

**ST EDMUNDSBURY BOROUGH COUNCIL**

**CABINET**

**Minutes of a meeting held on Wednesday 10 February 2010 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, Ray and Stevens.

BY INVITATION: Councillor Lockwood (Chairman of the Overview and Scrutiny  
Committee), Councillors Ereira-Guyer, Everitt and Nettleton.

**121. Apologies for absence**

There were no apologies for absence.

**122. Minutes**

The minutes of the meeting held on 20 January 2010 were confirmed as a correct record and signed by the Chairman.

The Cabinet was informed that since its meeting on 20 January 2010 additional information had been received in respect of the funding of the Haverhill Association of Voluntary Organisations (HAVO). There was a possibility that the Council needed to review its decision regarding the grant to HAVO, which was detailed in minute 109 (b) of the minutes of 20 January 2010. If there was a need to review this grant, then it would be initially considered by the Grant Panel.

**123. Declarations of Interests**

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

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

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

The Cabinet received and noted Report A493 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 25 January 2010:-

- (1) Place Survey;
- (2) Key Performance Indicators: Third Quarter 2009/2010;
- (3) Audit Commission – 'Bitesize Training' – International Financial Reporting Standards (IFRS);
- (4) Audit Commission: Presentation of 2008/2009 Annual Audit Letter;
- (5) Budget Monitoring Report: 1 April to 31 December 2009; and
- (6) Corporate Risk Register: Quarterly Monitoring Report.

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

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

The Cabinet received and noted Report A494 (previously circulated) which informed the Cabinet of the following items discussed by the Policy Development Committee on 18 January 2010:-

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

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. A discussion was held on the Council's Councillor Call for Action (CCfA) procedures. It was noted that CCfA should only be used in exceptional circumstances. Councillor Lockwood reminded the Cabinet that if the Committee was to undertake a CCfA it invariably meant that its own work programme would be affected. There was a consensus that the Council's procedures needed to be reviewed.

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

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

The Cabinet considered Report A495 (previously circulated) which was the report from the Overview and Scrutiny Committee emanating from the Call-in of the Cabinet's decision on the Review of Markets. The report included seven recommendations from the Committee.

On 2 December 2009 the Cabinet had approved that a review of the Council's markets be undertaken. Councillor Chappell, using the Call-in procedures within the Council's Constitution, had Called-in this decision on the grounds 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.'*

In accordance with the Council's Constitution the Overview and Scrutiny Committee conducted a hearing, at which 14 witnesses were heard, including officers, Councillors and external witnesses. The result of the hearing was that the Committee had made seven recommendations to the Cabinet. The main recommendation considered it appropriate for the Council to undertake the review and recognised that independent expertise was required. Extensive consultation with key stakeholders, market traders and Members was recommended to formulate the scope of the review, including identifying that the markets in Bury St Edmunds and Haverhill had separate issues and required investigation and review.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He emphasised that the Committee had undertaken a thorough and fair scrutiny of this issue.

Councillor Aitkens, Portfolio Holder with responsibility for markets, considered that the reason for the Call-in was not substantial and that the aim of the review would be to strengthen and improve the operation of the two markets in Haverhill and Bury St Edmunds to the benefit of all stakeholders and the community. He considered that the majority of the recommendations made by the Committee would have been undertaken as part of the review and was pleased to note that the main recommendation endorsed the Cabinet's decision that the review be undertaken and an independent organisation with the appropriate expertise be retained.

RESOLVED:- That

- (1) The review of markets be undertaken;
- (2) the National Association of British Markets Authorities be appointed to undertake a review and, following consultations, make recommendations for future service delivery; and
- (3) the appointment of the National Association of British Markets Authorities without compliance with Contract Procedure Rules, as contained within the Council's Constitution, be approved as an exemption under paragraph 2.2(iii) as the services are of a specialised nature.

*(Councillor Nettleton left the meeting at the end of the debate on this item.)*

#### **127. Boundary Committee Review of Suffolk: Update**

***Forward Plan Reference: Feb10/17 Cabinet Members: Cllr John Griffiths***

Councillor Griffiths informed the Cabinet of the Government's announcements today, 10 February 2010, that it would not impose an unwanted unitary solution on Suffolk given the lack of consensus on the Boundary Committee's proposals. There would now be a County Constitutional Convention to allow local councils, Members of Parliament and stakeholders to discuss the best option for the future of local government in Suffolk. He emphasised that this would put local decisions back into the hands of local people. The Borough Council had always argued that a West Suffolk Unitary Council made the most sense for residents and businesses within St Edmundsbury and was pleased that this option remained open. In the meantime, the Borough Council would continue with its commitment to improve services to the public, sharing costs and increasing efficiency wherever possible. He concluded by stating that it was a pity that the Boundary Committee chose not to listen to the people of Suffolk and, therefore, that such a huge amount of time, energy and above all public money had been wasted on this review.

The Cabinet recognised the significant amount of work undertaken by officers involved in this process, especially the Chief Executive, Corporate Director for Community Services, the Chief Finance Officer and the Communications Team. It was also noted that there had been strong leadership from the Members on this issue.

*(Councillor Everitt left the meeting at the end of the discussion on this item.)*

## **128. Treasury Management Performance and Annual Treasury Management and Investment Strategy 2010/2011**

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

The Cabinet considered Report A496 (previously circulated) which sought approval for the Annual Treasury Management Statement Strategy and Annual Investment Strategy for 2010/2011, the formation of a Treasury Management Sub-Committee and amendments to the Council's Constitution.

In the light of the recent banking crisis, the Chartered Institute of Public Finance and Accountancy (CIPFA) had issued a revised '*Treasury Management in the Public Services Code of Practice*' (the Code). Compliance with the Code required that it was 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 were provided at Appendix 1.

The new Code also required that the Council undertake enhanced scrutiny of the treasury function, and that it was recommended that a Treasury Management Sub-Committee be established. In the case of the Borough Council it was considered that a sub-committee of the Performance and Audit Scrutiny Committee would best fulfil this function.

The Annual Treasury Management and Investment Strategy statements for 2010/2011 and prudential indicators were detailed in Appendix 2 of the report. It was estimated that in 2010/2011 the treasury management activity would generate income of £566,000, which was equivalent to £14.91 for each Council Tax Band D property. This represented an average target investment rate for the year of 1.5% and reflected current projections regarding interest rate movements in the forthcoming year. Appendix 3 provided a summary of the national and international forecasts provided by the Council's treasury management advisers, Sector Treasury Services Limited, which supported these estimates. In addition to interest income derived from the investment of the Council's balances, it was estimated that the Council's non-operational property and assets portfolio would generate income of £2,680,000 during the year, which was equivalent to £70.60 for each Council Tax Band D property.

The Cabinet wished to place on record its thanks to the whole Treasury Management Team for its efficient operation.



### ***RECOMMENDED:-***

#### ***That subject to the approval of full Council:-***

- (1) 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;***
- (2) 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) a Treasury Management Sub-Committee of the Performance and Audit Scrutiny Committee be established, to fulfil the enhanced scrutiny requirements of the new Code.***

*(Councillor Ereira-Guyer arrived at the conclusion of the debate on this item)*

**129. Budget and Council Tax Setting: 2010/2011**

***Forward Plan Reference: Feb10/12 Cabinet Member: Cllr Paul Farmer***

The Cabinet considered Report A497 (previously circulated) which sought approval for the budget and level of Council Tax for 2010/2011.

The officers tabled an amendment to paragraph 4.6.2 regarding the revised programme of assets disposals and paragraph 4.8.2 an amendment to the sensitivity analysis.

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

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

The following appendices were attached to the report:-

Appendix A: Revenue Budget Summary;  
Appendix B: Capital Programme;  
Appendix C: Comparison of 2009/2010 and 2010/2011 budgets;  
Appendix D: DR-IVE savings and new income proposals;  
Appendix E: Median Term Financial Strategy (Five Year Model);  
Appendix F: Report by the Chief Finance Officer;  
Appendix G: Earmarked reserves 2010/2011; and  
Appendix H: the Prudential Code for Capital Finance in Local Authorities.

Councillor Farmer, Portfolio Holder for Resources and Efficiency, provided the background for setting the 2010/2011 budget, revisions to the capital programme and the Medium Term Financial Strategy and Reserves. He then proposed a Council Tax increase of 1.9%, which he considered would help to protect essential services and invest in the Borough's future prosperity. He stated that there was a need to balance the demand for services with the ability of residents to pay for them. Last year, 2009/2010, the Borough Council was one of the few councils nationally that acted promptly at the depth of the recession by freezing Council Tax. There was now a need to raise £298,000 more than last year to ensure that important services were protected while continuing to invest in the areas that benefitted many people.



***RECOMMENDED:- That***

***That subject to the approval of full Council:-***

- (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 recommends the level of Council Tax for 2010/2011 be increased by 1.9% on the 2009/2010 levels;*
- (4) *new Earmarked Reserves be 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; and*
- (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 2010/2011.*

**130. West Suffolk House Joint Committee: 22 January 2010**

*Forward Plan Reference: Feb10/16 Cabinet Member: Cllr Nigel Aitkens*

The Cabinet received and noted Report A498 (previously circulated) which informed the Cabinet of the following items discussed by the West Suffolk House Joint Committee on 22 January 2010:-

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

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

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

The Cabinet considered a narrative item which sought approval for the transfer of land to Suffolk County Council for a primary school in Haverhill and also approve a delegation for the location and funding for the play equipment.

On 30 July 2008 the Cabinet resolved 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 had provisionally been agreed. It had been agreed that the Borough Council would receive £10,000 an acre for the additional land being taken above the area provided at the existing Clements Primary School. The additional area totalled 5 acres, giving the Borough Council a payment of £50,000. In addition, Suffolk County Council would contribute a maximum of £5,000 towards the Borough Council's legal and surveyors fees. There was also a need to remove the existing play equipment. The proposal was to either provide new equipment on an adjacent site or alternatively receive a commuted sum to re-provision on the newly created open space following the demolition of the current school in September 2011.

In response to a question, the Cabinet was informed that any new play area would conform to newer British Standards which limited the options for re-using existing equipment.

RESOLVED:- That

- (1) the transfer of land to Suffolk County Council proceed as detailed in Agenda item 11; 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 and negotiate with Suffolk County Council regarding its funding.

### **132. Sustainable Development Panel: 9 February 2010**

*Forward Plan Reference: Feb10/14 Cabinet Member: Cllr Terry Clements*

The Cabinet considered Report A499 (tabled at the meeting) which contained the recommendations emanating from the meeting of the Sustainable Development Panel held on 9 February 2010.

On 9 February 2010, the Sustainable Development Panel considered 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.

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

RESOLVED:- That

#### **(1) St Edmundsbury Local Development Framework: Progress Update**

The Head of Planning and Economic Development, in consultation with the Portfolio Holder for Transport and Planning and the Chairman of the Sustainable Development Panel, be granted delegated authority to agree minor changes to the Core Strategy requested by the Planning Inspector and arising from the Examination in Public.

**(2) Suffolk County Council Waste Core Strategy: Submission Document: Consultation**

The contents of Report A505, and in particular the officers' comments contained in Section 3, form the basis of the Borough Council's response to the consultation on the Suffolk County Council Waste Core Strategy: Submission Document.

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

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

The Cabinet considered Report A500 (previously circulated) which sought approval for the second phase of the works to the St Olaves Shopping Precinct, Bury St Edmunds.

St Olaves Precinct was a local shopping centre serving the needs of the residents of the Howard Estate in Bury St Edmunds. The precinct was owned by the Borough Council, but leased to Land Master. The Council retained responsibility for the area around the buildings. The external areas were now in need of a refurbishment and two sources of funding for this had recently become available. The planning consent for the new ASDA store on Western Way, Bury St Edmunds included a Section 106 commitment and £80,000 had been allocated for improvements to the local shopping centres at St Olaves and Ridley Road. Approval had been given to use £65,000 of this funding for a first phase of the works. The second phase of the works could be funded from a £50,000 contribution from Landmaster to enable the former Merry-Go-Round site to be developed for residential use. It was proposed to use this funding to provide a new planting area and public square as shown on the plan attached as Appendix A to the report.

Councillor Ereira-Guyer, the local Ward Member, was pleased with elements of the scheme, however he raised concerns that during the consultation process the residents had wished to see an egress from the square but this had not been included in the final scheme. He had also received concerns about the landscaped area. However, he was pleased to inform the Cabinet that the local schools would be involved with the design of the central feature/art works and also with the landscaping.

Councillor Clements, Portfolio Holder for Transport and Planning, stated that an egress was considered but it was concluded that one could not be accommodated within the scheme. The Cabinet was informed that the landscaping had to be undertaken within a fixed budget but that officers would consult with the community regarding the details of the scheme.

RESOLVED:- That

- (1) 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 be approved;
- (2) this Second Phase to be funded from the £50,000 contribution received from Landmaster be approved; and
- (3) 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.

*(Councillor Ereira-Guyer left the meeting after the consideration of this item.)*



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

***Forward Plan Reference: N/A Cabinet Member: Cllr Terry Clements***

The Cabinet considered a narrative item which sought approval that the section of footway/cyclepath between Lawson Place and Mount Road, Bury St Edmunds be dedicated as public highway and adopted as maintainable at the public expense.

The footway/cyclepath between Lawson Place and Mount Road, which was shown on the Paper A501 (previously circulated), was built as a part of the cycle/pedestrian network on the Moreton Hall Estate. It had been agreed by the Highway Authority that this route should be adopted as public highway and maintained at the public expense. To achieve this the Borough Council was required to resolve to dedicate as public highway the section of path shown between points A and B on the plan (Paper A501). Using the powers contained within the Highways Agency Agreement with Suffolk County Council, the Borough Council could adopt this route as maintainable at the public expense.

RESOLVED:-

That the section of footway/cyclepath between points A and B shown on the plan (Paper A501) be dedicated as public highway and adopted as maintainable at the public expense.

**135. Tendering of Closed Circuit Television (CCTV) Monitoring Contract**

***Forward Plan Reference: Feb10/24 Cabinet Member: Cllr Sara Mildmay-White***

The Cabinet considered Report A502 (previously circulated) which sought approval for the tendering process for the CCTV Monitoring Contract should be identified as a reserve contract for supported factories and businesses in accordance with European Union Procurement Regulations.

The current CCTV Monitoring Contract expired on 30 September 2010 and as the contract value was above the European Union (EU) threshold for services it was 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 existed for the contract to be identified as either an unreserved open contract, which was the standard approach, or as a reserved contract for supported factories and businesses. The current contractor providing the CCTV monitoring service was a supported business and a leading provider of employment services and employment to people experiencing complex barriers to work. A supported business was one in which employment opportunities were provided for people with disabilities through Government funding and a minimum of 50% of the staff employed were registered disabled.

In response to a question, the Cabinet was informed that where a contract had been reserved under this provision, the process must still allow for fair and open competition amongst the suppliers throughout the EU that bid for such contracts. In addition, the tenders would still be assessed on a value for money basis, and the successful tenderer would offer best value. It was noted that the tender price would be compared to the value of the current contract. It was also noted that the current provider was considered to be delivering a good service.

RESOLVED:-

That the CCTV Monitoring Contract be identified as a reserved contract for supported factories and businesses in accordance with European Union Procurement Regulations.

**136. Affordable Housing Scheme at Prospect House, Prospect Row, Bury St Edmunds**

***Forward Plan Reference: Feb10/23 Cabinet Member: Cllr Anne Gower***

*(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. Councillor Lockwood declared a personal interest as a Borough Council representative on the Havebury Housing Partnership Performance Panel. Councillor Ray declared a personal interest as a Borough Council representative on the Havebury Housing Partnership Community Investment Fund Focus Group. Councillor Mrs Mildmay-White declared a personal interest as the Borough Council's representative at the Havebury Housing Partnership annual meeting who exercise the Borough Council's voting rights. Councillors Lockwood, Ray and Mrs Mildmay-White remained in the meeting for the consideration of this item.)*

The Cabinet considered Report A503 (previously circulated), which sought approval of an allocation of £45,000 from the Council's affordable housing capital budget to be committed to enable the delivery of affordable homes at Prospect House, Prospect Row, Bury St Edmunds.

Prospect House in Bury St Edmunds was a building that was immediately adjacent to the former Cattle Market Site. Prior to the construction of the arc development it was part of Havebury Housing Partnership's housing stock. As the future of the property was uncertain, particularly how the overall development would impact on its future use, it was sold to the developer, Centros. Having completed the arc development, Centros had now decided to market Prospect House, which remained for residential use and Havebury Housing Partnership was negotiating to purchase it. Attached as Exempt Appendix A to the report were details of the funding for this development.

RESOLVED:- 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.

The meeting concluded at 6.51 pm

**J H M GRIFFITHS  
CHAIRMAN**