</p> <p>Donations £10,000</p> <p>Community funding £1,000</p>	
<p>M22-26</p> <p>STRADBROKE</p> <p>Health Centre Improvements</p>	<p>Amount of CIL Bid</p> <p>£29,724.00</p> <p>Total costs of the project</p> <p>£39,634.00</p> <p>Other funding sources are:</p> <p>Parish Council £9,910.00</p>	<p>Recommendation to Cabinet to approve CIL Bid M22-26 for £29,724.00 from the Ringfenced Infrastructure Fund (Stradbroke)</p>
<p>M22-17</p> <p>STOWUPLAND</p> <p>New footpath Trinity Meadows to Trinity Walk Bus Stop</p>	<p>Amount of CIL Bid</p> <p>£14,200.00</p> <p>Total costs of the project</p> <p>£14,200</p>	<p>Recommendation to Cabinet is to approve CIL Bid M22-17 for £14,200 from the Ringfenced Infrastructure Fund (Stowupland) for the amended route</p>
<p>M22-23</p> <p>HOXNE</p> <p>Hoxne Church Lavatory Project</p>	<p>Amount of CIL Bid</p> <p>£28,090.88</p> <p>Total costs of the project</p> <p>£37,454.50</p> <p>Other funding sources are:</p> <p>Hoxne Parochial Church Council funding:</p> <p>£9,363.62</p>	<p>Recommendation to Cabinet to approve CIL Bid M22-23 for £28,090.88 from the Local Infrastructure Fund</p>

Decisions for Cabinet to note: - Ringfenced Infrastructure Fund (Barham) and Local Infrastructure Fund (Mendham)

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
M22-24 BARHAM Fencing to play area for Kirby Rise Gren	Amount of CIL Bid £3,377.75 Total costs of the project £5,037.00 Other funding sources are Parish Council £1,659.25	Recommendation for Cabinet to note the delegated decision for CIL Bid M22-24 for £3,377.75 from the Ringfenced Infrastructure Fund
M22-28 MENDHAM Renovation of village car park	Amount of CIL Bid £9,733.81 Total costs of the project £12,978.41 Other funding sources are: Parish Council £3,244.60	Recommendation for Cabinet to note the delegated decision for CIL Bid M22-28 for £9,733.81 from the Local Infrastructure Fund

- 1.2 That Cabinet noted and endorsed this CIL Expenditure Programme which includes the position in respect of approved CIL Bids from Rounds 1 to 9 (September and November 2022 inclusive) – (Appendix A Section B of the report) together with details of emerging infrastructure /CIL Bids (Appendix A Section C of the report).

REASON FOR DECISION

Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11th April 2016. The CIL Expenditure Framework was originally adopted in April 2018 and reviewed with amendments adopted in the March 2019, April 2020, 23rd and March 2021. They were further reviewed, and changes were adopted in July 2022 by Mid Suffolk and in October 2022 by Babergh. The CIL Expenditure Framework requires the production of a CIL Expenditure Programme for each District and contains decisions for Cabinet to make or note on CIL Bids for CIL expenditure. These decisions relating to the expenditure of CIL monies form one of the ways in which necessary infrastructure supporting growth is delivered.

Alternative Options Considered and Rejected:

There is a diverse spectrum of approaches to CIL expenditure across the country from Unitary Authorities who have absorbed CIL into their individual Capital Programmes to others who ringfence all funds to be spent locally. A range of different approaches was identified in Appendix A of the Framework for CIL Expenditure report provided to Cabinet's on the 5th and 8th of February 2018 and discussed in full during the workshops with the Joint Member advisory

panel. Members adopted the documents set out in paragraph 1.1 above by Council decision in April 2018 which were subsequently reviewed and adopted on the 19th March 2019 (Babergh) and 18th March 2019 (Mid Suffolk) and then reviewed for the second and third time and adopted by both Councils on the 20th April 2020 and 23rd March 2021 (Babergh) and 25th March 2021 (Mid Suffolk) respectively. The fourth review took place in June 2022 and Mid Suffolk and Babergh approved the changes on the 21st July 2022 and on the 6th October 2022 respectively.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/22/52 PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTIES POLICY

It was RESOLVED: -

- 1.1 To agree Option 1 in the report – approve and adopt the private sector housing enforcement policy (Appendix 1 in the report) with consideration to the feedback from Overview & Scrutiny held on 20th February 2023. (Appendix 5 in the report)**
- 1.2 To approve and authorise the use of civil penalty and financial penalty powers provided by the Housing and Planning Act 2016 (Appendix 2 of the report), Electrical Safety Regulations (Appendix 3 of the report) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4 of the report).**
- 1.3 To agree to charge for relevant housing enforcement action based on officer time taken and that any revenue arising from civil penalties will be retained within the service to meet the legal or administrative costs and expenses incurred under the relevant housing law.**
- 1.4 To agree for the Director for Housing in consultation with the Portfolio Holder for Housing to have delegated authority to make minor amendments to the enforcement and civil penalties policies.**
- 1.5 To agree for the Director of Housing to delegate powers to Officers to carry out the enforcement powers.**

REASON FOR DECISION

To ensure that the Council has a consistent and effective policy to tackle poor conditions in private sector housing.

To make full use of housing enforcement powers available, including civil penalties and ensure effective enforcement.

To recover enforcement costs incurred.

Alternative Options Considered and Rejected:

- 1.1 Adopt the new private housing enforcement policy including the use of civil penalties as an alternative to prosecution. Agree a fair charging regime to recover the costs of**

housing enforcement action taken by the Council.

OPTION 2

- 1.1 The Council could decide not to adopt a private housing enforcement policy. This would leave it having to rely on the corporate policy which does not include the specific approaches required in the complex housing regulatory regime. There would be a greater risk of a successful challenge to any formal action taken either by legal appeal or judicial review.
- 1.2 The Council could decide not to approve the use of the civil penalty powers as part of the enforcement policy. This would mean that some powers could not be used, limiting the Council's impact on improving housing standards. Reliance would be solely on prosecution. Any fines would not be recoverable and lengthy proceedings in Court would be required. Other than its legal costs, the Council cannot currently retain any fines imposed in Court through prosecutions.
- 1.3 Not approving the use of the civil penalty powers and other financial penalties referred to in the enforcement policy would lead to the Council failing to make the most efficient use of enforcement resources available and would limit the enforcement options available.
- 1.4 The Council could decide to continue to offer a free service to non-compliant landlords by not charging for enforcement action taken in the service of statutory notices. There is a strong argument that where non-compliant landlords do not comply with the law and the Council has to intervene, the landlord should be responsible for the costs incurred by the Council having to take action where minimum legal requirements are not being met.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/22/53 UPDATE ON SOCIAL HOUSING REGULATION AND THE OUTCOME OF THE REFERRAL TO THE REGULATOR OF SOCIAL HOUSING

It was RESOLVED: -

- 1.1 **To note the update on recent changes to the regulation of social housing, including for stock-holding Local Authorities.**
- 1.2 **To note the outcome of the Council's recent referral to the Regulator of Social Housing.**
- 1.3 **To agree the future governance and monitoring arrangements set out at paragraph 7 of this report.**
- 1.4 **To agree the new set of key performance indicators for the Housing Service set out at paragraph 6 of this report.**

REASON FOR DECISION

To ensure that the Cabinet have oversight of the critical performance information they require to monitor and scrutinise the Housing Service effectively.

To provide assurance, through good governance, that the Councils comply with the Regulator

for Social Housing's Consumer Standards and the broader regulatory framework.

Alternative Options Considered and Rejected:

Option 2 – To continue with the current performance reporting system, which doesn't provide sufficient focus and visibility of the new regulatory requirements and compliance.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/22/54 BABERGH AND MID SUFFOLK CULTURE, HERITAGE AND VISITOR ECONOMY STRATEGY

It was RESOLVED: -

- 1.1 That the Culture, Heritage and Visitor Economy Strategy, attached as Appendix 1 of the report, be adopted and that Members endorse the clear long-term vision and accompanying set of ambitions, aims and objectives set out in this strategy.
- 1.2 The Director for Economic Growth & Climate Change, in consultation with the relevant Cabinet Member, be delegated authority to make amendments and updates to the Strategy, in response to changing needs.
- 1.3 The Director for Economic Growth & Climate Change, in consultation with the relevant Cabinet Member, be delegated authority to develop a delivery plan to be completed by June 2023.

REASON FOR DECISION

That the Council has a clear strategy and delivery plan to set the ambition to shape the future growth and resilience of the Cultural, Heritage and Visitor Economy sectors across the districts and to provide a prospectus for conversations about future investment with national and regional funders.

Alternative Options Considered and Rejected:

- 1.1 Do nothing, but these sectors which have already been hugely impacted by the pandemic will continue to suffer and struggle to progress and develop.
- 1.2 Encompass a review of this sector within the emerging Economic Strategy rather than commission a separate piece of work. It was felt that this sector has specific opportunities, strengths and challenges that warrant the development of a tailored, specific strategy.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/55/55 THE APPROVAL TO CONSULT ON A REVISED TABLE OF FARES FOR HACKNEY CARRIAGES

It was RESOLVED: -

- 1.1 That Cabinet, following consideration of Licensing and Regulatory Committee's recommendation, approved the revised table of fares for consultation, attached at Appendix A to this report, and in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. This was consulted as 'Option Two' with the taxi trade.**
- 1.2 That Cabinet, following consideration of Licensing and Regulatory Committee's recommendation, requested the Licensing Team to investigate the modernisation of Hackney Carriage Meters. All findings were to be reported back to the Licensing and Regulatory Committee at a later date.**

REASON FOR DECISION

To adopt the revised table of fares for Hackney Carriages within the Mid-Suffolk District.

Ensuring that Hackney Carriage fares are reviewed in line with the costs of providing a service to allow drivers to cover the cost of running a taxi and providing a service to the public whilst ensuring that fares are reasonable for the public to pay.

Alternative Options Considered Consider whether to:

- a) Modify the tariff table of maximum fares and proposed changes for consultation or;
- b) Make no modification to the tariff table of maximum fares.

and Rejected:

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

MCa/22/56 SKILLS & INNOVATION CENTRE ON GATEWAY 14

It was RESOLVED: -

- 1.1 That Cabinet reviewed and noted the initial business case attached as Appendix A to this report (confidential) including high-level development appraisal with initial costing estimates, revenue income opportunities and viability requirements, indicative costs of borrowing and latest version of the scheme design layout including an indicative schedule of accommodation.**
- 1.2 That Cabinet noted the work to date on the operational management strategy and the findings and conclusions of the Respublica report (attached as Annex F1 of Appendix A to the report- confidential)**
- 1.3 That Cabinet endorsed the option to further develop a business case for a combined skills and innovation centre.**
- 1.4 That Cabinet noted the forward funding of revenue spend from within existing**

budgets to complete the next stage of business case development work. It should be noted that where forward-funded revenue spend can be later capitalised it will be.

REASON FOR DECISION

To continue to explore and maximise the opportunities for the Council to lead the development of a new unique facility which offers skills development and entrepreneurship and innovation at Gateway 14 in Stowmarket. This leadership opportunity arises from the Council's economic growth and strategic asset management functions, Gateway 14 site involvement including Freeport East designation and active skills 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 the significant skills gaps in the locality. It will provide bespoke services to address gaps in provision and add value to the regional 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 the town and within the Freeport area.

Alternative Options Considered and Rejected:

- 2.1 DO-NOTHING. Not Recommended. A 'do-nothing' approach will fail to explore an opportunity to deliver an innovative solution towards bridging long-term skills gaps in the sub-regional area. It will also fail to contribute towards strategic priority outcomes across a range of corporate and local growth plans and policies. It will not deliver against the masterplan vision or Freeport East opportunities for the wider Gateway 14 site.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None