

# ***Cabinet***

***Wednesday 21 May 2008 at 5.00 pm  
in the Council Chamber, Borough Offices, Angel Hill, Bury St Edmunds***

**CONSTITUTION:** *Leader of the Council: Councillor John Griffiths  
Joint Deputy Leaders of the Council: Councillors Nigel Aitkens and  
Sara Mildmay-White*

<b><i>Councillors:</i></b>		<b><i>Portfolios:</i></b>
Nigel Aitkens	-	Economy and Asset Management
Lynsey Alexander	-	Culture and Sport
Terry Clements	-	Transport and Planning
Paul Farmer	-	Resources and Efficiency
John Griffiths	-	Rural Affairs and External Relationships
Sara Mildmay-White	-	Community
David Ray	-	Performance and Organisational Development
Peter Stevens	-	Environment and Street Scene

**QUORUM:** *Three Members*

***Please switch off mobile phones during the  
meeting, unless exceptional circumstances  
require otherwise.***

# ***Agenda***

## **Procedural Matters**

- 1. Apologies for Absence**
- 2. Minutes**

Due to time constraints the minutes of the meeting held on 7 May 2008 will be presented for confirmation at the meeting scheduled for 25 June 2008.

- 3. Declarations of Interests**

Members are reminded of their responsibility to declare any personal or prejudicial interest which they have in any item of business on the Agenda ***no later than when that item is reached*** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

## **Part 1 – Public**

(Forward Plan reference (where applicable) shown in brackets)

### **Corporate Priority: Raising Corporate Standards and Efficiency**

#### **4. West Suffolk House, Bury St Edmunds: Sub Contractor Liability**

*Cabinet Member – Nigel Aitkens;*

*Contact Officer – Jerry Massey*

*Telephone: 01284-757200*

*e-mail: jerry.massey@stedsbc.gov.uk*

##### Summary and reasons for recommendations:

A sub-contractor involved in the provision of the structural floor and ceiling for West Suffolk House has gone into administration. The sub-contractor was part of the supply chain for the provision of the bubbledeck slabs. One of the consequences of their financial problems is that they have failed to pay for the manufacture of materials that have already been delivered and installed on site. The supplier has refused to continue to manufacture further slabs to complete the structure until their outstanding liabilities, estimated to be £100,000, have been met. This contract has been let by Suffolk County Council under a Construction Framework agreement. Generally the responsibility for sub-contractors would rest with the main contractor but on this specific item there was a separate agreement that made the clients for the scheme (i.e. the Borough and County Councils) directly responsible for the bubbledeck. Any significant delay in the supply of this item will impact on the completion of the scheme and as a result the client may be exposed to any additional costs incurred by the main contractor arising from the delay.

The West Suffolk House programme team have assessed a range of options that would enable the construction work to continue and, at the same time, would minimise the financial risk for the client. They had identified a serious financial risk arising from delay in the scheme and if this was not addressed the potential cost could exceed the sub-contractor's liability. In this context their recommended course of action, which has been accepted by both clients, was to take the very unusual step of funding the outstanding sub-contractor's liability and then seeking to recover some or all of this sum from the administrators. This is not a standard proposal to a complex contractual problem and there is no scope to accommodate this additional cost within the contingency allowance and overall budget for the scheme.

Therefore, following a careful assessment of the options available and after consultation with the relevant Portfolio Holders, the Chief Executive agreed to use her urgency powers under Part 3, Responsibility for Functions, of the Council's constitution to authorise the payment by the Borough Council of up to £50,000 to cover 50% of the additional cost. Suffolk County Council has agreed to fund the other 50%. This decision will require an amendment to the capital programme allocation for West Suffolk House. The additional £50,000 will be funded from unallocated capital receipts.

Recommendation:

The Cabinet is asked to **NOTE** the above decision and the amendment to the capital programme.

**5. West Suffolk House, Bury St Edmunds: Travel Plan (Jun08/03)**

*Cabinet Member – Nigel Aitkens;*

*Contact Officer – Jerry Massey*

*Telephone: 01284-757200*

*e-mail: jerry.massey@stedsbc.gov.uk*

Report **Z6** attached

Summary and reasons for recommendations:

- (1) In response to a condition of the planning consent for the Public Service Village and in acknowledgement of both Suffolk County Council and St Edmundsbury Borough Council's environmental responsibilities a travel plan is in preparation for people working at or visiting West Suffolk House. As detailed in the report to Cabinet on 23 January 2008 (Report Y512 refers) the Travel Plan contains both incentives and disincentives to encourage people to travel by alternative means other than the private motor car.
- (2) There is a cost involved in the implementation of the travel plan. Pump priming funding has been secured via the Section 106 Agreement for the provision of a new cycleway and support for enhanced bus services and to retain the services of a travel plan officer. There will be a charge for the use of the Olding Road car park and this income will be used to cover maintenance, the loss of interest and measures to support sustainable modes of travel by staff. On this basis there should be no additional costs to the Council Tax payer.
- (3) On 23 January 2008 the Cabinet agreed the framework for the Travel Plan; the principle of charging staff and Members to park (delegating authority to set the charging level to the Corporate Director for Resources and the Portfolio Holder for Resources and Efficiency following consultation with staff representatives); and that the following matters be investigated and reported back:-
  - (i) the feasibility and cost of providing a staff shuttle bus between the town centre and West Suffolk House;
  - (ii) any additional lighting requirements for existing cycleway/footway links to West Suffolk House; and
  - (iii) car parking provision for depot staff.
- (4) With regard to the provision of a shuttle bus, negotiations with the bus company have resulted in the extension of the current bus route 83 to include the bus station, rail station and West Suffolk House. This will be implemented at the end of August 2008. In addition, at a cost of £18,000 per annum, the bus company is able to offer a lunchtime service from West Suffolk House following the shortest and, therefore, quickest route into the town centre and back again. This service will run as frequently as possible and will be free to all users.

- (5) Improvements to Beeton's Way to incorporate a cycleway/footway are covered by the Section 106 contribution and the works will be completed in time for the occupation of West Suffolk House. In addition, a section of existing cycleway between Beeton's Way and Spring Lane has been identified as being poorly lit and, therefore, unattractive for year round usage. It is proposed that this cycleway be lit to enable a safe link for pedestrians and cyclists to West Suffolk House and beyond. The cost of these improvement works is £25,000 and with the agreement of Suffolk County Council this can be funded from the Section 106 contributions.
- (6) The capacity of Olding Road car park will be 350 spaces. This is over and above the 279 spaces the Borough Council is obliged to provide for West Suffolk House. There are approximately 100 depot staff that have not been included in car parking space provision. It is recommended that following regular monitoring of the car park usage that the depot staff be allowed to park in the Olding Road car park on the same basis as the West Suffolk House staff.

Recommendations:

It is **RECOMMENDED** that:-

- (1) a lunchtime shuttle bus service between West Suffolk House and the town centre be established from one month before occupation of West Suffolk House paid for initially from the Section 106 contribution and then from the Olding Road car park income;
- (2) additional lighting be provided to the existing cycleway/footway from Beeton's Way to Spring Lane and under the A14 paid for from the Section 106 contribution; and
- (3) provision be made for depot staff based at Western Way to park in the Olding Road car park.

**6. Development of the Local Area Agreement (Jun08/01)**

*Cabinet Member – John Griffiths;*

*Contact Officer – Mike Dawson*

*Telephone: 01284-757060*

*e-mail: mike.dawson@stedsbcc.gov.uk*

Report **Z7** attached.

Summary and reasons for recommendations:

The Local Government and Public Involvement in Health Act 2007 placed a legal duty on all district councils to co-operate with their first tier authorities in the development of a Local Area Agreement (LAA). This agreement will come into effect in June 2008 and run for three years. On the 19 March 2008 the Cabinet received a report updating them on the development of the next LAA. Once in place the Council is required to "have regard" to the targets. This paper brings back to Cabinet a list of the full 54 indicators which will be included in the new agreement.

Recommendations:

- (1) To note the 28 national indicators, 10 local indicators and 16 statutory indicators which make up the Local Area Agreement for Suffolk and which will come in to force from 1 June 2008;
- (2) To note that the Chief Executive of Suffolk County Council, in consultation Suffolk County Council Group Leaders, will agree the outstanding targets with the Government Office; and
- (3) In line with the legal duty placed on the Council to "have regard" to the targets, to work to deliver those targets which are applicable to St Edmundsbury Borough Council from within existing resources.

**Corporate Priority: Creating a Prosperous Local Economy**

**7. Sub-National Review of Economic Development: Consultation Response**

*Cabinet Member – Nigel Aitkens;*

*Contact Officer – Carol Rowntree*

*Telephone: 01284-757683*

*e-mail: carol.rowntree@stedsb.gov.uk*

Report **Z8** attached.

Summary and reasons for recommendations:

The Government has just produced a consultation document about the Review of Sub-National Economic Development. A consultation response is likely to have more weight if it is officially endorsed by the Council.

Recommendations:

It is **RECOMMENDED** that:-

- (1) Cabinet is requested to approve Appendix B attached to Report Z8 as its response to the Government's consultation on the Review of Sub-National Economic Development; and
- (2) The Corporate Director for Resources, in consultation with the Portfolio Holder for Economy and Asset Management, be given delegated authority to make any necessary changes to the Council's response provided that these do not substantially alter the main points of the response.

**Corporate Priority: Improving the Safety and Well Being of  
the Community**

8. **Bury St Edmunds Area Working Party  
(formerly Bury St Edmunds Town Centre  
and Cattle Market Working Party): 13 May 2008 (Jun08/02)**

*Cabinet Member – Sara Mildmay-White;                      Contact Officer – Jerry Massey  
Telephone: 01284-757200  
e-mail: jerry.massey@stedsbc.gov.uk*

Report **Z9 TO FOLLOW**

9. **Notification from British Telecommunications plc to remove Public  
Payphones: Consultation Response**

*Cabinet Member – Terry Clements;                      Contact Officer – Patsy Dell  
Telephone: 01284-757306  
e-mail: patsy.dell@stedsbc.gov.uk*

Report **Z10 TO FOLLOW**

\*\*\*\*\*

**EXEMPT INFORMATION – EXCLUSION OF PUBLIC  
TERMS OF FORMAL RESOLUTION**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

\*\*\*\*\*

**Part 2 – Private**

10. **Haverbury Housing Partnership: Claim under Schedule 5 of the Housing  
Stock Transfer Agreement (Jun 08/04)**

*Cabinet Member – Sara Mildmay-White;                      Contact Officer – Jerry Massey  
Telephone: 01284-757200  
e-mail: jerry.massey@stedsbc.gov.uk*

Report **Z11** attached.

Summary and reasons for recommendation:

As part of the transfer of the Council's housing stock to the Haverbury Housing Partnership (Haverbury) in 2002 the Borough Council was obliged to declare all known structural defects. As part of the transfer agreement the Borough Council had to give a warranty that all such defects had been reported. Where this was not the case and it could be demonstrated that the Council was aware of the

fault then there is a process to be followed to enable Havebury to reclaim costs. There is a limit on the level of costs that can be claimed.

In 2007 Havebury notified the Council that structural problems had occurred to three blocks of properties in Bury St Edmunds and they provided documentary evidence that this problem was evident prior to the transfer and, as such, it should have been declared. This had not happened and under Schedule 5 of the Transfer Agreement Havebury have the right to reclaim certain costs. This report provides details of the claim and recommends that in accordance with the Transfer Agreement, a payment be made to Havebury.

Recommendation:

It is **RECOMMENDED** that subject to the approval of Council:-

- (1) the Corporate Director for Resources be authorised to conclude negotiations with Havebury Housing Partnership for a payment under Schedule 5 of the Housing Stock Transfer Agreement; and
- (2) that a supplementary estimate be approved to enable the Council to discharge this liability.