

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 28 July 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 Mrs Alexander, Clements, Everitt, Farmer, Mrs Gower,
Mrs Mildmay-White, Ray and Stevens.

BY INVITATION: Councillor Lockwood (Chairman of Overview and Scrutiny
Committee) and Councillors Cox and Spicer.

30. Apologies for absence

There were no apologies for absence.

31. Minutes

It was agreed that in the first paragraph of minute 16, Report of the Overview and Scrutiny Committee, 'Performance and Audit Scrutiny Committee' be replaced by 'Overview and Scrutiny Committee'.

Subject to the above amendment, the minutes of the meeting held on 23 June 2010 were confirmed as a correct record and signed by the Chairman.

32. Declarations of Interests

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

33. Report of the Overview and Scrutiny Committee

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

The Cabinet received and noted Report B137 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 7 July 2010:-

- (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.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He stated that the Committee had concluded that the impact on parking of the opening of the arc had been as anticipated, and the measures put in place had enabled the additional demand to be managed effectively. He then stated that the Committee had also concurred with the conclusion of a study that there was no current justification for the provision of a permanent park and ride service in Bury St Edmunds.

Councillor Mrs Mildmay-White, wished to thank the Committee for its work, especially in the review of the Disabled Facilities Grants process.

34. Report of the Overview and Scrutiny Committee: Regulatory Enforcement Update

Forward Plan Reference: Aug10/08 Cabinet Members: Cllrs Robert Everitt and Terry Clements

The Cabinet considered Report B138 (previously circulated) which sought approval for the revised Enforcement Policy.

The Committee had considered 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.

Thirdly, Members had requested information about the planning enforcement service, and it was noted that this was also 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.

Councillor Lockwood, Chairman of the Overview and Scrutiny Committee, stated that several Members of the Committee had expressed disappointment that, although officers were as pro-active as they could be, resources did not exist to monitor the implementation of every planning condition made on every application, and that officers sometimes had to rely on information from parish councils or members of the public to find out about breaches. The Committee was pleased to hear that a review on Article 4 directions would be considered by the Policy Development Committee in November 2010.

Councillor Spicer, a Member of the Overview and Scrutiny Committee, expressed his concern regarding planning enforcement issues. He considered there was a need to improve the public's perception of the Council's work and was disappointed that there were only three prosecutions in the last six years. He asked the Cabinet to initiate improvements within this service.

Councillor Clements, Portfolio Holder for Transport and Planning, emphasised the limited resources available within the Planning Section for enforcement work. He also emphasised that the resources needed to undertake a prosecution were high, not only in monetary terms but also in staff resources. He also emphasised that there was a lot of work undertaken by the Enforcement Officers which often led to satisfactory resolution of the problem.

Councillor Stevens considered it was difficult to undertake planning enforcement using the current resources. He suggested that the Council write to the Minister for Housing and Local Government requesting that consideration be given for local authorities to have delegated powers in setting planning fees as he considered it appropriate that fee levels should be significantly increased in respect of applicants making retrospective applications. The Cabinet supported this suggestion.

RESOLVED:-

That the revised Enforcement Policy, at Appendix 1 to Report B99, be adopted.

(Councillor Lockwood left the meeting at the conclusion of this item.)

35. West Suffolk House Joint Committee: 23 July 2010

Forward Plan Reference: Aug10/03 Cabinet Member: Cllrs Sara Mildmay-White and David Ray

The Cabinet received and noted Report B139 (previously circulated) which listed the decisions taken at the meeting of the West Suffolk House Joint Committee held on 23 July 2010.

On 23 July 2010 the Joint Committee considered 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.

The Joint Committee considered issues associated with car parking at the front of West Suffolk House and the difficulties experienced by visitors with parking. Also at the Borough Council's full Council meeting on 29 June 2010, Councillor Nettleton gave notice under paragraph 12.1 of the Council Procedure Rules of a motion which specifically related to car parking at the front of West Suffolk House and this was also considered by the Joint Committee.

Councillor Ray, Chairman of the Joint Committee, drew relevant issues to the attention of the Cabinet. He stated that the Joint Committee had resolved to monitor the car parking situation over the next three months. If significant levels of abuse continued then a ticket machine would be installed and a Road Traffic Order obtained, which would enable penalty Excess Charge Notices (ECNs) to be issued to those who exceeded the permitted hour for staff and Members using this car park during the 'day'.

36. Recommendations from Sustainable Development Panel: 6 July 2010

Forward Plan Reference: Aug10/05 Cabinet Members: Cllrs Terry Clements and Peter Stevens

The Cabinet considered Report B140 (previously circulated) which contained the recommendations emanating from the meeting of the Sustainable Development Panel held on 6 July 2010.

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.

During the discussion on the housing provision to 2031, it was recognised that impending guidance and legislation would offer more flexibility in dealing with planning applications.

RESOLVED:- That

- (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) 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;
- (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; and
- (3) full consideration will be given to the flexibility offered by emerging guidance and legislation.



RECOMMENDED:- That

(1) 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.**

37. Recommendations from Rural Area Working Party: 17 June 2010

Forward Plan Reference: Aug10/04 Cabinet Member: Cllr John Griffiths

The Cabinet received and noted Report B141 (previously circulated) which contained the recommendations emanating from the meeting of the Rural Area Working Party held on 17 June 2010.

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.

The recommendations in respect of the Ixworth Conservation Area Appraisal and Management Plan were considered by the Cabinet alongside the recommendations from the Sustainable Development Panel and determined accordingly, see Minute 36 above.

38. Recommendations from St Edmundsbury Growth Area Partnership Board: 5 July 2010

Forward Plan Reference: Aug10/01 Cabinet Member: Cllr Terry Clements

The Cabinet considered Report B142 (previously circulated) which contain the recommendations emanating from the meeting of the St Edmundsbury Growth Area Partnership Board on 5 July 2010.

On 5 July 2010 the St Edmundsbury Growth Area Partnership Board 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.

Councillor Clements, Chairman of the St Edmundsbury Growth Area Partnership Board, drew relevant issues to the attention of the Cabinet. A discussion was held regarding the allocation for the Green Infrastructure Projects, and it was concluded that the allocation of £250,000 should help fund the implementation of the stage of the Bury St Edmunds Green Ways Project between Horringer and Nowton. It was also agreed that officers investigate other potential Green Infrastructure Projects in the whole of St Edmundsbury but that the Railway Walk improvements in the Haverhill scheme being afforded priority.

RESOLVED:- That

(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 (Horringer to Nowton); and
- (2) officers investigate further potential green infrastructure projects in St Edmundsbury 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.

39. Approval of Local Investment Plan

Forward Plan Reference: Aug10/10 Cabinet Member: Cllr Anne Gower

The Cabinet considered Report B143 (previously circulated) which sought approval of the Local Investment Plan.

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

The LIP pulled together existing commitments, focussing on the delivery of projects, identifying the likely gaps in funding and where intervention was required if the project was to be delivered. It had 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 covered the period 2010 to 2015. This Plan would be the basis of future capital funding awards, including assistance with infrastructure costs and regeneration, and grant contributions towards the cost of delivery of affordable housing.

Councillor Mrs Gower, Portfolio Holder for Haverhill and Housing, read out extracts from an email from the Area Manager (Suffolk) of the HCA. The email confirmed that the St Edmundsbury LIP had been officially approved by the HCA. However, this approval was subject to some points being incorporated into the document. Councillor Mrs Gower moved that the LIP be approved subject to incorporation of the points listed by the HCA. She then informed the Cabinet that the HCA had thanked all those involved in preparing the LIP and were delighted that the Borough Council had the first Suffolk LIP completed and for its innovative approach to investment planning. Councillor Mrs Gower, on behalf of the Cabinet, wished to place on record thanks to the officers who had been involved in the compilation of the LIP in such an innovative way, which had been recognised by the HCA and officers from other local authorities.

RESOLVED:- That

- (1) Subject to the comments of the Homes and Community Agency being incorporated, the Local Investment Plan, attached as Appendix 1 to Report B143, be approved; and
- (2) any minor typographical, factual and/or grammatical changes to the final document be agreed by the Head of Environmental Health and Housing in consultation with the Portfolio Holder for Haverhill and Housing.

40. Homes Assistance Policy: Decent Homes Grants

Forward Plan Reference: Aug10/12 Cabinet Member: Cllr Robert Everitt

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

The Cabinet considered a narrative item which sought approval for amendments to the Homes Assistance Policy and conditions attached to applications in respect of Decent Homes Grants.

The Council had been 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 and conditions were applied to the new grant, the Decent Homes Plus grant.

Despite extensive marketing take-up of the Decent Homes Plus grant had been slow and a request had 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 had been given, subject to the Decent Homes Grant having the same conditions as the Decent Homes Plus.



RECOMMENDED:-

That subject to the approval of full Council:-

- (1) the Homes Assistance Policy be amended as detailed in agenda item 11; and***
- (2) the conditions set out in agenda item 11 be attached to applications in respect of Decent Homes Grants.***

41. Empty Homes Strategy

Forward Plan Reference: Aug10/13 Cabinet Member: Cllr Anne Gower

The Cabinet considered a narrative item which sought approval for 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.

The Council's Empty Homes and Wasted Space Strategy, approved in September 2009, set out the objectives for bringing private sector long term empty homes back into use, principally by engaging and working with the owners. The Strategy identified the need to use, as a last resort, legal powers including compulsory purchase orders (CPO's). The use of CPO proceedings was a legal process that would 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 was sold.

In approving the Empty Homes and Wasted Space Strategy, £75,000 had been allocated from the affordable housing capital allocation for grants to owners to bring properties back into use. This narrative item sought approval to extend the use of the £75,000 to cover in addition any legal and other costs associated with the obtaining a CPO or Empty Dwelling Management Order where appropriate, and to ringfence any funding that was recovered through the CPO process to this allocation, thereby extending the use of the £75,000 grant as far as possible.

RESOLVED:- That

- (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.

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

Forward Plan Reference: N/A Cabinet Members: Cllrs Robert Everitt and Sara Mildmay-White

The Cabinet considered a narrative item which sought approval for Councillor Mrs Mildmay-White to continue as the Borough Council's elected Member on the Responsible Authorities Group (RAG) until 31 March 2011.

When the Western Suffolk Community Safety Partnership (WSCSP) was set up the Council nominated its Portfolio Holder with responsibility for community safety as its Member representative and this was 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 was proposed:-

- (1) the WSCSP was a significant partnership for the Council;
- (2) CSPs were facing a period of uncertainty in terms of structure and finance;
- (3) the CSP was a complex partnership in which it took time to build up knowledge and working relationships; and
- (4) Councillor Mildmay-White had been elected as Chairman of the RAG and the term of office ran until 31 March 2011.

It was considered appropriate that Councillor Mrs Mildmay-White continue to be the Borough Council's representative on the RAG to enable her to complete her period of office as chairman. It was further proposed that Councillor Everitt attend meetings of the RAG up until 31 March 2011 in a non voting observe capacity and then take over as the Borough Council's full voting Member in April 2011.

RESOLVED:- 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.

The meeting concluded at 5.59 pm

**J H M GRIFFITHS
CHAIRMAN**