

**ST EDMUNDSBURY BOROUGH COUNCIL**

**CABINET**

**Minutes of a meeting held on Wednesday 14 September 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, Ray and Stevens
- BY INVITATION: Councillor Hale (Chairman of the Performance and Audit Scrutiny  
Committee)  
Councillor Nettleton (Chairman of the Overview and Scrutiny  
Committee)  
Councillor Thorndyke (Chairman of the Rural Area and Central  
Safety Working Parties)

**23. Apologies for absence**

An apology for absence was received from Councillor Mrs Mildmay-White

**24. Minutes**

The minutes of the meeting held on 20 July 2011 were confirmed as a correct record and signed by the Chairman.

**25. Declarations of Interests**

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

**26. Report of the Overview and Scrutiny Committee: 7 September 2011**  
*Forward Plan Reference: N/A Cabinet Members: All Portfolio Holders*

The Cabinet received and noted Report C122 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 7 September 2011:-

- (1) Up-date on the impact of the West Suffolk Local Strategic Partnership and Sustainable Community Strategy;
- (2) Cabinet Forward Plan: September to December 2011; and
- (3) 2011/2012 Work Programme: Update.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. The Committee had requested that a brief report be brought to its next meeting setting out the cost to the Borough Council of the Community Centres in Bury St Edmunds and Haverhill and what measures had been taken to date to operate them on the same principle as rural community centres. The Committee had also requested that a report be brought to a future meeting concerning the roles of the Borough Council's Licensing and Planning Sections and Suffolk County Council in licensing and enforcement of 'A' boards and similar pavement signs.

The Cabinet noted that Councillor Mrs Levack had given notice that she would be completing a 'suggestion for scrutiny form' regarding the quality of paving in Bury St Edmunds.

**27. Report of the Performance and Audit Scrutiny Committee: 27 July 2011**  
*Forward Plan Reference: N/A Cabinet Members: All Portfolio Holders*

The Cabinet received and noted Report C123 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 27 July 2011:-

- (1) Annual Treasury Management Report 2010/2011 and Investment Activity 1 April to 30 June 2011;
- (2) 2011/2012 First Quarter Key Performance Indicators;
- (3) Audit Commission: International Financial Reporting Standards (IFRS) Briefing;
- (4) Audit Commission: Presentation of Annual Audit Fee Letter 2011/2012;
- (5) Review of the Effectiveness of Internal Audit;
- (6) Budget Outturn and Financial Highlights: 2010/2011;
- (7) Budget Monitoring Report: 1 April to 30 June 2011; and
- (8) Corporate Risk Register: Quarterly Monitoring Report.

Councillor Hale, Chairman of the Performance and Audit Scrutiny Committee, drew relevant issues to the attention of the Cabinet.

**28. Report of the Performance and Audit Scrutiny Committee: Data Quality Policy**

*Forward Plan Reference: Sep11/07 Cabinet Member: Cllr David Ray*

The Cabinet considered Report C124 (previously circulated) which sought approval for the revised Data Quality Policy.

The Council's first Data Quality Policy was adopted in March 2008 in accordance with Audit Commission best practice. Data quality was crucial, and the availability of complete, accurate and timely data was important in supporting customer care, corporate governance, management and service agreements for service planning and accountability. The Policy had been revised due to legislation being introduced as part of the Localism Bill and in light of the Government's transparency agenda, in partnership with Forest Heath District Council. An equality impact assessment on the revised policy found that all communities should benefit from the Policy, as it would ensure that decision making and service delivery was undertaken based on sound and accurate information.

RESOLVED:-

That the revised Data Quality Policy, attached to Report C77, be adopted.

**29. Report of the Performance and Audit Scrutiny Committee: Anti-Fraud and Anti-Corruption Strategy**

*Forward Plan Reference: Sep11/11 Cabinet Member: Cllr David Ray*

The Cabinet considered Report C125 (previously circulated) which sought approval for the revised Anti-Fraud and Anti-Corruption Strategy.

The existing Anti-Fraud and Anti-Corruption Strategy was last updated in 2009, and needed to be kept under review in order to meet legal requirements and maintain the Council's high standard of corporate governance. Amendments were proposed to reflect the implications of the Bribery Act 2010, which came into force on 1 July 2011. Internal Audit was currently undertaking a review to determine current adherence to the requirements of the Bribery Act 2010, to ensure the Council's procedures covered six key principles. The outcome of this review would be reported to the Performance and Audit Scrutiny Committee in the next annual Fraud Report in April 2012, or sooner if significant concerns were identified.



**RECOMMENDED:-**

*That, subject to the approval of full Council, the revised Anti-Fraud and Anti-Corruption Strategy, attached to Report C81 be adopted.*

**30. Report of the Performance and Audit Scrutiny Committee:  
Annual Governance Statement 2010/2011**

*Forward Plan Reference: Sep11/12 Cabinet Member: Cllr David Ray*

The Cabinet considered Report C126 (previously circulated) which sought approval for the Annual Governance Statement (AGS) for 2010/2011, the process used to compile the AGS and internal control assessment and proposed additional areas for improvement.

The Council was required to produce and publish an AGS which covered six core governance principles, and was to be approved by full Council, and signed by the Leader of the Council and Chief Executive Officer. The AGS for 2010/2011 would accompany the Statement of Accounts, and covered the Council's responsibilities in terms of the governance framework, the Borough Council's governance environment relating to the six laid down corporate governance principles, and the effectiveness of arrangements and any significant areas of weakness identified, with proposed actions to address them.

The governance framework was designed to facilitate the achievement of the Council's policies, aims, and objectives, and to identify and manage risk to a reasonable level. The governance framework was embedded within the Borough Council's Constitution and the systems, policies, procedures and operations in place throughout the Council.



**RECOMMENDED:- That**

- (1) *the Annual Governance Statement (AGS) for 2010/2011, as set out in Report C80, be recommended for approval by full Council prior to accompanying the Council's financial statements;***
- (2) *the process used to compile the Annual Governance Statement and review of internal controls be endorsed for application in future years; and***
- (3) *the internal control assessment and proposed additional areas for improvement (Assurance Framework and related Action Plan) at Appendices 1 and 2 of Report C80 be approved.***

### **31. Recommendations from Grant Working Party: 6 September 2011**

*Forward Plan Reference: Sep11/01 Cabinet Member: Cllr Robert Everitt*

The Cabinet considered Report C127 (previously circulated) which sought approval for grants to be made in respect of Brockley Village Hall and Bardwell Village Hall.

Brockley Village Hall Management Committee had applied for a grant to refurbish and modernise the village hall. This would incorporate a modest extension which would be subservient to the existing building and planning consent was approved by the Borough Council on 9 May 2011. The total cost of the project was £142,752, including VAT, and the Management Committee had sought a grant from the Borough Council.

Councillor Thorndyke, Vice Chairman of the Grant Working Party, informed the Cabinet that the Working Party was concerned at the complicated funding arrangements for this scheme and that they would take a considerable time to resolve. It was considered prudent that the Working Party would review the application when the financial arrangements had been finalised.

Councillor Thorndyke then provided the background into the recommendation to make a grant in respect of the village hall in Bardwell.

RESOLVED:- That

#### **(1) Rural Initiatives Grant Scheme Application for Project Funding 2011/2012: Brockley Village Hall**

- (1) In principle, a grant of £6,500 be awarded to Brockley Village Hall Management Committee towards the refurbishment of the Village Hall; and
- (2) the application be represented to the Grant Working Party when the financial arrangements for the scheme have been finalised.

#### **(2) Bardwell Parish Council: Reallocation of Grant Funding**

The balance of £685.50 on Bardwell Parish Council's grant allocation be reallocated towards the cost of the replacement of the ceiling tiles at the Tithe Barn.

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

### **32. Emergency Planning**

*Forward Plan Reference: N/A Cabinet Member: Cllr Robert Everitt*

The Cabinet considered Report C128 (previously circulated) which sought approval for the formation of a West Suffolk Joint Emergency Planning Panel with Forest Heath District Council (FHDC) and that the Borough Council's Emergency Planning Working Party be disbanded.

On 25 May 2011, the Cabinet considered its Annual Review and Appointment of Working Parties and resolved that merging of the Borough Council's Emergency Planning Working Party with the equivalent at Forest Heath District Council be explored.

On 8 July 2011, the Corporate Services Committee of FHDC considered the issue of merging the two emergency planning bodies and on 20 July 2011 FHDC full Council resolved that a West Suffolk Joint Emergency Planning Panel be formed with a Terms of Reference detailed in Appendix B to the report. FHDC Emergency Planning Working Group had not been reconstituted.

Councillor Thorndyke, Chairman of the Borough Emergency Planning Working Party prior to the May elections, stated that he considered that the formation of the Joint Panel was logical and would be beneficial in that in the event of a major emergency more trained people would be available to help deal with the emergency situation.

RESOLVED:- That

- (1) a West Suffolk Joint Emergency Planning Panel be formed with Forest Heath District Council based on the Terms of Reference detailed in Appendix B to Report C128;
- (2) the Head of Legal and Democratic Services be authorised to appoint to the West Suffolk Joint Emergency Planning Panel on the nomination of Group Leaders; and
- (3) the Borough Council's Emergency Planning Working Party be disbanded.

**33. Recommendation from Central Safety Working Party: 26 July 2011**

***Forward Plan Reference: Sep11/08 Cabinet Member: Cllr David Ray***

The Cabinet considered Report C129 (previously circulated) which sought approval to an amendment to the Health and Safety Policy.

On 26 July 2011 the Central Safety Working Party considered amendments to Instruction 15: Health, Safety and Environment Requirements for Contractors as contained within the Health and Safety Policy.

Councillor Thorndyke, Chairman of the Central Safety Working Party drew relevant issues to the attention of the Cabinet. He recommended the proposed changes to the Policy and informed the Cabinet that the Working Party had yet to consider the relative recent tragic accident at Nowton Park due to the timing of meetings. In response to a question, he also stated that he could see merit in merging the Borough Council's Central Safety Working Party with the equivalent group at Forest Heath District Council, especially as the same officers serviced both authorities.



***RECOMMENDED:-***

***That, subject to the approval of full Council, the amendments to the Health and Safety Policy in respect of Instruction 15: Health, Safety and Environment Requirements for Contractors, as contained in Report C87, be approved.***

**34. Havebury Housing Partnership: Changes to Representation on Board**  
***Forward Plan Reference: Cabinet Member: Cllr Anne Gower***

*(Councillor Everitt declared a prejudicial interest as s Borough Council representative on the Havebury Housing Partnership Board. Liz Watts, Chief Finance Officer, also declared that she was a Member of the Board. Both people left the meeting for the consideration of this item.)*

The Cabinet considered Report C130 (previously circulated) which sought approval for Havebury Housing Partnership to reduce the membership of its Board with a resultant reduction in the number of Borough Council nominees on the Board.

Since it was established in 2002, Havebury Housing Partnership (Havebury) had a Board comprised 15 members, five each representing the Borough Council, tenants and independents. Havebury had proposed to reduce the composition of its Board to 12, with four ring-fenced places for tenants, three for Borough Council nominees and the remainder being independents. This would be in line with the National Federation's 'Excellence in Governance' Code, which Havebury had adopted. Havebury required the Borough Council's approval because any changes to the Articles of Association, and, therefore the Membership of Board, required to be approved at its Annual General Meeting by over 75% of members and the Borough Council held 33% of the current number of votes.

During the discussion, it was noted that as part of the phasing of the changes, the point by which the Borough Council's membership of the Board was expected to reduce to three was September 2012.

RESOLVED:- That

- (1) Havebury Housing Partnership's proposal to reduce the membership of the Board to twelve members, comprising three Council nominees, four tenants and five independent representatives be approved; and
- (2) the invitation for the Council to be represented on the Recruitment Panel for the five independent places available on the Board be accepted.

**35. Recommendations from Haverhill Area Working Party:  
8 September 2011**

***Forward Plan Reference: Sep11/02 Cabinet Member: Cllr Anne Gower***

There were no recommendations emanating from this meeting of the Haverhill Area Working Party and, therefore, no report was produced (Report C131).

Councillor Mrs Gower, Portfolio Holder with responsibility for Haverhill, informed the Cabinet of the discussions held by the Working Party, and especially the discussions on the proposed enhancement of the High Street. The Working Party had concluded that further discussions on the design of the scheme were required and these included holding a joint meeting with ONE Haverhill and representatives of Suffolk County Council.

**36. Recommendations from Sustainable Development Working Party:  
30 August 2011**

***Forward Plan Reference: Sep11/03 Cabinet Member: Cllr Terry Clements***

The Cabinet considered Report C132 (previously circulated) which sought approval of the recommendations emanating from the meeting of the Sustainable Development Working Party held on 30 August 2011.

On 30 August 2011 the Sustainable Development Working Party considered the following items:-

- (1) Terms of Reference;
- (2) 7<sup>th</sup> Annual Corporate Environmental Performance Report – 2010;
- (3) St Edmundsbury Local Development Framework Supplementary Planning Document: Development Design and Impact;
- (4) Replacement St Edmundsbury Borough Local Plan 2016: Development Brief for Land East of the Granary, Clare;
- (5) National Planning Policy Framework and Proposed Changes to Local Planning Regulations: Consultation Documents; and
- (6) Visit to Eastern Enterprise Hub.

The Cabinet noted that the recommendation concerning the Development Brief for the Land East of the Granary, Clare had also been recommended for approval by the Rural Area Working Party (agenda item 16, Report C134).

Councillor Thorndyke, a Vice-Chairman of the Sustainable Development Working Party, was concerned that the Working Party, and other Members of the Council had not had sufficient time to consider this major planning application which could have significant impact on the Borough. He considered that with the Sustainable Development Working Party meeting being held on 30 August 2011 and responses to Breckland District Council being required by 11 October 2011 there was ample time for a Special Meeting of the Sustainable Development Working Party to take place.

Councillor Clements, the other Vice-Chairman of the Sustainable Development Working Party and Portfolio Holder, emphasised that the Borough Council had previously raised concerns over the potential impact of the proposed major growth of Thetford on the Borough, including the services and infrastructure of Bury St Edmunds, the A134 and the environment of the villages along the A134 between Bury St Edmunds and Thetford a number of times. These concerns were raised most recently in the consideration of the draft Thetford Area Action Plan, which were endorsed by the Cabinet on 16 March 2011. He also informed the Cabinet that the next meeting of the Working Party was due to be held after the consultation response was required. He also stated that he had made relevant people at Suffolk County Council aware of this application and of the potential impact on the infrastructure.

During the discussion it was emphasised that any comments made by the Borough Council must be supported by evidence.

In response to a question, the Head of Legal and Democratic Services informed the Cabinet that the application did not fall within the terms of reference for the Borough Council's Development Control Committee. However, it was concluded that officers should ensure that those Councillors who had a particular interest in this subject matter should be given the opportunity to comment on the application.

Councillor Clements then drew other relevant issues to the attention of the Cabinet. He stated that the Working Party had received a presentation in respect of the consultation documents on the National Planning Policy Framework which proposed changes to local planning regulations. The Working Party had received a summary of the main points of the consultation and it had been agreed that a copy of that summary be circulated to all Members for information. He also informed the Cabinet that he had been invited to a meeting convened by the East of England Local Government Association and the Royal Institute of Chartered Surveyors to examine some of the issues arising from the draft document.



**RECOMMENDED:-**

*That, subject to the approval of full Council,*

- (1) *St Edmundsbury Local Development Framework Supplementary Planning Document: Development Design and Impact***

*the amended draft Supplementary Planning Document on Development Design and Impact, as contained in Appendix A of Report C107, be adopted.*

- (2) *Replacement St Edmundsbury Borough Local Plan 2016: Development Brief for Land East of the Granary, Clare***

*the Development Brief for the development of land east of The Granary, Clare, attached as Appendix A to Report C108, be adopted as non-statutory planning guidance for the determination of future planning applications.*

RESOLVED:- That

- (1) 7<sup>th</sup> Annual Corporate Environmental Performance Report**

(1) the proposed changes to the Corporate Environmental Targets, set out in Annex 2 of Report C106, be adopted.

- (2) National Planning Policy Framework and Proposed Changes to Local Planning Regulations: Consultation Documents**

The comments of the Sustainable Development Working Party in respect of the two consultation documents be included in the submission of the Council's response to the Government.

- (3) Consultation on Major Planning Application by Breckland District Council**

(1) The Interim Joint Head of Planning, in consultation with the Chairman of the Sustainable Development Working Party and the Portfolio Holder for Transport and Planning, be given delegated authority to submit comments to Breckland District Council on the planning application and the Thetford Area Action Plan; and



- (2) any appropriate comments of the Sustainable Development Working Party be included into that response.

**37. Recommendations from Bury St Edmunds Area Working Party: 13 September 2011**

*Forward Plan Reference: Sep11/04 Cabinet Member: Cllr Robert Everitt*

There were no recommendations emanating from this meeting of the Bury St Edmunds Area Working Party and, therefore, no report was produced (Report C133).

**38. Recommendations from Rural Area Working Party: 12 September 2011**

*Forward Plan Reference: Sep11/05 Cabinet Member: Cllr John Griffiths*

The Cabinet considered Report C134 (previously circulated) which contained the recommendation emanating from the meeting of the Rural Area Working Party held on 12 September 2011 concerning the Development Brief for Land East of the Granary, Clare. This recommendation had been considered along with the recommendation from the Sustainable Development Working Party, Minute 36 above.

**39. Generating Income from Renewable Energy**

*Forward Plan Reference: Sep11/09 Cabinet Member: Cllr Peter Stevens*

The Cabinet considered amended Report C135 (previously circulated) which sought approval for the allocation of the previously approved budget concerning schemes associated with the installation of renewable energy generation and a further allocation to fund all renewable energy generation arising from the tendering process.

On 14 December 2010 Council approved the allocation of up to £410,000 from the unallocated capital provision to fund renewable energy generation. Amended Report C135 summarised the procurement process that had been followed to secure a preferred supplier for the installation of solar photovoltaics on key council property. Details of the preferred bid were set out in Exempt Appendix 2.

The outcome of the tendering process showed that the unit cost of installed solar photovoltaics was predicted to be significantly lower than previously reported. It also revealed that the corporate property listed could accommodate significantly more solar panels. This meant that the Council could achieve a higher return on investment than previously predicted and that there was more space on which to install panels on Council property to realise a higher return. Exempt Annex 3 detailed the enhanced options available, which would require additional funding being approved by full Council.

Councillor Stevens, Portfolio Holder with responsibility for environmental issues, drew relevant issues to the attention of the Cabinet. He wished to congratulate the Environmental Management Officer and Procurement Team for undertaking this considerable exercise in which the tender had produced a quotation below budget and also provided an opportunity for further investment.

In response to a question, the Cabinet were informed that the costs obtained during the tender process were subject to structural surveys and also to planning permission being obtained.

RESOLVED:- That

- (1) the preferred supplier set out in Exempt Annex 2 of Report C135 be awarded the contract for the installation of solar photovoltaics on Council property.

- (2) funding up to £379,800 be allocated from the budget approved by full Council, that being the value of schemes which could be installed within the funding limit for which Cabinet has delegated authority to approve as identified in Exempt Annex 3.

*(Under Rule 15.4 of the Overview and Scrutiny Procedure Rules the Mayor had determined that the decisions listed in (1) and (2) above were not subject to the Call In rules.)*



**RECOMMENDED:-**

***That Cabinet recommend to Full Council up to an additional £205,700 be allocated from the unallocated capital provision to fund all renewable energy generation as identified in Exempt Annex 3 (termed "enhanced option").***

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

**40. The Apex Business Plan**

***Forward Plan Reference: Sep11/06 Cabinet Member: Cllr Sara Mildmay-White***

The Cabinet considered Report C136 (previously circulated) which sought approval for additional works to be carried out to The Apex.

Concern had been expressed about the blandness of the open space immediately inside and outside The Apex. In response to this, designs had been developed which provided for new external signage, information boards, seating areas and accompanying planting, in addition to canopies and umbrellas. It was estimated that these improvements would cost up to £140,000, although a large proportion of this funding was already in place in existing budgets.

The Council was particularly keen to make more use of the space in the foyer/reception area in response to comments from users. The Fire Management Plan required that this area be kept clear and determined what was allowed to take place and be placed in this area for different events. In consultation with the Fire Service, the Council had been exploring ways in which this area could potentially be used for more activities and also made more attractive. Plans were being developed including lighting, artwork, seating and point of sale units to assist with merchandising at concerts and with conference management. Better signage was also needed to help customers find their way around the building, therefore, additional signs within the foyer and in the stairwells had been designed. The total cost of these additions in the foyer was estimated at £30,000.

It was proposed to liaise with the new catering operator around the provision of an enhanced permanent bar/catering unit in the foyer instead of the mobile units envisaged in the original business plan. Work on this option was underway with the Council's consultants prior to consultation with the Fire Service. The Council had already budgeted £20,000 for a mobile bar to serve the foyer and it was estimated that the cost of installing a permanent bar, if permitted, would be an additional £30,000. That was £50,000 in total. It was likely that the Borough Council may require the new caterer to invest in installing the bar. However, if a better financial return was achieved from the catering contract by the Borough Council making the investment itself, it was suggested that a contingency sum of £50,000 be allocated in the capital programme to meet these costs.

In the absence of Councillor Mrs Mildmay-White, Councillor Everitt drew relevant issues to the attention of the Cabinet. He stated that in addition to the improvements that the Council was planning to fund itself, it was also looking at a privately funded public art work in the foyer of The Apex, which would not only add to the overall feel of the space, but also be an attraction in its own right. Work on the details was currently being undertaken.



***RECOMMENDED:- That, subject to the approval of full Council***

- (1) an additional capital budget of up to £35,000 be allocated to allow a supplementary scheme of works to the frontage, signage and foyer of The Apex to be implemented; and***
- (2) a further sum of up to £50,000 be allocated as a contingency in the capital programme for the provision of the new bar if the Chief Finance Officer assesses that there is a greater return for the taxpayer through the Council making this investment rather than the new catering contractor.***

RESOLVED:- That

- (1) subject to the consent of the Fire Service, plans for the inclusion of a permanent bar/café counter in the foyer area be developed; and
- (2) in consultation with the Portfolio Holder for Economy and Asset Management and Culture and Sport, the Corporate Directors for Community Services and Economy and Environment, as appropriate, be authorised to seek the necessary consents for and approve the final details and implementation of any additional works to the frontage, signage and foyer of The Apex, within agreed budgets.

The meeting concluded at 6.05 pm

**J H M GRIFFITHS  
CHAIRMAN**