

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 21 May 2008 at 5.00 pm
in the Council Chamber, Borough Offices, Angel Hill, Bury St Edmunds**

PRESENT: Councillor J H M Griffiths (Leader of the Council) (In the Chair)
Councillors Aitkens, Mrs Alexander, Clements,
Mrs Mildmay-White, Ray and Stevens

BY INVITATION: Councillors Mrs Levack, Nettleton and Thorndyke

1. Apologies for absence

An apology for absence was received from Councillor Farmer.

2. Minutes

Due to time restraints the minutes of the meeting held on 7 May 2008 were not presented for confirmation and would be presented at the meeting scheduled for 25 June 2008.

3. Declarations of Interests

Members' declarations of interests are recorded under the item to which the declaration relates.

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

Forward Plan Reference: N/A Cabinet Member: Cllr Nigel Aitkens

The Cabinet received and noted a narrative item that detailed the use of the Chief Executive's urgency powers for the payment of a sub-contractor.

A Sub-Contractor involved in the provision of the structural floor and ceiling for West Suffolk House had gone into administration. One of the consequences of their financial problems was that they had failed to pay for the manufacture of materials that had already been delivered and installed on site. The supplier had refused to continue to manufacture further items to complete the structure until their outstanding liabilities, estimated to be £100,000, had been met. Due to the contractual arrangements, which had been let by Suffolk County Council under a Construction Framework Agreement, the liability lay with the clients, the Borough and County Councils.

The West Suffolk House programme team had assessed the range of options that would enable the contract to continue and, at the same time would minimise the financial risk to the clients. The Team concluded that, after careful assessment of the options available, the Borough and County Councils should make payment of £50,000 each. Therefore, the Chief Executive, using her urgency powers under Part 3, Responsibility of Functions, of the Council's Constitution, authorised payment of £50,000 to cover the Borough Council's contribution towards these costs and this was funded from Unallocated Capital Receipts.

5. West Suffolk House, Bury St Edmunds: Travel Plan

Forward Plan Reference: Jun08/03 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Report Z6 (previously circulated) which sought approval for provision of a shuttle bus service between West Suffolk House and Bury St Edmunds

town centre, additional lighting to be provided for the cycleway/footway between Beetons Way to Spring Lane and provision for car parking for depot staff based at Western Way.

In response to a condition of the planning consent for the Public Service Village and in acknowledgement of both Suffolk County and St Edmundsbury Borough Council's environmental responsibilities a travel plan was in preparation for people working at or visiting West Suffolk House. The travel plan contained both incentives and disincentives to encourage people to travel by alternative means other than the private motorcar. There would be a cost involved in the implementation of the travel plan and pump priming funding had been secured by means of the Section 106 Agreement for the provision of a new cycleway, support for enhanced bus services and to retain the services of a travel plan officer. There would be a charge for the use of the Olding Road car park and this income would be used to cover maintenance, the loss of interest and measures to support sustainable modes of travel by staff.

On 23 January 2008 the Cabinet agreed the framework for the travel plan and that the following matters be investigated and reported back:-

- (1) the feasibility and cost of providing a staff shuttle bus between the town centre and West Suffolk House;
- (2) any additional lighting requirements for existing cycle/footway links to West Suffolk House; and
- (3) car parking provision for depot staff.

Negotiations with a bus company had resulted in the extension of the current bus route 83 to include the bus station, rail station, and West Suffolk House. This would be implemented at the end of August 2008 at a cost of £18,000 per annum. Improvements to Beetons Way to incorporate a cycle/footway were covered by the Section 106 contribution and the works would be completed in time for the occupation of West Suffolk House. A section of the existing cycleway between Beetons Way and Spring Lane had been identified as being poorly lit and, therefore, unattractive for year round usage. It was proposed that this cycleway would enable a safe link for pedestrians and cyclists to West Suffolk House and beyond. The costs of these improvements works was estimated at £25,000 and, with the agreement of Suffolk County Council, would be funded from the Section 106 contributions. The capacity of Olding Road car park would be 350 spaces. This was over and above the 279 spaces the Borough Council was obliged to provide for West Suffolk House. There were approximately 100 staff based at the depot that had not been included in car parking space provision. It was 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.

The Cabinet recognised that there were still some detailed issues to be resolved in respect of the lunch time shuttle bus service between West Suffolk House and the town centre and considered it appropriate that the details of the new arrangements be agreed by the Assistant Chief Executive in consultation with the Portfolio Holder for Economy and Asset Management. The Cabinet also recognised that there was a need for consultation with some of the residents of Fen Way on the provision of additional lighting to be provided to the existing cycle/footway and agreed that this should be undertaken prior to finalising the details.

RESOLVED:- 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) the details of the arrangements for (1) above be agreed by the Assistant Chief Executive in consultation with the Portfolio Holder for Economy and Asset Management;
- (3) 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
- (4) 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

Forward Plan Reference: Jun08/01 Cabinet Member: Cllr John Griffiths

The Cabinet considered Report Z7 (previously circulated) which informed as to the new Local Area Agreement and its associated performance indicators.

The Local Government and Public Involvement in Health Act 2007 placed a legal duty on district councils to co-operate with their first tier authorities in the development of a Local Area Agreement (LAA). This agreement would come into affect in June 2008 and run for 3 years. Since the previous report to the Cabinet on 19 March 2008 a draft LAA consisting of 22 national indicators and 5 local indicators had been submitted to the Government Office. This draft represented a good 'fit' with the indicators St Edmundsbury had supported. Following submission of the draft LAA Suffolk County Council, which was the accountable body for the agreement, had been negotiating with the Government Office which had its own set of expectations for the agreement. These negotiations had resulted in a number of changes. The LAA now consisted of 28 indicators taken from the new national indicators set, 10 locally defined indicators and the mandatory early year's indicators and these were detailed in Appendix 1 to the Report.

RESOLVED:- That

- (1) 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 be noted;
- (2) the Chief Executive of Suffolk County Council, in consultation with Suffolk County Council Group Leaders, will agree the outstanding targets with the Government Office be noted; 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.

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

Forward Plan Reference: N/A Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Report Z8 (previously circulated) which sought approval to a response to the Government on the Review of Sub-National Economic Development.

The Review of Sub-National Economic Development and Regeneration was published in July 2007. Its main aim was to strengthen economic performance in regions, cities, and localities throughout the country, as well tackling deprivation.

On 31 March 2008 the Department for Business Enterprise and Regulatory Reform (BERR) published a consultation document called '*Prosperous Places: Taking Forward the Review of Sub-National Economic Development and Regeneration*'. BERR had posed a series of questions to which it would like consultees to respond. Appendix A to the Report provided a summary of '*Prosperous Places*'.

Appendix B was a proposed response to the consultation answering the specific questions raised by BERR. The main points made in this draft response included:-

- (1) the importance of any regional strategy taking account of the different circumstances and wishes of local areas rather than just being a top-down regional prescription;
- (2) the importance of local areas in economic development; and
- (3) the important role played by the existing sub-regional partnerships.

The consultation did not close until 20 June 2008. As many of the Council's partners had not yet drafted their responses and, in order that St Edmundsbury could incorporate points made by these partners or any new information that emerged between this meeting and 20 June 2008 it was proposed that 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.

RESOLVED:- That

- (1) Appendix B to Report Z8 be approved as the Council's 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.

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

Forward Plan Reference: Jun08/02 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report Z9 (previously circulated) together with Exempt Report Z9 (previously circulated) sought approval for an additional capital allocation for the construction of the public building (Venue) on the Cattle Market site and feedback to be provided to Centros on the provision of the link between the existing Bury St Edmunds town centre and the Cattle Market redevelopment.

Due to the delay in the completion of the construction of the shell and core of the Venue and tenders received in respect of the fit-out significantly exceeding the estimate, which was based on reports from the Council's consultants, there was a need for an additional capital allocation for the construction of the Venue of £1.763 million.

The development agreement between the Borough Council and the developer of the former Cattle Market site included a provision that, subject to a financial viability test, the developer was required to widen Market Thoroughfare to 5 metres. The provision of this link would require the acquisition of property and the developer had commenced this process. Overall, the provision of the link was a significant financial item for the development and to help reduce this cost the developer had initiated a

review of the approved scheme with a view to increase its value and, as a consequence, reducing the deficit. The Area Working Party had received a presentation from Centros and its architects, Aukett, Fitzroy, Robinson.



RECOMMENDED:- That

(a) Public Works Project Status Report

- (1) the current position concerning the scope of value engineering works to the public building (Venue) as detailed in Exempt Appendix C to Report Y738 be noted;**
- (2) the revised estimated cost for the construction of the public building (Venue) in Bury St Edmunds as detailed in Exempt Appendices A and B to Exempt Report Y738 be increased to £16.423m and the capital programme be amended accordingly;**
- (3) the additional cost of £1.763m to be funded from any new grant received from the East of England Development Agency (EEDA) and from an additional capital allocation to be financed from the Council's capital receipts; and**
- (4) subject to the approval of the additional funding, the Head of Legal and Democratic Services, following consultation with the Corporate Director for Environment, Chief Finance Officer, the Portfolio Holder for Resources and Efficiency and the Chairman of the Bury St Edmunds Area Working Party, be given delegated authority to complete a contract with Haymills (Contractors) Limited for fit-out works to the public building (Venue).**

RESOLVED:- That

(b) Provision of an enhanced link between St Andrews Street South and Cornhill/Buttermarket, Bury St Edmunds

- (1) the commitment from Centros to review the commercial elements of the link development be welcomed;**
- (2) the proposal from Centros to revise the design of the link to accommodate an increase in residential units and reduce the level of first floor storage be supported;**
- (3) in developing revised proposals Centros ensure that a minimum width of 5 metres is retained for the pedestrian link between St Andrews Street and the Cornhill and that careful attention be paid to the impact of the scale and massing of the residential element of the new building on the appearance and character of the Bury St Edmunds Conservation area; and**
- (4) Centros be encouraged to progress this matter through the development control process and prior to the submission of**

a new application they undertake consultations with the Local Planning Authority and English Heritage.

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

Forward Plan Reference: N/A Cabinet Member: Cllr Terry Clements

Notification had been received from British Telecommunications Plc that the consultation period to remove public payphones would now end on 4 August 2008 and this meant that the Borough Council's response could now be considered at a later date. Therefore, this item was not considered at this meeting.

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.

10 Havebury Housing Partnership: Claim under Schedule 5 of the Housing Stock Transfer Agreement

Forward Plan Reference: Jun08/04 Cabinet Member: Cllr Sara Mildmay-White

(Councillor Clements declared a prejudicial interest as a Borough Council representative on the Havebury Housing Partnership Management Board and left the meeting for the consideration of this item. Councillor Ray declared a personal interest as the Borough Council's representative on the Havebury Housing Partnership Community Investment Fund Focus Group and Councillor Mrs Mildmay-White also declared a personal interest as the Borough Council's representative exercising the Borough Council's voting rights at the Havebury Housing Partnership Annual Meeting. Both Councillors Ray and Mrs Mildmay-White remained within the meeting for the consideration of this item. Councillor Nettleton declared a personal interest as a nearby resident to the area in question and remained within the meeting for the consideration of this item.)

The Cabinet considered Exempt Report Z11 (previously circulated) which sought agreement for a supplementary estimate to enable the Borough Council to discharge its liability to Havebury Housing Partnership in respect of structural defects to some properties.

As part of the transfer of the Council's housing stock to Havebury Housing Partnership (Havebury) 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 was a process to be followed to enable Havebury to reclaim costs. There was a limit on the level costs that could be claimed.

In 2007 Havebury notified the Council that structural problems had occurred to 3 blocks of properties in Bury St Edmunds and 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 the Schedule 5 of the Transfer Agreement, Havebury had the right to reclaim certain costs. The report provided details of the claim and recommended that in accordance with the Transfer Agreement, a payment be made to Havebury.

A discussion was held as to the remedy of these defects and whether it would be beneficial for there to be a complete redevelopment of the site. However, the Cabinet was informed that any decisions regarding the remedial action or redevelopment of the site was a matter for Havebury.

In response to a question, the Cabinet was informed that the payment to Havebury would fully discharge the Borough Council's liability in respect of this matter concerning Havebury. However, there could be an outstanding liability to an owner occupier of one of the properties.



RECOMMENDED:- That

- (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) a supplementary estimate of £199,000 be approved to enable the Council to discharge this liability.***

The meeting concluded at 5.40 pm

**J H M GRIFFITHS
CHAIRMAN**