

Enquiries regarding this Agenda:
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Cabinet

***Wednesday 10 February 2010 at 5.00 pm
in the Conference Room West (F1R09), West Suffolk House, Western Way,
Bury St Edmunds***

CONSTITUTION: *Leader of the Council: Councillor John Griffiths
Joint Deputy Leaders of the Council: Councillors Nigel Aitkens and
Sara Mildmay-White*

<i>Councillors:</i>		<i>Portfolios:</i>
Nigel Aitkens	-	Economy and Asset Management
Lynsey Alexander	-	Culture and Sport
Terry Clements	-	Transport and Planning
Paul Farmer	-	Resources and Efficiency
Anne Gower	-	Haverhill and Housing
John Griffiths	-	Rural Affairs and External Relationships
Sara Mildmay-White	-	Bury St Edmunds and Community
David Ray	-	Performance and Organisational Development
Peter Stevens	-	Environment and Street Scene

QUORUM: *Three Members*

***Please switch off mobile phones during the
meeting, unless exceptional circumstances
require otherwise.***

Agenda

Procedural Matters

- 1. Apologies for Absence**
- 2. Minutes**

To confirm the minutes of the meeting held on 20 January 2010 (copy attached).

3. **Declarations of Interests**

Members are reminded of their responsibility to declare any personal or prejudicial interest which they have in any item of business on the Agenda ***no later than when that item is reached*** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

Part 1 – Public

(Forward Plan reference (where applicable) shown in brackets)

Corporate Priority: Raising Corporate Standards and Efficiency

4. **Report of the Performance and Audit Scrutiny Committee: 25 January 2010**

Chairman – John Hale;

*Contact Officer – Adriana Stapleton
Telephone: 01284-757613
e-mail: adriana.stapleton@stedsbc.gov.uk*

Report **A493** attached.

Summary and reasons for recommendation:

On 25 January 2010 the Performance and Audit Scrutiny Committee considered the following items:-

- (1) Place Survey;
- (2) Key Performance Indicators: Third Quarter 2009/2010;
- (3) Audit Commission – “Bitesize Training” – International Financial Reporting Standards;
- (4) Audit Commission: Presentation of Annual Audit Letter;
- (5) Budget Monitoring Report: 1 April to 31 December 2009; and
- (6) Corporate Risk Register: Quarterly Monitoring Report.

Recommendation:

The Cabinet is requested to **NOTE** the report of the Performance and Audit Scrutiny Committee.

5. **Report of the Overview and Scrutiny Committee: 18 January 2010**

Chairman – David Lockwood;

*Contact Officer – Adriana Stapleton
Telephone: 01284-757613
e-mail: adriana.stapleton@stedsbc.gov.uk*

Report **A494** attached.

Summary and reasons for recommendation:

On 18 January 2010 the Overview and Scrutiny Committee considered the following items:-

- (1) Councillor Call for Action Submission: Improving Resident Parking and Pedestrian Safety on the Howard and Mildenhall Estates;
- (2) Update on Councillor Call for Action: Stanton Grundle Flooding Remedial Action;
- (3) Cabinet Forward Plan: January to April 2010; and
- (4) Work Programme.

Consideration of 'Support for Drug Users in St Edmundsbury' was deferred to a future meeting.

Recommendation:

The Cabinet is requested to **NOTE** the report of the Overview and Scrutiny Committee.

6. Report of the Overview and Scrutiny Committee: Call In – Review of Markets

Chairman – David Lockwood;

Contact Officer – Adriana Stapleton

Telephone: 01284-757613

e-mail: adriana.stapleton@stedsbc.gov.uk

Report **A495** attached.

Summary and reasons for recommendations:

At its meeting on 18 January 2010 the Overview and Scrutiny Committee considered the called-in Cabinet decision from 2 December 2009 (Report A439 refers) in respect of the Review of Markets (Agenda Item 22/Forward Plan reference Dec09/14 refers).

The reason for the call-in by Councillor Chappell, with the support of Councillors Beckwith, Cockle, Nettleton and Redhead, was that *'the market has been working well, with market traders (other than fruit and veg traders) reporting trade up 20%. No need to spend £6,000 when we are finding ways to cut the budget, on something that is working well'*.

Recommendations:

The Committee resolved to refer the decision back to the Cabinet together with the following observations of the Committee:-

- (a) the officers' report originally considered by the Bury St Edmunds Area Working Party (Report A314 refers) was too brief and did not fully expand on many of the issues discussed at the Call-in hearing;
- (b) although a report was submitted to the Haverhill Area Working Party on 10 December 2009 for noting, the decision had already been taken by the Cabinet to undertake the review following the recommendations of the Bury St Edmunds Area Working Party. Report A314 should have been considered by the Haverhill Area Working Party prior to the decision being taken by the Cabinet;

- (c) the Committee did not perceive from the evidence presented that the markets were trading 20% up, as suggested in the reason for calling in the decision;
- (d) the composition and funding of the proposed consultancy organisation be ascertained to ensure its independence;
- (e) whilst the Committee considers it appropriate to undertake the review and recognises that independent expertise is required, extensive consultation with key stakeholders, market traders and Members should be undertaken to formulate the scope of the review, including identifying that the markets in Bury St Edmunds and Haverhill have separate issues that require investigation and review. This should be reflected in the findings and subsequent recommendations of the consultants to the Council;
- (f) whilst partnership working was a possibility, the review should not consider privatisation as a preferred option and therefore, the markets should remain under the Borough Council's control; and
- (g) following the completion of the review, Members need to have more input into the consideration of the final recommendations of the consultants and therefore, these should be considered by the Policy Development Committee as well as the Bury St Edmunds Area and Haverhill Area Working Parties, before consideration by the Cabinet and possibly full Council.

7. Boundary Committee Review of Suffolk: Update (Feb10/17)

Cabinet Member – John Griffiths;

Contact Officer – Geoff Rivers

Telephone: 01284-757001

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Summary:

At the time of publishing this agenda, no announcement has been made by the Secretary of State regarding his preferred way forward for the review. The consultation on potential transitional arrangements closed on 3 February 2010 and the Borough Council responded, in consultation with other councils in Suffolk, in accordance with the delegated authority agreed at the last meeting. The Council's expressed preferences were for first elections in May 2011 and a larger, more-inclusive, implementation executive prior to those elections.

The Borough Council has also been advised that its application to the Supreme Court for leave to appeal against the decision of the Appeal Court has been rejected and, therefore, that these particular legal proceedings have come to an end.

The Cabinet will be updated with the latest position at the meeting and asked to make any decisions required, if appropriate.

8. Treasury Management Performance and Annual Treasury Management and Investment Strategy 2010/2011

Cabinet Member – Paul Farmer;

Contact Officer – Chris Barber

Telephone: 01284-757241

e-mail: chris.barber@stedsbc.gov.uk

Report **A496** attached.

Summary and reasons for recommendations:

The Council's Treasury Management activities generate a substantial amount of income and therefore warrant regular Member consideration. The purpose of this report is to:-

- (a) provide an update on Treasury Management activity and performance for the period 1 April to 31 December 2009;
- (b) seek Cabinet and Council approval for the adoption of the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management in the Public Services Code of Practice 2009, as detailed in Appendix 1 to this report;
- (c) seek Cabinet and Council approval to the principle of establishing a Treasury Management Sub-Committee of the Performance and Audit Scrutiny Committee to fulfil the enhanced scrutiny requirements of the new Code; and
- (d) seek Cabinet and Council approval for the Annual Treasury Management and Investment Strategy Statements for 2010/2011 and Prudential Indicators, as detailed in Appendix 2 to this report.

The budget for investment income in 2009/2010 is £751,000, equivalent to £19.87 for each Council Tax Band D property. At the end of December 2009 interest earned amounted to £893,554 against the budget for the period of £602,925, a budget surplus for the period of £290,629. In the light of the recent banking crisis, CIPFA has issued a revised Treasury Management in the Public Services Code of Practice (the Code). Compliance with the Code requires that it is formally adopted by full Council, together with four revised treasury management clauses, for inclusion within the Council's Constitution. Full details of the requirements of the revised Code are provided at Appendix 1.

The proposed Treasury Management and Investment Strategy Statements for 2010/2011, attached as Appendix 2, set out the Council's treasury management policies and strategies for the forthcoming year. It is a requirement of the Code that these strategy statements are approved by full Council prior to the start of the financial year.

It is estimated that in 2010/2011 Treasury Management activity will generate income of £566,000 (which is equivalent to £14.91 for each Council Tax Band D property). This represents an average target investment rate for the year of 1.5% and reflects current projections regarding interest rate movements in the forthcoming year. Appendix 3 provides a summary of the national and international forecasts provided by the Council's treasury management advisors, Sector Treasury Services Limited, which support these estimates. In addition to interest income derived from the investment of the Council's balances, it is estimated that the Council's Non Operational Property and Assets Portfolio will

generate income of £2,680,000 during the year (which is equivalent to £70.60 for each Council Tax Band D property).

Recommendations:

- (1) Information on the performance of the Treasury Management function for the period 1 April to 31 December 2009 contained within this report be noted;
- (2) Subject to the approval of full Council, it is **RECOMMENDED** that:-
 - (a) the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management in the Public Service Code of Practice 2009 and associated treasury management clauses, for inclusion in the Council's Constitution, as detailed in Appendix 1 to Report A496, be formally adopted; and
 - (b) the Annual Treasury Management Strategy Statement and Annual Investment Strategy for 2010/2011 together with the Prudential Indicators, as detailed in Appendix 2 to Report A496, be approved; and
- (3) subject to the approval of the Performance and Audit Scrutiny Committee, a Treasury Management Sub-Committee of the Performance and Audit Scrutiny Committee be established in principle, to fulfil the enhanced scrutiny requirements of the new Code.

9. Budget and Council Tax Setting: 2010/2011 (Feb10/12)

*Cabinet Member – Paul Farmer; Contact Officer – Liz Watts
Telephone: 01284-757252
e-mail: liz.watts@stedsbc.gov.uk*

Report **A497** attached.

Summary and reasons for recommendations:

The Cabinet is required to consider the budget for the Authority and make a recommendation to Council on the level of Council Tax in 2010/2011 to fund this budget.

Setting the budget for 2010/2011 has been a challenging process, due to the economic climate and the resulting pressures which this has placed on the Council. The 2010/2011 budget makes provision for an additional £298,000 (compared to the 2009/2010 budget) to finance the impact of net changes, which include inflationary increases; the cost of increased demands on services; new initiatives; reduced income and Dynamic Review – Innovation, Value and Enterprise (DR-IVE) savings.

The Council is committed to significant investment in capital projects across the Borough. In total it is estimated that the Council will spend £8.968m (net) in 2010/2011 on capital projects.

Recommendations:

Subject to the approval of full Council, it is **RECOMMENDED** that:-

- (1) the revenue budgets attached as Appendix A to Report A497, together with the additional revenue requirements ('growth bids') summarised within Appendix C and the efficiency Dynamic Review – Innovation, Value and Enterprise (DR-IVE) savings and new income detailed at Appendix D be approved;
- (2) the revised Capital Programme attached as Appendix B to Report A497, including minor changes noted at Section 4.7.1 of Report A497, be approved;
- (3) having taken into account the conclusions of the Chief Finance Officer's report including the Risk Assessment attached as Appendix F to Report A497, together with the Medium Term Financial Strategy (MTFS) attached at Appendix E and all the other information contained in this report, Cabinet establish the level of Council Tax for 2010/2011;
- (4) new Earmarked Reserves are set up as follows:-
 - (a) an 'Invest to Save' reserve, as set out in Section 4.9.3 of Report A497; and
 - (b) a 'Procurement' reserve, as set out in Section 4.9.3 of Report A497;
- (5) the Chief Finance Officer, in consultation with the Portfolio Holder for Resources and Efficiency, be authorised to transfer any surplus on the 2009/2010 revenue budget to the General Fund, and to vire funds between existing Earmarked Reserves, as set out at Appendix G to Report A497, as deemed appropriate throughout the year.

10. West Suffolk House Joint Committee: 22 January 2010 (Feb10/16)

Cabinet Member – Nigel Aitkens;

Contact Officer – Ivan Sams

Telephone: 01284-757304

e-mail: ivan.sams@stedsb.gov.uk

Report **A498** attached.

Summary and reasons for recommendation:

On 22 January 2010 the West Suffolk House Joint Committee considered the following items:-

- (1) Report of the West Suffolk House Building Manager; and
- (2) Occupation of West Suffolk House by Improvement East.

Recommendation:

The Cabinet is requested to **NOTE** the report of the West Suffolk House Joint Committee.

11. Land Transfer following Schools Organisation Review: Clements Primary School, Haverhill

Cabinet Member – Nigel Aitkens;

Contact Officer – Richard Combes

Telephone: 01284-757361

e-mail: richard.combes@stedsb.gov.uk

Summary and reasons for recommendations:

On 30 July 2008, the Cabinet Resolved (Minute 50 refers) that:-

- (1) Head of Property Services in consultation with the Portfolio Holder for Economy and Asset Management be authorised to enter into negotiations with Suffolk County Council with a view to agreeing terms for the transfer of land between the County Council and Borough Council to enable the relocation of Clements Community Primary School to the Puddlebrook playing fields and the creation of public open space on the existing Clements Community Primary School site ;and*
- (2) the outcome of these negotiations be reported and recommendations be made to a future meeting of Cabinet.*

Planning consent was granted for the new school in August 2009 and terms have provisionally been agreed as follows:-

(1) Cost of Land

This has been agreed at £10,000 per acre for the additional land being taken above the area provided at the existing Clements Primary School. The total additional area is 5 acres, giving a payment to the Borough Council of £50,000. In addition Suffolk County Council will contribute a maximum of £5,000 towards the Borough Council's legal and surveyors fees .

(2) Existing Play Equipment

This will need to be removed to enable the new school to be built. The proposal is to either reprovide new equipment on a adjacent site or alternatively receive a commuted sum for re-provision on the newly created open space following the demolition of the current school site in September 2011.

Subject to agreeing a licence to enter the land the County Council wish to start on site on 8 March 2010.

Recommendations:

It is **RECOMMENDED** that:-

- (1) the transfer of land to Suffolk County Council proceed as detailed above; and
- (2) the Parks Manager, in consultation with the Portfolio Holders for Culture and Sport and Haverhill and Housing, determine the location of the play equipment.

Corporate Priority: Securing a Sustainable and Attractive Environment

12. Sustainable Development Panel: 9 February 2010 (Feb10/14)

Cabinet Member – Terry Clements;

Contact Officer – Patsy Dell

Telephone: 01284-757306

e-mail: patsy.dell@stedsbc.gov.uk

Report **A499 TO FOLLOW.**

Summary and reasons for recommendations:

On 9 February 2010 the Sustainable Development Panel will consider the following items:-

- (1) St Edmundsbury Local Development Framework: Progress Update;
- (2) Suffolk County Council Waste Core Strategy: Submission Draft;
- (3) Local Development Framework: North East Haverhill Transport Impact Assessment; and
- (4) Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth.

Recommendations:

Recommendations emanating from this meeting will follow as Report A499.

13. St Olaves Precinct, Bury St Edmunds: Enhancement Scheme Phase 2

Cabinet Member – Nigel Aitkens;

Contact Officer – Stephen Boor

Telephone: 01284-757323

e-mail: steve.boor@stedsbc.gov.uk

Report **A500** attached.

Summary and reasons for recommendations:

The purpose of this report is to agree the second phase of enhancement works to the St Olaves Shopping Precinct, Bury St Edmunds. The works are intended to improve the attractiveness of this area to the benefit of the local community and traders. The proposals have arisen out of consultation with the local community and consideration of the layout of the area.

Recommendations:

The Cabinet is **RECOMMENDED**:-

- (i) to approve the second phase of works to the St Olaves Shopping Precinct, Bury St Edmunds as detailed in paragraph 4.3 and the plan attached as Appendix A, to Report A500;
- (ii) to approve that this Second Phase to be funded from the £50,000 contribution received from Landmaster; and
- (iii) that the central feature/artwork be approved in consultation with the Portfolio Holder for Culture and Sport, Chairman of the Bury St Edmunds Area Working Party and Ward Councillors.

14. Adoption of Footway/Cycle Path, Lawson Place to Mount Road, Bury St Edmunds

Cabinet Member – Terry Clements;

Contact Officer – Stephen Boor

Telephone: 01284-757323

e-mail: steve.boor@stedsbc.gov.uk

Summary and reasons for recommendation:

The footway/cyclepath between Lawson Place and Mount Road shown on the plan at Appendix A was built as a part of the cycle/pedestrian network on the Moreton Hall Estate. It has been agreed by the Highway Authority that this route should be adopted as public highway maintainable at the public expense. To achieve this the Borough Council needs to resolve to dedicate as public highway the section of path shown between points A and B on the plan attached as Paper **A501**.

Using the powers contained within the Highways Agency agreement with Suffolk County Council this authority can adopt this route as maintainable at the public expense.

Recommendation:

It is **RECOMMENDED** that the section of footway/cyclepath between points A and B shown on the plan (Paper **A501**) is dedicated as public highway and adopted as maintainable at the public expense.

Corporate Priority: Improving the safety and well being of the community

15. Tendering of Closed Circuit Television (CCTV) Monitoring Contract (Feb10/24)

Cabinet Member – Sara Mildmay-White;

Contact Officer – Teresa Claydon

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e-mail: teresa.claydon@stedsbc.gov.uk

Report **A502** attached.

Summary and reasons for recommendation:

The current CCTV Monitoring Contract expires on 30 September 2010 and as the contract value is above the European Union (EU) threshold for services it is required that the intention to contract must be advertised in the Official Journal of the European Union (OJEU) and that it be tendered in accordance with the EU Procurement Regulations.

Options exist for the contract to be identified as either an unreserved open contract, which is the standard approach, or as a reserved contract for supported factories and businesses.

Recommendation:

It is **RECOMMENDED** that the CCTV Monitoring Contract be identified as a reserved contract for supported factories and businesses in accordance with EU Procurement Regulations.

16. Affordable Housing Scheme at Prospect House, Prospect Row, Bury St Edmunds (Feb10/23)

*Cabinet Member – Sara Mildmay-White; Contact Officer – Carole Herries
Telephone: 01284-757603
e-mail: carole.herries@stedsb.gov.uk*

Report **A503** attached.

Summary and reasons for recommendations:

Havebury Housing Partnership wishes to purchase Prospect House, Prospect Row, Bury St Edmunds. Once refurbished, the six one-bedroom flats will provide much needed affordable housing in the town centre.

Recommendations:

It is **RECOMMENDED** that:-

- (1) an allocation of £45,000 from the Council's Affordable Housing capital budget be committed to enable the delivery of affordable homes at Prospect House, Prospect Row, Bury St Edmunds; and
- (2) the £45,000 allocation be subject to:-
 - (a) receiving confirmation of a grant being allocated either from the Homes and Community Agency; or
 - (b) receiving confirmation from Havebury Housing Partnership that it is in a position to fund the remainder of the scheme from recycled grant emanating from disposals, and that this grant be drawn down within six months commencing from 10 February 2010. Should this funding not be received within the specified six months, the Borough Council's allocation will be withdrawn and reallocated to another affordable housing scheme within the Borough.

**EXEMPT INFORMATION – EXCLUSION OF PUBLIC
TERMS OF FORMAL RESOLUTION**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

Part 2 - Private

Corporate Priority: Improving the safety and well being of the community

Exempt Papers relating to previous item

17. **Exempt Appendix: Affordable Housing Scheme at Prospect House,
Prospect Row, Bury St Edmunds (Feb10/23)**

*Cabinet Member – Sara Mildmay-White; Contact Officer – Carole Herries
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e-mail: carole.herries@stedsb.gov.uk*

Exempt Appendix A to Report **A503** attached.