

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 23 June 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 Clements, Everitt, Farmer, Mrs Gower, Mrs Mildmay-
White, Ray and Stevens.

BY INVITATION: Councillor Aitkens (Chairman of Policy Development Committee)
and Councillor Lockwood (Chairman of Overview and Scrutiny
Committee).

13. Apologies for absence

An apology for absence was received from Councillor Mrs Alexander.

14. Minutes

The minutes of the meeting held on 26 May 2010 were confirmed as a correct record and signed by the Chairman.

15. Declarations of Interests

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

16. Report of the Overview and Scrutiny Committee: 2 June 2010

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

The Cabinet received and noted Report B62 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 2 June 2010:-

- (1) Annual Report of the Cabinet 2009/2010;
- (2) Cabinet Forward Plan: June to September 2010;
- (3) Adoption of 2010/2011 Work Programme and Nominations to Working Groups and Suffolk Joint Scrutiny Committees;
- (4) Environmental Health and Licensing Services Peer Challenge and Self Assessment; and
- (5) Updates on Councillor Calls for Action considered to date.

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

17. Report of the Policy Development Committee: 9 June 2010

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

The Cabinet received and noted Report B63 (previously circulated) which informed the Cabinet of the following items discussed by the Policy Development Committee on 9 June 2010:-

- (1) Annual Report of the Cabinet 2009/2010;
- (2) Cabinet Forward Plan: June to September 2010; and
- (3) Adoption of 2010/2011 Work Programme and Appointment to Panels, Reviews and Working Groups.

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

18. Report of the Policy Development Committee: Asset Management Plan and Capital Management Strategy – Performance Management and Implementation Plans

Forward Plan Reference: Jul10/02 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report B64 (previously circulated) which sought approval for the Asset Management Plan Implementation Programme 2010/2011 and associated Action Plan.

Councillor Aitkens, Chairman of the Policy Development Committee, drew relevant issues to the attention of the Cabinet and stated that the Committee had considered the Annual Report on the performance of the Asset Management Plan (AMP) 2009/2010 and proposals for implementation in 2010/2011. The AMP enabled the Council to achieve its strategic aims by working towards an ideal and sustainable property portfolio to meet service delivery needs, and to help support major items of capital expenditure.

Councillor Stevens highlighted the energy and water consumption and CO2 emissions statistics contained within Appendix 2 to Report B30, highlighting how well the Borough Council were performing compared to other sample districts.

RESOLVED:-

That the Implementation Programmes 2010/2011 and the Asset Management Plan Action Plan 2010, as set out in Report B30, be approved.

19. Report of the Policy Development Committee: Equality Action Plan

Forward Plan Reference: Jul10/04 Cabinet Member: Cllr David Ray

The Cabinet considered Report B65 (previously circulated) which sought approval for the amended Equality Action Plan for 2010/2011.

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

Councillor Ray, Portfolio Holder for Performance and Organisational Development, informed the Cabinet that a Peer Review had been undertaken and had identified a number of areas where the Council could improve its equality and diversity work, and as a result a new Equality Action Plan had been developed.

RESOLVED:-

That the new Equality Action Plan for 2010/2011, as set out in Report B28, be approved and replace existing Action Plan.

20. Report of the Policy Development Committee: Taking Vision 2025 Forward

Forward Plan Reference: Jul10/11 Cabinet Member: Cllr John Griffiths

The Cabinet considered Report B66 (previously circulated) which sought approval of the Master Plans for Bury St Edmunds, Haverhill and the Rural Areas to be used as the vehicle for taking forward the St Edmundsbury Vision 2025 document.

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

RESOLVED:-

That the Master Plans for Bury St Edmunds, Haverhill and the Rural Areas be used as the vehicle for taking forward the St Edmundsbury Vision 2025 document, as detailed in Report B29.

21. Cabinet Annual Report 2009/2010 and Corporate Plan 2010/2011

Forward Plan Reference: Jul10/09 Cabinet Member: Cllr John Griffiths

The Cabinet considered Report B67 (previously circulated) which sought approval of the Annual Report which incorporated the Cabinet's Report for 2009/2010 and the Corporate Plan 2010/2011.

The Report reviewed the achievements of 2009/2010 and detailed the Cabinet's commitment and corporate priorities for 2010/2011. The Overview and Scrutiny Committee on 2 June 2010, and the Policy Development Committee on 9 June 2010, considered the Annual Report, as required by the Constitution. The document had been updated to take into account the comments received from the Committees.

Councillor Griffiths, Leader of the Council, and Councillor Ray, Portfolio Holder for Performance and Organisational Development, drew relevant issues to the attention of the Cabinet.

Councillor Griffiths wished to place on record his thanks to the Scrutiny Committees for their input into the completion of the document.

RESOLVED:-

That Report B67 be approved as the Cabinet's Annual Report for 2009/2010 and priorities for 2010/2011.

22. Recommendations from Grant Panel: 8 June 2010 (Jul10/01)

Forward Plan Reference: Jul10/01 Cabinet Members: Cllrs Robert Everitt and Paul Farmer

The Cabinet considered Report B68 (previously circulated) which contained the recommendations emanating from the meeting of the Grant Panel held on 8 June 2010.

On 8 June 2010 the Grant Panel considered the following items:-

- (1) Rural Areas Community Initiatives Fund: Application for Project Funding 2010/2011; and
- (2) Recreation, Village Halls and Play Scheme Grants: Applications for Project Funding 2010/2011.

RESOLVED:- That

(a) Rural Areas Community Initiatives Fund: Application for Project Funding: 2010/2011

That no grant be awarded to Little Thurlow Parish Council towards the production of a new village book.

(b) Recreation, Village Halls and Play Scheme Grants: Applications for Project Funding: 2010/2011

- (1) a grant of £4,810 be awarded to Great Thurlow Parish Council towards the cost of the refurbishment of the Sports and Recreation Ground car park and the installation of the new swing;
- (2) a grant of £7,500 be awarded to Chedburgh Parish Council towards the cost of modernising the village play area; and
- (3) a grant of £8,000 be awarded to Whelnetham Community Centre Management Committee towards the cost of a new heating system and insulation to the Community Centre.

23. Recommendations from Joint Staff Consultative Panel: 15 June 2010

Forward Plan Reference: Jul10/05 Cabinet Member: Cllr David Ray

The Cabinet considered Report B69 (previously circulated) which contained the recommendation emanating from the meeting of the Joint Staff Consultative Panel held on 15 June 2010.

On 15 June 2010 the Joint Staff Consultative Panel considered the following items:-

- (1) UNITE Membership;
- (2) Partnership Working and Shared Services: Update;
- (3) Workforce Planning Update: 2009/2010; and
- (4) Mindful Employer.

RESOLVED:-

That UNITE be no longer represented on the Joint Staff Consultative Panel and that the number of UNISON representatives be set at 8.

24. Asset Management Plan: Bury St Edmunds Rugby Club (Jul10/08)

Forward Plan Reference: Jul10/08 Cabinet Members: Cllrs Sara Mildmay-White and Lindsay Alexander

(Councillor Farmer declared a personal interest as a nearby resident but remained in the meeting for the consideration of the item.)

The Cabinet considered Report B70 (previously circulated) which sought approval to sell the freehold of the Haberden Sports Ground to Bury St Edmunds Rugby Club.

The Bury St Edmunds Rugby Club had been in existence for over 80 years, was a major asset for the town in terms of its sporting provision, had a regional role as a community rugby club and was nationally recognised by the Rugby Football Union (RFU). The club provided a range of sports related activities for young people, women and people with disabilities, as well as the mainstream rugby team activities.

The facilities at the club were unable to cope with its success and the lack of sufficient changing rooms and showers to meet the consistent demand limited the club's compliance with the Disability Discrimination Act 1995 (DDA). Eastern Counties Rugby Football Union had identified the club facilities and development project as a high priority within the regional RFU facilities plan.

In 2006, the Council were approached by the Rugby Club with a request that a contribution be made towards a scheme to provide these necessary accessibility improvements and additional facilities at the clubhouse. Work progressed with members of the rugby club and RFU representatives to develop the scheme. In addition, advice was given in respect of further external funding opportunities.

Since the completion of the all weather pitch and extended facilities, the club had seen increased participation not only from junior and women rugby players but from local football clubs. Owing to unanticipated additional ground works required, the final project cost was over £500,000. The club received additional loans of £50,000 and £75,000 from the RFU and Sport England respectively to fund the additional works.

Bury St Edmunds Rugby Club wished to extend the lease or preferably purchase the freehold of the land. As an RFU recognised accredited club, they also intended to obtain additional land to provide an extra two full-sized rugby pitches for its increased participation.

Cabinet felt that a 12 month deferral clause was unnecessary given the nature of the agreement and therefore it was agreed this recommendation could be deleted. It was also agreed that recommendation 3 should be amended to include the words 'as set out in paragraph 4.4.5(c) of Report B70' for clarification purposes.

RESOLVED:- That

- (1) the Council sell the freehold interest of the Haberden Sports Ground to Bury St Edmunds Rugby Club;
- (2) the freehold interest be sold under the provisions of community management and ownership of assets, based on a percentage of market value, at £27,000;
- (3) a covenant, which restricts the uses of the grounds to community and recreational only, be imposed on the sale as set out in paragraph 4.4.5(c) of Report B70; and
- (4) it be noted that no loan is required by the club from the Council to pay for the freehold interest.

25. Asset Management Plan: Corn Exchange, Bury St Edmunds Options for Use

Forward Plan Reference: Jul10/13 Cabinet Member: Cllr Sara Mildmay-White

(Councillor Clements declared a prejudicial interest as a Borough Council representative on the Abbeycroft Leisure Trust Board and left the meeting for the consideration of the item.)

The Cabinet considered Report B71 (previously circulated) which summarised the outcomes of further negotiation and public consultation on the two short-listed bids for the leasehold of the Corn Exchange.

Under its asset management process, the Council agreed in 2004 that the Corn Exchange in Bury St Edmunds would be declared surplus to operational use when the new public venue (The Apex) opened; the income from a new tenant being part of the original business planning for the new venue. The Apex was due to open in late 2010 and, therefore, the Council had been working towards the marketing of the leasehold for the Corn Exchange over the last year, culminating in a formal prospectus being issued to potential commercial and community bidders in March 2010.

On 26 May 2010, the Cabinet agreed to short-list two formal bids for the leasehold of the Corn Exchange, received from JD Wetherspoon PLC and Abbeycroft Leisure, for further investigation, negotiation and consultation. On 15 June 2010, a consultation event was held in the Corn Exchange which attracted over 200 participants. A full summary of the exercise was contained in Appendix 1 to Report B71.

Cabinet Members clarified that planning and licensing issues should not be taken into account at this point and that any decision should be taken from an asset disposal point of view, in the Council's role as landlord of the building. The Cabinet thanked JD Wetherspoon PLC and Abbeycroft Leisure for submitting bids and felt that, in view of its significance, it would be appropriate for this matter to be debated and determined by all Members at the meeting of full Council on 29 June 2010.



RECOMMENDED:-

That in view of the budgetary and policy implications and in accordance with the Council's adopted option appraisal process of the asset management plan, which includes community management and ownership of assets, the full Council shall determine whether either of the two formal bids for the leasehold of the Corn Exchange can be accepted, and if so which, subject to the receipt of planning permission and any other necessary consents.

26. Recommendations from Sustainable Development Panel: 14 June 2010

Forward Plan Reference: Jul10/10 Cabinet Members: Cllrs Terry Clements and Peter Stevens

The Cabinet considered Report B72 (previously circulated) which contained the recommendations emanating from the meeting of the Sustainable Development Panel on 14 June 2010.

On 14 June 2010 the Sustainable Development Panel considered the following items:-

- (1) Braintree Local Development Framework: Submission Draft Core Strategy;
- (2) St Edmundsbury Borough Replacement Plan 2016: Policy HAV3: Strategic Employment Site: Hanchett End, Haverhill – Draft Concept Statement; and
- (3) Local Development Framework Progress Report.

The Cabinet noted that the item in respect of the approval of the draft concept statement regarding a strategic employment site at Hanchett End, Haverhill had also been considered by the Haverhill Area Working Party on 10 June 2010 (Report B42 referred).

RESOLVED:- That

(a) Braintree Local Development Framework: Submission Draft Core Strategy

That the content of Paragraph 3.2 of Report B48 form the basis of representations to be submitted to Braintree District Council in relation to the Braintree Local Development Framework Submission Core Strategy.

(b) Local Development Framework: Progress Report

Formal comments concerning the possible change to Wickhambrook in the Core Strategy, as noted in paragraph 2.4 of Report B49, be submitted to the Planning Inspector.

(c) St Edmundsbury Borough Replacement Plan 2016 Policy HAV3: Strategic Employment Site, Hanchett End, Haverhill – Draft Concept Statement

(This report was also considered by the Haverhill Area Working Party on 10 June 2010)

- (1) Subject to there being no over-riding adverse comments from the landowners and Ward Members, the draft Concept Statement for Hanchett End, Haverhill as detailed in Appendix 1 to Report B42, as amended to include the location plan annotated CS02 (Jan 2010), be approved for public consultation; and
- (2) the Head of Planning and Economic Development Services be authorised, in consultation with the Portfolio Holder for Transport and Planning, to make any minor factual, grammatical and typographical amendments to the Statement, as appropriate.

27. Recommendations from Haverhill Area Working Party: 10 June 2010
Forward Plan Reference: Jul10/06 Cabinet Member: Cllr Anne Gower

The Cabinet considered Report B73 (previously circulated) which contained the recommendations emanating from the meeting of the Haverhill Area Working Party held on 10 June 2010.

On 10 June 2010 the Haverhill Area Working Party considered the following items:-

- (1) St Edmundsbury Borough Replacement Local Plan 2016: Policy HAV3 Strategic Employment Site: Hanchett End, Haverhill: Draft Concept Statement;
- (2) Haverhill Town Centre Management: Supplementary Report on Activities to Animate Queen Street, Haverhill Throughout the Summer 2010;
- (3) Evaluation of the Haverhill Locality Pilot Project and Summary of the Returns to the Haverhill Partnership Questionnaire; and
- (4) Haverhill Community Football Project: Update.

The Cabinet noted that the item in respect of the approval of the draft concept statement regarding a strategic employment site at Hanchett End, Haverhill had also been considered by the Sustainable Development Panel and it had concluded and made the same recommendation as the Sustainable Development Panel (Report B42 referred).

RESOLVED:- That

(a) St Edmundsbury Borough Replacement Plan 2016 Policy HAV3: Strategic Employment Site, Hanchett End, Haverhill – Draft Concept Statement

(This recommendation was also considered by the Sustainable Development Panel on 14 June 2010, minute 26 (c) above refers.)

(b) Haverhill Town Centre Management: Supplementary Report on Activities to Animate Queen Street, Haverhill Throughout the Summer 2010

- (1) An additional £285 be allocated to provide a revised total budget of £2,985, to enable the remainder of programme between June and September 2010 to be delivered, as detailed in Section 2.5 of Report B43; and
- (2) this funding be allocated from the overall existing Haverhill Town Centre Management budget.

(c) Traffic Regulation Order: High Street, Haverhill

That the Head of Property Services and Engineering, in consultation with the Portfolio Holder for Haverhill and Housing, be given delegated authority to finalise a letter of support to Suffolk County Council (SCC) on behalf of the Borough Council, in respect of SCC's proposal to implement a Traffic Regulation Order restricting vehicle access at certain times of the day in the High Street, Haverhill.

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.

28. Construction of the Public Venue (The Apex) Fit Out: Final Account

Forward Plan Reference: Jul10/12 Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Exempt Report B74 (previously circulated) which updated on the current situation regarding the final account for the fit out of The Apex.

Members of the Public Venue (The Apex) Working Party have regularly been advised of the cost status of The Apex. In December 2009 a settlement for the final account of the shell and core construction was agreed with Taylor Woodrow

Construction (TWC) and approved by full Council. The fit out of The Apex was the more substantive part of the construction project and Report B74 outlined the background to this element of the build as well as the financial statement.



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

- (1) the position regarding the background and current progress of the construction of The Apex be noted;**
- (2) urgency powers exercised by the Chief Executive Officer on 28 May 2010 authorised £65,400 on fitting out the first floor area be noted in accordance with Rule 4 of the Budget and Procedure Policy Rules and Rule 2.2 (ii) of the Contracts Procedure Rules; and**
- (3) it be noted that the revised estimated cost for the construction of The Apex in Bury St Edmunds town centre has increased to £18,594,655.**

29. Hamlet Croft Football Ground, Haverhill

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

(With the agreement of the Mayor, the Chairman of the Overview and Scrutiny Committee and the Leader of the Council, that in the public interest and in accordance with Section 4 of the budget and policy framework procedure rules contained in the Council's Constitution, this item can be considered as a matter of urgency, in accordance with Section 100B(4) of the Local Government Act 1972 in order that this matter can be resolved within the necessary timescale.)

The Cabinet considered an Exempt narrative item (previously circulated) which sought approval to demolish buildings on the Hamlet Croft Football club site, erect a secure fence and warning notices and use monies from the Land Awaiting Development and the Maintenance budgets.

RESOLVED:- That

- (1) the immediate demolition of the buildings on the site be approved;
- (2) pending demolition, the sealing-off of the site by securely fencing it and erecting warning notices be approved; and
- (3) the use of moneys allocated to the Land Awaiting Development budget and the Maintenance budget to meet the costs of (1) and (2) above be approved.

The meeting concluded at 6.30 pm

**J H M GRIFFITHS
CHAIRMAN**