

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 16 September 2009 at 5.00 pm
in the Conference Room West (F1R09), 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), Houlder (Chairman of the Policy Development
Committee), Lockwood (Chairman of the Overview and Scrutiny
Committee), Spicer and Thorndyke.

47. Apologies for absence

There were no apologies for absence.

48. Minutes

The minutes of the meeting held on 29 July 2009 were confirmed as a correct record and signed by the Chairman.

49. Declarations of Interests

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

50. Report of the Policy Development Committee: 2 September 2009

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

The Cabinet received and noted Report A210 (previously circulated) which informed the Cabinet of the following items discussed by the Policy Development Committee on 8 July 2009:-

- (1) Presentation from Suffolk Development Agency;
- (2) Cabinet Forward Plan: September to December 2009;
- (3) Work Programme; and
- (4) Delivering a Sustainable Budget 2010/2011.

Councillor Houlder, Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet. He stated that the presentations received from representatives of Choose Suffolk had been interesting, informative and relevant to the forthcoming work of the Committee on the creation of a Recession Action Plan.

Councillor Farmer, Portfolio Holder for Finance and Resources, informed the Cabinet that the Committee had considered a report on 'Delivering a Sustainable Budget 2010/2011' and had endorsed 'bankable savings' of £1.229m.

51. Report of the Policy Development Committee: Empty Homes and Wasted Space Strategy 2009/2010

Forward Plan Reference: Sep09/09 Cabinet Member: Cllr Sara

Mildmay-White

The Cabinet considered Report A211 (previously circulated) which sought adoption for the revised Empty Homes and Wasted Space Strategy 2009-2011 and approval for the allocation of funds in support of the Strategy.

Local authorities were required to adopt measures to bring privately owned empty homes back into use as part of their strategic housing approach. The Committee had considered a revised Empty Homes and Wasted Space Strategy to replace the 2005-2009 Strategy. The revised Strategy had been subject to internal and external consultation and comments received had been incorporated into the document considered by the Committee. An action plan was also included, reflecting the aims and objectives of the Strategy.

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

Councillor Mrs Mildmay-White, Portfolio Holder for Community, commended the work of the Committee and the revised Strategy. She considered that this Strategy should assist in bringing back empty homes into use. She proposed a further amendment to the recommendations regarding the determination of the criteria for the Empty Homes Grant Scheme.



RECOMMENDED:- That

- (1) the Empty Homes and Wasted Space Strategy 2009-2011, as set out in Report A170, be adopted;***
- (2) the sum of £75,000 be set aside from the affordable housing capital allocation for empty homes grants to private owners; and***
- (3) delegated authority be given to the Corporate Director for Community, in consultation with the Portfolio Holder for Community, to agree the criteria for the Empty Homes Grant Scheme.***

52. Report of the Overview and Scrutiny Committee: 9 September 2009

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

The Cabinet received and noted Report A212 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 9 September 2009:-

- (1) Update on Councillor Call for Action considered on 8 July 2009 Stanton Grundle Flooding Remedial Action;
- (2) Cabinet Forward Plan: September to December 2009;
- (3) Work Programme;

- (4) Annual Report on the Impact of the West Suffolk Local Strategic Partnership and Community Strategy; and
- (5) Police and Justice Act 2006 – Implications for Overview and Scrutiny.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He provided an update on the Councillor Call for Action regarding the Stanton Grundle Flooding Remedial Action. He stated that consultants had been approached for quotations to carry out a catchment study and that the Council may be able to access funding for the remedial works under new legislation. A water jetting company had been instructed to clear deposits in the pipe following a survey.

Councillor Thorndyke, who had instigated the Councillor Call for Action, also provided further information to the Cabinet. He stated that meetings continue to take place but progress was being made.

53. Police and Justice Act 2006: Implications for Overview and Scrutiny

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

The Cabinet considered Report A213 (previously circulated) which sought endorsement of changes to the Council's Constitution to take account of the requirements of the Police and Justice Act 2006.

The Police and Justice Act 2006 provided that each local authority must designate a 'Crime and Disorder Committee' to deal with crime and disorder scrutiny. It further specified that the terms of reference of that Committee would be to scrutinise the work of the Community Safety Partnership (CSP) and deal with Councillor Calls for Action for crime and disorder issues.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He stated that the Committee had taken the opportunity to explore a number of other issues which may become relevant under this Act, including enhancing the scrutiny of crime and disorder issues which currently took place, working with partners and other Suffolk Councils to carry out joint scrutiny and avoid duplication, and investigating training requirements for Members. The Committee would also work on creating a local protocol, setting out such issues as timescales for partners to respond to requests to provide information or to attend a meeting.

Councillor Mrs Mildmay-White, Portfolio Holder for Community, considered that it was imperative for the Council to work in partnership with local authorities on this issue and with Forest Heath District Council in particular. She proposed an amendment to the recommendations that the Council work collaboratively with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function.



RECOMMENDED:-

That the terms of reference for the Overview and Scrutiny Committee, as set out in Paragraph 1.3 of the Overview and Scrutiny Procedure Rules in Part 4 of the Council's Constitution, be amended to add the following additional terms of reference as

1.3 (f), (g) and (h). The existing terms of reference (f) and (g) be re-numbered (i) and (j):

- (f) to act as the crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly**
 - (i) to scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and**
 - (ii) to make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions.**
- (g) to consider local crime and disorder matters in accordance with the Councillor Call for Action Protocol.**
- (h) to work collaboratively, as may be appropriate, with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function.**

54. Rural Area Working Party

Forward Plan Reference: Sep09/12 Cabinet Member: Cllr John Griffiths

The Cabinet considered Report A214 (previously circulated) which sought approval for the formation of a Rural Area Working Party and for its terms of reference, work programme and membership.

The Cabinet had three specific commitments for Bury St Edmunds, Haverhill and the rural area. The commitments for the two towns were overseen by two successful working parties and the Cabinet now wished to mirror this for its rural area commitment. The proposed working party would perform a similar role as the two urban working parties, mainly to oversee any issues which had a specific impact on the rural area and advise Cabinet accordingly, however, there was a specific role in relation to the Rural Action Plan.

RESOLVED:- That

- (a) A Rural Area Working Party be formed, with Terms of Reference and Work Programme as detailed in Section 3 of Report A214; and
- (b) the Working Party comprise 10 members, with the appropriate number of substitute members, appointed by the Head of Legal and Democratic Services upon the nomination of appropriate Group Leaders.

55. West Suffolk House Joint Committee: 11 September 2009

Forward Plan Reference: Sep09/01 Cabinet Members: Cllrs Nigel Aitkens and David Ray

There were no recommendations emanating from the meeting of the West Suffolk House Joint Committee held on 11 September 2009 and, therefore, no report presented to this meeting.

Councillor Ray, Vice Chairman of the West Suffolk House Joint Committee, informed the Cabinet that the Joint Committee had examined the End of Programme Report on the project. He considered that the project had been extremely successful, which was due to the efforts of significant number of Members and officers. The report identified what issues had been successfully dealt with and those where there could have been improved. However, he considered that communications had been outstanding throughout the project.

Councillor Aitkens, a member of the Joint Committee, considered that because of the size of its capital programme, the 'lessons learned' were of more relevance to the County Council than the Borough Council. He emphasised that the two Councils had co-ordinated extremely well on this project.

56. Boundary Committee Review of Suffolk: Update

Forward Plan Reference: Sep09/02 Cabinet Member: Cllr John Griffiths

The Cabinet received and noted a narrative item which stated that the Boundary Committee's Appeal against the decision in the High Court would be heard by the Court of Appeal on 6 and 7 October 2009. The Councils would again be represented by the Queen's Counsel and junior who conducted the case in the High Court.

57. Bury St Edmunds Area Working Party

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

The Cabinet considered a narrative item which sought approval for the reduction in membership of the Bury St Edmunds Area Working Party from 13 to 10 full Members, and an appropriate reduction in the number of Substitute Members.

With the previous approval to the formation of the Rural Area Working Party, (Minute 54 above), the Cabinet had now three specific Working Parties for Bury St Edmunds, Haverhill and the rural area. The Rural Area and Haverhill Area Working Parties had a membership of 10 Councillors and the Bury St Edmunds Area Working Party had a membership of 13 Councillors. In view of the recent revised role of the Bury St Edmunds Area Working Party it was now considered appropriate that its membership be reduced from 13 to 10 Councillors, with an appropriate number of substitutes.

RESOLVED:- That

- (1) the membership of the Bury St Edmunds Area Working Party be reduced from 13 to 10 full members, with an appropriate number of substitute members; and

- (2) the Head of Legal and Democratic Services be authorised to appoint the members of the Bury St Edmunds Area Working Party on the nomination of Group Leaders.

58. Sustainable Development Panel: 7 September 2009

Forward Plan Reference: Sep09/08 Cabinet Members: Cllrs Terry Clements and Peter Stevens

The Cabinet considered Report A216 (previously circulated) which contained the recommendations emanating from the meeting of the Sustainable Development Panel held on 7 September 2009.

On 7 September 2009 the Sustainable Development Panel considered the following items:-

- (1) 5th Annual Corporate Environmental Performance Report 2008/2009;
- (2) St Edmundsbury Local Development Framework: Affordable Housing Economic Viability Assessment;
- (3) Forest Heath and St Edmundsbury Strategic Flood Risk Assessment and Water Cycle Study;
- (4) Forest Heath and St Edmundsbury Infrastructure and Environmental Capacity Study;
- (5) Suffolk County Council Waste Core Strategy: Final Consultation;
- (6) Local Development Framework – Site Allocations Document: November 2008 Issues and Options Consultation Conformity of Sites;
- (7) Local Development Framework – Site Allocations Issues and Options: Additional Sites Consultation; and
- (8) East of England Regional Spatial Strategy.

Councillor Stevens, Portfolio Holder for Environment and Street Scene, stated that the Council was performing often in advance of the Government targets on environmental performance and commended the recommendation in the report.

Councillor Clements, Portfolio Holder for Transport and Planning, drew relevant issues to the attention of the Cabinet.

RESOLVED:- That

(a) 5th Annual Corporate Environmental Performance Report 2008/2009

To adopt the revisions to Corporate Environmental Targets included under the heading of 'Implications' in the relevant sections of Appendix A of Report A178.

(b) St Edmundsbury Local Development Framework: Affordable Housing Economic Viability Assessment

- (a) this document, outlined in Report A179, be approved for publication and as part of the evidence base for the St Edmundsbury Local Development Framework; and

- (b) any minor typographic, factual and grammatical changes be approved by the Head of Planning and Economic Development in consultation with the Portfolio Holder for Transport and Planning.
- (c) **Forest Heath and St Edmundsbury Strategic Flood Risk Assessment and Water Cycle Study**
- (a) this document, outlined in Report A180, be approved for publication and as part of the evidence base for the St Edmundsbury Local Development Framework; and
- (b) any minor typographic and grammatical changes to the final document be approved by the Head of Planning and Economic Development in consultation with the Portfolio Holder for Transport and Planning.
- (d) **Forest Heath and St Edmundsbury Infrastructure and Environmental Capacity Study**
- Subject to the correction of minor typographic, spelling and factual changes, the findings of the study, outlined in Report A181, be published as part of the evidence base for preparing the Local Development Framework.
- (e) **Suffolk County Council Waste Core Strategy: Final Consultation**
- (1) Subject to the addition of the words 'is capable of supporting a residual waste treatment facility' at the end of the penultimate paragraph of Section 4.6 of the report, the contents of Report A182 form the basis of a response to the Suffolk County Council Waste Core Strategy: Final Consultation; and
- (2) the Head of Planning and Economic Development be asked to write to Suffolk County Council expressing this Council's concern at the lack of robustness and justification of the policies and proposals in the Waste Core Strategy.
- (f) **Local Development Framework Site Allocations Document: November 2008 Issues and Options Consultation Document – Conformity of Sites**
- The Schedule, contained as Appendix A to Report A183, be published and that those people who commented on the November 2008 round of the Site Allocations Document be informed as to the conformity of the sites with the Submission Core Strategy.

59. Bury St Edmunds Area Working Party: 7 September 2009

Forward Plan Reference: Sep09/03 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report A217 (previously circulated) which sought approval for a revised Neighbourhood Parking Scheme in Zone F, Southgate Corridor, Bury St Edmunds and support for the Bury St Edmunds Town Centre Management proposed Business Improvement District (BID).

On 7 September 2009, the Bury St Edmunds Area Working Party, considered the following items:-

- (1) Bury St Edmunds Library: Refurbishment;
- (2) Neighbourhood Parking Scheme: Zone F, Southgate Corridor;
- (3) Public Art in Haverhill; and
- (4) Bury St Edmunds Town Centre Management: Proposed Business Improvement District (BID).

Councillor Everitt, Chairman of the Bury St Edmunds Area Working Party, drew relevant issues to the attention of the Cabinet. He stated that the Area Working Party had received a very informative presentation from Mr Roger McMaster, Head of Suffolk Libraries and Record Office, in connection with the proposed refurbishment of Bury St Edmunds Library. He also informed the Cabinet of concerns of the traders located in St John's Street as to the impact on their trade due to the refurbishment of the library and that a meeting would be held shortly to discuss the issues.

RESOLVED:- That

(a) Neighbourhood Parking Scheme: Zone F, Southgate Corridor, Bury St Edmunds

- (1) The Zone F scheme be modified by the introduction of permit holder only bays as shown on the plan, Paper A175, with the retention of limited waiting bays also as shown; and
- (2) the operation of the revised scheme to be reviewed after 12 months.

(b) Bury St Edmunds Town Centre Management: Proposed Business Improvement District (BID)

- (1) Bury St Edmunds Town Centre Management be supported in its endeavours to establish a Business Improvement District (BID) for Bury St Edmunds town centre; and
- (2) the Borough Council supports funding arrangements, as set out in Section 4 of Report A177.

60. Haverhill Area Working Party: 10 September 2009

Forward Plan Reference: Sep09/05 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Report A218 (previously circulated) which sought approval for the disposal of land to the north of Millfields Way, Haverhill, which would enable the subsequent development to be an exemplar project for the Council in achieving high standards of sustainability.

On 10 September 2009 the Area Working Party considered the following items:-

- (1) Haverhill 16-19 year olds Education Project;
- (2) Millfields Way, Haverhill: Development and Sale Proposals;
- (3) Queen Street Enhancement Scheme: Update;
- (4) Haverhill Leisure Centre Refurbishment: Update;
- (5) Haverhill Community Football Project: Update;
- (6) Friday Market Expansion into the High Street, Haverhill: Consultation Update;
and
- (7) Haverhill Schemes: Update

The Council originally owned a large parcel of land at Millfields Way, Haverhill which was an allocation from the town's development arrangements. Parcels of land had been sold successfully for private development and for individual plots. Two sites remained, one to the north of Millfields Way, which was the subject of these recommendations to Cabinet, the other site, south of Millfields Way, was now allocated as a nature reserve. The land would be sold in order that a housing scheme would include high design and Sustainability Standards.

Councillor Aitkens, Portfolio Holder with responsibility for Haverhill, drew relevant issues to the attention of the Cabinet. He stated that the official opening of the Leisure Centre following its extensive refurbishment had taken place the previous Saturday, 12 September, and this was another exciting landmark for Haverhill. He reminded the Cabinet of recent achievements within Haverhill and that some had taken a considerable period of time to come to fruition, but this was the nature of large projects.

RESOLVED:- That

Millfields Way, Haverhill: Development and Sale Proposals

- (1) the development and sale proposals in respect of the disposal of land to the north of Millfields Way, Haverhill, as detailed in Report A200, be approved;
- (2) the duty under s123 of the Local Government Act 1972 be relaxed in accordance with the powers provided in the General Disposal Consent 2003, if necessary, as detailed in Section 8 of Report A200;
- (3) acceptance of the bid be delegated to the Corporate Director for Economy and Environment, in consultation with the Cabinet Members with responsibility for Asset Management and Haverhill;
and

- (4) details of the planning design brief be presented to the Haverhill Area Working Party together with details of similar schemes.

**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.

61. Haverhill Area Working Party: 10 September 2009

Forward Plan Reference: Sep09/05 Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Exempt Appendix A to Report A218 (previously circulated) which sought approval in principle for the proposal to develop a post-16 education centre for young people in Haverhill and implications for the Borough Council.

62. Facilities Management Within Operational Buildings

Forward Plan Reference: N/A Cabinet Member: Cllr Nigel Aitkens

The Cabinet considered Exempt Report A219 (previously circulated) which sought approval for the delivery of integrated facilities management services for West Suffolk and other operational buildings.

63. Mike Dawson, Corporate Director for Community

Councillor Griffiths, Leader of the Council, stated that this was Mike Dawson's last attendance at Cabinet and also his last formal meeting at the Council before moving to take up his appointment as Chief Executive at Tewkesbury Borough Council. On behalf of the Cabinet he thanked him for 20 years of outstanding service, rising from Principal Environmental Health Officer to Corporate Director, and including a period as Acting Chief Executive. He also thanked him for securing many achievements, most recently the delivery of major projects in Haverhill. He wished him the best for the future.

The meeting concluded at 6.12 pm

**J H M GRIFFITHS
CHAIRMAN**