

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Thursday 23 October 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: Councillor Nettleton, Vice-Chairman of the Policy Development
Committee, Councillor Rout, Chairman of the Sustainable
Development Panel and Councillor Mrs Charlesworth

77. Apologies for absence

No apologies for absence were received.

78. Minutes

The minutes of the meeting held on 17 September 2008 were confirmed as a correct record and signed by the Chairman.

79. Declarations of Interests

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

(The Chairman agreed that the items would be considered in a different order to that published on the agenda.)

80. Sustainable Development Panel: 21 October 2008

Forward Plan Reference: Nov08/04 Cabinet Member: Cllr Terry Clements

The Cabinet considered Report Z301 (amended) which was tabled at the meeting and contained the recommendations from the meeting of the Sustainable Development Panel held on 21 October 2008 in connection with St Edmundsbury Local Development Framework Core Strategy Preferred Options and Strategic Sites Consultation and Sites Allocations Issues and Options Consultation.

Councillor Rout, Chairman of the Sustainable Development Panel, drew relevant issues to the attention of the Cabinet. He stated that the consultation period in respect of both documents was longer than required because it included the Christmas break. He informed the Cabinet of the discussion in respect of the Core Strategy Preferred Options and Strategic Sites. This document contained details of those villages which were not designated key service centres or infill villages and would not be subject to development, therefore it was imperative that this list was accurate prior to issuing the document for consultation. He wished to place on record the Panel's thanks to Councillor Thorndyke for proof reading the document. With regard to the Site Allocations Issues and Options consultation document, he emphasised that these were the sites that the Council was required to put out to consultation and the sites had been put forward by landowners and developers as a 'wish list' and had not necessarily been identified for development by the Council.

Councillor Clements, the Portfolio Holder for Transport and Planning, emphasised that the Council must clearly state that the sites within the Site Allocations Issues and Options consultation document were not the Council's preferred sites and had been put forward by landowners and developers. He considered that it was imperative that a guide be issued to all Councillors to enable them to answer questions in respect of this document.

RESOLVED:- That

(a) **St Edmundsbury Local Development Framework: Core Strategy Preferred Options and Strategic Sites Consultation**

- (i) the Core Strategy draft Preferred Options and Strategic Sites consultation document and Sustainability Appraisal, as detailed in Appendices A and B to Report Z308, be approved for public consultation subject to on Page 26 the amendment of Strategic Spatial Objective J to read "To ensure that development has, as a minimum, a neutral impact on climate change"; and
- (ii) agreement to any minor typographic, factual and grammatical changes to the final document, including the consultation questions, be delegated to the Acting Corporate Director for Environment in consultation with the Portfolio Holder for Transport and Planning; and

(b) **St Edmundsbury Local Development Framework: Site Allocations Issues and Options Consultation Document**

- (i) the Site Allocations Issues and Options consultation document, as detailed in Appendix A to Report Z309, be approved for public consultation; and
- (ii) agreement to any minor typographic, factual and grammatical changes to the final document be delegated to the Acting Corporate Director for Environment in consultation with the Portfolio Holder for Transport and Planning.

81. West Suffolk House Joint Committee: 3 October 2008

Forward Plan Reference: Nov08/02 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Report Z296 (previously circulated) which contained recommendations from the meeting of the West Suffolk House Joint Committee on 3 October 2008 in respect of funding the West Suffolk House Travel Plan.

Councillor Aitkens, Chairman of the West Suffolk House Joint Committee, gave a general overview of the discussions held at the meeting of the Joint Committee on 3 October 2008, which included that the Council would not now be proceeding with the installation of a wind turbine as a study had determined that the location was inappropriate due to the wind speed failing regularly to meet the required velocity to make the generation of electricity viable. However, it was still hoped that West Suffolk House would achieve the Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' rating. He also reported on discussions associated with staff car parking and proposed that the recommendations within the report be approved.



RECOMMENDED:- That

- (1) contributions from both St Edmundsbury Borough and Suffolk County Councils towards the West Suffolk House Travel Plan based on usage at a rate of £1.20 per space per day for Years 1 and 2 be approved; and**
- (2) the Year 3 contribution rate be reviewed.**

82. Central Safety Panel: 20 October 2008

Forward Plan Reference: Nov08/01 Cabinet Member: Cllr David Ray

The Cabinet considered Report Z297 (previously circulated) which contained the recommendations from the meeting of the Central Safety Panel held on 20 October 2008 and related to amendments to the Health and Safety Policy.

Councillor Ray, Portfolio Holder for Performance and Organisational Development, informed the Cabinet that Amendment 1 arose from changes in the staffing establishment, for example reference to the former post of Director of Resources had been replaced by reference to the Assistant Chief Executive. Amendment 2 now included the responsibilities allocated to staff in the event of a fire and would be applicable when the staff moved into West Suffolk House.

RESOLVED:-

That Amendment 001 to Part 4 of the Policy, and Amendment 002 to Instruction 4, Fire Safety Arrangements, as detailed in Report Z298, be approved.

83. Joint Staff Consultative Panel: 21 October 2008

Forward Plan Reference: Nov08/10 Cabinet Member: Cllr David Ray

The Cabinet considered Report Z298 (previously circulated) which contained the recommendations from the meeting of the Joint Staff Consultative Panel held on 21 October 2008 in respect of approval for the Equal Pay Policy Statement and the Working with Cancer Policy.

Councillor Ray, Portfolio Holder for Performance and Organisational Development, drew relevant issues to the attention of the Cabinet. He stated that the Working with Cancer Policy was equally applicable to other long term critical illnesses. He stated that the document was there to offer advice and guidance to:-

- (a) managers;
- (b) employees diagnosed with cancer; and
- (c) carers or family members affected by cancer.

A discussion was held and it was agreed that the title of the Working with Cancer Policy be amended to make it clearer that it was applicable to other serious illnesses.

RESOLVED:- That

(a) Equal Pay Policy Statement

The Equal Pay Policy Statement, as detailed in Appendix 1 to Report Z310, be approved.

(b) Working with Cancer

- (1) The Working with Cancer Policy, as detailed in Report Z311, as amended, be approved; and
- (2) that the title of this policy be amended to indicate that it is equally applicable to other serious illnesses.

84. Report of the Policy Development Committee: 15 October 2008

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

The Cabinet received and noted Report Z292 (previously circulated) which informed the Cabinet of the following items discussed by the Policy Development Committee on 15 October 2008:-

- (1) Cabinet Forward Plan;
- (2) Work Programme; and
- (3) Service Plan Briefing: Service and Team Drivers 2009/2010.

Councillor Nettleton, Vice Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet.

85. Report of the Policy Development Committee: Review of the Capital Programme

Forward Plan Reference: Nov08/05 Cabinet Member: Cllr Paul Farmer

The Cabinet considered Report Z293 (previously circulated) which sought approval for the rescheduled Capital Programme.

In September 2005, the Cabinet requested that the Capital Programme be subject to annual scrutiny by the Policy Development Committee in order to keep it up to date and to identify any items which were no longer a priority. The annual review was undertaken as part of the budget setting process. The Committee carried out this year's annual review of the programme, which had been updated and rescheduled, and also had received an update on the project and programme management techniques which had been introduced by the Council in 2006.

Councillor Nettleton, Vice Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet. Councillor Farmer, Portfolio Holder for Resources and Efficiency, stated that the main changes related to the transfer of capital funding from one financial year to another to take account of slippage within the projects. He also informed the Cabinet of the major projects that had recently been or were imminently to be completed and had been on programme and within budget.

RESOLVED:-

That the rescheduled Capital Programme, as detailed in Appendices 1 and 2 of Report Z284, be approved.

86. Report of the Policy Development Committee: Revenues and Benefits Service Write-off Policy

Forward Plan Reference: Nov08/08 Cabinet Member: Cllr Paul Farmer

The Cabinet considered Report Z294 (previously circulated) which sought approval for an updated write-off policy and the necessary amendments to the Council's Constitution.

The Council's Constitution gave delegated authority to the Chief Finance Officer to write-off any bad debt up to £750. Any debt above this sum could only be written off

by the Cabinet, which received regular reports on accounts for write-off, together with information on the levels of income collection performance achieved.

In 2007 an Internal Audit report highlighted the need to update the write-off policy. In particular, research was undertaken that indicated that St Edmundsbury's current write-off levels were low compared with other neighbouring district councils surveyed, and while the levels in the new policy were still considered to be on the conservative side, they would allow more direct management of the write-off process for minor debts, making the system more efficient and effective. Changes to the policy would necessitate amendments to the Council's Constitution.

Councillor Nettleton, Vice Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet.



RECOMMENDED:-

That the updated Write-off Policy and new scheme of delegation for write-off levels, as set out in Appendix 1 to Report Z285, be approved, together with the necessary amendments to the Constitution.

87. Report of the Policy Development Committee: Covert Surveillance Policy

Forward Plan Reference: Nov08/12 Cabinet Member: Cllr David Ray

The Cabinet considered Report Z295 (previously circulated) which sought approval for the Head of Legal and Democratic Services to assume responsibility for the general oversight of covert surveillance operations and for amendments to the authorisation form for covert surveillance.

The Council used covert surveillance sparingly, and only when there was no other way to obtain the required evidence. In 2006 fourteen authorisations were given, ten in 2007 and only two to date in 2008.

The Council had been initially inspected by an Assistant Surveillance Commissioner in 2002 and again in 2006, following which five recommendations for improving the management of covert surveillance were made. In the report made in August 2008 the Commissioner noted that four of the five recommendations had been implemented. However, the consideration of proportionality was stated in the report as still presenting difficulties and recommended that further steps be taken which should ensure that any officer authorised in covert surveillance would be able to demonstrate that he or she had fully considered why it was a necessary and proportionate action, and be able to withstand hostile cross-examination should the use of covert surveillance be challenged.

Councillor Nettleton, Vice Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet. In particular he stated that the Committee had asked that the Head of Legal and Democratic Services make a report to the next meeting of the Committee as to whether there would be merit in an additional more local review of the Council's covert surveillance procedures.



RECOMMENDED:- That

- (1) the Head of Legal and Democratic Services assume responsibility for general oversight of covert surveillance operations and be pro-active to ensure that reviews and cancellations be dealt with promptly; and***

- (2) *the Council's Directed Surveillance and Covert Human Intelligence Source Policy and Operational Document be amended to reflect the change of responsibility, and that, subject to the approval of full Council, any consequential changes also be made to the Council's Scheme of Delegation.*

RESOLVED:- That

- (1) the form used to seek authorisation for covert surveillance be amended so as to ensure that the matters set out in paragraph 2.5 of Report Z286 be adequately covered; and
- (2) future training give particular emphasis to the question of proportionality.

88. Boundary Committee Review of Suffolk: Update

Forward Plan Reference: Nov08/11 Cabinet Member: Cllr John Griffiths

The Cabinet received an update from Councillor Griffiths, Leader of the Council, on the latest position regarding the review of local government in Suffolk being undertaken by the Boundary Committee and the Council's work to promote the option of East and West Suffolk unitary authorities, alongside a North Haven unitary authority.

The Borough Council, working in partnership with Forest Heath and Waveney District Councils, was continuing to work to promote the case for East and West Suffolk authorities and to progress this work the Councils had retained outside specialist expertise. Working closely alongside those specialists would be staff from the three authorities. The Leader considered that over the forthcoming weeks there was also scope for the three partner authorities to work more closely with a number of other district councils within Suffolk who were opposed to one large authority for the whole of Suffolk. It was the intention to continue to involve with the Borough Council's Councillor Reference Group in the next phase of the work.

89. Treasury Management Report 2008/2009: 1 April to 30 September 2008

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

The Cabinet received and noted Report Z299 (previously circulated) which provided information on the treasury management function for the period 1 April to 30 September 2008.

At the end of September 2008 interest earned amounted to £1,692,350 against the budget for the period of £1,172,250, a surplus of £520,100. 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 was 4.75% and in the six month period covered by the report the average rate of interest achieved was 5.47%. The budget for investment income for 2008/2009 financial year was £2,102,000, equivalent to £55.92 for each Council Tax Band D property.

Councillor Farmer, Portfolio Holder for Resources and Efficiency, informed the Cabinet that the Borough Council had no investments with banks based in Iceland. He stated that, in summary, the Council's investment policy was to invest relatively modest amounts across a wide range of institutions and for varying periods of time.

90. Budget Monitoring Report: 30 September 2008

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

The Cabinet received and noted Report Z300 (previously circulated) which was the Budget Monitoring Report for period ended 30 September 2008.

Appendix A, page 1, was the General Fund Budget Summary Report which showed an estimated underspend of £1,216,000. Appendix A, pages 2 and 3, provided an explanation of budget variances over £10,000. Appendix B was the Capital Budget Monitoring Report which showed net capital expenditure of £6,886,000 for the period, compared to a full year capital budget of £29,889,000. This substantial underspend on the Capital Programme was due to a number of factors including delays in some major projects and some timing issues relating to the completion of stage payments. It was noted that capital expenditure budgets were not profiled and many of the schemes included in the programme were not due to commence until later in the financial year. The Capital Disposals Programme showed capital receipts for the period of £1,956,867 against a full years' estimate of £10,160,000.

Councillor Farmer, Portfolio Holder for Resources and Efficiency, drew relevant issues to the attention of the Cabinet. He stated that an interim staff pay award had now been agreed and this would be backdated to April 2008. He added that the Budget Monitoring Report showed an underspend of £239,000 on salaries and the budget had been based on a 3% pay award for staff.

91. West Suffolk Waste and Street Scene Services Joint Committee: 17 October 2008

Forward Plan Reference: Nov08/06 Cabinet Member: Cllr Peter Stevens

The Cabinet received and noted Report Z302 (previously circulated) which detailed the decisions taken by the West Suffolk Waste and Street Scene Services Joint Committee on 17 October 2008.

On 17 October 2008 the Joint Committee considered the following items:-

- (1) development of a joint service plan;
- (2) update on the service level agreement for A11/A14 cleansing;
- (3) update on the joint arrangements for vehicle maintenance;
- (4) update on joint litter campaigns;
- (5) policy revision for the collection and issuing of sacks;
- (6) update on the diversion incentive funding projects;
- (7) ENTEC study of the waste collection rounds in Forest Heath and St Edmundsbury; and
- (8) composting of street sweeping.

Councillor Stevens, Portfolio Holder for Environment and Street Scene and a member of the Joint Committee, drew relevant issues to the attention of the Cabinet. He considered that the cleansing programme for the A11/A14 was a considerable achievement and that complaints had been turned into compliments.

92. Bury St Edmunds Area Working Party: 14 October 2008

Forward Plan Reference: Nov08/03 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report Z303 (previously circulated) which contained the recommendations emanating from the meeting of the Bury St Edmunds Area Working Party held on 14 October 2008.

Councillor Mrs Mildmay-White, Chairman of the Bury St Edmunds Area Working Party, drew relevant issues to the attention of the Cabinet. She explained that the

Working Party had reservations regarding residents' parking schemes in Bury St Edmunds without an overview of the parking schemes whether in operation or under consideration. A report would be presented to the next meeting of the Working Party. She then informed the Cabinet as to the discussions held regarding the revised layout of the junction at St Andrews Street/Risbygate Street/Brentgovel Street in Bury St Edmunds and also as to the timing of these roadworks. She explained that there was a whole range of issues to be taken into consideration regarding traffic and pedestrian movements, not only at this junction but also along connecting streets to include assessing the implications of the potential redevelopment of the former Roy's of Wroxham store in Risbygate Street and the construction of the link between the town centre and the Cattle Market redevelopment. There was also a need to consult with the traders within St John's Street as to the timing of the works. The Cabinet recognised that there was a need for widespread consultation regarding the works associated with this junction and considered that it would be beneficial if a working group be formed comprising of representatives of Bury St Edmunds Area Working Party, Bury St Edmunds Town Council, Bury St Edmunds Town Centre Management and Ward Members who would agree the consultation scheme and the timetable for implementation.

The Cabinet endorsed the recommendation that a letter be written to Suffolk Constabulary as to the anti-social behaviour encountered in the Cattle Market surface car park in the evenings and recognised that additional planting and landscaping within the car park could help alleviate anti-social behaviour problems.

A discussion was also held as to the car parking arrangements associated with the former Roy's of Wroxham store situated in Risbygate Street, Bury St Edmunds. Cabinet supported this arrangement in principle; however it was recognised that there were some issues still to be resolved and considered it appropriate that the Corporate Director for Community in consultation with the Chairman of the Bury St Edmunds Area Working Party be authorised to resolve these issues.

RESOLVED:-

(a) Engineering Services Work Programme

(1) Holderness Road, Bury St Edmunds

Suffolk County Council be recommended to stop up Holderness Road, Bury St Edmunds.

(2) Residents' Parking Schemes

A report be made to the next meeting of the Bury St Edmunds Area Working Party which presents the overview of the residents' parking schemes within Bury St Edmunds, whether in operation or under consideration.

(3) Revised Layout of Junction: St Andrews Street/Risbygate Street/Brentgovel Street, Bury St Edmunds

- (i) That consultation on the revised layout of the junction of St Andrews Street/Risbygate Street/Brentgovel Street take place in order that further consideration be given to traffic and pedestrian movements at this junction and also along connecting streets, to include assessing the implications of the potential redevelopment of the former Roy's of Wroxham store in Risbygate Street and the construction of the Link between the town centre and the Cattle Market redevelopment; and

- (ii) prior to consultation, a working group be formed comprising representatives of Bury St Edmunds Area Working Party, Bury St Edmunds Town Council, Bury St Edmunds Town Centre Management and Ward Members to agree the consultation scheme and the timetable for implementation.

(4) Cattle Market Surface Car Park

- (a) a report be made to the Bury St Edmunds Area Working Party as to the options for additional planting and landscaping; and
- (b) a letter be written to Suffolk Constabulary as to the anti-social behaviour encountered in the car park in the evenings.

(b) Former Roy's of Wroxham Store, Risbygate Street, Bury St Edmunds

- (1) The car parking arrangements as detailed in Exempt Report Z280 be approved in principle; and
- (2) the Corporate Director for Community, in consultation with the Chairman of Bury St Edmunds Area Working Party, be authorised to resolve outstanding issues.

93. Local Authority Business Growth Incentive Scheme

Forward Plan Reference: Nov08/09 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Report Z304 (previously circulated) which sought approval for the allocation of the Local Authority Business Growth Incentive Scheme (LABGI) funding for 2008/2009 and 2009/2010.

The LABGI scheme was a Government scheme whereby local authorities were rewarded in accordance with the economic growth in their area. Over the past three years the Council had received £1,174,417 reflecting the strong economic performance of the Borough. Approximately £434,000 remained unallocated and the report made proposals as to the allocations.

In September 2008, the Government published a consultation document about future LABGI funding and requested responses by 20 November 2008. The proposed scheme included changing the method of distributing funds to cover much larger geographical areas and also allocating 65% of the funds to upper tier authorities, which was a reversal of the current situation.

A capital receipt of £445,000 had been received by the Borough Council from the sale of the Vision Centre in Eastern Way, Bury St Edmunds to Mid Anglian Enterprise Agency (Menta) and the report sought authority for the principle of using this capital receipt to invest in the existing Borough Council owned business units in Haverhill, thereby strengthening the Council's commitment to support the growth of the local economy.

Councillor Aitkens, Portfolio Holder for Economy and Asset Management, informed the Cabinet that the Borough Council should support the principle of St Edmundsbury being included in a Greater Cambridge LABGI Partnership. However, since the report was written notification had been received from the Greater Cambridge Partnership (GCP) that, according to current LABGI rules, the GCP would be financially penalised if West Suffolk authorities were included in a GCP LABGI group. This was

because two-thirds of LABGI funding would be allocated to Suffolk County Council and not to Cambridgeshire County Council and the share allocated to Cambridgeshire districts would also be slightly reduced compared to their share in a grouping based on the county boundaries. Obviously GCP could not enter into any agreement that was financially disadvantageous. However, he added that he considered that the principle of St Edmundsbury being included in GCP was still applicable.

RESOLVED:- That

- (1) the amended investment proposals for the Local Authority Business Growth Incentive Scheme (LABGI) for 2008/2009 and 2009/2010, as detailed in paragraphs 4.3 to 4.5 of Report Z304 be approved;
- (2) the Corporate Director for Environment, in consultation with the Portfolio Holder responsible for economic development and the Chief Finance Officer, be authorised, if necessary, to update and amend the LABGI investment programme in accordance with the Council's Economic Development Strategy;
- (3) the Borough Council supports the principle of St Edmundsbury being included in a Greater Cambridge LABGI partnership; and
- (4) the Economic Development Manager, in consultation with the Portfolio Holder for Economy and Asset Management and the Chief Finance Officer, be authorised to respond to the LABGI consultation in accordance with paragraphs 4.6 to 4.9 of Report Z304.



RECOMMENDED:-

That it be agreed in principle that the £445,000 capital receipt from the sale of the Vision Centre in Bury St Edmunds be allocated towards the cost of repairs and improvements to the Borough Council's existing employment units in Haverhill, as detailed in paragraph 4.10 of Report Z304 and subject to the Council's normal Asset Management Plan process.

94. Distribution of Funding for the Rural Action Plan 2008/2011

Forward Plan Reference: Nov08/07 Cabinet Member: Cllr John Griffiths

The Cabinet considered Report Z305 (previously circulated) which sought approval for the funding allocations for the Rural Action Plan.

Funding for the projects within the Rural Action Plan was to be allocated from the agreed revenue and capital provision in the 2008/2009 budget and beyond. The report sought approval for the distribution of this funding. Appendix A detailed the estimated/actual costs for each of the projects for 2008/2011. Some of the projects were still in the early planning stages or had not yet been started and therefore, several of the estimates could be subject to change.

In response to questions, the Cabinet was informed that 'encourage online information technology training through promotional literature' was linked to the remote workspace project and that 'provision of remote workspace in village halls' was linked to the information technology training.

RESOLVED:- That

- (1) the funding allocations for the St Edmundsbury Rural Action Plan, detailed in Appendix A of Report Z305, be approved; and
- (2) that the Economic Development Manager be given delegated authority to authorise these payments in consultation with the Portfolio Holder with responsibility for Rural Affairs, subject to minor changes, for example due to estimated project costs.

**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.

95. Bury St Edmunds Area Working Party: 14 October 2008

*Forward Plan Reference: Nov08/03 Cabinet Member: Cllr Sara
Mildmay-White*

The Cabinet further considered Report Z303 (previously circulated) in particular reference to the car parking arrangements associated with the former Roy's of Wroxham store, Risbygate Street, Bury St Edmunds.

It was agreed that the Corporate Director for Community, in consultation with the Chairman of the Bury St Edmunds Area Working Party be authorised to resolve outstanding issues.

RESOLVED:- That

Former Roy's of Wroxham Store, Risbygate Street, Bury St Edmunds

- (1) The car parking arrangements as detailed in Exempt Report Z280 be approved in principle; and
- (2) the Corporate Director for Community, in consultation with the Chairman of Bury St Edmunds Area Working Party, be authorised to resolve outstanding issues.

The meeting concluded at 6.59 pm

**J H M GRIFFITHS
CHAIRMAN**