

**ST EDMUNDSBURY BOROUGH COUNCIL**

**CABINET**

**Minutes of a meeting held on Wednesday 20 July 2011 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, Mrs Gower, Mrs Mildmay-White,  
Ray and Stevens
- BY INVITATION: Councillor Nettleton (Chairman of the Overview and Scrutiny  
Committee)  
Councillor Thorndyke (Chairman of the Rural Area Working Party)  
Howard Cook (Chairman of the Joint Staff Consultative Working  
Party) and  
Councillor Cox  
Warren Smyth, Chief Executive of Abbeycroft Leisure

**8. Apologies for absence**

There were no apologies for absence.

**9. Minutes**

The minutes of the meeting held on 25 May 2011 were confirmed as a correct record and signed by the Chairman.

Councillor Cox informed the Cabinet that the issue he raised and recorded in minute 4 had not been resolved.

**10. Declarations of Interests**

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

**11. Report of the Overview and Scrutiny Committee: 6 July 2011**

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

The Cabinet received and noted Report C61 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 6 July 2011:-

- (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) Leisure Facilities Asset Management Plan; and
- (5) Quarter 1 Directed Surveillance Authorised Applications.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. In particular he drew the Cabinet's attention to the five additional scrutiny reviews. He stated that the review of blue badge holder parking was creating interest. In response to a question on the review into litter collection and litter bin distribution in the Borough, he also stated that he was aware that the Waste and Street Scene Joint Committee was undertaking a Cleansing Review.

The Cabinet noted that the full Council would 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.

**12. Report of the Overview and Scrutiny Committee: Revised Equality Scheme 2011–2014 and Action Plan 2011/2012**

*Forward Plan Reference: Aug11/08 Cabinet Member: Cllr David Ray*

The Cabinet considered Report C62 (previously circulated) which sought approval for the Revised Equality Scheme 2011-2014 and Action Plan 2011/2012.

The Overview and Scrutiny Committee had responsibility for overseeing the work of the Diversity Group, which existed to progress the Council's Diversity and Equality Agenda. The Group had recently focused on the development of the revised Equality Scheme and the implementation of the Equality Action Plan. The Council first published an Equality Scheme in 2008, and this had now been revised following the introduction of the Equality Act 2010. The revisions had been considered by the Diversity Group, based on guidance produced by the Equality and Human Rights Commission.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, informed the Cabinet that the Committee had made some minor amendments and fully supported the revisions to the Equality Scheme.



**RECOMMENDED:-**

***That, subject to the approval of full Council, 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' be amended to delete the words 'lack of belief (e.g'., including the closed bracket after the word 'Atheism', so that the sentence reads '.... and philosophical beliefs including Atheism....'***

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

*Forward Plan Reference: N/A Cabinet Member: Cllr Sara Mildmay-White*

The Cabinet considered Report C63 (previously circulated) which sought approval for the principles to be adopted for the next stages of the Asset Management Review of Playgrounds in St Edmundsbury.

The Overview and Scrutiny Committee had set up a 'Task and Finish' Group to investigate the provision of childrens' play facilities in the Borough. This review formed part of the wider Asset Management Plan review of Council-owned leisure facilities. The Committee received an update on the work of the Group, which included consideration of the location, ownership and funding of play facilities in the Borough; current maintenance and inspection regimes; classifications of play areas; and the current condition of each play area. Having considered the current position, the 'Task and Finish Group' had agreed a set of principles which had been recommended to the

Committee to consider when determining the future of play facilities. The Committee agreed with the majority of the principles, and now sought clarification from Cabinet.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, stated that the Committee was in full agreement that the play facilities at Moreton Hall, Bury St Edmunds should not be an exception in the review. In response to a question, he clarified that it was the intention for Ward Members to be consulted on proposals for play facilities in their Ward.

RESOLVED:- That

- (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.

**14. Recommendations from Joint Staff Consultative Working Party:  
21 June 2011**

***Forward Plan Reference: Aug11/03 Cabinet Member: Cllr David Ray***

The Cabinet considered Report C64 (previously circulated) which informed the Cabinet of the following recommendations emanating from the meeting of the Joint Staff Consultative Working Party held on 21 June 2011:-

- (1) Terms of Reference; and
- (2) Joint Paternity Leave Policy.

Howard Cook, Chairman of the Joint Staff Consultative Working Party, drew relevant issues to the attention of the Cabinet.

RESOLVED:- That

**(a) 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.'

**(b) 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.

**15. Consolidation of Byelaws for Piercing Activities: Update**

***Forward Plan Reference: Aug11/09 Cabinet Member: Cllr Robert Everitt***

The Cabinet considered a narrative item which sought approval for the implementation date for the consolidation of byelaws for piercing activities.

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

RESOLVED:- That

'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.'

**16. Investment in the Council's Leisure Centres**

***Forward Plan Reference: N/A Cabinet Member: Cllr Sara Mildmay-White***

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

The Cabinet considered a narrative item which sought approval for an in principle decision for the Borough Council to act as guarantor for appropriate external loans to Abbeycroft Leisure to improve Council owned leisure facilities.

In 2005, the Borough Council transferred the management of its leisure centres to Abbeycroft Leisure (Abbeycroft), a charitable trust. Abbeycroft's Board now had ambitious plans for the future of the leisure centres, including the creation of new facilities which would not only improve its offer to customers but also would allow it to become less financially dependent upon the taxpayer through increased income generation. The future ownership of the leisure centres would be examined in detail as part of the Asset Management Review of leisure facilities, which would be presented to Councillors in the Autumn. However, without pre-empting that review, initial advice suggested that transferring the assets to Abbeycroft may well be disadvantageous to both the local taxpayer and the Trust because of VAT implications. As Abbeycroft did not have large reserves of its own, other ways to facilitate future investment would, therefore, need to be urgently investigated. Since it did not own the leisure centres, Abbeycroft's ability to access private loans was dependent on its relationship with the Borough Council as landlord. A standard model which had been used extensively by other trusts and local authorities was for the Borough 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 the management fee from the Borough Council.

The Cabinet recognised that Abbeycroft was an innovative organisation that wished to develop its offer to its customers and reduce its dependency on the Borough Council.

In response to a question the Cabinet was informed that as part of the annual discussions on the level of management fee payable to Abbeycroft the Borough Council examined its Business Plan.

Warren Smyth, Chief Executive of Abbeycroft, informed the Cabinet of initiatives that had been funded from Abbeycroft's reserves. The Abbeycroft Board had recently approved a three year strategy and he would be pleased to share this with the Borough Council.

RESOLVED:-

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.

**17. Recommendations from Bury St Edmunds Area Working Party:  
31 May and 19 July 2011**

*Forward Plan Reference: Aug11/02 Cabinet Member: Cllr Robert Everitt*

**(a) Meeting: 31 May 2011**

The Cabinet considered Report C65 (previously circulated) which contained the recommendations emanating from the meeting of the Bury St Edmunds Area Working Party held on 31 May 2011.

RESOLVED:- That

**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**

The Cabinet considered Report C66 (tabled at the meeting) which contained the recommendations emanating from the meeting of the Bury St Edmunds Area Working Party held on 19 July 2011.

RESOLVED:- That

**(1) Terms of Reference**

The Terms of Reference, contained in agenda item 5 of the Bury St Edmunds Area Working Party agenda dated 19 July 2011 be approved, subject to:-

paragraph (b) being amended to read:-

'to consider proposals arising from any major development in Bury St Edmunds and make recommendations to the Cabinet where necessary.'; and

paragraph (c) amended to read:-

'to consider service related and other issues and liaise with the Bury St Edmunds Town Council and other organisations as appropriate'

**(2) Temporary Park and Ride Site**

The temporary park and ride site be provided at land owned by St Edmundsbury Borough Council (site E2), as shown in Appendix A to Report C74, be funded by Suffolk County Council and subject to:-

- (a) discussion relating to the current interests in the site being concluded; and
- (b) any necessary planning consent being obtained.

**18. Recommendations from Rural Area Working Party: 15 June 2011**

*Forward Plan Reference: Aug11/04 Cabinet Member: Cllr John Griffiths*

The Cabinet considered Report C67 (previously circulated) which contained the recommendations emanating from the meeting of the Rural Area Working Party held on 15 June 2011.

Councillor Thorndyke, Chairman of the Rural Area Working Party, drew relevant issues to the attention of the Cabinet. He stated that positive outcomes had been achieved concerning rural bus services merely by bringing together the bus operators, Suffolk County Council and interested stakeholders. He then stated that the later commencement time of the recent Parish Conference had proved a success and this would remain for the next Conference. He considered that with the impending changes to the operation of street lighting by Suffolk County Council there was a need for the Borough Council to review the operation of its street lights in order that there was a co-ordinated approach. He concluded by reminding the Cabinet of the continuing pressures on rural post offices.

There was in a consensus amongst the Cabinet that facilitating a meeting of all relevant parties had proved a success in addressing issues in respect of rural bus services and that it should be replicated to address other issues.

RESOLVED:- That

**(a) 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 as appropriate with parish councils and other partners through the parish conference and other appropriate means'.

**(b) 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.

**19. Recommendations from Haverhill Area Working Party: 9 June 2011**  
*Forward Plan Reference: Aug11/01 Cabinet Member: Cllr Anne Gower*

The Cabinet considered Report C68 (previously circulated) which contained the recommendations emanating from the meeting of the Haverhill Area Working Party held on 9 June 2011.

A detailed discussion was held on the Haverhill Shopper Survey. Concerns were expressed at the apparent lack of detail, especially in respect of outcomes from this proposed major survey.

Councillor Mrs Gower, Portfolio Holder for Haverhill, reported on the discussions held at the Haverhill Area Working Party and that a meeting was planned at which she would be meeting with the Economic Development Manager and Chairman of the Area Working Party to finalise the Terms of Reference for the survey.

In response to questions, Councillor Mrs Gower explained that the total cost of the project was £40,000. £10,000 would be contributed by both the Borough Council and Suffolk County Council and £20,000 by Kent Business School. This survey would be lead by Professor Fearne, who had a national reputation, and was attracting interest from the Association of Town Centre Management.

The Cabinet concluded that there was a need to support the existing Town Centre businesses and attract new enterprises. There was also a need to try and attract funding from other organisations to support this project, such as Haverhill Town Council and the Association of Town Centre Management. It was imperative that a detailed Terms of Reference for the survey be agreed with all parties, with the emphasis on outcomes for the benefit of Haverhill.

RESOLVED:- That

**(a) Haverhill Shopper Survey Project**

- (1) Subject to other sources of funding being identified, up to £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 Portfolio Holder for Haverhill and Housing, and Chairman and Vice-Chairman of the Haverhill Area Working Party, to produce and finalise



the Terms of Reference, including outcomes, for the Haverhill Shopper Survey Project.

**(b) 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;  
(b) subject to other sources of funding being identified, (6)(a) above be funded from within the overall £750,000 Growth Area Funding budget allocated to the enhancement of the High Street, Haverhill; and  
(c) 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.

**20. West Suffolk Waste and Street Scene Services Joint Committee:**

**17 June 2011**

***Forward Plan Reference: Aug11/05 Cabinet Member: Cllr Peter Stevens***

The Cabinet considered Report C69 (previously circulated) which informed the Cabinet of the following items discussed by the West Suffolk Waste and Street Scene Services Joint Committee on 17 June 2011:-

- (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; and
- (5) 2011/2012 Vehicle Replacement Programme.

Councillor Stevens, Chairman of the West Suffolk Waste and Street Scene Services Joint Committee, drew relevant issues to the attention of the Cabinet. In responses to questions he informed the Cabinet that provision of additional bins, especially brown bins, would be dependent on the collection capacity of that collection round.



**RECOMMENDED:-**

*That subject to the approval of full Council, the Partnering Agreement, dated 9 April 2008, be varied so that the business plan forms an integral part of the service plan.*

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

**21. Asset Management Plan: Ground Lease Shopping Centre, St Olaves Parade, Bury St Edmunds**

***Forward Plan Reference: Aug11/06 Cabinet Member: Cllr Sara Mildmay-White***

The Cabinet considered Report C70 (previously circulated) which sought approval for the sale of St Olaves Shopping Parade in Bury St Edmunds.

On 28 September 2010 Council agreed that the sale of the St Olaves Shopping Parade in Bury St Edmunds should be deferred to enable further consultation to be undertaken with the Ward Members. A meeting was held between the Ward Members, the Portfolio Holder and officers. The potential concerns of the sale were discussed, most of which had been raised by the tenants' representative of the shopping parade. The Ward Members agreed to relay to the shop tenants the reassurances given, including an explanation of those areas of landlord management over which the Borough Council had no control or influence. Ward Members agreed to report back to officers if they received any further comments or concerns. Neither had received any comments from the shop tenants.



**RECOMMENDED:-**

*That, subject to the approval of full Council, St Olaves Shopping Parade in Bury St Edmunds be declared surplus and the site sold, either by auction or by private treaty, as outlined in Report C70.*

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**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 1 of Part 1 of Schedule 12(A) of the Act.

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**22. Asset Management Plan and Capital Management Strategy:  
Performance Management and Implementation Plans**

***Forward Plan Reference: Aug11/07 Cabinet Member: Cllr Sara Mildmay-White***

The Cabinet considered Report C71 (previously circulated) which sought approval for the Asset Management Plan Implementation Programmes 2011/2012 and associated Action Plan.

The report included the outcomes and performance of the Asset Management Plan (AMP) for 2010/2011 and proposals for Implementation Programmes for 2011/2012. Reporting to Members on performance and agreeing the AMP Plan and programmes were integral parts of asset management planning and reflected the corporate and priority goals of the Borough Council. Of particular importance for 2011/2012 was the AMP Review of leisure facilities, where achieving efficiencies for service delivery through assessment, options appraisal and implementation would continue to play an important role for the Borough Council in future years.

Councillor Stevens advised that the Borough Council may be able to enhance the rental value of its vacant land awaiting development in respect of possible agricultural land holdings.

RESOLVED:- That

- (1) the Implementation Programmes 2011/2012, as detailed in Section 4.5 and Exempt Appendix 5 of Report C71, be approved; and
- (2) the Asset Management Plan Action Plan 2011, as detailed in Appendix 1 to Report C71, be approved.

The meeting concluded at 6.39 pm

**J H M GRIFFITHS  
CHAIRMAN**