

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 25 June 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, Farmer,
Mrs Mildmay-White, Ray and Stevens

BY INVITATION: Councillors Houlder (Chairman of Policy Development Committee)
and Thorndyke

11. Apologies for absence

No apologies for absence were received.

12. Minutes

The minutes of the meetings held on 7 May and 21 May 2008 were confirmed as correct records and signed by the Chairman

13. Declarations of Interests

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

14. Annual Cabinet Report

Forward Plan Reference: N/A Cabinet Member: John Griffiths

The Cabinet considered Report Z56 (previously circulated) which sought approval of the Cabinet's Annual Report.

On 4 June and 18 June 2008 respectively, the Policy Development and Overview and Scrutiny Committees received the Cabinet's Annual Report, as required by the Constitution. The report reviewed the achievements of 2007/2008 and outlined the Cabinet's plans for 2008/2009. Both Committees were supportive of the Cabinet's draft commitments for 2008/2009. The report had also been updated to take into account the comments received from the Committees.

Councillor Mrs Mildmay-White requested that the Annual Report also include pictures of Cabinet members to make it consistent with the Scrutiny Report.

RESOLVED:-

That the annual report of the Cabinet for 2007/2008 and priorities for 2008/2009 as detailed in report Z56 be approved.

15. Report from the Overview and Scrutiny Committee: 4 June 2008

Forward Plan Reference: N/A Cabinet Member: All Portfolio Holders

The Cabinet considered Report Z57 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 4 June 2008:-

- (a) Annual Report of the Cabinet 2007/2008;
- (b) Cabinet Forward Plan – June to September 2008;
- (c) Approval of 2008/2009 Work Programme; and
- (d) Nominations to Suffolk Joint Scrutiny Committees

RECOMMENDED:-

That full Council appoint Councillor Thorndyke to the Suffolk Joint Emergency Planning Unit Scrutiny Working Party for 2008/2009 (with Councillor Oliver as Substitute Member) and Councillor Beckwith to the Suffolk Health Overview and Scrutiny Committee for 2008/2009.

16. Report of the Overview and Scrutiny Committee: BT Public Payphone Removal Consultation

Forward Plan Reference: N/A Cabinet Members: Sarah Mildmay-White

The Cabinet considered Report Z58 (previously circulated) which outlined the Borough Council's proposed response to British Telecoms notification of intent to remove 42 public payphones and sought approval to publish the draft decision for a period of one month.

On 2 April 2008, the Council received notification of intent from British Telecommunications Plc to remove 42 public payphones within the Borough. Under the Communications Act 2003, the Local Authority must be notified and given the opportunity to agree or object to the removal of any of the payphones within the proposal. The Borough's response on each payphone must be made public for a period of one month to allow further consultation, and BT must be notified of the Council's response within 90 days of receipt of the formal notification.

The Head of Planning and Engineering Services presented the report and drew relevant issues to the attention of the Cabinet.

Councillor Mrs Mildmay-White stated that it would be difficult to argue a case for keeping payphones due to the increase in the use of mobile phones. She stated that it was a shame that BT had not provided all the necessary information regarding the use of the payphones as a number of boxes were not always working. Councillor Clements added that payphones in strategic locations, such as adjacent to main roads, needed to be retained.

RESOLVED:- That

- (a) the draft response to BT's notification of intent to remove 42 public payphones within the Borough, as set out in Report Z22, be published for one month as the Council's draft decision on each of the payphones concerned; and
- (b) following the required one-month publication of the Council's draft decision, the Cabinet make a final decision, taking into account any responses received to the draft decision, at its meeting on 30 July 2008, and forward this to BT as this Council's final response to its consultation.

17. Report of the Policy Development Committee: 18 June 2008

Forward Plan Reference: N/A Cabinet Member: All Portfolio Holders

The Cabinet received and noted Report Z59 (previously circulated) which informed the Cabinet of the following items discussed by the Policy Development Committee on 18 June 2008:-

- (1) Annual Report of the Cabinet 2007/2008;
- (2) Cabinet Forward Plan – June to September 2008;
- (3) Approval of 2008/2009 Work Programme;
- (4) Reappointment to Panels and Working Groups;
- (5) Review of Annual Reporting and Corporate Planning Cycle;
- (6) Corporate Asset Management Plan and Capital Management Strategy;
- (7) Single Equality Scheme;
- (8) Delivery of a Sustainable Budget 2009/2010;
- (9) Minutes of the Service Delivery Review Panel: 6 May 2008; and
- (10) Asset Management Plan and Capital Management Strategy – Performance Management and Implementation Plans

Councillor Houlder, Chairman of the Policy Development Committee, presented the report and drew relevant issues to the attention of Cabinet.

18. Report of the Policy Development Committee: Single Equality Scheme

Forward Plan Reference: Jun08/15 Cabinet Member: David Ray

The Cabinet considered Report Z60 (previously circulated) which sought adoption of the Equality Scheme for 2008/2011.

The Borough Council's Race Equality Scheme is due for review and the Diversity Group took this as an opportunity to develop an Equality Scheme which brought together all the Council's Statutory Equality duties into one document. The Scheme would supersede the Equality Framework, Disability Equality Scheme, Gender Equality Scheme and the Race Equality Scheme

Councillor Houlder, Chairman of the Policy Development Committee, presented the report and drew relevant issues to the attention of Cabinet.

RECOMMENDED:-

That subject to full Council approval, the Equality Scheme attached to Report Z35 be adopted.

19. Report of the Policy Development Committee: Annual Reporting and Corporate Planning Cycle

Forward Plan Reference: Jun08/19 Cabinet Members: David Ray

The Cabinet considered Report Z61 (previously circulated) which sought approval to revise the Corporate Plan as part of the Annual Reporting and Corporate Planning Framework.

Each year the Corporate Planning and Performance Framework is reviewed and monitored by the Policy Development Committee. The 2008 review of the Corporate Plan did not propose any changes to the Corporate Priorities, but had been amended to reflect changes with the Cabinet's commitments, the Suffolk Local Area Agreement and the Council's Improvement Plan. As in previous years, the Corporate Plan covered a ten year period, with an Annual Review, although the timescale may need to be reduced in 2009 in light of Local Government Reorganisation.

Councillor Houlder, Chairman of the Policy Development Committee, presented the report and drew relevant issues to the attention of Cabinet.

RECOMMENDED:- That, subject to full Council approval:-

- (1) the draft Corporate Plan for 2008 – 2018, as set out in Report Z33 be approved;**
- (2) the Chief Executive be authorised to make any minor changes required to the draft Corporate Plan prior to its publication, in consultation with the Leader of the Council and Portfolio Holder for Performance and Organisational Development;**
- (3) publication of the Best Value Performance Plan 2008 as an annex to the Corporate Plan be approved, subject to any minor changes by officers to reflect outstanding data; and**
- (4) the Performance and Audit Scrutiny Committee be asked to examine the performance information contained in the Corporate Plan against the national data which is due to be published in December 2008 or January 2009, as part of its scheduled work programme.**

20. Report of the Policy Development Committee: Corporate Asset Management Plan (AMP) and Capital Management Strategy
Forward Plan Reference: N/A Cabinet Members: Nigel Aitkens

The Cabinet considered Report Z62 (previously circulated) which sought approval of the Corporate Asset Management Plan and Capital Management Strategy, as Corporate Policy.

The Corporate Asset Management Plan and Capital Management Strategy 2008 – 2025 was considered by the Policy Development Committee on 18 June 2008. The Strategy is a high level strategic document linked into the Council's corporate documents, and is a practical, outcomes-based plan, which embeds Asset Management into the Core Policies and activities of the Council.

Councillor Houlder, Chairman of the Policy Development Committee, presented the report and drew relevant issues to the attention of the Cabinet.

RECOMMENDED:-

That Subject to full Council approval, the Corporate Asset Management Plan (AMP) and Capital Management Strategy, attached to Report Z34, be adopted as corporate policy.

21. Report of the Policy Development Committee: Asset Management Plan (AMP) and Capital Management Strategy - Performance Management and Implementation Plans
Forward Plan Reference: Jun08/14 Cabinet Member: Nigel Aitkens

The Cabinet considered Report Z63 (previously circulated) which sought approval for the Asset Management Plan Implementation Program 2008/2009 and associated Action Plan, while noting performance against the Action Plan 2007/2008.

The Policy Development Committee noted the outcomes and performance of the Plan and Implementation Program 2007/2008, and performance against the national

property performance indicators. Discussions were held on a number of areas of the report, including works to the Southgate Community Centre, and property disposals, in particular the sale of Council properties declared surplus and anticipated future receipts.

Councillor Houlder, Chairman of the Policy Development Committee, presented the report and drew relevant issues to the attention of Cabinet.

The Cabinet noted that Exempt Appendix 6 to Report Z38 had been tabled at the meeting.

The Cabinet raised questions regarding assets listed in Exempt Appendix 6. The Corporate Property Officer replied explaining the background behind the proposed disposals. Councillor Aitkens highlighted paragraph 4.4.4 regarding the planned maintenance programme and stated that maintenance of older buildings was essential.

RESOLVED:-

That the Implementation Programmes 2008/2009 and the Asset Management Plan Action Plan 2008, as set out in Report Z38, be approved.

22. Planning Services Reserve Fund Expenditure 2008/2009 and 2009/2010

Forward Plan Reference: Jun08/05 Cabinet Member: Terry Clements

The Cabinet considered Report Z64 (previously circulated) which sought approval to invest the Planning Services Reserve Fund 2008/2009 and 2009/2010 and advised Cabinet of future implications of the reduction of the Reserve Fund.

Over the past six years the Borough Council have secured nearly £1,000,000 of Planning Delivery Grant. The money has been ring fenced and invested in planning and development related services. The Planning Delivery Grant system has been reviewed and is expected to continue in future, but is being linked to the delivery of new dwellings and new growth areas which means there would be uncertainty about the likely level of grant funding in future. In June 2007, the Cabinet agreed to the creation of a single reserve fund combining the residual Local Plan Fund and the Planning Delivery Grant into a Planning Services Reserve Fund. Report Z64 identifies that once the Planning Reserve is fully depleted there may be future budgetary implications/commitments to meet the costs of delivering the new Local Development Framework which had previously been funded out of the Reserve.

Councillor Clements highlighted paragraph 4.8 of report Z64 and the proposed creation of a Section 106 and Major Schemes Planner/Officer. He stressed the importance of such a role as the officer would help lead the implementation of major schemes, establish and monitor Legal Agreements and lead and co-ordinate negotiations on planning gain matters.

RESOLVED:-

That the Planning Services Reserve Fund and Growth Area funding, where appropriate, be used to finance the items set out in paragraph 4.12 to Report Z64.

23. Proposed Amalgamation of Central Safety and Joint Staff Consultative Panels

Forward Plan Reference: Jun08/06/07 Cabinet Member: David Ray

The Cabinet considered Report Z65 (previously circulated) which sought the Cabinet's view on whether to amalgamate the Central Safety and Joint Staff Consultative Panels.

On 7 May 2008 the Cabinet considered the Annual Review and Appointment of Cabinet Working Parties and Panels and resolved that *'subject to satisfactory consultation, the Head of Legal and Democratic Services be authorised to amalgamate the Joint Staff Consultative and Central Safety Panels'*. A letter was sent to all Members and Staff Representatives on the Joint Staff and Central Safety Panels requesting their comments and in addition, an item was replaced on the respective Panels agendas. Report Z65 outlined the comments received from the Panels, both of which had recommended that the Panels not be amalgamated.

RESOLVED:-

That The Central Safety and Joint Staff Consultative Panels be not amalgamated.

24. Use of Resources Assessment

Forward Plan Reference: Jun08/10 Cabinet Member: Paul Farmer

The Cabinet considered Report Z66 (previously circulated) which sought approval to prepare and submit to the Audit Commission the returns for the Council's Use of Resources Comprehensive Performance Assessment relating to financial reporting, financial management, financial standing and internal controls.

As part of the Comprehensive Performance Assessment framework and forthcoming Comprehensive Area Assessment, all Councils are required to carry out an annual Use of Resources assessment. The Cabinet were asked to approve the self assessment subject to any minor corrections required and to note the timetable contained within paragraph 4.8, which would be earlier than in previous years.

RESOLVED:- That

- (1) It be noted that the Chief Finance Officer, in consultation with the Portfolio Holder for Resources and Efficiency, prepare and submit to the Audit Commission the returns for the Council's Use of Resources Comprehensive Performance Assessment relating to financial reporting, financial management, financial standing and internal control (parts 1-4); and
- (2) The self-assessment for the value for money element of the Use of Resources Assessment (part 5), attached as Appendix A to Report Z66, be approved and the Chief Finance Officer, in consultation with the Portfolio Holder for Resources and Efficiency, be authorised to carry out final editing, make any minor amendments required and submit it to the Audit Commission, together with any other background information and evidence required.

25. Grant Panel: 10 June 2008

Forward Plan Reference: Jun08/18 Cabinet Member: Sara Mildmay-White

(Councillor Ray declared a personal interest as he had been appointed as the Liaison Officer in connection with the Coney Weston application to the Rural Areas Community Initiative Fund and remained in the meeting for the consideration of the item).

The Cabinet considered Report Z67 (previously circulated) which contained the recommendations from the meeting of the Grant Panel held on 10 June 2008.

RESOLVED:- That

Financial Arrangements for Grants

In anticipation that the allocation for 2008/2009, including the amounts brought forward from previous financial years, be fully utilised, consideration be given that as part of the budget setting process, that provision be made in the 2009/2010 budget for the allocation of funding to the Rural Village Halls, Play Schemes and Rural Initiatives Grant Scheme and the Rural Areas Community Initiatives Fund.

Applications for Project Funding: 2008/2009

That, the following grants be awarded in 2008/2009:-

(a) Rural Areas Community Initiatives Fund

- (1) up to a maximum of £3,000 be awarded to Coney Weston Parish Council towards the modernisation and equipping of a new village play area, subject to match funding being confirmed.

(b) Rural Village Halls, Play Schemes and Rural Initiatives Grant Scheme

- (1) £10,000 be awarded to Great Barton Pathway towards the cost of exterior fixtures, fittings and the landscaping of the new nursery school in Great Barton, subject to the remainder of match funding being raised;
- (2) delegated authority be given to the Corporate Director for Community to approve the Cavendish Pre-school's application for a grant of £7,035 towards upgrading the Jubilee Room of Cavendish Memorial Hall, subject to:-
- (i) further research and consultation being undertaken with the Cavendish Pre-School and the Cavendish Memorial Hall's Management Committee regarding outstanding issues identified at the meeting of the Grant Panel on 10 June 2008; and
- (ii) consultation with full Members (and substitutes, if appropriate) of the Grant Panel using the 'fast-track' e-mail system that usually is applied to the Rural Areas

Community Initiatives Fund Scheme, as detailed in Appendix A to the Grants Policy; and

- (3) £7,500 be awarded to Rougham Acorns and Woodlands Limited towards the completion of their pre-school building.

Applications for Discretionary Rate Relief: Implications for the Grant Panel

The changes to the Council's policy on granting top up discretionary rate relief, be re-considered by the Policy Development Committee, in respect of the implications for the Grant Panel, with particular reference to the following:-

- (1) due to the significant number of applications received for top up discretionary rate relief, that an alternative method for the consideration of applications other than by the Grant Panel be considered;
- (2) the draft Top Up Discretionary Rate Relief Scoring Matrix (Appendix D to Report Y282) be amended and simplified to enable applications to be considered more efficiently and to ensure fairness and transparency; and
- (3) consideration be given to replacing the sliding scale of granting up to 20% with the standard 20% discretionary top up relief.

26. Diversion Incentive Fund

Forward Plan Reference: N/A Cabinet Member: Peter Stevens

The Cabinet considered a narrative item which sought approval to accept funding from the Suffolk County Council's Diversion Incentive Fund.

In February 2008, the Suffolk County Council made available funding of £1,500,000 through the Diversion Incentive Fund to assist Suffolk Waste Collection Authorities in the diversion of biodegradable municipal waste from landfill. The County Council invited all Suffolk Waste Collection Authorities to bid for Capital Projects that would divert additional biodegradable municipal waste from landfill. The Borough Council sought financial support to purchase a vehicle which would be used to collect dry recyclable material from trade waste customers and to collect brown bins from new properties, together with a bid to purchase multi-compartment litter bins for the collection of mixed dry recyclable materials on the street.

Councillor Mrs Mildmay-White requested that West Suffolk Hospital be contacted regarding the possible collection and recycling of newspapers and plastic bottles as they are not currently being recycled. The Corporate Director for Environment stated that the issue would be investigated.

RESOLVED:- That

- (1) the offer of £276,695 from Suffolk County Council for bid 1 be accepted to implement the project and finance the operation of the vehicle through existing budgets until April 2009; and
- (2) the offer of £13,200 from Suffolk County Council to introduce dry recyclable litter bins in key locations across the Borough be accepted.

27. Boundary Committee Review of Suffolk

Forward Plan Reference: Jun08/11 Cabinet Member: John Griffiths

The Cabinet considered Report Z68 (previously circulated) which sought authority for the Chief Executive, in consultation with the Leader of the Council, to sign off the Borough Council's contribution to the financial workbook and for the Leader of the Council to be given delegated authority to nominate to any joint working group of Councillors.

The report to full Council on 8 April 2008 put in place arrangements to respond to issues arising from the Local Government Review and, to avoid the need for any special meetings over the summer, Report Z68 sought to put in place arrangements for the sign-off of the financial workbook and the nomination of Councillors to any external Working Groups which may need to be formed. Report Z68 advised the Cabinet of the formal response to the Boundary Committee proposal, which would be considered by full Council on 23 September 2008, and advised that consultation with the wider community would be undertaken during the summer relating to the proposals put forward by the Boundary Committee.

RESOLVED:- That

- (1) Cabinet note that full Council on 8 April 2008 gave the Chief Executive, in consultation with the Leader of the Council, the delegated authority to respond to issues arising from the review, which would include input into the assumptions, needed to complete the financial workbook. This would be done in consultation with the Cabinet, and the St Edmundsbury Councillor Reference Group;
- (2) the Leader of the Council be given delegated authority to nominate to any joint working group of councillors which might be convened to facilitate the completion of the financial workbook and the assumptions which underlie it; and
- (3) the Chief Executive, in consultation with the Leader of the Council, be given delegated authority to sign-off St Edmundsbury Borough Council's contribution to the financial workbook.

**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 7 of Part 1 of Schedule 12(A) of the Act.

28. Revenues Collection Performance

Forward Plan Reference: N/A Cabinet Member: Paul Farmer

The Cabinet considered Report Z69 (previously circulated) which provided information on the collection of Non Domestic Rates and Council Tax and sought the approval of the write-off of sundry debts.

The Revenue Section collected outstanding debts in accordance with either the statutory guidelines or the Council's agreed procedures. When all these procedures had been exhausted, the outstanding debt was written off using the delegated authority of the Chief Finance Officer for debts up to £750 or by the Cabinet for debt over £750.

While noting the reasons for recommending the write-offs which were included in exempt Appendix 1, the Cabinet also noted the high levels of revenue collection performance consistently achieved by the authority.

RESOLVED:- That

- (1) the levels of collection performance achieved, as set out in Section 8 to Report Z69, be noted; and
- (2) the write-off of the amounts detailed in the exempt appendix to Report Z69 - 5 accounts for sundry debts totalling £8,408.64 (exempt Appendix 1) be approved. No business rates or council tax debts have been put forward for write-off on this occasion.

The meeting concluded at 6.13 pm

**J H M GRIFFITHS
LEADER OF THE COUNCIL**