

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 25 March 2009 at 5.00 pm
in the Council Chamber, Borough Offices, Angel Hill, Bury St Edmunds**

PRESENT: Councillor Mrs S J Mildmay-White (Deputy Leader of the Council)
(in the Chair)
Councillors Aitkens, Mrs Alexander, Clements, Farmer, Ray and
Stevens

BY INVITATION: Councillor Ereira-Guyer, Chairman of the Overview and Scrutiny
Committee, Councillor Houlder, Chairman of the Policy
Development Committee, and Councillor Nettleton.

*(Prior to the commencement of the meeting, the Chairman wished to thank all those
Members and Officers involved with the successful launch of the arc on 5 March 2009.)*

149. Apologies for absence

An apology for absence was received from Councillor Griffiths.

150. Minutes

The minutes of the meeting held on 11 February 2009 were confirmed as a
correct record and signed by the Chairman.

151. Declarations of Interests

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

152. Report of the Policy Development Committee: 11 March 2009

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

The Cabinet received and noted Report Z601 (previously circulated) which
informed the Cabinet of the following items discussed by the Policy Development
Committee on 11 March 2009:-

- (1) Cabinet Forward Plan: March to June 2009;
- (2) Work Programme;
- (3) Parish and Town Council Revenue Support Grants;
- (4) Choice Based Lettings Review; and
- (5) Review of Vision 2025 Action Plan: Health, Social Care and Safety.

Councillor Houlder, Chairman of the Policy Development Committee, drew
relevant issues to the attention of the Cabinet. In particular, he informed the Cabinet of
the discussions associated with Choice Based Lettings and on the Review of the Vision
2025 Action Plan in connection with Health, Social Care and Safety.

153. Report of the Policy Development Committee: Parks Management Plans and Proposed Improvement Plan

Forward Plan Reference: Apr09/10 Cabinet Member: Cllr Lynsey Alexander

The Cabinet considered Report Z602 (previously circulated) which sought approval for the introduction of a prioritised repair programme, based on the urgency of repair, for the Council's parks.

Councillor Houlder, Chairman of the Policy Development Committee, informed the Cabinet that it was proposed over the next six months to visit and audit all parkland sites against a standardised format. Following the audits a prioritised rolling programme of park infrastructure repair/replacement could be developed. Any works resulting from the audits would be funded from the existing parks revenue budgets.

Councillor Mrs Alexander, Portfolio Holder for Culture and Sport, informed the Cabinet that over the next three years the Parks Service would submit one additional park a year for Green Flag scrutiny/accreditation. For the next year it was proposed that the Abbey Gardens be submitted and the Policy Development Committee had appointed three Members to work with officers to develop a management plan for the Abbey Gardens.

RESOLVED:-

That an audit system for parks and the introduction of a prioritised repair programme be developed based on the urgency of repair.

154. Report of the Policy Development Committee: Cultural Strategy

Forward Plan Reference: Apr09/06 Cabinet Member: Cllr Lynsey Alexander

The Cabinet considered Report Z603 (previously circulated) which sought approval for the Cultural Strategy to be adopted and used as a guidance document to deliver the Leisure Service Plan, Local Area Agreement and Comprehensive Area Assessment.

Councillor Houlder, Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet. He informed the Cabinet that the Committee had established a Working Group of Members and officers to develop and consult on the draft Cultural Strategy, which was then presented to the full Committee for consideration. It was the intention that the Strategy would guide the annual Leisure Service Plan, set priorities and direction for future budget decisions and negotiations with key partners, and provide a steer in determining Local Area Agreement and Comprehensive Area Assessment objectives.

The Cabinet recognised that the Borough Council devoted a considerably higher percentage of resources to leisure and culture than many district councils. Therefore, it was considered appropriate to have an over arching strategy for the provision of these services and an understanding of the contribution they made to other priorities of the Council, such as health and wellbeing.



RECOMMENDED:- That

- (a) the Cultural Strategy, attached to Report Z584, be adopted and used as a guidance document to deliver the Leisure Service Plan, Local Area Agreement and Comprehensive Area Assessment objectives;***
- (b) the consultation process, as detailed in Report Z584, be adopted;***

- (c) the review process for the Cultural Strategy, as detailed in Report Z584, be adopted; and*
- (d) an investigation be carried out, in conjunction with partners, into specific public transport links which would make possible improved access to cultural events, facilities or opportunities to as many residents within the Borough as is possible and a report to the Policy Development Committee be made.*

155. Report of the Policy Development Committee: Playgrounds in St Edmundsbury

Forward Plan Reference: Apr09/11 Cabinet Member: Cllr Lynsey Alexander

The Cabinet considered Report Z604 (previously circulated) which sought approval for the tendering for a fixed term playground repairs contractor, training Ranger Staff to undertake weekly safety inspections and a review of the provision of play facilities requested from developers under Section 106 agreements be reviewed.

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

In response to questions, the Parks Manager informed the Cabinet that:-

- (1) staff would undertake inspections of the playground equipment and then make appropriate recommendations to management. The resultant approved works would then be undertaken by the appointed contractors;
- (2) it was the intention that the appointed contractor would be 'on call'; and
- (3) playground equipment located in the rural areas would also be subject to this inspection and repair agreement.

Councillor Mrs Alexander, Portfolio Holder for Culture and Sport, informed the Cabinet that a grant of £50,000 had been secured from the Play Builder Fund to install a new play facility on the Mildenhall Estate in Bury St Edmunds, and was scheduled to be opened on 3 April 2009, which meant that it would be available for use over the forthcoming Easter holidays. This project was completed on time and within budget. A further grant of £50,000 had also been received to install a new facility in Castle Playing Field in Haverhill.

The Cabinet considered it appropriate that developers should continue to be required to fund play facilities through Section 106 Agreements, and that they should focus on providing fewer but larger more appropriately placed play areas in future on new residential areas.

RESOLVED:-

That the proposed actions outlined in Report Z583 to the Policy Development Committee be endorsed, including:-

- (a) tendering for a fixed term playground repairs contractor;
- (b) the roll-out of training to qualify and enable onsite Ranger Staff to undertake weekly safety inspections of playground equipment; and

- (c) that as part of the review of the Local Development Framework, the provision of play facilities requested from developers via Section 106 Agreements be reviewed.

156. Report of the Policy Development Committee: Community Centres Review Progress Report

Forward Plan Reference: N/A Cabinet Member: Cllr Sara Mildmay-White

(Councillor Clements declared a personal interest as a Borough Council representative on the Havebury Housing Partnership Management Board and remained in the meeting for the consideration of this item.)

The Cabinet considered Report Z605 (previously circulated) which sought approval for further investigations to be undertaken in respect of the management of the Chalkstone Community Centre in Haverhill.

A review of community centres was conducted in 2007, and an action plan was agreed. On 11 March 2009 the Policy Development Committee received a progress update that advised that many actions had been completed and the community centres continued to serve their communities well. Some actions had not yet been finalised but would be programmed over the next two years and would be monitored through the service planning process for Environmental Health and Housing. Management arrangements for the Chalkstone Community Centre in Haverhill were still being considered and whilst some initial discussions had taken place with Haverhill Town Council this action was still ongoing.

Councillor Houlder, Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet. He commented that whereas in the villages the community took ownership of their centres this was not the case in Bury St Edmunds and Haverhill. These comments were endorsed by the Cabinet.

The Cabinet considered that the Havebury Housing Partnership was a more 'natural home' for the management of community centres than the Borough Council, as the community centres were located within areas of housing managed by the Partnership.

RESOLVED:-

That further investigation of options for Chalkstone Community Centre be delegated to the Corporate Director for Community, in consultation with ward members and the Portfolio Holder for Community.

157. Report of the Overview and Scrutiny Committee: 4 March 2009

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

The Cabinet received and noted Report Z606 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 4 March 2009:-

- (1) Monitoring the West Suffolk Community Safety Partnership;
- (2) Update Report on the West Suffolk Local Strategic Partnership and Community Strategy;
- (3) Cabinet Forward Plan – March to June 2009;
- (4) Work Programme;
- (5) A Carbon Neutral Hospital for West Suffolk;

- (6) Councillor Call for Action; and
- (7) Protocol for the Addition of new Reviews to the Scrutiny Work Programmes.

Councillor Ereira-Guyer, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He commended the work undertaken by the Community Safety Partnership, and in particular the Anti-social Behaviour Dispersal Order in Haverhill, which seemed to be working well. He also stated that the presentations to the Committee from Portfolio Holders were considered to be of great value.

158. Central Safety Panel: 23 February 2009

Forward Plan Reference: Apr09/04 Cabinet Member: Cllr David Ray

The Cabinet considered Report Z607 (previously circulated) which sought approval to an amendment to the Borough Council's Health and Safety Policy.

The Central Safety Panel considered the following issues on 23 February 2009:-

- (1) Minutes: Combined Area Safety Committee (CASC);
- (2) Health and Safety Policy: Amendment;
- (3) Health and Safety Offences Act 2008;
- (4) Incidents involving Employees and Incidents involving Members of the Public;
- (5) Health and Safety Training; and
- (6) Well Being Programme.

Arising from the meeting of the Panel there was a recommendation to amend the Health and Safety Policy in respect of requirements for contractors undertaking work on behalf of the Borough Council.

RESOLVED:-

That Amendment 003 to Instruction 15, Health, Safety and Environment Requirements for Contractors, of the Health and Safety Policy, as detailed in Report Z527, be approved.

159. Boundary Committee Review of Suffolk: Update

Forward Plan Reference: Apr09/08 Cabinet Member: Cllr John Griffiths

Councillor Mrs Mildmay-White, Deputy Leader of the Council, in the absence of the Leader of the Council, informed the Cabinet that the Boundary Committee was not intending to consult on options for East Suffolk and West Suffolk Unitary Authorities as part of the consultation announced on 19 March 2009. The Committee would continue to consult on the two draft proposals of a single unitary for the whole of Suffolk and a two unitary model comprising an extended Ipswich and a rural authority for the remainder of the County. However, both options now included Lowestoft remaining within Suffolk. Councillor Mrs Mildmay-White stated that given the findings of the independent research carried out on behalf of the Borough Council and its partners, Forest Heath and Waveney District Councils, which clearly indicated that the majority of people wanted to be consulted on the option of three unitary authorities and did not equate large authorities with greater efficiency, the Boundary Committee's decision was extremely disappointing and showed a lack of regard for the views of the people of Suffolk. She considered that the retention of Lowestoft in Suffolk was welcome however it was hardly a substantial move from the previous position as they had already secured workbooks for these options. Councillor Mildmay-White stated that it was now necessary for the Borough Council and its partners to review its options and consider how best to continue to put the case for a West Suffolk Unitary Authority to the Secretary of State. Regrettably, the Council had to make additional resources

available to enable the Council to continue to make the voice of West Suffolk heard during the extended period for consultation. As reported at full Council on 24 February 2009, the Council's Local Government Review reserve of £125,000 had been increased by £25,000 to meet the additional costs expected at that time.

The Cabinet concluded that with Lowestoft 'back in' Suffolk this made the Council's, and its partners', position stronger for East and West Suffolk Unitary Authorities. There needed to be a full debate at Council on 31 March 2009 and further options considered following advice and consultation with partners.

160. Grant Panel: 3 March 2009

Forward Plan Reference: Apr09/02 Cabinet Member: Cllrs Paul Farmer and Sara Mildmay-White

The Cabinet considered Report Z608 (previously circulated) which contained the recommendations emanating from the meeting of the Grant Panel held on 3 March 2009.

RESOLVED:- That

Recreation, Village Hall and Play Scheme Grants:-

- (1) £15,000 be awarded to Stanton Parish Council towards the cost of redeveloping and refurbishing the existing village hall;
- (2) £7,000 be awarded to Great Bradley Parish Council towards the cost of providing youth facilities in the village;
- (3) £9,500 be awarded to Risby Village Hall Charity Trust towards the construction of a replacement roof to the village hall; and
- (4) £8,000 be awarded to Stanton Bowls Club towards the cost of providing a new extension to its clubhouse.

161. Cemeteries Strategy

Forward Plan Reference: Apr09/07 Cabinet Member: Cllr Lynsey Alexander

The Cabinet considered Report Z609 (previously circulated) which sought approval of the Cemeteries Strategy, including Closed Churchyards, which was attached as Appendix A to Report Z609.

The Policy Development Committee had requested that the strategy for the future management of the Cemeteries and Closed Churchyards should be prepared. The rationale for the Cemeteries Strategy was:-

- (a) primarily to provide a clear direction on the way the service should be delivered in the future;
- (b) to outline how current service specific issues would be addressed; and
- (c) to provide clarity around the Council's responsibilities as a Burial Authority.

A report and draft strategy was presented to the Committee on 14 January 2009. At that meeting a number of suggestions were made and it was agreed that the draft strategy should be approved for consultation. This report outlined the findings of the consultation process which took the form of:-

- (a) a Cemeteries stakeholder's forum, which Funeral Directors, Local Religious Leaders, Celebrants and Memorial Masons were invited to attend; and

- (b) four Cemetery open days were held to obtain local people's views on the proposals outlined in the Strategy.

RESOLVED:- That

- (a) the Cemeteries Strategy (including Closed Churchyards), attached as Appendix A to Report Z609 be adopted; and
- (b) the new cemetery regulations for Haverhill and Bury St Edmunds Cemeteries, which are included as Appendix 5 in the Cemeteries Strategy, be adopted.

162. Budget Monitoring Report 2008/2009: To 28 February 2009

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

The Cabinet received and noted Report Z610 (previously circulated) which was the Budget Monitoring Report for the period ended 28 February 2009.

Appendix A, page 1 of the Report, was the General Fund Budget Monitoring Summary report which showed an estimated underspend of £1,067,000. Appendix A, pages 2 & 3, provided an explanation of budget variances over £10,000.

Appendix B was the Capital Budget Monitoring Report which showed net capital expenditure of £14,785,000 for the period, compared to a full year capital budget of £21,119,000. 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. The Capital Disposals Programme showed capital receipts for the period of £2,086,000, against a full year disposals estimate of £10,160,000.

Councillor Farmer, Portfolio Holder for Resources and Efficiency, drew relevant issues to the attention of the Cabinet and concentrated on reasons for any significant variations between budget and actual activity.

A detailed discussion was undertaken on several items where there was a significant variation between budget and actual activity. It was recognised that each Portfolio Holder should undertake a scrutiny of the budgets within their Portfolio, especially as the 2009/2010 budget would not have the significant over achievement of investment income as in previous years.

163. Bury St Edmunds Area Working Party: 17 March 2009

Forward Plan Reference: Apr09/01 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report Z611 (previously circulated) containing the recommendations emanating from the meeting of the Bury St Edmunds Area Working Party held on 17 March 2009.

Councillor Mrs Mildmay-White, Chairman of the Bury St Edmunds Area Working Party, drew relevant issues to the attention of Cabinet. Councillor Aitkens, Portfolio Holder for Economy and Asset Management provided an overview of the recommendations from the Working Party concerning the proposed Incubation Centre at Suffolk Business Park in Bury St Edmunds. A detailed discussion was undertaken in respect of the Incubation Centre's finances and the Cabinet concluded that this was a much needed resource for local businesses and should be supported.

The Chairman informed the Cabinet that the third item on the list of recommendations, Replacement Local Plan – BSE9: Tayfen Road, Bury St Edmunds approval of masterplan, would not be discussed under this item but would be discussed when the recommendations from the Sustainable Development Panel were considered later in the meeting.

RESOLVED:- That

(a) Engineering Services Work Programme: Bury St Edmunds

- (1) Making permanent the experimental parking scheme in the north Brackland Area, as detailed in paragraph 2.2.1 of Report Z593, be approved;
- (2) the introduction of additional parking bays in Northgate Street, as detailed in paragraph 2.2.3 of Report Z593, be approved;
- (3) support for improvements to the central reservation of Parkway, as outlined in Appendix C to Report Z593, and use of the identified public realm capital reserve be confirmed;
- (4) the area of highway shown on Appendix D to Report Z593 be stopped up; and
- (5) the operation of temporary park and ride services from Olding Road be continued on Saturdays up to and including Easter Saturday and from Nowton Park on Maundy Thursday.

(b) Incubation Centre (Managed Workspace) Suffolk Business Park, Bury St Edmunds

The Corporate Director for Economy and Environment, in consultation with the Portfolio Holder for Economy and Asset Management, be authorised to agree a contribution from existing budgets towards the provision of managed workspace/incubation space/workshops at Site E2 of Suffolk Business Park, in Bury St Edmunds.

(c) Replacement Local Plan – Policy BSE9: Tayfen Road, Bury St Edmunds, Approval of Masterplan

The Cabinet decision is recorded in Minute 165 (e) below, Sustainable Development Panel.

164. Haverhill Area Working Party: 12 March 2009

Forward Plan Reference: Apr09/03 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Report Z612 (previously circulated) which contained the recommendations emanating from the meeting of the Haverhill Area Working Party held on 12 March 2009.

Councillor Aitkens, Portfolio Holder responsible for Haverhill, drew relevant issues to the attention of the Cabinet and in particular the necessity and advantages of introducing the Queen Street Shop Front Grant Scheme. He also reported on the methodology for the production of public art in Queen Street.

RESOLVED:- That

(a) Queen Street Shop Fronts Grant Scheme

- (1) Further investigation be undertaken by the officers to:-
 - (i) ascertain an appropriate length of time of more than two years that shop owners which had benefitted from the Queen Street Shop Fronts Grant Scheme should be required to maintain the upkeep of their new shop fronts, in accordance with the terms of the Queen Street Design Guide; and
 - (ii) a recommendation in respect of this matter be brought back to a future meeting of the Haverhill Area Working Party;
- (2) subject to (1) above, the principles of the Queen Street Shop Fronts Grant Scheme, as detailed in Section 4 of Report Z589, be approved;
- (3) the Shop Front Award Scheme, as detailed in paragraph 4.17 of Report Z589, be established and extended to include any shop owner eligible for an award located in Haverhill; and
- (4) the Eligibility Zone Plan, as contained in Appendix B to Report Z589, be approved subject to its division into Priority Areas A and B, to indicate the order of priority in which Shop Front Grant funding may be awarded, whereby:-
 - (i) Priority Area A: Eligibility Zone excludes 'The 1st Floor Gallery'; and
 - (ii) Priority Area B: Eligibility Zone includes 'The 1st Floor Gallery'.

(b) Public Art in Queen Street, Haverhill

That the brief and methodology for public art in Queen Street, Haverhill, as contained in Section 4 of Report Z590, be approved.

165. Sustainable Development Panel: 24 March 2009

Forward Plan Reference: Apr09/09 Cabinet Members: Cllrs Terry Clements and Peter Stevens

The Cabinet considered Report Z613 (tabled at the meeting), which contained the recommendations emanating from the meeting of the Sustainable Development Panel held on 24 March 2009.

Councillor Stevens, Portfolio Holder for Environment and Street Scene, informed the Cabinet as to the details in respect of the actions to be taken by the Borough Council in respect of National Indicator 188, Adapting to Climate Change.

Councillor Clements, Portfolio Holder for Transport and Planning, informed the Cabinet as to the detail in respect of the St Edmundsbury Local Development Framework: Local Development Plan, the Consultation response to the Breckland Local Development Framework: Thetford Area Action Plan and the masterplan for Tayfen Road, Bury St Edmunds. He reminded the Cabinet that the Bury St Edmunds Area Working Party had also considered the masterplan for Tayfen Road, Bury St Edmunds. However, the Sustainable Development Panel were concerned as to the public's perception of the illustrations and that these could be interpreted as being the actual designs that would be built rather than being indicative. Therefore, the Panel considered that an explanatory note should be attached to the masterplan stating that the illustrations were indicative only.

In light of the stated aim of the Hospital Trust to relocate to a new site in the next twenty years a discussion was also held on the need for West Suffolk Hospital masterplan.

RESOLVED:- That

(a) National Indicator 188: Adapting to Climate Change

- (1) Each Council service area takes account of the identified significant risks and opportunities within the annual review of service plans commencing 2009/2010 and during development or significant change to service activities;
- (2) a programme of communication and awareness-raising be established to ensure that Members and staff appreciate the implications of a changing climate on the functioning of the Council, its working practices and the wider community; and
- (3) an adaptation plan be developed and implemented with relevant partners according to the negotiated timetable in the Local Area Agreement.

(b) St Edmundsbury Local Development Framework: Local Development Scheme

The amendments to the Local Development Scheme, as detailed in Paper Z620, be approved and submitted to GO-East for formal approval.

(c) Breckland Local Development Framework: Thetford Area Action Plan Preferred Options Consultation

The contents of Report Z622 form the basis of this Council's response to the Thetford Area Action Plan Preferred Options Report.

(d) Replacement St Edmundsbury Borough Local Plan Policy BSE14: West Suffolk Hospital Masterplan

The requirement to prepare a Masterplan for the West Suffolk Hospital, as stated in Policies BSE14 and DS4 of the Replacement St Edmundsbury Borough Local Plan, be rescinded subject to the Hospital Trust:-

- (1) preparing and submitting for approval a Green Travel Plan for the West Suffolk Hospital;

- (2) entering into a legal agreement with the Borough Council to deliver the proposals in the Green Travel Plan and to submitting, at intervals to be agreed, monitoring reports on the delivery of the Plan;
- (3) preparing a development brief in accordance with the Council's adopted protocol for any forthcoming proposals that are deemed by the Council to have a potential adverse impact on the environment, the residential amenity of local residents or trip generation; and
- (4) agreeing that, should any proposals for more significant development be forthcoming at the existing site, the Council has the right to require a masterplan for the whole site to be prepared in accordance with Policy DS4 of the Replacement Local Plan.



RECOMMENDED:- That

- (e) ***Replacement Local Plan – Policy BSE9: Tayfen Road, Bury St Edmunds, Masterplan***
 - (1) ***The masterplan for the redevelopment of Tayfen Road, Bury St Edmunds, as attached as Appendix C to Report Z595, be adopted as non-statutory planning guidance; and***
 - (2) ***when the masterplan is issued, after approval by full Council, there is an explanatory note stating that the illustrations are indicative only.***

**166. West Suffolk Waste and Street Scene Services Joint Committee:
20 March 2009**

Forward Plan Reference: Apr09/05 Cabinet Member: Cllr Peter Stevens

The Cabinet received and noted Report Z614 (tabled at the meeting) which presented the decisions taken by the West Suffolk Waste and Street Scene Services Joint Committee emanating from its meeting on 20 March 2009.

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 Joint Committee, which had been in existence for approximately one year, had a successful year and was a good example of co-operation between two local authorities.

A general discussion was held regarding the work of the Joint Committee. In response to a question, the Cabinet was informed that the cleansing of the A14/A11 was delivered within budget. It was noted that consideration of the Partnering Agreement would be held later in the meeting in private session (Minute 175 below refers).

167. Bury St Edmunds Town Council Approach to Borough Council for Land to Increase Allotment Provision

Forward Plan Reference: Apr09/15 Cabinet Member: Cllr Nigel Aitkens

(Councillor Farmer declared a prejudicial interest as a Member of Bury St Edmunds Town Council and left the meeting for the consideration of this item.)

The Cabinet considered Report Z615 (previously circulated) which sought approval to offer Bury St Edmunds Town Council suitable land adjacent to the Cotton Lane allotments for allotment use only.

Bury St Edmunds Town Council administered the majority of allotment provision in Bury St Edmunds and currently had a waiting list of approximately 125. The Town Council had approached the Borough Council to see if there were any suitable sites available to create more allotments. The Borough Council owned vacant land adjacent to the Cotton Lane allotments and considered that some of this may be suitable for use as allotments. Attached as Appendix A to the report was a plan of the Cotton Lane site which indicated the additional land that could be utilised for allotments.

The Cabinet considered that it was appropriate to offer suitable land to the Town Council but that it should be for allotment use only and that a provision be made that the Town Council be required to surrender the land, in part or as a whole, in the event of the land being required for future development. This was considered appropriate because the Local Development Plan provided for the possible residential development of land at Ram Meadow in the medium term. This would possibly necessitate the construction of an access road over the undeveloped land off Cotton Lane through to Compiegne Way. Although no route had been identified it would probably need to link to a roundabout on Compiegne Way opposite Etna Road, therefore, it could largely avoid the 2.3 acre site and run mainly through the 12.61 acre site.

RESOLVED:-

That Bury St Edmunds Town Council be offered suitable land adjacent to the Cotton Lane allotments on a leasehold basis, for allotment use only, with a provision that the Town Council be required to surrender the land, in part or as a whole, in the event of its being required for future development.

168. Public Venue Working Party: 18 March 2009

Forward Plan Reference: Apr09/14 Cabinet Member: Cllr Lynsey Alexander

The Cabinet considered Report Z616 (previously circulated) which sought approval for the financial estimates contained within the Business Plan for the Venue to be adopted and included in budgets for 2010/2011 and future years. In addition the report also sought funding for the appointment of a Venue Director and Venue Support Officer, together with an initial Marketing and Promotional Budget all of which would need to be funded in the 2009/2010 financial year.

Councillor Mrs Mildmay-White, Chairman of the Public Venue Working Party, reminded the Cabinet as to the reasons behind the formation of the Working Party and that it had an important role in overseeing the final elements of the construction there would be opportunities for fit-out, marketing, launch and ongoing operation of the Venue. She also stated that the Working Party, Councillors, the press and public would undertake a tour of the premises prior to fit-out commencing.



RECOMMENDED:- That

- (1) **Subject to the approval of full Council, the financial estimates detailed on Page 18 of the Business Plan, attached to Report Z598, be adopted and included in budgets for 2010/2011 and future years.**

RESOLVED:- That

- (1) the following funding allocations be met from earmarked reserves in the 2009/2010 financial year:-
- (i) appointment of Venue Director (6 months costs): £25,000;
 - (ii) appointment of Venue Support Officer post: £5,000; and
 - (iii) initial marketing and promotional budget of up to £30,000.
- (2) delegated authority be given to the Corporate Director for Community, in consultation with the Chairman and Vice Chairman of the Public Venue Working Party, to progress the appointment of the Venue Director, in partnership with other organisations and on a fixed term contract, if appropriate.

(Councillors Ereira-Guyer, Houlder and Nettleton left the meeting at the end of the consideration of this item.)

169. Policies, Procedures and Practices for the Provision of Hackney Carriage/Private Hire Licences

Forward Plan Reference: Apr09/13 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report Z617 (previously circulated) which detailed the recommendations emanating from the meeting of the Licensing and Regulatory Committee on 9 March 2009.

On 9 March 2009 the Licensing and Regulatory Committee considered reports concerning policies, practices and procedures for the Provision of Hackney Carriage/Private Hire Vehicles. The Committee had received representations from representatives of the Bury St Edmunds Hackney Carriage Drivers Association. The Committee had considered it appropriate that any new applicant for Hackney Carriage/Private Hire Driver Licence should be required to provide evidence of satisfactory completion of a driving standards assessment. In addition, the Committee clarified issues surrounding the proposed changes to disciplinary scheme for Hackney Carriage/Private Hire Licence Holders.

The Cabinet considered the recommendations and concluded that although there were concerns raised by the taxi drivers, the proposals were all designed to safeguard the public which, as a Licensing Authority, must be one of the Council's primary aims.

RESOLVED:- That

(a) Proposed Introduction of Driver Assessment for applicants for a Hackney Carriage/Private Hire Drivers Licence

Any new applicant for a Hackney Carriage/Private Hire Driver Licence (including those who have previously held a licence, but allowed their licence to lapse for a period of more than one calendar month) shall be required to provide evidence of satisfactory completion of one of the following Driver Standards Assessments:-

- (a) a Driver Standards Agency (DSA) assessment for Hackney Carriage/Private Hire Drivers; or
- (b) the Institute of Advanced Motorists (IAM) test; or
- (c) Royal Society for the Prevention of Accidents (RoSPA) Advanced Driver test.

(b) Proposed Changes to Disciplinary Scheme for Hackney Carriage/Private Hire Licence Holders

The Council's Disciplinary Code for Hackney Carriage and Private Hire Vehicles, attached as Appendix A to Report Z576, amended that reference to 'Council appointed assessor' be replaced by 'Driver Standard Agency Assessment', be approved.

(c) Proposed Changes to Hackney Carriage/Private Hire Conditions, Policy and Guidance

- (1) Proposed changes to the Hackney Carriage/Private Hire Conditions, Policy and Guidance, attached as Appendices A, B, C and D to Report Z579, subject to the amendments arising from Reports Z575 and Z576, be adopted.



RECOMMENDED:-

That the Licensing Services Manager be granted delegated authority to amend the Guidance for Hackney Carriage and Private Hire Licence applicants only so far as to take account of any procedural changes or changes in legislation.

170. Suffolk Racial Harassment Initiative: Continuation of Funding

Forward Plan Reference: Apr09/16 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered a narrative item which sought approval for funding of the Racial Harassment Initiative for £3,500 per annum for a further three years.

In January 2006, the Cabinet agreed to a three year Service Level Agreement with the Suffolk Racial Harassment Initiative, led by Suffolk County Council. For the past three financial years, the Borough Council had contributed £3,500 a year towards the project from community safety budgets. The Racial Harassment Initiative had requested that the Borough Council commit to another three year Service Level Agreement.

It was considered that the Racial Harassment Initiative had been successful in St Edmundsbury by:-

- (1) providing case work support for people who suffered racial harassment in St Edmundsbury;
- (2) providing bespoke training and strategic support to the Council; and
- (3) delivering a number of education projects aimed at raising young people's awareness of race hate crime.

The Cabinet was provided with statistics which showed the number of incidents in St Edmundsbury supported by the Racial Harassment Initiative and these were as follows:-

2006/2007 – 36 incidents;
2007/2008 – 43 incidents; and
2008/2009 – 16 incidents (for six months only).

RESOLVED:-

That a three year Service Level Agreement with the Racial Harassment Initiative be developed and a commitment to fund £3,500 per year from the Community Safety Budget for 2009/2010 to 2011/2012 from existing budgets be approved.

171. Abbeycroft Leisure: Free Swimming Sessions and Other Issues

Forward Plan Reference: Apr09/18 Cabinet Member: Cllr Lynsey Alexander

(Councillor Clements, declared a prejudicial interest as the Borough Council representative on the Abbeycroft Leisure Board and left the meeting for the consideration of this item.)

The Cabinet considered a narrative item which sought approval for the Abbeycroft Leisure proposal to provide free swimming for the over 60s and the 16 and under age groups and that the Borough Council would underwrite the shortfall in funding in certain circumstances. The narrative item also sought approval for a further £15,000 to be allocated in respect of the purchase of fitness equipment for the Haverhill Leisure Centre.

On 17 April 2008 the Cabinet resolved to work with Abbeycroft Leisure to provide free swimming for people over 60, in accordance with the Department of Culture, Media and Sports (DCMS) National Free Swimming Scheme, which operated from two years from 1 April 2009. Cabinet also delegated responsibility to the Head of Leisure Services to work with Abbeycroft Leisure to develop a partnership to deliver the '16 and under' element of the DCMS Scheme, recognising that the DCMS funding for this element was estimated at being £40,000 below the cost of provision. Officers had worked with Abbeycroft Leisure to explore the provision of additional funding to support the scheme and this work was ongoing. Although there remained a shortfall in funding, Abbeycroft Leisure had indicated that it would support both elements of the National Free Swimming Scheme and cover any shortfall from its overall annual surplus, providing that the cost of free swimming did not reduce this surplus below £30,000. In the event of the annual surplus falling below £30,000 as a result of free swimming costs Abbeycroft Leisure had requested that the free swimming shortfall be reflected in the annual management fee settlement to guarantee that the surplus was at least that amount. Abbeycroft Leisure also required all funding associated with the scheme allocated to the Council to be transferred to it. Abbeycroft Leisure proposed to commence free swimming on 1 April 2009 in Bury St Edmunds and in Haverhill when the pool re-opened in July 2009.

The budget for the refurbishment of Haverhill Leisure Centre included a provision of £100,000 for the provision of fitness equipment for the new extended fitness suite. Abbeycroft Leisure had agreed to contribute a further £100,000 to ensure that the fitness suite was fully provided with the necessary equipment in order to maximise income from this important area of the centre. Although detailed plans of the layout and equipment provision in the fitness suite had been completed, it became apparent that there would be a VAT liability in respect of the Council's contribution. This loss of £15,000 would reduce the amount of equipment that could be provided, detrimentally affecting the layout of the new fitness suite and reducing its income generating capacity. It was proposed to provide a further £15,000 to Abbeycroft Leisure to meet this VAT shortfall and allow the completion of the fitness suite as planned. This additional contribution could be met from the existing capital allocation for the Haverhill Leisure Centre refurbishment.

RESOLVED:- That

- (1) Abbeycroft Leisure's proposal to provide free swimming for the over 60s and 16 and under age groups in accordance with the Department of Culture, Media and Sports national free swimming scheme be noted and that any shortfall arising from the free swimming scheme will be met from Abbeycroft Leisure's overall annual surplus, subject to the shortfall not reducing the Trust's overall surplus below £30,000;
- (2) funding associated with the scheme be transferred to Abbeycroft Leisure and in the event of the free swimming shortfall reducing Abbeycroft Leisure's annual surplus below £30,000 this be reflected in the annual management fee during the period of the free swimming scheme; and
- (3) a further £15,000 be allocated from the existing capital budget for Haverhill Leisure Centre refurbishment for the purchase by Abbeycroft Leisure of fitness equipment.

EXEMPT INFORMATION - EXCLUSION OF PUBLIC

RESOLVED:-

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 involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

172. Revenues Collection Performance

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

The Cabinet considered Report Z618 (previously circulated) which provided information on the collection of Council Tax and sought the approval for the write off of bad debts.

The Revenues 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 £1,500, or by the Cabinet for debts over £1,500. While noting the reasons for recommending the write offs, which were included in Exempt Appendix 1 of the report, the Cabinet also noted the high levels of revenue collection performance consistently achieved by the Authority.

RESOLVED:-

The write off of the amounts detailed in Exempt Appendix 1 to Report Z618 of 9 accounts for Council Tax totalling £11,624.71, be approved.

173. Industrial Portfolio: Tenancy Issues

Forward Plan Reference: Apr09/17 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered an exempt narrative item which sought approval to reschedule the rent payments of a commercial tenant.

The company had indicated that it was experiencing problems maintaining cash flow in the current economic climate. It was seeking to reduce its monthly cash flow requirement and had requested rescheduling of its rent for the period 1 April to 30 September 2009. This would not result in any loss of income to the Council.

Councillor Aitkens, Portfolio Holder for Economy and Asset Management, informed the Cabinet that since the narrative item had been compiled the independent assessment of the medium term viability of the business had been undertaken by a specialist within Menta and the outcome did not raise undue concerns. Also the Council had now received an assurance from the company's bankers that they continued to have confidence in the company and would maintain their credit facility for the same period as indicated for the rent rescheduling.

In response to a question, the Cabinet was advised that no other requests had been received to date for rent rescheduling.

RESOLVED:-

That the rescheduling of the commercial rent payment be approved.

174. Haverhill Community Football Project, Chalkstone Way, Haverhill

Forward Plan Reference: N/A Cabinet Member: Cllr Lynsey Alexander

(The Chairman agreed that this item could be considered as a matter of urgency, in accordance with S100B (4) of the Local Government Act 1972, in order that this matter could be resolved within the necessary timescale.)

The Cabinet considered an exempt report (tabled at the meeting) which sought approval for the officers to enter into post-tender negotiations in respect of the construction of the Community Football Project at Chalkstone Way, Haverhill.

The Contract Procedure Rules set out a negotiation procedure where the lowest tender exceeded the budget and in this case there were three contractors who met the criterion. As the tender did not provide for post tender negotiations, approval was sought from Cabinet to negotiate in accordance with the Contract Procedure Rules.

Six tenders had been received for the construction of the Community Football Project and, whilst competitively priced, the lowest tender was above the budget allocation. In order to bring the costs of the project within budget, officers proposed that the three lowest priced contractors be invited to present proposals on possible value engineering options. Once the options had been assessed the design team would amend the tender documents and invite those contractors to submit their amended tenders, which would then be accepted and evaluated in the normal way.

RESOLVED:- That

- (1) officers be authorised to enter into Post Tender Negotiations following suspension of Rule 6.1 of the Contract Procedure Rules, but complying in all other respects with paragraphs 6.8 to 6.14; and
- (2) subject to irrevocable confirmation that the Council is to receive a grant of £700,000 towards the project, and subject to that tender bringing the total costs of the project within budget, to authorise the Head of Legal and Democratic Services to accept the lowest tender.

175. West Suffolk Waste and Street Scene Services Joint Committee: 20 March 2009

Forward Plan Reference: Apr09/05 Cabinet Member: Cllr Peter Stevens

The Cabinet considered an Exempt Appendix A to Report Z614 (tabled at the meeting) which was a recommendation to and decision taken by the Joint Committee. This item was for information only and no decision was required by the Cabinet.

Councillor Stevens, Portfolio Holder for Environment and Street Scene and a Member of the Joint Committee, informed the Cabinet that the Joint Committee had been considering the Partnering Agreement and future progress. In view of the progress made to date and the need to meet the challenges faced by both authorities in respect of cost and public expectations it had been suggested that the best way forward would be to accelerate the process to reach a fully integrated approach to service development and delivery as soon as possible, but ideally by 1 April 2010. However, in order for this to be progressed it would be necessary for officers to identify a practical time line based on advice from Human Resources and other support services which could be brought to the next meeting of the Committee.

The meeting concluded at 6.57 pm

**J H M GRIFFITHS
CHAIRMAN**