

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 21 October 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 Gower, Mrs Mildmay-White and Ray.

BY INVITATION: Councillor Hale (Chairman of the Performance and Audit Scrutiny
Committee) and Councillor Bradbury.

*(Councillor Griffiths welcomed Councillor Mrs Gower to her first meeting of the Cabinet.
Councillor Mrs Gower held responsibility for the Cabinet's commitments to Haverhill and
also some responsibilities previously allocated to the Community Portfolio.)*

64. Apologies for absence

An apology for absence was received from Councillor Stevens.

65. Minutes

The minutes of the meeting held on 16 September 2009 were confirmed as a correct record and signed by the Chairman.

66. Declarations of Interests

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

67. Boundary Committee Review of Suffolk: Update (Nov09/01)

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

The Cabinet received and noted a narrative item that stated that the Appeal by the Boundary Committee for England against the decision in the High Court to quash their preliminary recommendations was heard on 6 and 7 October 2009. Judgement was expected imminently, although the Judges gave no indication of the timescale themselves.

**68. Report of the Performance and Audit Scrutiny Committee:
28 September 2009**

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

The Cabinet received and noted Report A251 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 28 September 2009:-

- (1) Audit Commission presentation of 2008/2009 ISA 260 Annual Governance Report to those charged with governance; and
- (2) Response of the Chief Finance Officer to the 2008/2009 ISA 260 Annual Governance Report to those charged with governance.

Councillor Hale, Chairman of the Performance and Audit Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He was pleased to announce the results of the Audit Commission's work on the Council's 2008/2009 financial statements. The Commission was satisfied that the Council's income and expenditure was presented fairly and had issued an unqualified opinion to this effect. He was also pleased to announce that the second element of the report, comprising the scored judgements on Use of Resources by the Council, had also been completed and that the Auditor, who was satisfied that no areas of concern had been identified, had therefore issued an unqualified Value for Money conclusion. The Council had achieved an overall score of Level 3, which was a very good achievement. He was extremely pleased to report that in the area of Managing Resources, effectively how the organisation managed its staff, the Council had achieved the highest possible score of 4, which put it in the category of 'performing excellently'. The Committee had approved the Letter of Representation required to be signed on behalf of the Council and agreed the Chief Finance Officer's response to the proposed Action Plan set out in the relevant report.

Councillor Hale, and Members of the Cabinet wished to place on record their thanks to all staff involved with the various financial statements and documents subjected to this audit, especially those from the Human Resources Section and Finance Teams.

69. Treasury Management 2009/2010: 1 April to 30 September 2009

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

The Cabinet considered Report A252 (previously circulated) which provided information on the operation of the Treasury Management Function for the 2009/2010 Financial Year for the period 1 April to 30 September 2009 and sought approval for changes in the Council's lending criteria.

The budgeted income for investments in 2009/2010 was £751,000, equivalent to £19.87 for each Council Tax Band D property. As at 30 September 2009 interest earned amounted to £611,000 against the budget for the period of £421,000 producing a surplus of £190,000. The over achievement of interest on investments during this period was due to the achievement of higher than budgeted rates of return on investments and to re-scheduling of the Capital Programme. The target investment rate for the year was 2.2%. In the six month period covered by this report, the average rate of interest achieved was 2.54%.

The Council's original lending criteria for 2009/2010 were set out in the Annual Treasuring Management and Investment Strategy 2009/2010, which was approved by the Cabinet on 11 February 2009. The criteria were reviewed during the first quarter of this financial year in response to continuing difficulties within the banking sector and to advice received from Sector, the Council's consultants. The outcomes of this review process were reported to Cabinet on 29 July 2009. That report stated that the Chief Finance Officer, in consultation with the Portfolio Holder for Resources and Efficiency, would continue to monitor the adequacy of the revised arrangements and make changes as necessary to respond to the change in economic climate and external advice. It was also agreed that details of any further changes in the Treasury Management Function, including changes to the Council's lending criteria, would be reported to Cabinet as part of the regular Treasury Management reports.

RESOLVED:-

Changes in the Council's lending criteria, detailed in paragraphs 4.10 to 4.14 of Report A252 be approved.

70. Sustainable Development Panel: 13 October 2009

Forward Plan Reference: Nov 09/02 Cabinet Members: Cllrs Terry Clements and Peter Stevens

The Cabinet considered Report A253 (previously circulated) which contained the recommendations emanating from the meeting of the Sustainable Development Panel held on 13 October 2009.

On 13 October 2009 the Sustainable Development Panel considered the following items:-

- (1) Planning Policy Statement PPS15: Planning for the Historic Environment: Consultation Draft July 2009;
- (2) Planning Policy Statement PPS25: Development and Flood Risk - Consultation on proposed amendments;
- (3) Local Development Framework: Green Infrastructure Strategy;
- (4) St Edmundsbury Local Development Framework: Update; and
- (5) Community Infrastructure Levy (CIL) Regulations Consultation.

Councillor Clements, Portfolio Holder for Transport and Planning, drew relevant issues to the attention of the Cabinet. He informed the Cabinet that the Government was consulting on a draft Planning Policy Statement for the Historic Environment. This statement would replace the two current but outdated planning policy guidance notes. The Panel had supported the reservations raised about its content and, in particular, the potential bias towards installing energy conservation measures in historic buildings that might have a considerable detrimental impact on their character. He then informed the Cabinet that the Government was also consulting on some minor changes to the content of Planning Policy Statement 25, which dealt with development and flood risk. The changes, if approved, would result in changes to definitions of essential infrastructure placed in flood zones and a clarification of functional flood plain. The Panel had acknowledged that the proposed changes represented a common sense approach and had recommended that the Cabinet support the proposed changes. There was a further item concerning approving consultation responses; the Government was also consulting on proposed regulations for the introduction of the Community Infrastructure Levy (CIL), which it intended to introduce on 10 April 2010. The adoption of the levy system was optional for local planning authorities, but it would enable the introduction of a set charge for developer contributions for necessary infrastructure. The Borough Council was in a strong position in understanding infrastructure needs, given the number of background studies undertaken to support the preparation of the Local Development Framework. The Panel had considered the proposed regulations and supported the officers' proposed responses. Councillor Clements also stated that the Panel had recommended that an Officer Working Group be established to plan for and identify the external, corporate and service specific requirements for its implementation in the Borough.

Councillor Clements concluded by informing the Cabinet it was being asked to recommend to Council the contents of the Green Infrastructure Strategy and that it be adopted as non-statutory planning guidance. Policies and proposals in the Local Development Framework needed to be augmented by evidence to support them. In addition, with the Borough designated as a growth area, there was an expectation that 10% of the Growth Area Fund would be allocated to delivering Green Infrastructure projects. The Green Infrastructure Strategy had been prepared in consultation with a number of stakeholders and proposed a number of projects which, if implemented, would make a significant difference to the amount of accessible green space and space for wildlife across the Borough.

RESOLVED:- That

(a) Planning Policy Statement PPS15: Planning for the Historic Environment: Consultation Draft July 2009

The responses to the consultation questions set out in Appendix B of Report A241 be submitted to the Department for Communities and Local Government as the Council's formal response to the consultation.

(b) Planning Policy Statement PPS25 Development and Flood Risk: Consultation on proposed amendments

The proposed changes to Tables D1 and D2 in Annex D to PPS25 be supported and the Department for Communities and Local Government be informed accordingly.

(c) Consultation on the draft Regulations Governing the Community Infrastructure Levy (CIL): Response

(1) The response set out in Appendix B to Report A244 be submitted to the Department for Communities and Local Government as the Council's formal response to the consultation; and

(2) an Officer Working Group be established to plan for and identify the external, corporate and service specific requirements for the implementation of the CIL in St Edmundsbury and to report back to the Sustainable Development Panel at intervals to advise on progress and on implications and arrangements to put in place.



RECOMMENDED:- That

(a) Local Development Framework: Green Infrastructure Strategy

the contents of the Green Infrastructure Strategy, as contained in Appendix A to Report A243, be adopted as non-statutory planning guidance.

71. Local Authority Business Growth Incentive Scheme (LABGI)

Forward Plan Reference: Nov09/05 Cabinet Members: Cllr Nigel Aitkens

The Cabinet considered Report A254 (previously circulated) that sought approval for the allocation of Local Authority Business Growth Incentive Scheme (LABGI) for 2009/2010 and 2010/2011.

The LABGI Scheme was a Government scheme whereby local authorities were rewarded in accordance with the economic growth in their area. The Borough Council had been receiving funding since the 2006/2007 financial year. The LABGI Scheme had been amended and the total amount of funding available had been halved. Consequently most local authorities had seen reduction in the level of funding awarded and St Edmundsbury's allocation in 2009/2010 was £40,928. The balance brought forward from 2008/2009 was £596,228 with a projected spend to 31 March 2010 of £477,556 and, therefore, at the end of 2009/2010 the balance remaining, after allowing for central administration costs, was projected to be £134,950. In addition, a Section

106 contribution of £750,000 had been received from the Asda development, and this required the funds to be used for economic development within the Borough. £450,000 has been allocated towards the development of the Borough Council's land at Suffolk Business Park.

Appendix 1 of the report provided information on the spending in 2008/2009 and 2009/2010, and the proposals for a programme of future investment utilising the remainder of the LABGI funding and the available Section 106 contribution were detailed in the report.

Councillor Aitkens, Portfolio Holder for Economy and Asset Management, drew relevant issues to the attention of the Cabinet. He considered that the Borough Council should be congratulated for investing all the LABGI funding into the local economy when other local authorities had put this funding into the 'general pot'. The money was often used to unlock funding from other sources. He considered that in this economic climate this funding was of great benefit to the economy of an area and that the Borough Council would have received greater funding if the scheme had continued because of the opening of the arc.

RESOLVED:- That

- (1) The amended investment proposals for the available S106 funds and the Local Authority Business Growth Incentive Scheme (LABGI) for 2009/2010 and 2010/2011, as detailed in Tables 1, 2 and 3 and at Section 4 of Report A254 be approved; and
- (2) the Corporate Director for Economy and Environment, in consultation with the Portfolio Holder responsible for economic development and the Chief Finance Officer, be authorised, if necessary, to update and amend the investment programme in (1) above in accordance with the Council's Economic Development Strategy.

72. Victory Sports Ground, Bury St Edmunds

Forward Plan Reference: Nov09/04 Cabinet Member: Cllr Lynsey Alexander

(Councillor Bradbury declared a personal interest as a former employee of South Lee School and because his wife was currently employed by them, and remained within the meeting for the consideration of this item.)

The Cabinet considered Report A255 (previously circulated) which sought approval in principle for the allocation of £25,000 to the Victory Sports Ground Ltd as its contribution for the costs of removing the existing pavilion and working with partners to secure a significant development to build a new sports hall and pavilion on the Victory Sports Ground in Bury St Edmunds.

The Council had received a joint proposal from South Lee School and the Victory Sports Ground Ltd to enhance the Victory Sports Ground in Bury St Edmunds through the provision of a sports hall and pavilion. The sports ground was owned by the Borough Council and had been successfully leased to, and managed on its behalf by Victory Sports Ground Ltd since 2001. However, the pavilion was not now fit for purpose and required extensive investment. There was the opportunity to attract significant external investment, approximately £1.8 million, to improve community sports facilities in the area.

Councillor Mrs Alexander, Portfolio Holder for Culture and Sports, drew relevant issues to the attention of the Cabinet. She considered this development proposal to be of considerable benefit to the school, Victory Sports Ground Ltd and to the community. However, there was a considerable amount of detailed work to be undertaken before the project came to fruition.

Councillor Bradbury, one of the Local Ward Members, also considered this to be a very exciting project and supported the scheme.

RESOLVED:- That

- (1) the Council work in a partnering arrangement with South Lee School and Victory Sports Ground Ltd to develop a scheme to build a new sports hall and pavilion on the Victory Sports Ground, Bury St Edmunds;
- (2) the Council allocate £25,000 in its capital programme to pay to the Victory Sports Ground Ltd as its contribution to the costs of removing the existing pavilion;
- (3) payment of the Council's contribution be conditional upon:-
 - (a) an agreement being reached with Victory Sports Ground Ltd that, following the construction of any new facilities, its revenue grant from the Council be reduced by way of a mechanism linked to increases in income;
 - (b) South Lee School and Victory Sports Ground Ltd obtaining sufficient funding to proceed with the scheme;
 - (c) the satisfactory completion of the necessary legal agreements;
 - (d) planning consent being obtained; and
 - (e) the completion of a community use agreement with South Lee School; and
- (4) the Corporate Director for Community Services, in consultation with the Portfolio Holder for Culture and Sport, be authorised to agree the details of the scheme with South Lee School and Victory Sports Ground Ltd and to release the Council's capital contribution.

73. Affordable Housing: Scheme at the Former Fireworks Factory Site, Bury Road, Chedburgh

Forward Plan Reference: Nov09/03 Cabinet Member: Cllr Sara Mildmay-White

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

The Cabinet considered Report A256 (previously circulated) which sought approval for the allocation of £400,000 from the Council's Affordable Housing capital budget to enable the delivery of 17 affordable homes at the former Fireworks Factory Site, Bury Road, Chedburgh.

The former fireworks factory had been in the affordable housing development pipeline for a number of years. The current scheme would provide 52 homes of which 17 would be affordable. The site plan was attached as Appendix A and a street scene as Appendix B. The site presented challenges, especially in the current economic climate, due to contamination issues and the need for the construction of a new vehicle access. In addition, a critical part of the site in terms of the access road was owned by Havebury Housing Partnership. The scheme had been approved by the Development Control Committee subject to a widening of the existing footpath link to the village. Negotiations with the developer on the site had been protracted and in view of the current economic climate one of the options for the developer was to mothball the site. However, funding from the Borough Council and Havebury Housing Partnership would facilitate the scheme.

The developer would agree a timetable for the development and overage provisions that would reimburse some funds to both the Havebury Housing Partnership and the Borough Council and full details of these were attached as Exempt Appendix C to this report.

Councillor Mrs Mildmay-White, Portfolio Holder for the Community, drew relevant issues to the attention of the Cabinet. She considered that this was another much needed development facilitated by the Council in providing affordable homes within the rural area.

RESOLVED:-

That an allocation of £400,000 be made from the Council's Affordable Housing capital budget to enable the delivery of 17 affordable homes at the former Fireworks Factory Site, Bury Road, Chedburgh.

The meeting concluded at 5.35 pm

**J H M GRIFFITHS
CHAIRMAN**