

Cabinet

***Wednesday 30 July 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*

<i>Councillors:</i>		<i>Portfolios:</i>
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

To confirm the minutes of the meetings held on 25 June 2008 (copy attached).

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. Report from the Overview and Scrutiny Committee: 9 July 2008

*Cabinet Member – Mark Ereira-Guyer; Contact Officer – Adriana Stapleton
Telephone: 01284-757613
e-mail: adriana.stapleton@stedsbc.gov.uk*

Report **Z132** attached.

Summary and reasons for recommendation:

On 9 July 2008, the Overview and Scrutiny Committee considered the following items:-

- (1) Concessionary fares;
- (2) Annual Report from Councillor Beckwith, the Council's Representative on the Suffolk Health Overview and Scrutiny Committee – Outcomes of the Past Year;
- (3) Presentation from Portfolio Holder: Councillor David Ray, Portfolio Holder for Performance and Organisational Development;
- (4) Cabinet Forward Plan July to October 2008;
- (5) Work Programme 2008/2009; and
- (6) Corporate Asset Management Plan and Capital Management Strategy.

Recommendation:

The Report of the Overview and Scrutiny Committee be **NOTED**.

5. Report of the Performance and Audit Scrutiny Committee: 21 July 2008

*Chairman – John Hale; Contact Officer – Adriana Stapleton
Telephone: 01284-757613
e-mail: adriana.stapleton@stedsbc.gov.uk*

Report **Z133 TO FOLLOW**.

Summary and reasons for recommendations:

On 21 July 2008, the Performance and Audit Scrutiny Committee considered the following items:-

- (1) Key Performance Indicators: First Quarter 2008/2009;
- (2) Best Value Performance Plan 2008;
- (3) Quarterly Budget Monitoring Report;
- (4) Corporate Risk Register: Quarterly Monitoring Report;
- (5) Audit Commission Presentation of Audit and Inspection Plan: 2008/2009;
- (6) Introduction to the Code of Corporate Governance, Review of the Effectiveness of the System of Internal Audit, and the Annual Governance Statement; and
- (7) Review of the Effectiveness of the System of Internal Audit.

Recommendations:

Any recommendations from this meeting will be included in Report Z133

6. Report of the Performance and Audit Scrutiny Committee: Council Improvement Plan 2008/2009 (Aug 08/08)

Cabinet Member – David Ray;

*Contact Officer – Mike Dawson
Telephone: 01284-757009
e-mail: mike.dawson@stedsbc.gov.uk*

Report **Z134 TO FOLLOW.**

7. Report of the Performance and Audit Scrutiny Committee: Code of Corporate Governance

Cabinet Member – David Ray;

*Contact Officer – Davina Howes
Telephone: 01284-757070
e-mail: davina.howes@stedsbc.gov.uk*

Report **Z135 TO FOLLOW.**

8. Report of the Performance and Audit Scrutiny Committee: Annual Governance Statement 2007/2008 (Aug 08/01)

Cabinet Member – Paul Farmer;

*Contact Officer – Jon Snares
Telephone: 01284-757239
e-mail: jon.snares@stedsbc.gov.uk*

Report **Z136 TO FOLLOW.**

9. West Stow Country Park: Catering Options (Aug 08/09)

Cabinet Member – Lynsey Alexander;

*Contact Officer – Alan Baxter
Telephone: 01284-729711
e-mail: alan.baxter@stedsbc.gov.uk*

Report **Z137** attached.

Summary and reasons for recommendation:

The purpose of the report is to consider the future provision of catering services at West Stow Country Park and Anglo-Saxon Village.

Recommendation:

The Council tender for the provision of a catering service for 3 years and grant the successful service provider with a licence to occupy the cafeteria during that period, in accordance with Option 3 of this report.

10. Treasury Management: Annual Report 2007/2008

Cabinet Member – Paul Farmer;

Contact Officer – Chris Barber

Telephone: 01284-757241

e-mail: chris.barber@stedsbc.gov.uk

Report **Z138** attached

Summary and reasons for recommendation:

The report and appendix summarise the investment activity for the year 2007/2008 and is submitted in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

Interest earned on the Council's capital investments in 2007/2008 was £3,721,450 compared to the budget of £2,147,000, resulting in an excess of £1,574,450. This amounts to an income of £100.29 per Band D Council Tax equivalent property. It should be noted that this is the total interest earned before apportionment of £535,800 across the range of reserve accounts operated by the Council.

The reasons for the surplus over budget include achieving a higher average rate of interest than anticipated and slippage in the capital programme. The average rate of return on investments for the year was 5.53% compared to a target rate of 5.00%. The actual level of capital expenditure during the year was £16.06m compared to an original gross budget of £34.601m.

Recommendation:

The information on the operation of the Treasury Management function for the year 2007/2008, as set out in the Annual Treasury Report at Appendix 1 to Report Z138, be noted.

11. Treasury Management 2008/2009: 1 April to 30 June 2008

Cabinet Member – Paul Farmer;

Contact Officer – Chris Barber

Telephone: 01284-757241

e-mail: chris.barber@stedsbc.gov.uk

Report **Z139** attached

Summary and reasons for recommendation:

This report summarises the investment activity for the first three months of the 2008/2009 financial year and is submitted in accordance with good practice.

At the end of June 2008 interest earned amounted to £841,500 against the budget for the period of £524,100, a surplus of £317,400. The over achievement of interest on investments during this period was due to higher than expected interest rates and to slippage on the capital programme. The target investment rate for the year is 4.75%. In the three month period covered by this report, the average rate of interest achieved was 5.44%.

The budget for investment income in 2008/2009 is £2,102,000, equivalent to £55.92 for each Council Tax Band D property.

Recommendation:

Information on the Treasury Management function for the period 1 April to 30 June 2008, as detailed in Report Z139, be noted.

12. Budget Monitoring 2008/2009: To 31 May 2008

Cabinet Member – Paul Farmer;

Contact Officer – Liz Watts

Telephone: 01284-757252

e-mail: liz.watts@stedsbc.gov.uk

Report **Z140** attached

Summary and reasons for recommendation:

The Performance and Audit Scrutiny Committee has responsibility to scrutinise detailed budget monitoring reports based on budgets allocated to Heads of Service. The Cabinet receives a summary report which provides an overview of the Council's financial position.

Appendix A, page 1, is the General Fund Budget Monitoring Summary report which shows an estimated underspend of £388,000. Appendix A, page 2, provides an explanation of the major budget variances.

Appendix B is the Capital Budget Monitoring Report which shows net capital expenditure of £14,000 for the period, compared to a full year capital budget of £29,889,000. This substantial underspend on the Capital Programme is due to a number of factors, including delays in some major projects and some timing issues relating to the completion of stage payments. It should also be noted that capital expenditure budgets are not profiled and many of the schemes included in the programme are not due to commence until later in the financial year. The Capital Disposals Programme shows capital receipts for the period of £1,770,000 against a full year disposals estimate of £10,160,000.

Recommendation:

The Cabinet is requested to **NOTE** the Budget Monitoring Report for the period ended 31 May 2008.

13. Boundary Committee Review of Suffolk (Aug 08/02)

Cabinet Member – John Griffiths;

Contact Officer – Mike Dawson

Telephone: 01284-729009

e-mail: mike.dawson@stedsb.gov.uk

On 7 July 2008, the Boundary Committee issued its draft proposals for unitary local government in Norfolk and Suffolk. The Committee has invited comments on the draft proposals by 26 September 2008. In addition, the Committee has asked that financial workbooks be completed by 12 September 2008.

On 8 April 2008, the Council agreed to establish a Local Government Review Councillor Reference Group. This is an informal group which meets to act as a consultative body to discuss issues arising from the Local Government Review. This Group will help shape the Council's formal response to the draft proposals. The formal response will be considered by full Council on 23 September 2008.

The Leader will provide Cabinet with an update on progress made towards the preparation of a formal response and the provision of information for the financial workbooks.

14. Bus Station, Bury St Edmunds: Provision of Cleaning Services

Cabinet Member – Nigel Aitkens;

Contact Officer – Ivan Sams

Telephone: 01284-757304

e-mail: ivan.sams@stedsb.gov.uk

Summary and reasons for recommendation:

Following the resignation of the cleaner of the bus station in Bury St Edmunds discussions were held with Suffolk County Council Trading Services (SCCTS) as to whether it would be able to provide the cleaning service. SCCTS are already integral to the provision of cleaning services for West Suffolk House in Bury St Edmunds. SCCTS agreed to take on this commitment and the estimated value of the contract was slightly in excess of £5,000 per annum.

In accordance with the Contract Procedure Rules as detailed in Part 4, Rules of Procedure, of the Council's Constitution, the value of the works would require that the '*minimum number of quotations required for the quotation procedure be three*'. However, Paragraph 2.2 of the Contract Procedure Rules allows for the exemption from the procedures in certain circumstances. A Member of the Management Team may authorise an exemption to the procedures and that a record of any exemption made needs to be reported to the next meeting of the Cabinet. The Acting Chief Executive authorised the exemption to the Contract Procedure Rules as the contract with SCCTS offered value for money, it would be reviewed in January 2009 in order to allow time to further consider cleaning arrangements in all remaining corporate properties.

Recommendation:

The Cabinet is requested to **NOTE** the exemption to the Contract Procedure Rules as contained within the Constitution as detailed above.

Corporate Priority: Securing a Sustainable and Attractive Environment

15. Sustainable Development Panel: 8 July 2008 (Aug 08/03)

Cabinet Members – Terry Clements; Peter Stevens *Contact Officer – Sandra Pell*
Telephone: 01284-757302
e-mail: sandra.pell@stedsbc.gov.uk

Report **Z141** attached.

Summary and reasons for recommendations:

On 8 July 2008 the Sustainable Development Panel considered the following items:-

- (1) St Edmundsbury Borough Council's Annual Environmental Performance;
- (2) 4th Annual Corporate Environmental Performance Report: 2007/2008;
- (3) St Edmundsbury Local Development Framework: Core Strategy Issues and Options Consultation Feedback;
- (4) St Edmundsbury Local Development Framework: Process Update;
- (5) Clare Conservation Area Appraisal;
- (6) Breckland District Council – Thetford Area Action Plan: Issues and Options Consultation;
- (7) East Cambridgeshire Local Development Framework Core Strategy Consultation; and
- (8) Information Bulletin

Recommendations:

- (a) **4th Annual Corporate Environmental Performance Report: 2007/2008**

That the National Indicators listed in Annex 2 to Report Z98 are reported in future annual environmental performance reporting.

- (b) **Clare Conservation Area Appraisal and Management Plan**

That, subject to full Council approval, the revised draft Clare Conservation Area Appraisal and Management Plan, attached as Appendix B to Report Z101, be adopted as planning guidance.

- (c) **Breckland District Council – Thetford Area Action Plan: Issues and Options Consultation**

The report on the Thetford Area Action Plan, including the Borough Council's proposed response, being submitted directly to Cabinet on 30 July 2008 in order that the consultation deadline can be met.

(Item 16, Report Z142 below)

16. Breckland Local Development Framework – Thetford Area Action Plan: Issues and Options Consultation

Cabinet Member – Terry Clements;

Contact Officer – Ian Poole

Telephone: 01284-757350

e-mail: ian.poole@stedsbc.gov.uk

Report **Z142** attached.

Summary and reasons for recommendation:

The Borough Council has been consulted by Breckland District Council on the Thetford Area Action Plan – Issues and Options Report. The closing date for comments is 5 August 2008.

The scale of growth proposed for Thetford could, without careful planning, have a significant impact on the Borough.

Cabinet approval is sought for the Council's response to the consultation on the Thetford Area Action Plan – Issues and Options Consultation.

Recommendation:

That the comments contained in Section 4 of Report Z142 be endorsed and form the basis for the Borough Council's formal response to Breckland District Council on the Thetford Area Action Plan – Issues and Options Report.

**17. West Suffolk Waste and Street Scene Services Joint Committee:
6 June 2008**

Cabinet Member – Peter Stevens;

Contact Officer – Mark Walsh

Telephone: 01284-757300

e-mail: mark.walsh@stedsbc.gov.uk

The unconfirmed minutes of the meeting of the West Suffolk Waste and Street Scene Services Joint Committee held on 6 June 2008 are attached as Paper **Z143**.

Summary and reasons for recommendation:

On 6 June 2008 the Joint Committee considered the following items:-

- (1) Agreement relating to the Partnering Arrangement for the Provision of Waste and Street Scene Services and Establishment of the West Suffolk Waste and Street Scene Services Joint Committee;
- (2) Business Plan;
- (3) Service Plan;
- (4) Service Level Agreement – Vehicle Maintenance;
- (5) Service Level Agreement – A11/A14 Cleansing; and
- (6) Consultation on Draft Regulations and draft guidelines for proposals for establishing Joint Waste Authorities in England.

Recommendations:

(a) **Business Plan**

That approval of the Business Plan as detailed in Appendix 1 to Report No JWC08/002, be endorsed.

(A copy of Report No JWC08/002 is attached to this agenda for Members of the Cabinet only).

(b) **Consultation on Draft Regulations and draft guidelines for proposals for establishing Joint Waste Authorities in England**

That the Suffolk Waste Partnership response to the consultation on draft regulations and draft guidance for proposals for establishing Joint Waste Authorities in England to be submitted to the Department for Environment, Food and Rural Affairs, be endorsed.

Corporate Priority: Creating a Prosperous Local Economy

18. Bury St Edmunds Area Working Party: 24 July 2008 (Aug 08/04)

*Cabinet Member – Sara Mildmay-White; Contact Officer – Sandra Pell
Telephone: 01284-757302
e-mail: sandra.pell@stedsbc.gov.uk*

Report **Z144 TO FOLLOW**.

Summary and reasons for recommendation:

On 24 July 2008 the Bury St Edmunds Working Party will consider the following items:-

- (1) Engineering Services Work Programme;
- (2) St Andrews Street South, Bury St Edmunds: Street Proposals;
- (3) Engineering Services: Changes to Contractor Permits and Health and Social Care Parking Permits;
- (4) Replacement St Edmundsbury Borough Council Local Plan 2016: Shire Hall Complex, Bury St Edmunds; and
- (5) Cattle Market Redevelopment: Public Works Project Status Report.

Recommendations:

Any recommendations from this meeting will follow as Report **Z144**.

19. Haverhill Area Working Party: 24 July 2008 (Aug 08/05)

Cabinet Member – Nigel Aitkens;

Contact Officer – Patsy Dell

Telephone: 01284-757306

e-mail: patsy.dell@stedsbc.gov.uk

Report **Z145 TO FOLLOW**.

Summary and reasons for recommendation:

On 24 July 2008 the Haverhill Area Working Party will consider the following item:-

- (1) Pedestrianisation Scheme: Update;
- (2) Queen Street Enhancement: Draft Scheme and Delivery Programme;
- (3) Haverhill Town Centre Public Realm Design Framework;
- (4) Haverhill Conservation Area Appraisals and Management Plans: Update;
- (5) Haverhill Town Centre Management: Update;
- (6) Puddlebrook Primary School Reorganisation and Playing Field: Update;
- (7) Proposed new Tesco Store at Station Road and Adjoining Premises, Haverhill: Update;
- (8) Haverhill Cinema Development: Update;
- (9) Haverhill Leisure Centre Refurbishment: Update;
- (10) Haverhill Community Football Project: Update;
- (11) Haverhill GP led/Darzi Health Centre/Polyclinic: Update; and
- (12) Bus Station Enhancement Scheme: Update.

Recommendations:

Any recommendations from this meeting will follow as Report **Z145**.

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

20. Emergency Panel: 22 July 2008 (Aug 08/06)

Cabinet Member – Sara Mildmay-White;

Contact Officer – David Bird

Telephone: 01284-757035

e-mail: david.bird@stedsbc.gov.uk

Report **Z146 TO FOLLOW**.

Summary and reasons for recommendations:

On 22 July 2007 the Emergency Panel will consider the following items:-

- (1) Suffolk Flood Review;
- (2) Joint Emergency Planning Unit (JEPU): Annual Report 2007/2008;
- (3) Major Incident and Response Plan: Status Report as at 14 July 2008;
- (4) West of Suffolk Major Incident and Response Plan;
- (5) Business Continuity Plan (BCP);
- (6) Emergency Planning Exercise 21 May 2008: SUFFEX 08;
- (7) West Suffolk Joint Emergency Planning Training Programme: 2008/2009; and
- (8) Events, Exercises and Training Overview.

Recommendations:

Any recommendations from this meeting will follow as Report **Z146**.

21. BT Public Payphone Removal: Consultation Response

*Cabinet Member – Sara Mildmay-White; Contact Officer – Ben Woolnough
Telephone: 01284-757382
e-mail: ben.woolnough@stedsbc.gov.uk*

Report **Z147** attached.

Summary and reasons for recommendations:

On 2 April 2008 the Council received a notification of intent from British Telecommunications Plc (BT) 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. Any objection to a payphone removal is known as a local veto, and has to be justified, and BT has a right of appeal through the Competition Appeals Tribunal where unreasonable local vetoes have been made.

On 4 June 2008, the Overview and Scrutiny Committee considered a report (Z22 refers) which provided information regarding each of the 42 payphones concerned. Officers had inspected each payphone, checked the telephone usage records supplied and written to all parish councils for comments. Using this information, a draft comment in relation to each of these payphones was put forward for consideration by the Committee.

The Committee recommended and on 25 June 2008 Cabinet endorsed that the draft be published for one month as the Council's draft decision on each of the payphones concerned and the Cabinet make a final decision at its meeting on 30 July 2008, which will be forwarded to BT as this Council's final response to its consultation.

Representations have been made by the public, parish councils and Members in this period. These are summarised in the Appendix A attached to this report.

In considering the 42 payphones a number of discrepancies in the information supplied by BT have arisen, this most specifically refers to the three payphones in Rougham. Due to conflicting information from BT and the local knowledge of the Member and Parish Council alteration to the recommendation is considered appropriate.

It is, therefore, considered that the draft report be amended to object to the removal of all three payphones in Rougham until BT maintain the telephones to working order. Following a 6 month period of trouble free operation a resubmitted notification for the removal of these three telephones could be considered based on the usage figures through this period.

Recommendations:

- (1) The draft response to BT's notification of intent to remove 42 public payphones within the Borough, as set out in Report Z22, be amended to object to the removal of payphones located at The Downs and The Green

in Rougham based on the consideration in paragraphs 2.3 and 2.4 of Report Z147; and

- (2) The draft response to BT's notification of intent to remove 42 public payphones within the Borough, as set out in Report Z22 (Amended), be authorised as a the final notification to BT.

Part 2 – Private

None