

**ST EDMUNDSBURY BOROUGH COUNCIL**

**CABINET**

**Minutes of a meeting held on Wednesday 29 July 2009 at 4.30 pm  
in the Conference Room East (F1R10), West Suffolk House,  
Western Way, Bury St Edmunds**

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

BY INVITATION: Councillors Everitt (Chairman of the Bury St Edmunds Area Working Party), Mrs Gower, Houlder, Lockwood (Chairman of the Overview and Scrutiny Committee), Mrs Richardson, Rout (Chairman of the Sustainable Development Panel), Mrs Rushbrook and Thorndyke (Chairman of the Emergency Panel).

**26. Apologies for absence**

There were no apologies for absence.

**27. Minutes**

The minutes of the meeting held on 24 June 2009 were confirmed as a correct record and signed by the Chairman.

**28. Declarations of Interests**

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

**29. Report of the Overview and Scrutiny Committee: 8 July 2009**

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

The Cabinet received and noted Report A140 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 8 July 2009:-

- (1) Cabinet Forward Plan: July to October 2009;
- (2) Work Programme;
- (3) Affordable Housing; and
- (4) Children Act Update.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet.

**30. Report of the Overview and Scrutiny Committee: Councillor Call for Action – Stanton Grundle Flooding Remedial Action**

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

The Cabinet considered Report A141 (previously circulated) which sought approval for actions to address 'Stanton Grundle Flooding Remedial Action'.

Councillor Call for Action (CCfA) came into being on 1 April 2009 and was a mechanism by which any Member of the Council may refer to the Overview and Scrutiny Committee any local government matter or any crime and disorder matter which

affected their ward or division. Councillor Thorndyke, Ward Member for Stanton, submitted a CCfA entitled 'Stanton Grundle Flooding Remedial Action' for the consideration of the Committee. Following Councillor Thorndyke's presentation on the issue the Committee resolved to hold a hearing and this was held at the Committee's last meeting on 8 July 2009. A number of witnesses had either submitted written reports, made presentations or were questioned by the Committee. In addition members of the public who were present were able to contribute where it was felt appropriate. Following the Committee's deliberations it had made recommendations to the Cabinet.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He considered that this first CCfA could be considered a success, not only because of the Council's process and that the hearing was run along the lines of the agreed protocol, but also because it had led to some recommendations for real outcomes. He stated that due to the number of agencies involved, and that no one agency currently held any legal responsibility, it required one of the organisations to take ownership of the problem and lead discussions with partner organisations to secure a long term solution to this issue. The Borough Council officers had agreed to take the lead and progress investigations of any solution with partners.

Councillor Thorndyke, the initiator of this CCfA also considered that the CCfA hearing had been a success and also drew relevant issues to the attention of the Cabinet.

The Cabinet recognised that there needed to be a lead organisation to ensure that all partner organisations worked together, but considered that the Borough Council should not necessarily be the funder of the remedial works.

RESOLVED:- That

- (1) Detailed assessment, including catchment flow study to confirm the adequacy of the underground pipework, and design of the preferred option, of replacement of the current three vertical screens along the length of the Grundle with a single grill at a location to be determined, taking account of a bridleway and footpath, be undertaken by the Council in consultation with relevant partners;
- (2) agreement to a proposed solution by all agencies involved be sought;
- (3) capital and revenue funding for the works be investigated, together with identification of ongoing maintenance responsibilities and the necessary funding;
- (4) Suffolk County Council be requested to carry out more frequent clearing and jetting of the gulleys and culvert; and
- (5) an update on progress on the above be reported to the next meeting of the Overview and Scrutiny Committee on 9 September 2009, together with details of Suffolk County Council's existing Planned Drainage Maintenance Programme.

*(Councillors Houlder and Mrs Mildmay-White arrived during the consideration of this item.)*

**31. Report of the Performance and Audit Scrutiny Committee: 27 July 2009**  
*Forward Plan Reference: N/A Cabinet Members: All Portfolio Holders*

The Cabinet received and noted Report A142 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 27 July 2009:-

- (1) Key Performance Indicators: First Quarter 2009/2010;
- (2) Audit Commission: Presentation of Annual Audit Fee Letter 2009/2010
- (3) Review of the Effectiveness of the System of Internal Audit;
- (4) Capital Programme Audited Accounts;
- (5) Budget Monitoring Report: 1 April to 30 June 2009; and
- (6) Corporate Risk Register: Quarterly Monitoring Report.

The Scrutiny Manager drew relevant issues to the attention of the Cabinet. She emphasised that the Committee had questioned the District Auditor to justify various elements of the audit fee.

**32. Report of the Performance and Audit Scrutiny Committee: Annual Governance Statement**

*Forward Plan Reference: Aug09/01 Cabinet Member: Cllr David Ray*

The Cabinet considered Report A143 (previously circulated) which sought approval for the Annual Governance Statement for 2008/2009 and for it to be published with the Council's accounts.

The Council was required to produce and publish an Annual Governance Statement (AGS), to be approved by Cabinet and signed by the Leader of the Council and the Chief Executive Officer. The AGS for 2008/2009 covered the Council's responsibilities in terms of the governance framework, St Edmundsbury's governance environment in relation to the six laid down corporate governance principles, the effectiveness of St Edmundsbury's arrangements and proposed actions to address any significant areas of weakness.

The Scrutiny Manager drew relevant issues to the attention of the Cabinet. She emphasised that the Committee had scrutinised the report in detail, with particular emphasis on the areas for improvement and the significant governance issue set out in Section 5 of the draft AGS. The Committee had confirmed that the report and appendices fairly reflected the corporate governance arrangements in place at the Council.

RESOLVED:- That

- (1) The draft Annual Governance Statement for 2008/2009, as set out in Appendix 1 to Report A125, be approved and issued with the Council's published accounts;
- (2) the process used to compile the Annual Governance Statement and review of internal controls be endorsed for application in future years; and
- (3) the internal control assessment and proposed additional areas for improvement (Assurance Framework and related Action Plan) at Appendices 2 and 3 of Report A125 be approved.

**33. Report of the Performance and Audit Scrutiny Committee: Anti-Fraud and Anti-Corruption Strategy**

*Forward Plan Reference: N/A Cabinet Member: Cllr David Ray*

The Cabinet considered Report A144 (previously circulated) which sought approval for the revised Anti-Fraud and Anti-Corruption Strategy.

The Council adopted an Anti-Fraud and Anti-Corruption Strategy in April 1998. In accordance with the provisions of the Strategy there was a requirement to review and update the document on a periodic basis. The Strategy had been subject to recent review and an amended version was considered by the Committee. Amendments had been made to ensure that the Strategy met current best practice.

The Scrutiny Manager drew relevant issues to the attention of the Cabinet. She stated that the Committee had discussed various areas of the revised Strategy, including levels of benefit fraud and the forthcoming staff restructure.



***RECOMMENDED:- That the revised Anti-Fraud and Anti-Corruption Strategy, as set out in Appendix 1 of Report A126, be approved.***

**34. Treasury Management: Annual Report 2008/2009 and Investment Activity 1 April to 30 June 2009**

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

The Cabinet received and noted Report A145 (previously circulated) which provided information on the operation of the Treasury Management function for the 2008/2009 financial year and for the period 1 April to 30 June 2009.

The budgeted income from investments in 2008/2009 was £2.102m, equivalent to £55.92 for each Council Tax band D property. As at 31 March 2009, interest earned amounted to £3.085m, a surplus for the year of £0.983m. This represented an average rate of return on investments for the year of 5.14% compared to a budgeted rate of return of 4.75%. The reasons for the surplus over budget included achieving a higher average rate of interest than anticipated and slippage in the capital programme.

For 2009/2010, the Council was obviously not immune from the impact of the recent collapse in interest rates and investment returns. The 2009/2010 budgets were based on a target rate of return during the year, of 2.20% producing an estimated level of investment income of £0.751m. Investment income for the first quarter of the 2009/2010 financial year, 1 April to 30 June, totalled £0.339m against a profiled budget for the period of £0.220m, representing a budget surplus of £0.119m.

The Council's Annual Treasury Management and Investment Strategy 2009/2010, approved by Council on 24 February 2009, set out minimum credit worthiness criteria for the use of formally rated banks and non-rated building societies. These criteria had been reviewed to take on board the unprecedented nature of the current banking crisis. Further enhancements had been made, particularly in respect of non-rated building societies, with a view to providing further investment security and increasing the spread of investments. Details of action taken to date were included within this report.

Councillor Farmer, Portfolio Holder for Resources and Efficiency, drew relevant issues to the attention of the Cabinet. In particular he informed the Cabinet of the results of the work undertaken in consultation with the Council's advisers, Sector, to develop additional measures to limit the potential risks associated with the use of non-rated building societies.

**35. Budget Monitoring Report 2009/2010: To 30 June 2009**

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

The Cabinet received and noted Report A146 (previously circulated) which was the Budget Monitoring Report for the period ended 30 June 2009.

The General Fund Budget Monitoring Report showed an estimated underspend of £230,000 and Appendix A to the report provided an explanation of budget variances over £10,000. Appendix B was the Capital Budget Monitoring Report, which showed net capital expenditure of £1.535 million compared to a full year capital budget of £17.747 million. As in previous reports, the capital underspend was partly due to slippage in the capital programme, but also due to the fact that many of the budgets were not profiled, and a number of the projects were due to commence later in the financial year.

Councillor Farmer, Portfolio Holder for Resources and Efficiency, drew relevant issues to the attention of the Cabinet, especially some items in Appendix A, explanations of budget variances over £10,000. He emphasised the importance of closely monitoring all budget headings throughout the financial year.

**36. Asset Management Plan: Operational Efficiency Programme and New National Asset Management Guidance**

*Forward Plan Reference: Aug09/11 Cabinet Member: Cllr Nigel Aitkens*

The Cabinet considered Report A147 (previously circulated) which sought approval for the adoption of the Operational Efficiency Programme (OEP) national savings target of 20% of asset sales and also changes to the corporate asset management processes where applicable.

Three important documents relating to asset management had recently been published:-

- (1) the Government's Operational Efficiency Programme (OEP) Final Report, May 2009;
- (2) the Audit Commission's 'Room for Improvement – Strategic Asset Management in Local Government – National Report', June 2009; and
- (3) the Royal Institution of Chartered Surveyors (RICS) 'Local Authority Asset Management Best Practice', June 2009.

All three documents had relevance for the Council in delivering effective asset management and the efficient use of corporate property resources.

The five 'key areas of public spend' of OEP and the findings of the Audit Commission research were described and recommendations from both reports were outlined. The seven leaflets making up the RICS Best practice were summarised. The implications for the Council in adopting these recommendations, where they were not already part of corporate asset management, were considered in relation to asset management delivery for the Council.

Councillor Aitkens, Portfolio Holder for Economy and Asset Management, drew relevant issues to the attention of Cabinet. He explained that to meet the national target of capital sales 2009/2010 to 2018/2019 the Council would need to identify a further £4 million of assets. This would need to be achieved through the Asset Management Process reviews of both the operational buildings and the commercial portfolio. This was in addition to the £15.4 million of assets identified in the disposal programme for 2009/2010 to 2012/2013, which had recently been approved by the Cabinet. To meet the national target of revenue savings of 20% by 2019, the Council would need to calculate the amount of property running costs saved through the sale of

surplus property as well as revenue savings through more efficient use of buildings through effective procurement by sharing, by encouraging flexible working practises and using less energy by increasing sustainability standards of buildings. He emphasised the importance of recording performance at West Suffolk House.

RESOLVED:- That

- (1) The Operational Efficiency Programme national savings target of 20% asset sales over 10 years be adopted by the Council;
- (2) the findings and recommendations of the Operational Efficiency Programme five key areas for asset management delivery be noted and adopted where they are not already part of corporate asset management;
- (3) the findings and recommendations of the Audit Commission report for asset management delivery be noted and adopted where they are not already part of corporate asset management;
- (4) the Royal Institution of Chartered Surveyors Best Practice leaflets be noted and applied where they are not already part of corporate asset management; and
- (5) appropriate changes be made to the adopted Corporate Asset Management Plan and Capital Management Strategy 2008-25.

**37. Joint Staff Consultative Panel: 13 July 2009**

*Forward Plan Reference: Aug09/09 Cabinet Member: Cllr David Ray*

The Cabinet considered Report A148 (previously circulated) which contained recommendations emanating from the meeting of the Joint Staff Consultative Panel on 13 July 2009.

The Report made recommendations in respect of:-

- (1) Joint Staff Consultative Panel: Constitution;
- (2) Policy on the Recruitment of Ex-Offenders and Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information; and
- (3) Policy on Psychometric Testing.

Councillor Ray, Portfolio Holder for Performance and Organisational Development, drew relevant issues to the attention of the Cabinet. He explained that the recommendation in respect of the constitution of the Joint Staff Consultative Panel did not require a decision but was only for noting.

RESOLVED:- That

**(a) Policy on the Recruitment of Ex-Offenders**

Subject to the following amendments, the Policy on the Recruitment of Ex-Offenders, as contained in Appendix A to Report A95 (Amended), be approved:-

- (1) Paragraph 1.1, be amended to read '*.....treat all applicants fairly and not to discriminate against any subject of a*

*Disclosure solely on the basis of conviction or other information revealed; and*

- (2) Paragraph 6.1, be amended to read *'A disclosure is only requested after a thorough risk assessment (see Appendix 1) has indicated that one is relevant to the position,.....'*

**(b) Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information**

Subject to the following amendments, the Policy on Secure Storage, Handling, Use, Retention and Disposal of Disclosure Information, as contained in Appendix B to Report A95 (Amended), be approved:-

- (1) Paragraph 1.1, be amended to read, *'.....treat all applicants fairly and not to discriminate against any subject of a Disclosure solely on the basis of conviction or other information revealed;*
- (2) Paragraph 4.2, reference to *'Unison'*, be replaced with *'the Unions'*;
- (3) Paragraph 7.5, reference to *'is shredding'* be replaced with *'will be shredded'*; and
- (4) Paragraph 7.5, reference to, *'We may keep a record of the date of the issue of a Disclosure ....'* be replaced with, *'We will keep a record of the date of the issue of a Disclosure.....'*

**(c) Policy on Psychometric Testing**

The Policy on Psychometric Testing, as contained in Appendix A to Report A96, be approved.

**38. Boundary Committee Review of Suffolk: Judicial Review**

*Forward Plan Reference: Aug09/03 Cabinet Member: Cllr John Griffiths*

The Cabinet considered a narrative item which sought approval for the Head of Legal and Democratic Services to instruct a barrister and, jointly with other Councils to resist an appeal from the Boundary Committee and that a further specific reserve of £50,000 be created to cover the costs associated with the appeal.

On 31 March 2009, full Council granted authority for the commencement of Judicial Review proceedings regarding the Local Government Review of Suffolk. On 10 July 2009 Mr Justice Foskett handed down a decision which quashed the Boundary Committee's draft recommendations issued in March 2009. Costs were awarded in favour of the councils and a copy of the Judge's ruling on relief was previously circulated as Paper A149. The Boundary Committee had obtained leave to appeal and an appeal was expected. Given the unequivocal tone of the judgement in favour of the three partner councils it was considered appropriate to contest any appeal, subject to the barrister advising that there was merit in this course of action. It was necessary to make financial provision for the additional expense which may be incurred if the appeal succeeded, in which case the councils may have to pay the 'other side's' costs, as well as their own, for the whole Judicial Review process.

Councillor Griffiths, the Leader of the Council, drew relevant issues to the attention of the Cabinet. He considered the Council's stance had been vindicated by the judgement and, considering this firm backing from the High Court, it was important that a decision was reached to carry on and contest any appeal. There was a consensus that the Council's position had been vindicated by the judgement and that the Council should contest any appeal and make appropriate financial provision.



**RECOMMENDED:- That,**

- (1) delegated authority be granted to the Head of Legal and Democratic Services, following advice from counsel and after consultation with the Leader of the Council and Chief Executive, to instruct a barrister and, jointly with other councils, resist the appeal and take any other further legal action arising in connection with the existing Judicial Review; and**
- (2) a further specific reserve of up to £50,000, additional to the existing reserve created for the purposes of the Judicial Review, be created to cover the costs associated with the appeal.**

*(Councillors Mrs Richardson and Mrs Rushbrook arrived during the consideration of this item.)*

### **39. Exemption to Contract Procedure Rules**

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

The Cabinet received and noted a narrative item which informed of three cases where exemption from the Contract Procedure Rules, contained within Part 4 of the Council's Constitution, had been authorised by a member of the Management Team.

The Contract Procedure Rules, contained within Part 4 of the Council's Constitution, allowed for exemption to be authorised by a member of the Management Team where they were satisfied that the exemption was justified:-

- (i) in an emergency, for example a building damaged in a fire that needed to be made safe;
- (ii) in a case of urgency where following the rules would result in an unreasonable delay; or
- (iii) in requiring the provision of goods, services or works of a specialist nature.

A record of any exemption made by a member of the Management Team needed to be forwarded to the Head of Legal and Democratic Services and reported to the next meeting of the Cabinet and recorded in the minutes.

The narrative item provided information in respect of:-

- (1) the replacement of two precinct sweepers;
- (2) the replacement of a skip truck; and
- (3) LALPAC software.

The Cabinet wished that when a similar item was presented in the future that an indication of the monetary value involved was included within the narrative item.



#### **40. Public Venue Working Party: 15 July 2009**

*Forward Plan Reference: Aug09/10 Cabinet Member: Lynsey Alexander*

The Cabinet considered Report A150 (previously circulated) which contained a recommendation emanating from the meeting of the Public Venue Working Party held on 15 July 2009 on the name of the new public building (Venue) in the arc development, Bury St Edmunds.

On 15 July 2009 the Public Venue Working Party considered the following items:-

- (1) Public Building (Venue): Naming;
- (2) Appointment of the Public Building (Venue) Director;
- (3) Communication Plan;
- (4) Project Status Report: Construction; and
- (5) Project Status Report: Operational.

The Working Party had recommended that the new public building (Venue) in the arc development, Bury St Edmunds be named The Apex. Attached as Appendix A to Report A150 was a report detailing the processes involved with identifying an appropriate name for the Venue and also attached was a copy of the report from Poulsen Selleck, specialists engaged by the Council to advise on the identification of an appropriate name.

Councillor Mrs Alexander, Portfolio Holder for Culture and Sport, reminded the Cabinet of the process involved with the identification of a suitable name for the public building (Venue) and the reasons for appointing specialists to help with this work. She also reminded the Cabinet that the specialist's remit was much broader than the identification of a suitable name.

Councillor Mrs Mildmay-White, Chairman of the Public Venue Working Party, also endorsed the process that had been undertaken and recommended The Apex as the name for the venue. She emphasised that this name was going to place the venue in a local, regional and national marketplace.

The Cabinet also recognised that the name of the venue was important but that the appointment of the Venues Director was even more important to ensure the successful operation of this new facility.



***RECOMMENDED:- That the new public building (Venue) in the arc development, Bury St Edmunds, be named The Apex.***

#### **41. Emergency Panel: 21 July 2009**

*Forward Plan Reference: Aug09/07 Cabinet Member: Cllr Sara Mildmay-White*

The Cabinet considered Report A151 (previously circulated) containing the recommendations emanating from the meeting of the Emergency Panel held on 21 July 2009.

On 21 July 2009 the Emergency Panel considered the following items:-

- (1) Policy on the Issue of Sandbags in a Flood Event;
- (2) Joint Emergency Planning Unit; End of Year Report 2008/2009;
- (3) Major Incident and Emergency Response Plan: Status Report;
- (4) Community Preparedness;
- (5) West Suffolk Joint Emergency Planning Training Programme: 2009/2010; and
- (6) Business Continuity Update and Swine Flu Update.

Councillor Thorndyke, Chairman of the Emergency Panel, drew relevant issues to the attention of the Cabinet, especially issues associated with the use of sandbags in the event of flooding.

RESOLVED:- That

**(1) Community Preparedness**

The details of the status of individual parishes with regard to emergency preparedness, as detailed in Appendix A to Report A113, be approved for publication on the Community Preparedness web pages.

**(2) West Suffolk Joint Emergency Planning Training Programme 2009/2010**

The 2009/2010 West Suffolk Joint Emergency Training Programme, detailed in Appendix A to Report A114, be approved.

**42. Sustainable Development Panel: 22 July 2009**

*Forward Plan Reference: Aug09/06 Cabinet Members: Cllrs Terry Clements and Peter Stevens*

*(Councillor Farmer declared a prejudicial interest in respect of the St Edmundsbury Local Development Framework: Core Submission Document because he lived in close proximity to one of the development sites and left the meeting for the consideration of this item.)*

The Cabinet considered Report A152 (previously circulated) containing the recommendations emanating from the meeting of the Sustainable Development Panel held on 22 July 2009.

On 22 July 2009 the Sustainable Development Panel considered the following:-

- (1) Draft Flood and Water Management Bill: Possible Impact and Consultation Response for St Edmundsbury;
- (2) Replacement St Edmundsbury Borough Local Plan 2016: Development Brief for Land between Uphorpe Road and Hepworth Road, Stanton;
- (3) St Edmundsbury Local Development Framework - Core Strategy Submission Document;
- (4) St Edmundsbury Local Development Framework: Development Management Development Plan Document;
- (5) St Edmundsbury Local Development Framework: Site Allocations Issues and Options: Additional Sites Consultation Document; and
- (6) St Edmundsbury Local Development Framework: Strategic Housing Land Availability Assessment (SHLAA) 2009.

Councillor Rout, Chairman of the Sustainable Development Panel, drew relevant issues to the attention of the Cabinet. He informed the meeting that the first recommendation in connection with Draft Flood and Water Management Bill: Possible Impact and Consultation Response for St Edmundsbury was not required and was for noting only because the consultation response had to be returned by 24 July 2009. He then informed the Cabinet that the St Edmundsbury Local Development Framework: Core Strategy Submission Document item, once approved, was to be the subject of consultation between August and October 2009, which represented the final opportunity

to comment on the document before it was submitted to the Secretary of State for approval. He wished to place on record his thanks to all those staff involved with the substantial amount of work involved with the preparation of the documentation for the Local Development Framework that had already been completed and that would be required before final approval.

Councillor Clements, Portfolio Holder for Transport and Planning, also wished to place on record his thanks for the work undertaken by all staff involved with this substantial exercise. He then proposed an amendment to the recommendation concerning the Core Strategy Submission Document which was associated with the Breckland Special Protection Area.



**RECOMMENDED:- That,**

- (a) Replacement St Edmundsbury Borough Local Plan 2016: Development Brief for land between Uphorpe Road and Hepworth Road, Stanton**

***The Design Brief for the development of land between Uphorpe Road and Hepworth Road, Stanton be adopted as non-statutory planning guidance for the determination of future planning applications.***

- (b) St Edmundsbury Local Development Framework: Core Strategy Submission Document**

- (1) the Core Strategy Submission Document and Sustainability Appraisal and Habitat Regulations Assessment Screening, as amended to include:-**

- (a) reference to accommodating, where appropriate, sites for gypsies and travellers in strategic directions of growth; and**
- (b) Insert in Policy CS2 E) after "A network of designated sites", including the Breckland Special Protection Area (SPA)\***

**INSERT AT THE END OF THE POLICY**

***\* Only development that will not adversely affect the integrity of the SPA will be permitted. In applying this policy a buffer zone has been defined that extends 1,500m from the edge of those parts of the SPA that support or are capable of supporting stone curlews, within which:-***

- a) Permission may be granted for the re-use of existing buildings and for development which will be completely masked from the SPA by existing development; alternatively**

- b) Permission may be granted for other development not mentioned in subparagraph (a) provided it is demonstrated by an appropriate assessment that the development will not adversely affect the integrity of the SPA.*

*be recommended for approval as emerging Council Policy and for public consultation; and*

- (2) any minor typographical, factual and grammatical changes to the final document be agreed by the Head of Planning and Engineering in consultation with the Portfolio Holder for Transport and Planning.*

RESOLVED:- That

**(a) St Edmundsbury Local Development Framework: Development Management Development Plan Document**

- (1) The Development Management Development Plan Document and related Sustainability Appraisal be approved for public consultation; and
- (2) any minor typographical, factual and grammatical changes to the final document be agreed by the Head of Planning and Engineering in consultation with the Portfolio Holder for Transport and Planning.

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

- (1) The site Allocations Issues and Options: Additional Sites Consultation Document, as attached as Appendix A to Report A119, be approved for public consultation; and
- (2) any minor typographical, factual and grammatical changes to the final document be agreed by the Head of Planning and Engineering in consultation with the Portfolio Holder for Transport and Planning.

**(c) St Edmundsbury Local Development Framework: Strategic Housing Land Availability Assessment (SHLAA) 2009**

- (1) The St Edmundsbury Strategic Housing Land Availability Assessment 2009 be approved for publication as part of the evidence base for the St Edmundsbury Local Development Framework; and
- (2) any minor typographical, factual and grammatical changes to the final document be agreed by the Head of Planning and Engineering in consultation with the Portfolio Holder for Transport and Planning.

**43. Bury St Edmunds Area Working Party: 20 July 2009**

*Forward Plan Reference: Aug09/04 Cabinet Member: Cllr Sara Mildmay-White*

The Cabinet considered Report A153 (previously circulated) containing the recommendations emanating from the meeting of the Bury St Edmunds Area Working Party held on 20 July 2009.

On 20 July 2009 the Area Working Party considered the following items:-

- (1) Engineering Services Work Programme;
- (2) Bury St Edmunds, Victoria Street: Conservation Area Appraisal and Management Plan;
- (3) Bury St Edmunds Town Centre Management Proposed Business Improvement District (BID); and
- (4) Town Centre Lettings Update.

Councillor Everitt, Chairman of the Bury St Edmunds Area Working Party, drew relevant issues to the attention of the Cabinet. He particularly mentioned the design and funding of the Nelson Road gates and commended the Bury St Edmunds Victoria Street Conservation Area Appraisal and Management Plan.

Councillor Aitkens, Portfolio Holder for Economy and Asset Management, informed the Cabinet that Bury St Edmunds Town Centre Management was proposing to become a Business Improvement District (BID). BID was an established national initiative whereby local businesses/stakeholders within a defined area voted upon whether they wished to contribute an additional element of their business rates towards their own defined priorities. The Borough Council had a responsibility to provide some legal and information support to the BID process, in addition to being responsible for organising the BID ballot and acting as the billing authority should the BID be successful.

RESOLVED:- That

**(a) Gates: Nelson Road, Bury St Edmunds**

the design and funding of new gates in Nelson Road, Bury St Edmunds, as detailed in Section 4 and Appendix B of Report A107, be approved.

**(b) Bury St Edmunds Victoria Street: Conservation Area Appraisal and Management Plan**

the revised Bury St Edmunds Victoria Street Conservation Area Appraisal and Management Plan, attached as Appendix B to Report A108, be adopted as planning guidance.

**(c) Bury St Edmunds Town Centre Management Proposed Business Improvement District (BID)**

- (1) the Borough Council supports the Business Improvement District (BID) process, subject to further discussions regarding the financial implications for the Borough Council; and
- (2) the Corporate Director for Economy and Environment be authorised to spend up to £5,000 from LABGI funds.

#### **44. Haverhill Area Working Party: 23 July 2009**

*Forward Plan Reference: Aug09/05 Cabinet Member: Cllr Nigel Aitkens*

The Cabinet considered Report A154 (previously circulated) containing the recommendations emanating from the meeting of the Haverhill Area Working Party held on 23 July 2009.

On 23 July 2009 the Area Working Party considered the following items:-

- (1) Terms of Reference;
- (2) Haverhill Locality Project;
- (3) PATCH (Public Art in the Town Centre of Haverhill): Presentation;
- (4) Friday Market Expansion into the High Street, Haverhill;
- (5) Town Centre Management: Planned Activities to March 2010;
- (6) Queen Street Enhancement Scheme;
- (7) Haverhill Range of Bespoke Street Furniture: Raised Planter for Trees and Shrubs;
- (8) Haverhill Leisure Centre Refurbishment;
- (9) Queen Street Shop Front Grant Scheme: Launch;
- (10) Haverhill Bus Station Refurbishment; and
- (11) Haverhill Community Football Project.

Councillor Mrs Richardson, a member of the Working Group looking at Public Art in the Town Centre of Haverhill (PATCH), informed the Cabinet of the considerable amount of work undertaken by students and teachers at the two upper schools in Haverhill in the design of the gates, sculptured figures and planters to be located in Queen Street, Haverhill. Their designs for the gates included a crown, flagpoles and the short leaved lime, which was indigenous to this part of Suffolk. The students had also designed sculptures of local people based on photographs taken by a local market trader. The design for the planters incorporated the Queen Street motif.

RESOLVED:- That

**(1) Public Art in the Town Centre of Haverhill (PATCH): Presentation**

Subject to ascertaining the feasibility of engineering the designs for public artwork in Queen Street, Haverhill, the following design option be approved:-

- (1) larger gates incorporating the Lime Leaf design and manufactured from aluminium and stainless steel for installation at the Lower Downs Slade end of Queen Street;
- (2) smaller gates, also incorporating the Lime Leaf design and manufactured from aluminium and stainless steel for installation at the High Street end of Queen Street;
- (3) sculptured figures be positioned in specific locations in Queen Street, with the option to relocate them to other designated sites in Haverhill; and
- (4) planters reflecting the above aluminium and stainless steel design feature also be incorporated into Queen Street.

**(2) Friday Market Expansion into the High Street, Haverhill**

The proposal to expand the Friday market to the High Street, Haverhill, be approved in principle, subject to the following:-

- (1) the officers undertake consultations, detailed in paragraph 5.1 of Report A133, and following the outcome of the consultation a further report be brought back to the Haverhill Area Working Party before the proposal proceeds;
- (2) Suffolk County Council (SCC) be approached to undertake necessary amendments to the current Traffic Regulation Order (TRO) applicable to the High Street as part of its current consultations on changes to traffic restrictions in the town centre, as detailed in 3.2 of Report A133; and
- (3)
  - (a) engineering works be undertaken to make the necessary alterations to the entrance to the Town Hall car park from Quakers Lane; and
  - (b) should there be a delay in receiving funding from SCC in respect of funding the engineering works estimated at approximately £4,000, the works be funded from the Haverhill Masterplan (revenue) Reserve Fund.

**(3) Haverhill Town Centre Management: Planned Activities to March 2010**

The Haverhill Town Centre Management Work Programme for 2009/2010, as detailed in Report A134, be approved including the following five priority areas identified by the Town Centre Manager:-

- (1) regularly liaising with businesses located in Haverhill Town Centre;
- (2) supporting the launch and progress of the Queen Street Shop Front Grant Scheme;
- (3) promoting the new 89A Bus Service which will provide direct access between Haverhill and the villages of Great Yeldham via Birdbrook and Ridgewell;
- (4) promoting the retail, leisure amenities and events in and around Haverhill through the *'Winter in West Suffolk 2009'* brochure; and
- (5) promoting Queen Street following its enhancements.

**(4) Queen Street Enhancement Scheme: Proposed Commemorative Plaque**

The design, materials and costs proposed for the installation of two plaques to commemorate the completion of the Queen Street Enhancement Scheme, as detailed in Section 2 of Report A136, be approved.

**(5) Haverhill Range of Bespoke Street Furniture: Raised Planter for Trees and Shrubs**

The design for a raised planter for trees and shrubs, with the option to incorporate a 'perch' seating element, where appropriate, as detailed in Section 3.2 of Report A137, be approved as an addition to the 'Haverhill Range' of bespoke street furniture.

**45. Staff and Management Restructure: Report of the Chief Executive Officer**

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

*(Councillor Farmer declared a personal interest as a Member of Suffolk County Council and remained in the meeting for the consideration of this item.)*

The Cabinet considered Report A155 (previously circulated) which sought support for the proposals to move senior staff within the Borough Council, assign new duties and the new staffing structure of the organisation.

The Corporate Director for Community had been promoted to the post of Chief Executive Officer for Tewkesbury Borough Council. This promotion provided the opportunity to review the current senior management arrangements of the authority and to make some adjustments. These proposals were considered to be a 'tweaking' of the organisation rather than a wholesale re-organisation and it was felt that this was the right approach, given the current position in relation to the Local Government Review and inter-area/inter-authority working.

The Chief Executive drew relevant issues to the attention of the Cabinet. The Cabinet recognised that this was an opportune time to review the current structure and responsibilities.

RESOLVED:- That

- (1) proposals contained within Report A155 to move senior staff within the organisation and assign new duties as described be supported; and
- (2) the structure of Appendix 1 to Report A155 be endorsed.

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**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 paragraphs 1, 2 & 3 of Part 1 of Schedule 12(A) of the Act.

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**46. Acquisition of Land: Use of Compulsory Purchase Powers**

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

The Cabinet considered Exempt Report A157 which sought approval for the Corporate Property Officer to negotiate with a view to agreeing a purchase by private treaty and to seek authority for the use by the Council of its Compulsory Purchase making powers if required.



**RECOMMENDED:- That,**

- (1) the Corporate Property Officer be authorised to negotiate with a view to agreeing a purchase by private treaty;**
- (2) the use by the Council of its compulsory purchase order making powers pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of the land shown outlined in orange on the plan attached to Report A157 and the other land referred to in the report ("the CPO") be authorised; and**
- (3) the Head of Legal and Democratic Services be authorised to:-**
  - (a) serve requests for information (pursuant either to the Local Government (Miscellaneous Provisions) Act 1976 or the Town and Country Planning Act 1990) about the ownership or interests affecting the land for the purposes of promoting the CPO;**
  - (b) take all necessary steps to secure the making and confirmation of the CPO including the publication and service of all notices and the presentation of the Council's case at any public inquiry following the making of the CPO; and**
  - (c) enter into agreements with landowners setting out the terms for withdrawal of objections to the CPO, including, where appropriate, seeking exclusion of land or new rights from the CPO and/or making arrangements for the relocation of occupiers.**

The meeting concluded at 6.21 pm

**J H M GRIFFITHS  
CHAIRMAN**