

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 23 May 2012 at 5.00 pm
in the Conference Chamber 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: Councillors Nettleton (Chairman of the Overview and Scrutiny
Committee), Cox and Mrs P A Warby
- Forest Heath District Councillors Bowman, Mrs Burt, Edwards,
Hirst, Roman and Waters

Councillor Griffiths welcomed the Members of the Forest Heath District Council Cabinet.

1. Apologies for absence

Apologies for absence were not required.

2. Minutes

The minutes of the meeting held on 28 March 2012 were confirmed as a correct record and signed by the Chairman.

3. Declarations of Interests

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

4. Report of the Overview and Scrutiny Committee: 18 April 2012

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

The Cabinet received and noted Report D5 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 18 April 2012:-

- (1) Cabinet Forward Plan: April to July 2012;
- (2) Work Programme: Update and Suggestion for Scrutiny;
- (3) Final Report of the Task and Finish Group: Universal Coverage of Broadband in St Edmundsbury;
- (4) Final Report of the Task and Finish Group: Review of the Continuing Success of the Bury St Edmunds Christmas Fayre;
- (5) Final Report of the Task and Finish Group: The Variable Quality of Paving in Bury St Edmunds Town Centre;
- (6) Interim Report of the Task and Finish Group: Litter Collection and Litter/Dog Bin Distribution in the Borough;
- (7) Interim Report of the Task and Finish Group: The Co-ordination of Licensing, Planning and Enforcement Functions Relating to Street Vending (the "A Boards" Review);
- (8) Update from Task and Finish Group: Article 4 Directions/Conservation Area Policy;

- (9) Update: The Stanton Grundle; and
- (10) Quarter 4 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 stated that the review of the Anglian Revenues Partnership would commence in June 2012, and that a representative from Forest Heath District Council (FHDC) would be invited to the July meeting to brief the Committee on the outcomes of the FHDC review into educational attainment. He anticipated that the review of car parking charges throughout the Borough would involve taking a significant amount of evidence in order to be able to formulate recommendations. He then stated that the Committee resolved that the Task and Finish Group that had examined broadband within St Edmundsbury would only meet again should it become necessary to review the progress of the Better Broadband for Suffolk Project.

In response to questions, Councillor Nettleton stated that although the Task and Finish Group was set up to examine paving within Bury St Edmunds, the Committee wished to also be made aware of paving issues in Haverhill and the rural areas.

Councillor Clements congratulated the Task and Finish Group charged with an examination into Article 4 Directions and Conservation Area Policy for the way it had conducted its review, and especially making site visits.

5. Report of the Overview and Scrutiny Committee: Review of the Continuing Success of the Bury St Edmunds Christmas Fayre
Forward Plan Reference: Jun12/04 Cabinet Member: Cllr Robert Everitt

The Cabinet considered Report D6 (previously circulated) which contained the recommendations emanating from the Overview and Scrutiny Task and Finish Group established to undertake a review of the continuing success of the Bury St Edmunds Christmas Fayre.

During its meetings the Task and Finish Group collected details of all elements of the Fayre, including stallholder information, Fayre expenditure and organisation. The Group's report to Committee included facts around the 2011 Fayre, and set out the various areas of the review, which included:-

- (a) Is the Council providing the right attractions, and what is the purpose of the Fayre?;
- (b) Organisation of the Fayre;
- (c) Should the Fayre continue to increase in size?;
- (d) Analysis of feedback, including economic impact;
- (e) Location of activities and new areas;
- (f) Car parks and park and ride; and
- (g) Other observations.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. In particular he stated that, in summary, the Task and Finish Group's brief was how the Borough Council could deal with significant numbers of people coming into Bury St Edmunds.

Councillor Everitt, Portfolio Holder with responsibility for the Bury St Edmunds Christmas Fayre, thanked Councillor Nettleton for the work undertaken by the Task and Finish Group. He stated that this years organising 'committee' had examined the contents of the report and was starting to address the issues raised.

RESOLVED:- That

- (1) the provision of additional and/or alternative sites for Park and Ride for use over the period of the Bury St Edmunds Christmas Fayre be investigated as a matter of urgency;
- (2) due to the size and how spread out the Fayre is, a system of segmentation of areas be introduced, with each area managed by an officer or steward, in order to provide more support to the event manager;
- (3) the Bury St Edmunds Christmas Fayre should remain a community event;
- (4) the Vision Statement for the Bury St Edmunds Christmas Fayre, as set out in Section 3.2 of Report C439, ie "The Christmas Fayre is a fun, festive and inclusive event for all ages designed to attract visitors, promote the area and have a positive effect on local people, and has a huge economic impact on businesses and the local area; spread throughout the town, the local community should continue to be a great part of its success", be adopted;
- (5) to help alleviate congestion and aid visitor flow, a map be produced that advertises other routes and quieter times around the town;
- (6) to further alleviate pedestrian congestion and promote the whole area, the utilisation of other parts of the town be investigated and, in consultation with highways and car park staff, be implemented if practical;
- (7) subject to investigation of the legal position, the Market could take place during the whole three days of the Fayre if appropriate; and
- (8) an online questionnaire be developed to receive customer feedback and additional information on Fayre users.

6. Report of the Performance and Audit Scrutiny Committee:
30 April 2012

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

The Cabinet received and noted Report D7 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 30 April 2012:-

- (1) Internal Audit Charter;
- (2) Internal Audit Strategy;
- (3) Internal Audit Annual Report 2011/2012, Review of the Effectiveness of Internal Audit, and Outline Audit Plan 2012/2013;
- (4) Audit Commission Presentation of Audit Plan: Audit 2011/2012;
- (5) Audit Commission Presentation of Certification of Claims and Returns: Annual Report;
- (6) External Audit Fees: 2012/2013;
- (7) Key Performance Indicators: Fourth Quarter 2011/2012;
- (8) Bi-annual Corporate Complaints and Compliments Digest;
- (9) Budget Monitoring Report: 1 April 2011 to 29 February 2012;
- (10) Corporate Risk Register: Quarterly Monitoring Report; and
- (11) Annual Procurement Report 2011/2012.

In the absence of the Chairman and Vice-Chairman of the Committee, the Scrutiny Manager drew relevant issues to the attention of the Cabinet. She was pleased to report that the Committee agreed with the annual review of the effectiveness of its internal audit that the Internal Audit Section was effective and that the opinion of the Internal Audit Manager could be relied upon as a key source of evidence in the Annual Governance Statement. She stated that the District Auditor had presented his report on the certification of claims and returns. Given the context of auditing £74 million of returns, the areas noted had been trivial and amounted to only £1,673.

The Scrutiny Manager continued by stating that the Audit Commission had outsourced the work of its in house audit practice, and the East of England contract had been awarded to Ernst and Young. The transition had resulted in financial savings, and the Commission was now able to pass on reductions of up to 40% in audit fees. Therefore, the Borough Council's planned audit fee would reduce from £95,760 in 2011/2012 to £57,458 in 2012/2013. She also stated that the Committee had asked for more detailed information concerning the financial position for The Apex, and that the annual procurement report showed that procurement savings of £454,367 had been secured.

During the discussion the Cabinet noted that many of the compliments received concerned the operation of The Apex.

7. Report of the Performance and Audit Scrutiny Committee: Internal Audit Charter

Forward Plan Reference: Jun12/07 Cabinet Member: Cllr David Ray

The Cabinet considered Report D8 (previously circulated) which sought approval for the revised Internal Audit Charter.

The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Internal Audit in Local Government 2006 required the Council to formally define the nature, role, responsibilities and reporting lines of Internal Audit in an Internal Audit Charter consistent with the Code. In response to this, the Internal Audit Section operated an Internal Audit Charter, which was reviewed annually, with any significant revisions presented to the Performance and Audit Scrutiny Committee. On 30 April 2012, the Committee considered amendments to the Charter, which had been proposed to reflect the Internal Audit shared service arrangement between the Borough Council and Forest Heath District Council (FHDC). A number of other minor amendments had also been made to ensure the document remained accurate, and in line with good practice.

Councillor Ray, Portfolio Holder with responsibility for Internal Audit, reminded the Cabinet that there was now one merged Internal Audit Section that serviced both the Borough Council and FHDC.

RESOLVED:-

That the revised Internal Audit Charter, as set out in Appendix A to Report C450, be approved.

8. Annual Review and Appointment of Cabinet Working Parties and Other Groups

Forward Plan Reference: N/A Cabinet Member: Cllr John Griffiths

The Cabinet considered Report D9 (previously circulated) which contained items for consideration as part of its annual review into the operation of its Working Parties and other Groups.

The report sought approval for:-

- (1) merging the Borough Council's Joint Staff Consultative Working Party with the equivalent at Forest Heath District Council (FHDC);
- (2) appointment to Joint Committees and Joint Groups; and
- (3) a review of the operation of its Working Parties.

Councillor Griffiths, Leader of the Council, reminded the Cabinet that at the Annual Meeting of Council he had stated that the composition of the Cabinet and Portfolios would change later in the year to take account of numerous factors, including the provision of the Shared Services Agenda and the revised management structure. Therefore, at this stage he suggested that there should be no changes to the membership of the joint Committees and that the operation of the Working Parties be reviewed with a final report being received by the Cabinet in September 2012. He also suggested that it would be prudent at this stage for the appointments to be made to the Joint Development Management Policies Committee to be delegated to the Head of Legal and Democratic Services on his nomination.

RESOLVED:- That

(1) Shared Governance Update

The arrangements for the merging of the Joint Staff Consultative Working Party with the equivalent at Forest Heath District Council be progressed as soon as possible.

(2) Joint Groups

The membership of the Joint Groups listed in Section 3.3 of Report D9 be approved.

(3) Joint Development Management Policies Committee

The Head of Legal and Democratic Services be given delegated authority to appoint Members to the Joint Development Management Policies Committee on the nomination of the Leader of the Council.

(4) Working Parties

- (1) A review be undertaken into the operation of Cabinet Working Parties and that a final report be presented to the Cabinet at its meeting scheduled for 12 September 2012; and
- (2) in the meantime, the current Working Parties continue to operate.

9. New Standards Provisions in the Localism Act 2011

Forward Plan Reference: Jun12/02 Cabinet Member: Cllr David Ray

The Cabinet considered Report D10 (previously circulated) which sought approval for the Monitoring Officer to continue to work with her counterparts across Suffolk to finalise a Suffolk Code of Conduct and Complaints Procedure, and liaise with Forest Heath District Council (FHDC) with a view to determining appropriate joint arrangements to deal with Standards matters.

Under the provisions of the Localism Act ("the Act") the current Code of Conduct and regulations for dealing with complaints of breach have to be replaced by "local arrangements", which come into effect on 1 July 2012.

The Suffolk Monitoring Officers had collaborated on a Suffolk Code of Conduct and complaints procedure, which had gained informal approval from the Suffolk Chief Executives Group (SCEG) and Suffolk Public Sector Leaders (SPSL), and had the formal endorsement of the Borough Council's Standards Committee.

A full set of recommendations for the local arrangements would need to be put before full Council on 19 June 2012, but Cabinet was asked to endorse the work done to date, and the proposed next steps.

RESOLVED:- That

- (1) the Monitoring Officer continue to work with her counterparts across Suffolk to finalise a Suffolk Code of Conduct and complaints procedure in accordance with the drafts attached at Appendices A and B;
- (2) liaison with Forest Heath District Council take place with a view to determining appropriate joint arrangements to deal with standards matters, with a view to recommendations being brought forward as part of the constitutional review in late 2012; and
- (3) pending the implementation of joint arrangements, the current elected members of the Standards Committee continue in post to form a Standards Committee which will meet as required.

10. Recommendations from the Shared Services Steering Group:

20 April 2012

Forward Plan Reference: Jun12/01 Cabinet Members: Cllrs John Griffiths and David Ray

The Cabinet considered Report D11 (previously circulated) which informed of the recommendations emanating from the meeting of the Shared Services Steering Group held on 20 April 2012.

On 20 April 2012 the Shared Services Steering Group considered the following items:-

- (1) Shared Services Project Update;
- (2) Customer Access Strategy;
- (3) Environmental Health Service: Business Case;
- (4) Housing Shared Service: Transitional Business Case; and
- (5) Planning Shared Service.

Councillor Ray, Vice-Chairman of the Steering Group, drew relevant issues to the attention of the Cabinet. He stated that the Customer Access Strategy would set out a basic and flexible model for customer service, which would influence the design of

future shared services between the Borough Council and Forest Heath District Council (FHDC), as well as improving the efficiency and effectiveness of customer access for service users and tax payers. He informed the Cabinet that a customer access workshop would be held for all Members on Tuesday 19 June 2012. With regard to the Planning Section shared service, he stated that this was a large frontline service, and that given that planning was such a politically sensitive subject there was a need to brief both Members and staff in order that they be given the opportunity to provide feedback, which would be taken into account in the finalised business case.

Councillor Ray then stated that the Environmental Health and Housing shared services were similar in that both Councils operated in a similar way, and it was 'easier' to bring the services together. Both these services were customer orientated and would be further reviewed in relation to the final Customer Access Strategy.

Discussions were held regarding timescales for the implementation of the relevant merged shared services and also the revised management structure.

RESOLVED:- That

(1) Customer Access Strategy

- (1) The draft Customer Access Strategy, attached as Appendix 1 to Report No SSG12/014, be endorsed;
- (2) in consultation with the Chairman and Vice-Chairman of the Steering Group, the Strategic Director (Resources) (FHDC) and the Corporate Director (Community Services) (SEBC) be authorised to:-
 - (a) amend the draft Strategy, as required, to reflect the outcomes of an equality impact assessment and any feedback received at the forthcoming Customer Access Workshop for Councillors from both Councils; and then
 - (b) submit a final draft of the Strategy to their respective Cabinets and full Councils for approval at the earliest opportunity.

(2) Planning Shared Service

The outline Planning Shared Service Business Case, as detailed in Exempt Report SSG12/017X, be approved to enable informal consultation with staff and Planning and Development Control Members to be undertaken.

(3) Environmental Health Shared Service: Transitional Business Case

The transitional structure for the Environmental Health Shared Service, as detailed in the Business Case (Exempt Appendix 1 to Report SSG12/015), be supported.

(4) Housing Shared Service: Transitional Business Case

The transitional structure for the Housing Shared Service, as detailed in the Business Case (Exempt Appendix 1 to Report SSG12/016) be supported.

**11. Recommendations from the Licensing and Regulatory Committee:
2 April 2012**

Forward Plan Reference: Jun12/05 Cabinet Member: Cllr Anne Gower

The Cabinet considered Report D12 (previously circulated) which contained the recommendations from the meeting of the Licensing and Regulatory Committee held on 2 April 2012.

On 2 April 2012 the Licensing and Regulatory Committee considered the following items:-

- (1) Minutes: Sub-Committees;
- (2) Acceptance of Electronic Representations in Licensing Act 2003 Applications;
- (3) Update on Sex Establishment Licensing;
- (4) Dealing with the Problems of Late Night Drinking: Response to Home Office Consultation;
- (5) Procedure for Expedited Review Applications;
- (6) Street Collections: Proposal to Amend Procedures;
- (7) Summary of Licensing Applications and Appeals:
1 January to 31 March 2012; and
- (8) Exempt Minutes: Licensing and Regulatory Sub-Committee.

The current procedure for receiving any representation from an interested party in respect of any application under the Licensing Act 2003 required that a hard copy was also submitted to the Licensing Authority before the representation may be accepted. There had been relevant representations which had not been presented at meetings of a Licensing Sub-Committee because the individual making the representation had not, for whatever reason, completed the process by sending the representation a second time as a hard copy. However, it transpired that if the Borough Council agreed in advance then hard copies of the representations need not be given.

The current procedure regarding street collections made provision for the Council to consult with Suffolk Constabulary on all applications for street collections. The forthcoming implementation of the Charities Act 2006 would remove the responsibility from local authorities for a number of issues which would be in future dealt with by the Charities Commission. Under the new provisions, street collections were likely to be simply a matter of notification to licensing authorities. Therefore, it was considered that there was now no need to consult with Suffolk Constabulary.



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

- (1) ***Acceptance of Electronic Representations in Licensing Act 2003 Applications***

Hard copies of electronic representations (emails) submitted in respect of Licensing Act 2003 applications be no longer necessary.

- (2) ***Street Collections: Proposal to Amend Procedures***

- (1) ***The current requirement to consult with Suffolk Constabulary on applications for street collections be removed; and***

- (2) ***the minimum period between application and the date of the proposed collection be reduced from 28 days to 10 working days.***

12. Recommendations from the Sustainable Development Working Party: 1 May 2012

Forward Plan Reference: Jun12/03 Cabinet Member: Cllr Terry Clements

The Cabinet considered Report D13 (previously circulated) which contained the recommendations emanating from the meeting of the Sustainable Development Working Party on 1 May 2012.

Suffolk County Council, as the lead Local Flood Authority, was required to develop a Local Flood Risk Management Strategy, and accordingly a draft had been prepared in conjunction with other partners, including all local authorities within Suffolk. The Borough Council was being asked to approve the draft document for consultation.

The Forest Heath District Council and St Edmundsbury Borough Council Affordable Housing Supplementary Planning document had been developed jointly by both authorities to provide guidance for the public, developers, landowners, consultants and local authority staff. The document would assist in providing clear and consistent advice to all parties involved in the delivery of affordable housing through the planning system. Before the document could be adopted as Supplementary Planning Guidance, it had to be the subject of public consultation. The consultation would be jointly undertaken by the two Councils, and would include statutory consultees and other interested parties. At the end of the consultation period, any changes to the draft would be made and reported back initially to the Sustainable Development Working Party prior to final approval by full Council.

RESOLVED:- That

(a) Suffolk Local Flood Risk Management Strategy: Consultation

The draft Local Flood Risk Management Strategy, as outlined in Report C461, be approved for consultation purposes.

(b) Joint Forest Heath District Council and St Edmundsbury Borough Council Affordable Housing Supplementary Planning Document

(1) subject to the re-drafting of paragraph 5.18, the minor textual amendments referred to at the meeting and the Head of Legal and Democratic Services being satisfied as to the content of Appendix C of the document on the Unilateral Undertaking for Off-site Contributions, the draft Forest Heath District Council and St Edmundsbury Borough Council Affordable Housing Supplementary Planning Document, detailed in Appendix A to Report C462, be approved for public consultation; and

(2) delegated authority be given to the Corporate Director for Economy and Environment, in consultation with the Portfolio Holder for Planning and Transport, to make any necessary minor typographical, grammatical or similar textual changes to the draft prior to publication for consultation purposes.

EXEMPT INFORMATION – EXCLUSION OF PUBLIC

RESOLVED:- 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 3 of Part 1 of Schedule 12(A) of the Act.

13. Environmental Efficiency of the Council's Leisure Centres

Forward Plan Reference: Jun12/06 Cabinet Member: Cllr John Griffiths

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

The Cabinet considered Exempt Report D14 (previously circulated) which sought approval for a loan to Abbeycroft Leisure to carry out a scheme of environmental improvements at the Borough Council's two leisure centres.

The Borough Council's two leisure centres were managed by Abbeycroft Leisure, which paid the utility costs directly to suppliers. Abbeycroft Leisure had commissioned an independent survey of energy and water usage and this survey had concluded that, with investment, considerable annual savings could be achieved. Abbeycroft Leisure may be able to secure some grants for the works. However, it was likely that funding of around £150,000 was required to deliver the project. On the basis that the Borough Council had asked Abbeycroft Leisure to reduce its management fee by £100,000 over the next four years, it had requested that the Borough Council consider a low interest short-term loan in order to deliver this challenging savings target.

During the discussions it was noted that the technical proposals being made were currently being verified by consultants appointed by the Borough Council which had been involved in refurbishments of both centres. In addition, the Borough Council's Environmental Management Officer and Property Services had also undertaken an analysis of the proposals. It was emphasised that any loan would not be released until the necessary confirmations had been received. Energy efficiency measures regarding other Borough Council properties was discussed but it was recognised that West Suffolk House and The Apex were newly constructed buildings that already had many of the measures now being proposed as part of their fabric, especially an integrated building management system.

In response to a question, the Cabinet was informed that all the necessary financial and technical checks had been undertaken on the proposed contractor.



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

- (1) a five year loan of up to £150,000 be offered to Abbeycroft Leisure to enable them to carry out a scheme of environmental improvements at the Borough Council's two leisure centres; and***
- (2) in view of the benefits to the Borough Council as landlord, the loan be offered at an interest rate of 2% above base rate, or 5%, whichever is the lower.***

The meeting concluded at 5.56 pm

**J H M GRIFFITHS
CHAIRMAN**