

Enquiries regarding this Agenda:
Steven Lincoln (01284) 757108

Cabinet

***Wednesday 28 July 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
Deputy Leader of the Council: Councillor Sara Mildmay-White***

<i>Councillors:</i>		<i>Portfolios:</i>
Lynsey Alexander	-	Culture and Sport
Terry Clements	-	Transport and Planning
Robert Everitt	-	Bury St Edmunds and Community
Paul Farmer	-	Resources and Efficiency
Anne Gower	-	Haverhill and Housing
John Griffiths	-	Rural Affairs and External Relationships
Sara Mildmay-White	-	Economy and Asset Management
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 23 June 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 Overview and Scrutiny Committee: 7 July 2010

Chairman – David Lockwood;

Contact Officer – Adriana Stapleton

Telephone: 01284-757613

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

Report **B137** attached.

Summary and reasons for recommendation:

On 7 July 2010 the Overview and Scrutiny Committee considered the following items:-

- (1) Review of the Disabled Facilities Grants Process;
- (2) Review of Car Parking and Potential for Park and Ride in Bury St Edmunds;
- (3) Work Programme;
- (4) Cabinet Forward Plan: July to October 2010;
- (5) Update on Section 106 Matters in St Edmundsbury; and
- (6) Civil Parking Enforcement.

Recommendation:

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

Recommendation:

5. Report of the Overview and Scrutiny Committee: Regulatory Enforcement Update (Aug10/08)

*Cabinet Members – Robert Everitt;
Terry Clements*

Contact Officer – Richard Whitehead

Telephone: 01284-757037

e-mail: richard.whitehead@stedsbc.gov.uk

Report **B138** attached.

Summary and reasons for recommendation:

The Committee received a report which was in three parts. Firstly, it reviewed and updated the Council's Enforcement Policy. In particular the obligations of the Regulators' Compliance Code were now incorporated, together with two new service specific policies. The section on Directed Surveillance had been updated to reflect the new Code of Practice, although this may be subject to further change.

Secondly, the report introduced the new Code of Practice on Covert Surveillance and Property Interference, which recommended that elected Members review the authority's use of the Regulation of Investigatory Powers Act 2000 on a quarterly basis. The five authorised applications for Directed Surveillance that were approved in 2009/2010 were detailed for this purpose.

Thirdly, Members had requested information about the planning enforcement service, and this was provided via the annual report to the Development Control Committee, which outlined the work undertaken, and was the means by which the outcomes of this service area were monitored.

Recommendation:

The Overview and Scrutiny Committee recommends that the revised Enforcement Policy, at Appendix 1 to Report B99, be adopted.

6. West Suffolk House Joint Committee: 23 July 2010 (Aug10/03)

*Cabinet Member – Sara Mildmay-White Contact Officer – Ivan Sams
Telephone: 01284-757304
e-mail: ivan.sams@stedsbc.gov.uk*

Report **B139 TO FOLLOW**.

Summary and reasons for recommendations:

On 23 July 2010 the West Suffolk House Joint Committee will consider the following items:-

- (1) West Suffolk House Building Manager's Report;
- (2) Car Parking to the front of West Suffolk House;
- (3) Third Party Occupation: West Suffolk House; and
- (4) Items of Interest.

Recommendations:

Any recommendations emanating from the meeting of the West Suffolk House Joint Committee will follow as Report B139.

Corporate Priority: Securing a Sustainable and Attractive Environment

**7. Recommendations from Sustainable Development Panel:
6 July 2010 (Aug10/05)**

*Cabinet Members – Terry Clements; Contact Officer – Patsy Dell
Peter Stevens Telephone: 01284-757306
e-mail: patsy.dell@stedsbc.gov.uk*

Report **B140** attached.

Summary and reasons for recommendations:

On 6 July 2010 the Sustainable Development Panel considered the following items:-

- (1) 6th Annual Corporate Environmental Performance Report 2009/2010;
- (2) Ixworth Conservation Area Appraisal and Management Plan; and
- (3) St Edmundsbury Local Development Framework Core Strategy: Housing Provision in St Edmundsbury 2010 to 2031.

Recommendations:

(1) 6th Annual Corporate Environmental Performance Report: 2009/2010

The revisions to Corporate Environmental Targets, as detailed in paragraph 3.1 of Report B105, be adopted.

(2) Ixworth Conservation Area Appraisal and Management Plan

(This report was also considered by the Rural Area Working Party, see agenda item below)

- (1) The Ixworth Conservation Area Appraisal and Management Plan, attached as Appendix B to Report B53, be adopted as planning guidance;
- (2) the revised boundary of the Conservation Area attached as Appendix C, as amended to remove the property known as Mere View, to Report B53 be adopted as the new boundary for the Ixworth Conservation Area; and
- (3) any minor typographical, factual and/or grammatical changes to the final document be agreed by the Head of Planning and Economic Development in consultation with the Portfolio Holder for Transport and Planning.

(3) St Edmundsbury Local Development Framework Core Strategy: Housing Provision in St Edmundsbury 2010 to 2031

- (1) The locally derived housing requirement to identify sites for a further 9,200 homes in St Edmundsbury between 2009 and 2031 as evidenced in Report B106 and planned for in the Core Strategy be noted; and
- (2) the Planning Inspector examining the Core Strategy be advised of the above position in response to his consultation on the Government's intention to remove the housing numbers in the Regional Spatial Strategy.

**8. Recommendations from Rural Area Working Party:
17 June 2010 (Aug10/04)**

Cabinet Member – John Griffiths;

Contact Officer – Alex Wilson

Telephone: 01284-757695

e-mail: alex.wilson@stedsbc.gov.uk

Report **B141** attached.

Summary and reasons for recommendations:

On 17 June 2010, the Rural Area Working Party considered the following items:-

- (1) Ixworth Conservation Area Appraisal and Management Plan;
- (2) Parish Conference Planning;
- (3) Waste and Street Scene Services: Cleansing Review; and
- (4) Rural Area Working Party Work Programme 2010.

Recommendations:

**Ixworth Conservation Area Appraisal and Management Plan
(Report B53)**

(The report was also considered by the Sustainable Development Panel, see agenda item 7 above.)

- (1) The Ixworth Conservation Area Appraisal and Management Plan, attached as Appendix B of Report B53, be adopted as planning guidance;
- (2) the revised boundary of the Conservation Area, attached as Appendix C of Report B53, be adopted as the new boundary for the Ixworth Conservation Area; and
- (3) any minor typographical, factual and/or grammatical changes to the final document be agreed by the Head of Planning and Economic Development in consultation with the Portfolio Holder for Transport and Planning.

**9. Recommendations from St Edmundsbury Growth Area Partnership
Board: 5 July 2010 (Aug10/01)**

Cabinet Member – Terry Clements;

Contact Officer – Patsy Dell

Telephone: 01284-757306

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

Report **B142** attached.

Summary and reasons for recommendations:

On 5 July 2010 the St Edmundsbury Growth Area Partnership considered the following items:-

- (1) Growth Area Fund: Update;
- (2) Local Development Framework: Update;
- (3) Growth Area Major Development Projects: Progress Report; and

(4) Growth Area Green Infrastructure Projects: Progress Report.

Recommendations:

(1) Growth Area Fund: Update

That an early indication be given to the Minister of Housing and Local Government that:-

- (1) the Council and its partners welcomes the retention of Growth Area Funding for 2010/2011 and that the opportunity to now adopt a localist approach in the use of this fund is accepted; and
- (2) the required statement on local and community engagement will be forwarded as soon as possible.

(2) Growth Area Green Infrastructure Projects: Progress

- (1) approval be given to commit up to £250,000 of Growth Area Funding to the implementation of the identified stage of the Bury St Edmunds Greenway project (Ickworth Park to Nowton Park); and
- (2) officers investigate potential green infrastructure projects in Haverhill with a view to identifying new projects for funding by the time of the meeting of the Partnership Board in September 2010 with the Railway Walk Improvements scheme being afforded priority.

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

10. Approval of Local Investment Plan (Aug10/10)

Cabinet Member – Anne Gower;

Contact Officer – Carole Herries

Telephone: 01284-757603

e-mail: carole.herries@stedsb.gov.uk

Report **B143** attached.

(Because of the size of the document, Appendix 1 to this report, Local Investment Plan, 2010-2015, has been sent to Members of the Cabinet only, but can be viewed on the Council's website.)

Summary and reasons for recommendation:

The Homes and Communities Agency (HCA) is engaging with all local authorities in a process referred to as the Single Conversation, which has resulted in a Local Investment Plan (LIP) for the Borough.

The LIP pulls together existing commitments, focussing on the delivery of projects, identifying the likely gaps in funding and where intervention is required if the project is to be delivered. It has been developed in partnership

with the Council's strategic partners, namely the HCA, Suffolk County Council, Health, Housing Associations, East of England Development Agency (EEDA), Go-East and Suffolk ACRE and covers the period 2010 to 2015.

This plan will be the basis of future capital funding awards, including assistance with infrastructure costs and regeneration, and grant contributions towards the cost of delivery affordable housing.

The HCA will formally consider the LIP on 23 July 2010 and their comments will be available at the Cabinet meeting

Recommendation:

It is recommended that Cabinet approve the Local Investment Plan, attached to Report B143.

11. Homes Assistance Policy: Decent Homes Grants (Aug10/12)

Cabinet Member – Robert Everitt;

Contact Officer – Carole Herries

Telephone: 01284-757603

e-mail: carole.herries@stedsbcc.gov.uk

Summary and reasons for recommendations:

In its review of the Homes Assistance Policy (Paper Z362 on 19 November 2008) Policy Development Committee noted that funding for the Decent Homes Grant is made available through the Regional Housing Pot (RHP) and not the Council's own Capital Programme. Notwithstanding the source of the grant funding the grant was included within the Council's Homes Assistance Policy and was subjected to certain conditions in respect of qualifying works and other matters. The grant is available to vulnerable persons, those in receipt of an income or disability related benefit, to bring their homes up to the Decent Homes standard. Funding for this work through the RHP has been decreasing year on year and it is anticipated that this financial year's allocation will be spent before the end of this calendar year.

As well as receiving the RHP funding the Council was successful in obtaining £320,000 from the former East of England Regional Assembly (now the East of England Local Government Association) for improving homes to the Decent Homes standard for households on low incomes but not in receipt of a qualifying benefit. The funding was awarded after the Council had agreed its Home Improvement Policy, although conditions were applied to the new grant (the Decent Homes Plus grant) that mirrored the new Thermal Comfort grant, including the repayment of the grant on the sale of the property within a five year period.

Despite extensive marketing take-up of the Decent Homes Plus grant has been slow and a request has been made to the East of England Local Government Association to extend the eligibility criteria for the grant to include those vulnerable households currently eligible for the Decent Homes Grant. Agreement has been given, subject to the Decent Homes Grant having the same conditions as the Decent Homes Plus Grant, namely:-

- (1) the grant will be registered as a local land charge for a period of five years from the certified date (The 'certified date' is the date the eligible works have been completed to the satisfaction of the Council.);

- (2) the local authority will demand the repayment by the applicant of the grant if the applicant disposes (whether by sale, assignment, transfer or otherwise) of the premises, in respect of which the grant was given, within 5 years of the certified date (the 'grant period'); and
- (3) the thermal comfort criteria to be applied are:-
- (a) loft insulation up to 270mm;
 - (b) cavity wall insulation;
 - (c) draught-proofing;
 - (d) provision of central heating where none present; and
 - (e) repair/replacement of boilers.

Recommendations:

Cabinet is requested to **RECOMMEND** to full Council the amendment to the Homes Assistance Policy and attach the above conditions to applications in respect of Decent Homes Grants.

12. Empty Homes Strategy (Aug10/13)

Cabinet Member – Anne Gower;

Contact Officer – Carole Herries

Telephone: 01284-757603

e-mail: carole.herries@stedsbc.gov.uk

Summary and reasons for recommendations:

The Council's Empty Homes and Wasted Space Strategy, approved in September 2009 (Report A170 refers) sets out the objectives for bringing private sector long term empty homes back into use, principally by engaging and working with the owners. The Strategy identifies the need to use, as a last resort, legal powers including compulsory purchase orders (CPO's).

The CPO process involves seeking an order, which has to be approved by the Secretary of State, for the Council to acquire the property, and then sell it on, usually at an auction, or through a Registered Social Landlord, so that it is brought back into use. Compensation is payable to the owner, which is usually based on the market value of the property.

The use of CPO proceedings is therefore a legal process that will require some initial funding from the Council to cover legal, land registry and other costs associated with obtaining the order. In some cases this funding may be recovered in full or part once the property is sold.

In approving the Empty Homes and Wasted Space Strategy, Cabinet also approved the use of £75,000 from the affordable housing capital allocation for grants to owners to bring properties back into use. This report seeks Cabinet's approval to extend the use of the £75,000 to cover in addition any legal and other costs associated with the obtaining of CPO's or Empty Dwelling Management Orders (EDMO's) where appropriate, and to ringfence any funding that is recovered through the CPO process to this allocation, thereby stretching the £75,000 as far as possible.

It is anticipated that the costs for an unopposed CPO are likely to be in the region of £12,500 which could rise to about £22,000 if the order is opposed. Once the property is resold, this amount may be fully or partly recovered depending on the level of compensation that has to be paid to the owner.

Recommendations:

Cabinet is recommended:-

- (1) to approve extending the use of the £75,000 allocated for the Empty Homes Strategy to cover the costs of any legal action required to help bring long term empty homes back into use; and
- (2) to ringfence back to this allocation any funding that is recovered from the sale of property so acquired.

13. Representation on the Responsible Authorities Group (RAG) of the Western Suffolk Community Safety Partnership (WSCSP)

*Cabinet Members – Robert Everitt;
Sara Mildmay -White*

*Contact Officer – Cathy Manning
Telephone: 01284-757002
e-mail: cathy.manning@stedsb.gov.uk*

Summary and reasons for recommendations:

When the WSCSP was set up the Council nominated its Portfolio Holder with responsibility for community safety as its Member representative and this is reflected in the terms of reference of the RAG. As a result Councillor Everitt should take over this role to reflect the changes in Portfolio Holder responsibilities announced at the Annual Meeting of the Council 20 May 2010. However, for the following reasons, a temporary variation is suggested:-

- (1) although Suffolk is a very safe place to live, community safety and fear of crime are issues of importance to our residents, making the WSCSP a significant partnership for the Council;
- (2) CSPs across Suffolk are facing a period of uncertainty in terms of structure and finance;
- (3) the CSP is a complex partnership in which it takes time to build up knowledge and working relationships; and
- (4) during her period as the Borough Council's representative Councillor Mildmay-White was elected as Chairman of the RAG with a term of office which would run until 31 March 2011 if she were to remain on the RAG.

Councillors Mrs Mildmay-White and Everitt have discussed the position and concluded that the short-term continuity, which would be provided to the partnership by Councillor Mrs Mildmay-White completing her period of office as Chairman, would be beneficial to the Borough Council and the wider partnership. To facilitate Councillor Everitt's future membership of the RAG, the WSCSP is being requested to allow him to attend meetings in an observer capacity prior to becoming the Borough Council's representative from April 2011.

Recommendations:

It is **RECOMMENDED** that at the Responsible Authorities Group (RAG) meeting 10 August 2010 a request be made that:-

- (1) the RAG terms of reference be temporarily varied to allow Councillor Mrs Mildmay-White to continue as the Borough Council's elected member until 31 March 2011 and thereafter to revert to the Portfolio Holder with responsibility for community safety; and
- (2) Councillor Everitt attend RAG meetings for the remainder of this year, in a non-voting observer role, until he takes over as a full voting member in April 2011.

Part 2 – Private

NONE