

Enquiries regarding this Agenda:
Steven Lincoln (01284) 757108

Cabinet

***Wednesday 20 July 2011 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>
Terry Clements	-	Transport and Planning
Robert Everitt	-	Bury St Edmunds and Community
Anne Gower	-	Haverhill and Housing
John Griffiths	-	Rural Affairs and External Relationships
Sara Mildmay-White	-	Culture and Sport and Economy and Asset Management
David Ray	-	Performance and Organisational Development and Resources and Efficiency
Peter Stevens	-	Environment and Street Scene

QUORUM: *Three Members*

***Please switch off mobile communication
devices 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 25 May 2011 (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: 6 July 2011

Chairman – David Nettleton;

Contact Officer – Adriana Stapleton

Telephone: 01284-757613

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

Report **C61** attached.

Summary and reasons for recommendation:

On 6 July 2011 the Overview and Scrutiny Committee considered the following items:-

- (1) Cabinet Forward Plan: July to October 2011;
- (2) Appointments to Task and Finish Groups and Suffolk Joint Scrutiny Committees;
- (3) 2011/2012 Work Programme;
- (4) Revised Equality Scheme 2011 – 2014 and Action Plan 2011/2012;
- (5) Leisure Facilities Asset Management Plan;
- (6) Playgrounds in St Edmundsbury; and
- (7) Quarter 4 Directed Surveillance Authorised Applications.

Separate reports are included on this Cabinet agenda for items (4) and (6) above.

A recommendation emanated from the consideration of the report detailed in (2) above as follows:-

Recommendation:

- (1) Full Council be asked to **CONFIRM** the appointment of Councillor Beckwith as the Borough Council's nominated representative on the Suffolk Health Overview and Scrutiny Committee for 2011/2012; and
- (2) the Cabinet is requested to **NOTE** the report of the Overview and Scrutiny Committee.

5. Report of the Overview and Scrutiny Committee: Revised Equality Scheme 2011–2014 and Action Plan 2011/2012 (Aug11/08)

Cabinet Member – David Ray;

Contact Officer – Davina Howes

Telephone: 01284-757070

e-mail: davina.howes@stedsbc.gov.uk

Report **C62** attached.

Summary and reasons for recommendation:

The Overview and Scrutiny Committee has responsibility for overseeing the work of the Diversity Group, which exists to progress the Council's diversity and equality agenda. The Group has focussed recently on the development of the

Revised Equality Scheme 2011–2014, and the implementation of the Equality Action Plan, which is now updated for 2011/2012. Subject to minor amendments as detailed in the recommendation below, the Committee fully supported approval of both documents.

Recommendation:

The revised Equality Scheme 2011-2014 and Action Plan 2011/2012, as set out in Report C50 and amended by the Committee as detailed below, be approved:-

- (a) Section 1: include reference to working with Suffolk County Council;
- (b) Section 3: include reference to Town/Parish Councils and Suffolk County Council in the list of key partnerships; and
- (c) Appendix 1: the definition of 'religion or belief' should be amended to delete the words '*lack of belief (e.g.*', including the bracket after the word '*Atheism*', so that the sentence reads '*... and philosophical beliefs including Atheism....*'

6. Report of the Overview and Scrutiny Committee: Playgrounds in St Edmundsbury

*Cabinet Member – Sara Mildmay-White; Contact Officer – Damien Parker
Telephone: 01284-757090
e-mail: damien.parker@stedsbc.gov.uk*

Report **C63** attached.

Summary and reasons for recommendations:

In March 2011, the Overview and Scrutiny Committee set up a 'Task and Finish' Group to investigate the provision of childrens' play facilities in the Borough. This review will form part of the wider Asset Management Plan review of Council-owned leisure facilities.

The Committee agreed the majority of the principles formulated by the Task and Finish Group and detailed in Section 3.1 of Report C52, for enabling the next stage of the review to be conducted. However, the Committee considered one of the principles should not be included, namely the suggestion that any transfer of responsibilities for facilities on the Moreton Hall estate in Bury St Edmunds should not be progressed until a decision is made on the 'parishing' of the estate.

The Committee also considered that it should be clarified in the recommendations that any transfer of responsibility for playgrounds would not include the transfer of any of the existing responsibilities undertaken by Borough Council employees, such as inspections.

Recommendations:

- (1) The principles set out in Section 3.1 of Report C52 be adopted for the next stages of the Asset Management Review of Playgrounds in St Edmundsbury, subject to the removal of the principle regarding the transfer of responsibilities for facilities on the Moreton Hall estate in Bury St Edmunds not being progressed until a decision is made on the 'parishing' of the estate;

- (2) officers start negotiations with Town Councils and other relevant community organisations on the potential to transfer the responsibility for playgrounds in non-strategic parks/green spaces (any such transfer not to include the transfer of the existing responsibilities undertaken by Borough Council employees, such as inspections), and report back to the Overview and Scrutiny Committee and Cabinet in Autumn 2011 as part of the Leisure Asset Management Review process; and
- (3) the findings of this Asset Management Plan review of existing playgrounds be fed into both the current work to revise planning requirements for play spaces in new developments, and the Council's broader Vision 2031 policies for children's play.

**7. Recommendations from Joint Staff Consultative Working Party:
21 June 2011 (Aug11/03)**

Cabinet Member – David Ray;

Contact Officer – Louise Hammond

Telephone: 01284-757008

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Report **C64** attached.

Summary and reasons for recommendations:

On 21 June 2011 the Joint Staff Consultative Working Party considered the following items:-

- (1) Terms of Reference;
- (2) Shared Services Update;
- (3) Workforce Data;
- (4) Anglia Revenues Partnership (ARP) Update; and
- (5) Joint Paternity Leave Policy.

Recommendations:

1. Terms of Reference

The Terms of Reference, contained within Report C30, be approved, subject to paragraph 4.4 being amended to read:-

'Any member of the Working Party may be represented at meetings of the Working Party by a substitute with full powers, provided that the substitute has been duly appointed/elected.'

2. Joint Paternity Leave Policy

- (1) The Joint Paternity Leave Policy, attached as Appendix A to Report C32, be approved; and
- (2) the Head of Human Resources and Organisational Development, in consultation with the Borough Council's relevant Portfolio Holder and the equivalent at Forest Heath District Council, be authorised to make minor typographical, grammatical and/or factual changes.

Corporate Priority: Improving the Safety and Well Being of the Community

8. Consolidation of Byelaws for Piercing Activities: Update (Aug11/09)

Cabinet Member – Robert Everitt;

Contact Officer – Claire McKenna

Telephone: 01284-757056

e-mail: claire.mckenna@stedsbc.gov.uk

Summary and reasons for recommendation:

On 1 December 2010 the Cabinet recommended and on 14 December 2010 Council approved the consolidation of the byelaws of piercing activities (Council minute 73(B)(6) refers). Following further information, a date must be agreed upon which the consolidation of byelaws for piercing activities shall come into force.

Recommendation:

It is **RECOMMENDED** that the following resolution is adopted:-

'The Borough Council hereby adopts by resolution sections 14 to 17 of part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) in their entirety to come into force on 1 October 2011 within the administrative area of St Edmundsbury Borough Council for the proper regulation of persons carrying out the practices of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.'

9. Investment in the Council's Leisure Centres

Cabinet Member – Sara Mildmay-White;

Contact Officer – Alex Wilson

Telephone: 01284-757695

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Summary and reasons for recommendation:

In 2005, the Borough Council transferred the management of its leisure centres to Abbeycroft Leisure (Abbeycroft), a charitable trust. This partnership arrangement has worked extremely well, not least in financial terms, with the Council's management fee reducing year on year. Abbeycroft's Board has ambitious plans for the future, including the creation of new facilities which will not only improve its offer to customers but also allow it to become less financially dependent on the taxpayer through increased income generation. Investment of this kind will be influenced heavily by asset management issues, particularly Abbeycroft's ability to secure loans to improve facilities it does not own.

The future ownership of the leisure centres will be examined in detail as part of the Asset Management Review of leisure facilities, which will be presented to Councillors in the Autumn. However, without pre-empting that review, initial advice suggests that transferring the assets to Abbeycroft may well be disadvantageous to both the local taxpayer and the Trust because of VAT implications. As Abbeycroft does not have large reserves of its own, other ways to facilitate future investment therefore need to be urgently investigated.

In some instances, the Council, as landlord, may wish to invest directly in the facilities itself in return for a reduction in the management fee, which is far greater than the interest it could achieve for taxpayers by holding the capital in its reserves. The Kid City softplay scheme at Haverhill Leisure Centre is a recent successful example of this arrangement and other investment opportunities have been identified.

Alternatively, an advantage of Abbeycroft's trust status is that it can also access other forms of private financing and partnerships. However, since it does not own the leisure centres, Abbeycroft's ability to access private loans is dependent on its relationship with the Council as landlord. A standard model which has been used extensively by other trusts and local authorities is for the Council to act as guarantor for a commercial loan, arranged through a specialist partner. In return, as well as repaying the loan in full, Abbeycroft would set aside funds for the replacement of the new facilities and accept a larger than otherwise planned reduction in its management fee from the Council.

Legally there is currently no express statutory power enabling local authorities to act as guarantors of loans. However the Local Government Act 2000 gives local authorities the power to do anything which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. In any event, the current Localism Bill contains a new power of general competence to replace these wellbeing powers, and this is likely to be in place by the time that any such guarantee would be required.

The risk of the Council acting as guarantor is a worst case scenario whereby Abbeycroft either default on the loan repayments or cease trading and the outstanding loan obligation transfers to the Council. The positive position to mitigate this low risk is that the investment will take place in one of the Council's own assets. The options would then be the Council taking over trading on the building or procuring a new contractor/trust to operate the facility and formally take on the obligations of the loan.

Full Council approval would be needed to agree to act as a guarantor. However, to carry out a feasibility study and develop detailed proposals with a private partner, Abbeycroft will need to commit funding from its own limited reserves. To give its Board the comfort to make this investment of several thousand pounds, the Council has therefore been asked to confirm that, in principle, it is willing to act as a guarantor for external loans in relation to its own leisure centres.

Recommendation:

Accordingly, it is **RECOMMENDED** that the Council confirms to Abbeycroft Leisure that, in principle, it is prepared to act as guarantor for appropriate external loans to improve council-owned leisure facilities.

Corporate Priority: Securing a Sustainable and Attractive Environment

10. Recommendations from Bury St Edmunds Area Working Party: 31 May and 19 July 2011 (Aug11/02)

Cabinet Member – Robert Everitt;

Contact Officer – Sandra Pell

Telephone: 01284-757230

e-mail: sandra.pell@stedsb.gov.uk

(a) Meeting: 31 May 2011

Report **C65** attached.

Summary and reasons for recommendations:

On 31 May 2011 the Bury St Edmunds Area Working Party considered the following items:-

- (1) Petition: Home Farm Lane (South) and Hardwick Park Gardens: Designation as a Residential Area of Special Character;
- (2) Street Lighting;
- (3) Town Centre Lettings/Vacancies: Update;
- (4) Bury St Edmunds Vision 2031: Issues Consultation Summary; and
- (5) Review of Zone H Neighbourhood Parking Scheme.

Recommendations:

Review of Zone H Neighbourhood Parking Scheme

- (1) Representations be made to Suffolk County Council regarding consulting with Zone H permit holders to extend the existing zone to include the east area of King's Road, this consultation to include canvassing views on current operating hours; and
- (2) the Borough Council prepares a leaflet explaining enforcement for distribution to all scheme participants within Bury St Edmunds on renewal of permits.

(b) Meeting: 19 July 2011

Report **C66 TO FOLLOW.**

Summary and reasons for recommendations:

On 19 July 2011 the Bury St Edmunds Area Working Party will consider the following items:-

- (1) Terms of Reference;
- (2) Bid4Bury Update;
- (3) Business Festival 2011;
- (4) Town Centre Lettings/Vacancies: Update; and
- (5) Temporary Park and Ride Site.

Recommendations:

Recommendations emanating from this meeting of the Working Party will follow in Report C66.

11. Recommendations from Rural Area Working Party: 15 June 2011 (Aug11/04)

Cabinet Member – John Griffiths;

Contact Officer – Alex Wilson

Telephone: 01284-757695

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

Report **C67** attached.

Summary and reasons for recommendations:

On 15 June 2011 the Rural Area Working Party considered the following items:-

- (1) Parish Conference: Debrief;
- (2) Rural Bus Cuts: Identify Practical Solutions;
- (3) Street Lighting;
- (4) Rural Vision 2031: Issues consultation summary;
- (5) Rural Post Offices: Benefit Cheques; and
- (6) Rural Area Working Party Work Programme.

Recommendations:

1. Terms of Reference

The Terms of Reference, contained in agenda item 7 of the Rural Area Working Party agenda dated 15 June 2011 be approved, subject to paragraph (c) being amended to read:-

‘consider service related and other issues which relate specifically to the rural area and to liaise with parish councils and other partners through the parish conference and other appropriate means, as appropriate.’

2. Rural Bus Cuts: Identify Practical Solutions

- (1) The Borough Council work with the County Council and bus operators to promote existing rural bus services and community transport, including:-
 - (a) publicising existing bus timetables and demand responsive services to customers through its website, offices, publications and internal bulletins;
 - (b) offering practical assistance to communities wishing to use the County Council’s new toolkit for community transport;
 - (c) targeting the Borough Council’s own limited rural funding at promotion, facilitation and coordination of rural transport schemes rather than direct delivery;

- (d) raising awareness amongst borough and parish councillors through the Members' Bulletin, Rural News, Parish Conference and future Vision 2031 consultation events; and
 - (e) targeting any Rural Initiatives Grants Scheme funding for rural transport at promotion and coordination, rather than direct delivery; and
- (2) recognising the existing challenges faced by rural communities, and the long-term pressures which will be caused by fuel scarcity/prices and an ageing population, the new Rural Vision 2031 include short and long-term actions to improve rural transport and accessibility to services, along the following lines:-
- (a) focusing timetabled bus services on main routes only, where they are viable and sustainable;
 - (b) extending the 'reach' of these bus services (geographically and time-wise) by making better use of demand responsive transport services and by encouraging new kinds of transport schemes (led by communities, social enterprises, schools/colleges, supermarkets, etc); and
 - (c) looking at ways in which services can be brought out to rural communities, to minimise the need for travel, looking at current good practice (e.g. the collection/delivery of prescriptions) and the opportunities provided by new technologies and faster broadband.

12. Recommendations from Haverhill Area Working Party: 9 June 2011 (Aug11/01)

Cabinet Member – Anne Gower;

Contact Officer – Geoff Rivers

Telephone: 01284-757009

e-mail: geoff.rivers@stedsbc.gov.uk

Report **C68** attached.

Summary and reasons for recommendations:

On 9 June 2011 the Haverhill Area Working Party considered the following items:-

- (1) Street Lighting Proposals;
- (2) Haverhill Town Centre Management: Update;
- (3) High Street Enhancement Scheme: Update;
- (4) Public Art for the Town Centre of Haverhill (PATCH); and
- (5) Haverhill Vision 2031: Issues Consultation Summary.

Recommendations:

1. Haverhill Shopper Survey Project

- (1) £9,000 be allocated from the Local Authority Business Growth Incentive (LABGI) budget previously allocated to the Haverhill Shopfront Grant Scheme and subject to additional match funding

from Kent Business School to support the project management and expenses associated with the Haverhill Shopper Survey Project detailed in Report B527;

- (2) the Economic Development Manager be authorised to recruit a Project Manager using funding from (1) above and to commission them to work with Kent Business School to progress this project; and
- (3) delegated authority be given to the Economic Development Manager, in consultation with the Chairman and Vice-Chairman of the Haverhill Area Working Party, to produce and finalise the Terms of Reference for the Haverhill Shoppers Survey Project.

2. Public Art for the Town Centre of Haverhill (PATCH)

- (1) Public Art for the Town Centre of Haverhill (PATCH) be permitted to continue as a task-and-finish group;
- (2) the terms of reference be amended in order to enable PATCH to oversee the commissioning of a piece of art in High Street, Haverhill;
- (3) Councillor Mrs Rushbrook be appointed as Chairman of the Group;
- (4) Councillor Mrs Richardson be appointed as a representative of the Haverhill Area Working Party to sit on the Group;
- (5) Haverhill Town Councillor Hanlon be appointed to the Group by the Haverhill Area Working Party, and appropriate representatives also be sought from local schools and traders to sit on the Group;
- (6)
 - (a) PATCH be requested to work within a budget limit of £8,000 with a contingency of £2,000 provided from within the overall £750,000 Growth Area Funding budget allocated to the enhancement of the High Street, Haverhill;
 - (b) installation of the artwork also be met from within the budget allocated to PATCH; and
- (7) approval be sought from the Haverhill Area Working Party on PATCH's proposals before PATCH proceeds in commissioning any work.

**13. West Suffolk Waste and Street Scene Services Joint Committee:
17 June 2011 (Aug11/05)**

Cabinet Member – Peter Stevens;

Contact Officer – Mark Walsh

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e-mail: mark.walsh@stedsbc.gov.uk

Report **C69** attached.

Summary and reasons for recommendations:

On 17 June 2011 the West Suffolk Waste and Street Scene Services Joint Committee considered the following items:-

- (1) Fires at Lackford and Haverhill Transfer Stations: Update;
- (2) Progress on Delivering the 2010/2011 Joint Waste Service Plan and Review of Performance;
- (3) Additional Brown and Blue Bin Capacity for Householders;
- (4) Cleansing Review: Update;
- (5) 2011/2012 Vehicle Replacement Programme; and
- (6) Update on the Inter-Authority Agreement (IAA).

Recommendations:

- (1) The Cabinet is requested to **APPROVE** the recommendation in Item 1 of Report C69, Progress on Delivering the 2010/2011 Joint Waste Service Plan and Review of Performance; and
- (2) is requested to **NOTE** the remainder of the report from the meeting of the West Suffolk Waste and Street Scene Services Joint Committee held on 17 June 2011.

Corporate Priority: Creating a prosperous local economy

14. Asset Management Plan: Ground Lease Shopping Centre, St Olaves Precinct, Bury St Edmunds (Aug11/06)

Cabinet Member – Sara Mildmay-White;

Contact Officer – Betty Albon

Telephone: 01284-757307

e-mail: betty.albon@stedsbc.gov.uk

Report **C70** attached.

Summary and reasons for recommendation:

This report reconsiders the Asset Management Plan (AMP) option for the future Council ownership of the freehold of St Olaves Shopping Parade in Bury St Edmunds. The land is subject to a long ground lease. Cabinet considered a full Asset Management Review on 15 September 2010 (Report B205, Minute 58 refers). The paper recommended its sale.

The decision to sell St Olaves Shopping Precinct was deferred pending further consultation with Ward Members. Those consultations have taken place.

Selling the freehold interest of the land does not have any impact on the individual leases between the tenants of the shops and the ground lease tenant.

Recommendation:

It is **RECOMMENDED** that St Olaves Shopping Parade in Bury St Edmunds is declared surplus and the site is sold, either by auction or by private treaty, as outlined in Report C70.

Corporate Priority: Raising Corporate Standards and Efficiency

15. Asset Management Plan and Capital Management Strategy: Performance Management and Implementation Plans (Aug11/07)

*Cabinet Member – Sara Mildmay-White; Contact Officer – Betty Albon
Telephone: 01284-757307
e-mail: betty.albon@stedsbc.gov.uk*

Report **C71** attached.

Summary and reasons for recommendations:

This paper presents the annual report on the performance of the Asset Management Plan (AMP) for 2010/2011 and proposals for implementation in 2011/2012.

The AMP facilitates the Council to achieve its strategic aims by working towards an ideal and sustainable property portfolio to meet service delivery needs.

Recommendations:

- (1) The outcomes and performance of the Asset Management Plan and Implementation Programmes 2010/2011, as detailed in Section 4.4 of Report C71, be **NOTED**;
- (2) the Implementation Programmes 2011/2012, as detailed in Section 4.5 and Exempt Appendix 5 of Report C71, be **APPROVED**; and
- (3) the Asset Management Plan Action Plan 2011, as detailed in Appendix 1 to Report C71, be **APPROVED**.

**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 paragraphs 1, 2 and 3 of Part 1 of Schedule 12(A) of the Act.

Part 2 – Private

Exempt Papers relating to previous item

- 16. Exempt Appendices: Asset Management Plan and Capital Management Strategy: Performance Management and Implementation Plans (Aug11/07)**

*Cabinet Member – Sara Mildmay-White; Contact Officer – Betty Albon
Telephone: 01284-757307
e-mail: betty.albon@stedsbc.gov.uk*

Exempt Appendices 2, 3, 4 and 5 to Report **C71** attached.