

**ST EDMUNDSBURY BOROUGH COUNCIL**

**CABINET**

**Minutes of a meeting held on Wednesday 25 July 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 Houlder (Vice-Chairman of the Overview and Scrutiny  
Committee), Cox and Spicer

**14. Apologies for absence**

Apologies for absence were not required.

**15. Minutes**

The minutes of the meeting held on 23 May 2012 were confirmed as a correct record and signed by the Chairman.

**16. Declarations of Interests**

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

**17. Report of the Overview and Scrutiny Committee: 6 June 2012**

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

The Cabinet received and noted Report D68 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 6 June 2012:-

- (1) Work Programme Update and Suggestion for Scrutiny;
- (2) Appointments to Task and Finish Groups and Suffolk Joint Scrutiny Panels/Committees;
- (3) Cabinet Annual Report 2011/2012;
- (4) Cabinet Forward Plan – June to September 2012;
- (5) Monitoring the West Suffolk Community Safety Partnership; and
- (6) Review of Car Parking Charges throughout the Borough.

Councillor Houlder, Vice-Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. In particular, he stated that upon the invitation of Cambridgeshire County Council's Overview and Scrutiny Committee, two Members of the Borough Council's Overview and Scrutiny Committee would join a half day scrutiny hearing to review the progress of the Greater Cambridge/Greater Peterborough Local Enterprise Partnership. In addition, Councillor Houlder stated that Councillor Beckwith had been nominated to continue as the Council's representative on the Suffolk Joint Scrutiny Committee, which had subsequently been confirmed by full Council on 19 June 2012.

Councillor Houlder also informed that the Committee had received an update on the work of the West Suffolk Community Safety Partnership and the outcome of an

initial meeting from the Task and Finish Group that had been established to review the car parking charges throughout the Borough. A discussion was held on this issue and it was emphasised that the Committee had been requested to undertake a review which provided guidance for future years' car parking charges, but not necessarily examine specific charges. Whilst the Cabinet welcomed suggestions for improvement, it was important that the Committee's consultation did not focus on new pricing structures as these would be subject to separate consultation and determined by full Council through the budget setting process.

**18. Report of the Overview and Scrutiny Committee: 11 July 2012**

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

The Cabinet received and noted Report D69 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 11 July 2012:-

- (1) Work Programme Update and Presentation from Forest Heath District Council – Educational Attainment;
- (2) Cabinet Forward Plan – July to October 2012;
- (3) Interim Report of the Task and Finish Group: Review of Car Parking Charges Throughout the Borough;
- (4) 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);
- (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: Article 4 Directions/Conservation Areas; and
- (7) Quarter 1 Directed Surveillance Authorised Applications.

Councillor Houlder, Vice-Chairman of the Overview and Scrutiny Committee, stated that a presentation had been received from the Chairman of Forest Heath District Council's Task and Finish Group that been established to review educational attainment in the Forest Heath district. It had been suggested that the Borough Council's Overview and Scrutiny Committee may wish to carry out a similar review for the Borough and a decision would be made on 5 September 2012 regarding whether the expected outcomes and value of the review would be balanced by the resources required to run it.

A second suggestion for scrutiny had been submitted by Councillor Thorndyke who had wished to examine the condition of the skatepark located in Olding Road and the future provision of skateboarding in Bury St Edmunds. Following a detailed discussion at the meeting of the Committee, Members had resolved not to establish a Task and Finish group to analyse this issue as actions were currently in place to improve the facility.

Councillor Houlder then provided an update on the work of each of the Task and Finish Groups currently operating, including that in respect of the 'A-Boards' review, consultation would be held with relevant stakeholders on a revised scheme for locating A-Boards on the highway. The consultation would explain the rationale behind the preferred option, which was the introduction of a revised permit scheme for A-Boards as outlined in Report D52 to the Committee, including brief details of the options which

were considered and rejected (and why), in order that consultees may comment on all options.

**19. Report of the Overview and Scrutiny Committee: Final Report of the Task and Finish Group: The Variable Quality of Paving in Bury St Edmunds Town Centre**

***Forward Plan Reference: Aug12/12 Cabinet Member: Cllr Terry Clements***

The Cabinet considered Report D70 (previously circulated) which contained the recommendations emanating from the Overview and Scrutiny Task and Finish Group that had been established to review the variable quality of paving in Bury St Edmunds town centre.

In November 2011, a Task and Finish Group of the Overview and Scrutiny Committee was established to investigate the variable quality of paving in Bury St Edmunds Town Centre. The scope for the review included identifying how the situation came about and to ensure that in future, the specification for paving in Bury St Edmunds town centre was appropriate for the expected use of any particular area of paving. The Group had also been asked to investigate the possibility of repairing and replacing any damaged paving, where appropriate.

On 18 April 2012, the Overview and Scrutiny Committee had considered the report of this Task and Finish Group and it was ascertained that further areas of poor paving throughout the Borough had been identified and not just in Bury St Edmunds town centre. As a result, the scope for the Group was widened to cover the whole Borough.

Though aspirational in nature, a number of recommendations had been suggested by the Task and Finish Group, which were duly accepted by the Committee, for consideration either by Suffolk County Council (SCC) as the Highway Authority or the Borough Council if relating to issues under its control. The recommendations for SCC were contained in Report D70.

RESOLVED:- That

- (1) contributions towards maintaining and developing Bury St Edmunds Town Centre be added to the list of desirable contributions through Community Infrastructure Levy for new developments; and
- (2) the Town Centre Masterplan element of the Council's Vision 2031 document include an aspiration to invest in a high quality, low maintenance public realm.

**20. Cabinet Annual Report 2011/2012**

***Forward Plan Reference: Aug12/10 Cabinet Member: Cllr John Griffiths***

The Cabinet received and noted Report D71 (previously circulated) which sought approval for the Cabinet Annual Report 2011/2012.

The Annual Report of the Cabinet details the Cabinet's priorities and its performance in 2011/2012. Unlike previous years, the Annual Report did not set out the Cabinet's plans for 2012/2013, as these were now covered by the new Corporate Plan which was approved by full Council on 19 June 2012.

On 6 June 2012, the Overview and Scrutiny Committee had been presented with the report by the Leader of the Council. He had provided an overview of the progress made in 2011/2012 and comprehensively responded to questions raised. The Committee had generally expressed support for the Cabinet's work over the year and

suggested some minor textual amendments to the Annual Report which had now been incorporated.

The Cabinet was informed that the outdoor Green Gym in Haverhill had been installed in 2010 and not in 2011/2012, which was the year which the Annual Report was covering. Councillor Cox suggested that this detail should therefore be removed from the Report. In response, the Cabinet identified that the installation of the Green Gym was helping to promote increased opportunities for recreation and building upon encouraging healthy physical lifestyles across all age groups, which was a priority for the Cabinet in 2011/2012. It was therefore agreed to amend the first sentence of the sixth paragraph contained on page 18 of the Annual Report to the following:-

*'In its first full year, the new outdoor Green Gym in Haverhill provided facilities to enhance fitness for both the Haverhill community and visitors.'*

RESOLVED:-

That the Cabinet's Annual Report 2011/2012, as contained in Appendix A to Report D71, as amended to re-word the first sentence of the sixth paragraph of page 18 to *'In its first full year, the new outdoor Green Gym in Haverhill provided facilities to enhance fitness for both the Haverhill community and visitors.'* be approved.

## **21. Business Rate Retention/Reform**

***Forward Plan Reference: Aug12/20 Cabinet Member: Cllr David Ray***

The Cabinet considered Report D72 (previously circulated) which sought approval for the Council to express an interest to pool its business rates with other Suffolk authorities in 2013/2014.

The Government announced early in its term of office that it wished to reduce or remove the formula grant system and put in its place a system to allow local authorities to retain a proportion of the growth of business rates, thus encouraging these authorities to promote economic development in their areas. It was proposed that just under half of the Council's funding from the Government would continue to be received via the Revenue Support Grant (and this would be reduced in line with overall Government spending reductions to Local Government) and the other half of the Council's funding would be sourced from a localised business rates scheme.

The key elements of how the Government wished a localised business rate scheme to work were detailed in Section 4.4 of Report D72. As part of the rates retention scheme, local authorities were encouraged to come together to pool their business rates, giving them scope to smooth the impact of volatility in rates income across a wider economic area. Expressions of interest to pool in 2013/2014 needed to be submitted to the Department of Communities and Local Government by 27 July 2012.

Councillor Ray, Portfolio Holder for Performance and Resources, informed the Cabinet of the benefits of pooling, also pointing out that should the Council wish to withdraw from the pooling agreement, it may do so after one year.

RESOLVED:- That

- (1) an expression of interest to pool business rates across Suffolk for 2013/2014, be submitted to the Department for Communities and Local Government (DCLG), with other Suffolk authorities; and
- (2) the key elements of the Government's statement of intent and the impact on St Edmundsbury Borough Council, be noted.

## **22. Localising Support for Council Tax in England 2012**

*Forward Plan Reference: Aug12/13 Cabinet Member: Cllr David Ray*

The Cabinet considered Report D73 (previously circulated) which sought approval for the publication of a draft Local Council Tax Support Scheme for consultation.

In 2011, the Government consulted on proposals for the localisation of support for Council Tax in England. This followed the announcement during the Spending Review 2010 that support for Council Tax would be localised from 2013/2014 and funding would be reduced by 10% from the same date. Latest indications had stated that the grant cut may be as high as 14% in some cases.

The main proposals of the scheme were:-

- (a) local authorities had a duty to operate a scheme to provide support for Council Tax in their area;
- (b) for pensioners there would be no change in the current level of awards, as a result of this reform;
- (c) local authorities should also consider ensuring support for other vulnerable groups; and
- (d) local schemes should support work incentives, and in particular avoid disincentives to move into work.

This meant that for people of working age who received Council Tax Benefit, there would be changes from April 2013 which affected how support could be claimed and by how much.

Councillor Ray, Portfolio Holder for Performance and Resources, informed the Cabinet of possible options for an appropriate Support Scheme and that the Government required councils to consult on their draft Scheme in order for the final Scheme to be formally adopted by January 2013 for implementation from April 2013.

In response to a question, the Cabinet was informed that the Suffolk West Citizens' Advice Bureau would be consulted on the draft Scheme.

RESOLVED:- That

- (1) the Chief Finance Officer, in consultation with the Portfolio Holder for Performance and Resources, be given delegated authority to determine the consultation requirement, process and draft Local Council Tax Support Scheme; and
- (2) a draft Local Council Tax Support Scheme be published for consultation, in accordance with the timetable attached as Appendix A to Report D73, in order to meet the statutory timetable to approve a final scheme before the end of January 2013, and to model affordability as part of the Council's medium term financial planning.

**23. Report from the Shared Offices Joint Committee: 1 June 2012**

*Forward Plan Reference: Aug12/06 Cabinet Members: Cllrs John Griffiths and David Ray*

The Cabinet received and noted Report D74 (previously circulated) which informed the Cabinet of the following items discussed by the Shared Offices Joint Committee on 1 June 2012:-

- (1) Building Manager's Report;
- (2) Items of Interest; and
- (3) Printing Services.

Councillor Ray, Chairman of the Joint Committee, drew relevant issues to the attention of the Cabinet. In response to a question, the Cabinet was informed that a scheme of enforcement was in operation at West Suffolk House for those parking in the visitors' car park for more than one hour before 3.30 pm. Staff and Councillors that parked for more than one hour within the specific time frame were charged for parking at twice the daily rate.

**24. Recommendation from the Grant Working Party: 12 June 2012**

*Forward Plan Reference: Aug12/09 Cabinet Member: Cllrs David Ray and Robert Everitt*

The Cabinet considered Report D75 (previously circulated) which contained the recommendation emanating from the meeting of the Grant Working Party held on 12 June 2012.

On 12 June 2012, the Grant Working Party considered the following items:-

- (1) Rural Initiatives Grant Scheme (RIGS): Application for Project Funding: 2012/2013 – Forham All Saints Parish Council; and
- (2) Rural Initiatives Grant Scheme (RIGS): Application for Project Funding: 2012/2013 – Kedington Community Association

Councillor Everitt, Portfolio Holder with the responsibility for grants, drew relevant issues to the attention of the Cabinet. He reminded the Cabinet that in accordance with the Council's adopted Grants Policy which enabled grants of £5,000 or less to be approved directly by the Grant Working Party, a grant of £5,000 was awarded to Kedington Community Association to upgrade its heating and hot water system at Kedington Community Centre.

RESOLVED:-

That a grant of £8,000 be awarded to Fornham All Saints Parish Council to install a skatepark in the village.

**25. Recommendations from the Shared Services Steering Group: 20 June 2012**

*Forward Plan Reference: Aug12/05 Cabinet Member: Cllrs John Griffiths and David Ray*

The Cabinet considered Report D76 (previously circulated) which informed of the recommendations emanating from the meeting of the Shared Services Steering Group held on 20 June 2012.

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

- (1) Shared Services Project Update;
- (2) Key Issues – Update by Joint Chief Executive;
- (3) Implementing the Customer Access Model and Channel Shift – ICT Options;
- (4) ICT Shared Service – Update on Progress;
- (5) Planning Shared Service – Business Case;
- (6) Future Back Office Requirements – Update on Progress; and
- (7) Shared Services Project Board: Notes.

Councillor Ray, Vice-Chairman of the Steering Group, drew relevant issues to the attention of the Cabinet. Councillor Clements, Portfolio Holder with the responsibility for Planning, then added that the Business Case for the Shared Planning Service had been fully endorsed by the Shared Services Steering Group. The Business Case set out a vision for the new shared service, which placed greater emphasis on customer service, and how resources were focused on delivering the priorities of both Councils using more robust and efficient methods.

Other Members of the Cabinet acknowledged the significant degree of work undertaken to produce the Business Case for integrating the Planning Service across both authorities.

RESOLVED:- That

- (1) the Planning Shared Service Business Case be approved (as set out in Exempt Appendix 3 to Report No. SSG12/021); and
- (2) the integration of the Planning Service across both authorities be recommended to the Cabinets of Forest Heath District Council and St Edmundsbury Borough Council, as set out in the Business Case (Exempt Appendix 3 to Report No. SSG12/021).

**26. Recommendations from the Joint Staff Consultative Working Party:  
West Suffolk Joint Staff Consultative Panel**

***Forward Plan Reference: Aug12/03 Cabinet Member: Cllr David Ray***

The Cabinet considered Report D77 (previously circulated) which sought approval for the establishment of the West Suffolk Joint Staff Consultative Panel and its Terms of Reference.

On 25 May 2011 the Cabinet had considered its Annual Review and Appointment of Working Parties (Report C6 referred). Arising from the consideration of this report the Cabinet had resolved that (minute 5(4) referred):-

*'Merging of Emergency Planning, Central Safety and Joint Staff Consultative Working Parties with the equivalent at Forest Heath District Council be explored'.*

Both the Emergency Planning and Central Safety Working Parties had now merged with the equivalent body at Forest Heath District Council (FHDC). Actions had now been taken to amalgamate the Joint Staff Consultative Working Party/Group with an informal briefing taking place on 9 July 2012 between the existing St Edmundsbury Borough Council (SEBC) Joint Staff Consultative Working Party and FHDC's Joint Consultative Working Group to discuss, amongst other topics, the establishment of the West Suffolk Joint Staff Consultative Panel. Following the joint discussions, each Working Party/Group met separately to consider the Terms of Reference for the new Joint Panel to enable recommendations to be put forward to each authority's respective Cabinets.

For ease of reference, the amendments were highlighted and attached as Appendix A to Report D77.

Councillor Ray, Chairman of the Joint Staff Consultative Working Party drew relevant issues to the attention of the Cabinet. Howard Cook, Chairman of the West Suffolk branch of Unison, was also in attendance and expressed his support for the amalgamation of the two bodies.

RESOLVED:- That

- (1) a West Suffolk Joint Staff Consultative Panel be formed with Forest Heath District Council based on the Terms of Reference (ToR) detailed in Appendix A to Report D77;
- (2) the Head of Legal and Democratic Services be authorised to appoint Councillors to the West Suffolk Joint Staff Consultative Panel on the nomination of Group Leaders and staff be nominated by the West Suffolk branch of UNISON; and
- (3) the Borough Council's Joint Staff Consultative Working Party be disbanded on the formation of the new West Suffolk Joint Staff Consultative Panel.

## **27. Housing Assistance Policy**

***Forward Plan Reference: Aug12/15 Cabinet Member: Cllr Anne Gower***

The Cabinet considered Report D78 (previously circulated) which sought approval for the joint Housing Assistance Policy which had been produced in partnership with Forest Heath District Council (FHDC).

The Borough Council's current Homes Assistance Policy was due for review in 2013, but with the progression of shared services, it was considered appropriate to develop and adopt a common Policy and approach with FHDC to provide housing assistance in the private sector.

Amendments to the current Policy had been made and these were highlighted in red in the draft Policy attached as Appendix A to the report.

Councillor Mrs Gower, Portfolio Holder for Housing, Licensing and Environmental Health, drew relevant issues to the attention of the Cabinet. She outlined the range of grants available and the principle changes to the existing Policy.



***RECOMMENDED:-***

***That, subject to the approval of full Council, the joint Housing Assistance Policy, as contained in Appendix A to Report D78, be approved.***

## **28. Community Right to Challenge: Protocols**

***Forward Plan Reference: Aug12/10 Cabinet Member: Cllr Robert Everitt***

The Cabinet considered Report D79 (previously circulated) which sought approval for protocols in response to the Community Right to Challenge introduced under the Localism Act 2011.

On 27 June 2012, a new duty was placed on local authorities to consider and either accept or reject expressions of interest from community groups who wished to operate a council service. If the expressions of interest met certain criteria laid down in the Localism Act 2011 and subsequent regulations, the local authority must operate a



procurement exercise. As such, community groups would have a new 'Community Right to Challenge'.

The Council needed to be prepared to receive and assess expressions of interest. The report, therefore, sought Cabinet's agreement to the proposed approach to dealing with the new Right, both in terms of embedding it in its wider community engagement activities and ensuring the technical and legal requirements were met.

Councillor Everitt, Portfolio Holder with the responsibility for localism, informed the Cabinet that the following typographical amendments were required to the report:-

- (a) the second recommendation detailed under Section 2.1 of the report be amended to include the words *'be approved'* following the text *'Report D79'*; and
- (b) the words *'SI 1647'* be inserted under Regulation 4 (4) in the left hand columns of the tables contained under (a) and (b) of Appendix C.

Councillor Mrs Gower then proposed the following additional text to Paragraph 4.9.2 of Report D79, that *'In the spirit of joint working it would also be beneficial to inform the relevant Suffolk County Councillor(s) both as a courtesy and because they may have valuable local knowledge about either the group or local issues'*. This proposed amendment would also need to be reflected in the proposed scheme of delegations detailed in Appendix C to Report D79.

The Cabinet accepted the amendment, as proposed and supported the approach to dealing with the new Right.

RESOLVED:- That

- (1) the proposed overall approach to dealing with the new Community Right to Challenge, as detailed in paragraphs 4.5 and 4.6 of Report D79, be approved;
- (2) the proposed approach to setting timescales during which expressions of interest can be made for services already contracted out, as detailed in Appendix B to Report D79, be approved;
- (3) paragraph 4.9.2 of Report D79 be amended to add the following sentence, *'In the spirit of joint working it would also be beneficial to inform the relevant Suffolk County Councillor(s) both as a courtesy and because they may have valuable local knowledge about either the group or local issues'* and this amendment be reflected in the proposed Scheme of Delegations detailed in Appendix C to Report D79; and



**RECOMMENDED:- That**

- (4) ***subject to the approval of full Council, the handling of expressions of interest under the Community Right to Challenge be subject to a Scheme of Delegations, as set out in Appendix C to Report D79, as amended to include 'SI 1647' under Regulation 4 (4) in the left hand columns of the tables contained under (a) and (b).***

**29. Recommendation from the Licensing and Regulatory Committee:**  
**11 June 2012**

***Forward Plan Reference: Aug12/17 Cabinet Member: Cllr Anne Gower***

The Cabinet considered Report D80 (previously circulated) which sought approval for standard conditions to be applied to licences issued for Sex Establishments.

The Policy for the licensing of Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 had been adopted, but the standard conditions to be applied to any licence had been reviewed in the light of the wider scope of sex establishments. Such establishments included sex shops, sex cinemas and sex entertainment venues.

Councillor Mrs Gower, Portfolio Holder with the responsibility for licensing, provided examples of circumstances in which standard conditions may be applied to licences for sex establishments.



***RECOMMENDED:-***

***That, subject to the approval of full Council, the standard conditions (attached as Appendix A to Report D27) and activity specific toolkits (attached as Appendices B, C and D to Report D27) that may be attached to any licence for a sex establishment, be approved.***

**30. Report of the West Suffolk Waste and Street Scene Services Joint Committee: 15 June 2012**

***Forward Plan Reference: Aug12/08 Cabinet Member: Cllr Peter Stevens***

The Cabinet received and noted Report D81 (previously circulated) which was the report of the West Suffolk Waste and Street Scene Services Joint Committee and provided details discussed at its meeting held on 15 June 2012.

On 15 June 2012 the West Suffolk Waste and Street Scene Services Joint Committee considered the following items:-

- (1) Service Level Agreements;
- (2) Vehicle Advertising;
- (3) Suffolk Waste Partnership (SWP) – Textiles Project;
- (4) Progress on Delivering the 2011/2012 Joint Waste Service Plan and Review of Performance; and
- (5) Update on the Procurement of Waste Transfer and Recycling Services.

Councillor Stevens, Vice-Chairman of the Joint Committee, drew relevant issues to the attention of the Cabinet, which included updating Members on the widely publicised Suffolk Waste Partnership's Textiles Recycling Project. The aim of this scheme was to divert residual textile waste from landfill.

**31. Recommendations from the Sustainable Development Working Party: 3 July 2012**

***Forward Plan Reference: Aug12/04 Cabinet Members: Cllr Terry Clements***

The Cabinet considered Report D82 (previously circulated) which contained the recommendations emanating from the meeting of the Sustainable Development Working Party on 3 July 2012.

On 3 July 2012 the Sustainable Development Working Party considered the following items:-

- (1) St Edmundsbury Vision 2031: March to April 2012 Consultation Feedback; and
- (2) Draft Uttlesford Local Plan Consultation.

Councillor Clements, Portfolio Holder for Planning and Transport, stated that consultation on the draft Vision 2031 documents for Bury St Edmunds, Haverhill and the Rural Area had been undertaken and a revised programme for progressing the documents through to the examination and adoption stages was required to be approved. The proposed timetable was contained in Report D82 which was accepted by the Cabinet.

In addition, Councillor Clements stated that the Working Party had considered a narrative item, which advised that Uttlesford District Council had consulted the Borough Council on the content of its draft Local Plan. The Working Party had considered that whilst the Borough Council was grateful for having the opportunity to respond to the consultation, it did not wish to raise any objections to draft Local Plan at this stage. Having considered the reasons for this suggested consultation response, as contained in Report D82, the Cabinet was in agreement with the proposed submission.

RESOLVED:- That

**(a) St Edmundsbury Vision 2031: March to April 2012 Consultation Feedback**

Subject to the inclusion of Workshop Sessions for Members to have input into revising the draft documents, the revised programme, as set out in paragraph 5.2 and Appendix 2 of Report D56, for taking the Vision 2031 documents through to the Examination and Adoption stages, be agreed.

**(b) Draft Uttlesford Local Plan Consultation**

Uttlesford District Council be thanked for consulting the Borough Council and that it does not wish to raise any objections to the content of its draft Local Plan at this stage.

**32. Recommendations from the Bury St Edmunds Area Working Party: 9 July 2012**

***Forward Plan Reference: Aug12/07 Cabinet Members: Cllrs Robert Everitt and Terry Clements***

The Cabinet considered Report D83 (previously circulated) which informed of the recommendations emanating from the meeting of the Bury St Edmunds Area Working Party meeting held on 9 July 2012.

On 9 July 2012 the Bury St Edmunds Area Working Party considered the following items:-

- (1) Town Centre Lettings/Vacancies: Update;
- (2) Amendments to the boundaries of the Bury St Edmunds Town Centre and Victoria Street Conservation Areas;
- (3) Highways Update;
- (4) Improvements to St Andrews Street South; and
- (5) Car Parking: Lawson Place and Southgate Community Centre.

Councillor Everitt, Chairman of the Bury St Edmunds Area Working Party and Portfolio Holder with the responsibility for Bury St Edmunds, drew relevant issues to the attention of the Cabinet.

Councillor Everitt proposed an amendment to the first recommendation relating to the proposed car parking scheme at Lawson Place, Moreton Hall, Bury St Edmunds and Southgate Community Centre, Bury St Edmunds, whereby recommendation (1)(i) and (ii) should be amended to delete reference to '*(excluding public holidays)*', therefore enabling the scheme to operate in line with other car parks run by the Borough Council, which currently charged for car parking on public holidays.

The Cabinet also considered recommending to full Council the formal adoption of the amendments to the boundaries of the Bury St Edmunds Town Centre and Victoria Street Conservation Areas.

RESOLVED:- That

**Car Parking: Lawson Place and Southgate Community Centre**

- (1) Subject to consultation with stakeholders, a Car Parking Scheme be adopted and implemented for the Lawson Place and Southgate Community Centre Car Parks which is based on:-
  - (i) days and hours of operation - Mondays to Fridays 8.00 am to 6.00 pm;
  - (ii) free parking for up to 3 hours, Mondays to Fridays;
  - (iii) for parking beyond 3 hours an excess charge be applied at a level as set by the Council's Off-Street Parking Places Order; and
  - (iv) numbered parking permits for residents and the Southgate Community Partnership to be issued.and the costs of this be met from the Car Park Operating Account; and
- (2) the operation of the Scheme be reviewed after the period of one year, to include an assessment of whether there has been dispersal of parking to the surrounding residential areas.



**RECOMMENDED:- That Council:-**

- (1) ***formally adopt the amended conservation area boundaries for the Bury St Edmunds Town Centre and Victoria Street Conservation Areas, as shown in Appendices 1 and 3 of Report D61; and***
- (2) ***authorise the Interim Head of Planning and Economic Development, in consultation with the Portfolio Holder for Planning and Transport, to amend any minor mapping errors prior to formal adoption.***

**33. Report from the Haverhill Area Working Party: 12 July 2012**

*Forward Plan Reference: Aug12/01 Cabinet Member: Cllr Anne Gower*

The Cabinet received and noted Report D84 (previously circulated) which provided an update on the items considered by the Haverhill Area Working Party on 12 July 2012.

Councillor Mrs Gower, Portfolio Holder with the responsibility for Haverhill, informed the Cabinet that the Working Party had received updates on the 'Destination Haverhill' project and also on the outcomes of the initial consultation on the Haverhill Vision 2031 document. She added that a detailed discussion had been held on the Haverhill High Street Improvement Scheme. The Haverhill Area Working Party had previously been given delegated authority by the Cabinet to manage the total £750,000 budget for the scheme and approving the final project design. The Cabinet noted that there had been a number of contentious issues, largely connected with the proposed Traffic Regulation Order for the scheme, details of which were contained in Report D84. As a result of the discussion, the Working Party had amended the recommendations contained in Report D65 that had been considered by the Working Party in order for the scheme to progress.

**34. Two Year Review of The Apex**

*Forward Plan Reference: Aug12/11 Cabinet Member: Cllr Sara Mildmay-White*

*(Councillor Clements declared a local non pecuniary interest as a nominated observer for Suffolk County Council on the Theatre Royal Management Board and remained in the meeting for the consideration of this item.)*

The Cabinet considered Report D85 (previously circulated) which presented the findings of the two year review of The Apex and sought approval for a number of recommendations relating to the future of The Apex.

The 2009 business case for The Apex required a review of the governance of The Apex prior to the second anniversary of operation. This review had been carried out during the early part of 2012 with partners and had concluded that, in principle, a joint operating model with the Theatre Royal, Bury St Edmunds, was likely to offer the strongest benefits for the future management of The Apex; in relation to the value for money for the tax payer, and developing the social and economic benefits of the arts in St Edmundsbury and West Suffolk.

Any formal decision to move to such a model by full Council would need to follow extensive due diligence work with partners, and the report proposed that the partners moved into the next stage of feasibility and negotiation. As part of the shared services agenda and as it operated a successful arts development service, Forest Heath District Council would also be invited to be part of the investigations.

The market research carried out by Bonnar Keenlyside, the consultants appointed by the Council and its partners to undertake the review, had concluded that The Apex had made a positive contribution to the cultural and entertainment scene in West Suffolk. Over the period 2010/2012, audiences for the cinema, theatre and music in Bury St Edmunds had risen from an estimated 636,300 to 702,000 a year (10.3%), and a significant proportion of this increase was related to The Apex. However, although this was a positive trend, it was the view of many consulted in the review that West Suffolk could increase its cultural edge and distinction within the region. Further details of the conclusions made from the initial operating period of The Apex were contained in Exempt Appendix 1.

The review also examined the future for The Apex which included two trust options, and a third option of maintaining the status quo by retaining the operation of the service in-house. Extensive details of a preferred option of establishing a single trust (a 'new company' or 'Newco') to operate both The Apex and the Theatre Royal, was contained in Exempt Appendix 2. The Theatre Royal's Board of Directors had expressed an in principle preference for such a joint operating model, on the basis that it was also likely to be in the best long term interests of the Theatre. The Theatre's Board was therefore willing to enter into formal discussions with the Council and its funders about a new strategic partnership which would see both venues being run together by a new trust.

The consultants had also examined in detail the potential for The Apex to be managed by a separate trust formed specifically for the purpose, and the business case for this was set out in Exempt Appendix 3. The proposals on the positioning, marketing and programming of The Apex were essentially the same as for the new company model. However, this option had not been recommended as the preferred option as it did not offer as many economic or strategic benefits for the community as a wider Arts Trust.

The third option of retaining the operation of The Apex as an in-house service was not considered in detail in the report, but it was noted that this option would also involve the need to find significant savings due to the need to reduce the public subsidy of The Apex over time.

A detailed discussion was held on the degree of consultation undertaken to date with non-Cabinet Members on the three options for the future of The Apex and in particular the preferred option detailed above. It was noted that the Cabinet was at this stage being asked to approve the entering into formal discussions regarding the creation of a new strategic partnership with the Theatre Royal and its funders to provide a joint operating model for The Apex and the Theatre, and therefore, a formal decision on the future of The Apex would be required by full Council at a later date. In the meantime, it was considered appropriate that a briefing from Bonnar Keenlyside should be offered to all Members of the Council and that Members should be given the opportunity to become fully involved with the next stage of the review. Consequently, Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport proposed an additional recommendation to those contained in Report D85 that *'Councillors be invited to attend a briefing if they wish to receive more information prior to full Council from the appointed consultants, Bonnar Keenlyside, and be fully involved with the next stage of the review'*. This was supported by other Members of the Cabinet.

The Cabinet also considered that an application to the Arts Council for England for Grants for the Arts funding to develop arts programming in St Edmundsbury was appropriate, subject to one-off funding required from future budgets not exceeding £25,000. Further details regarding this funding were contained in Sections 4.42 and 4.43 of the report.

RESOLVED:- That

- (1) the findings of the two year review of The Apex be noted and endorsed in principle;
- (2) the Borough Council enter into formal discussions with the Theatre Royal Bury St Edmunds and its funders about a new strategic partnership which would provide a joint operating model for The Apex and the Theatre;
- (3) a detailed business case for such a joint operating model be prepared for the consideration of Cabinet and full Council, the Theatre Royal Board and funders in autumn 2012;

- (4) Councillors be invited to attend a briefing if they wish to receive more information prior to full Council from the appointed consultants, Bonnar Keenlyside, and be fully involved with the next stage of the review;
- (5) the Corporate Director for Community Services be authorised to commission the necessary expert advice to develop the business case, funded from Invest to Save reserves if necessary;
- (6) discussions be held with Forest Heath District Council to establish whether it wishes to become a partner in any such arrangement in relation to arts development; and
- (7) the Council make an application to the Arts Council for England for *Grants for the Arts* funding to develop arts programming in St Edmundsbury, subject to the one-off funding required from future budgets not exceeding £25,000.

At this point, it was proposed, seconded and,

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 involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12(A) of the Act.

**35. Asset Management Plan (AMP) and Capital Management Strategy: Performance Management and Implementation Plan**

***Forward Plan Reference: Aug12/02 Cabinet Member: Cllr John Griffiths***

The Cabinet considered Report D86 (previously circulated) which sought approval for the Asset Management Plan Implementation Programme 2012/2013 and associated action plan.

The report included the outcomes and performance of the Asset Management Plan (AMP) for 2011/2012 and proposals for implementation programmes for 2012/2013. 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 2012/2013 was agreeing common processes and implementation plans for effective asset management of assets across West Suffolk. Achieving efficiencies for service delivery through property asset reviews and implementation would continue to play an important role for both St Edmundsbury Borough and Forest Heath District Councils in future years.

The following appendices were attached to the report:-

- |                   |   |
|-------------------|---|
| Appendix 1        | : Asset Management Plan Action Plan 2012;                                   |
| Exempt Appendix 2 | : Disposal Programme – sales completed in 2011/2012;                        |
| Exempt Appendix 3 | : Disposal Programme – sales to be sold in 2012/2013;                       |
| Exempt Appendix 4 | : Estates Management Programme – lease transactions completed in 2011/2012. |

Councillor Griffiths, Cabinet Member with responsibility for asset management drew relevant issues to the attention of the Cabinet.

RESOLVED:- That

- (1) the Implementation Programmes 2012/2013, as detailed in Section 4.4 of Report D86, be approved; and
- (2) the Asset Management Plan Action Plan 2012, as detailed in Appendix 1 to Report D86, be approved.

**36. Revenues Collection Performance and Write-Offs**

*Forward Plan Reference: Aug12/18 Cabinet Member: Cllr David Ray*

The Cabinet considered Report D87 (previously circulated) which provided the collection data in respect of Council Tax and National Non Domestic Rates and sought approval for the write-off of debts as contained within the exempt appendices.

The Revenue Section collected outstanding debts in accordance with either statutory guidelines or Council agreed procedures. When all these procedures had been exhausted the outstanding debt was written off using the delegated authority of the Chief Finance Officer, for debts up to £1,500, or by Cabinet, for debts over £1,500. The specific reasons for recommending each write-off were included in Exempt Appendices 1, 2 and 3.

RESOLVED:-

That the write off of the amounts detailed in the exempt appendices to Report D87, be approved as follows:-

Exempt Appendix 1: 6 accounts for Council Tax totalling £20,005.75;

Exempt Appendix 2: 14 accounts for Business Rates totalling £244,214.25; and

Exempt Appendix 3: 1 Housing Benefit overpayment totalling £2,711.70.

**37. Bury St Edmunds Community Football Project Update: Governance and Funding**

*Forward Plan Reference: Aug12/14 Cabinet Member: Cllr Sara Mildmay-White*

*(Councillor Clements declared a local non-pecuniary interest as the Chairman of the Shadow Board for the Bury Community Sports Association and remained in the meeting for the consideration of this item.)*

The Cabinet considered Exempt Report D88 (previously circulated) which asked the Cabinet to consider the principle of making a loan to Bury Town Football Club (FC) to allow it to invest in the Community Football Project.

The Borough Council had committed £1 million of funding to deliver the estimated £2.5 million Bury St Edmunds Community Football Project, as well as a site for the scheme at Moreton Hall, Bury St Edmunds. In Report B258, presented to Cabinet in October 2010, a proposal was made for Suffolk County Football Association (FA) to manage the Bury Community Football Project. Since that report there had been a number of developments regarding the project, which were outlined in Exempt Report D88, namely:-

- (a) Suffolk FA had confirmed its own £250,000 investment in the scheme as they considered it would be *'a huge benefit to the football community in the west of the county'*;



- (b) the project remained the highest priority for FA funding in Suffolk and one of very few projects identified for funding in the entire Eastern Region;
- (c) The Football Foundation and Football Stadia Improvement Fund had also confirmed that the scheme remained eligible for significant capital funding; and
- (d) there had been ongoing and positive discussions with Suffolk County Council and developers regarding the potential to make the scheme a dual-use facility with a new school for Moreton Hall.

Given the success of the Haverhill Community Sports Association, which was cited as an example of good governance practice by the FA, it was now proposed that the land on which the Project would be developed, which was owned by the Borough Council, would be leased to and managed by a new organisation, Bury Community Sports Association. It was further proposed that the Association sub-lease the site to the two operators, Suffolk FA and Bury Town FC. This governance model was fully supported by the FA, Football Foundation, Suffolk FA and Bury Town FC, and also met the Council's future Asset Management proposals. It was noted by the Cabinet that the scheme would have no revenue implications for the Borough Council, and the long-term aspiration was to achieve a community transfer of the site to the new Association. The Association would have a Chairman independent of both Suffolk FA and Bury Town FC, preceded by a 'shadow board' (also with an independent Chairman).

The Cabinet noted that together with the Council's £1 million investment in the scheme, external funders had committed funding, including Suffolk FA, the Football Foundation and Football Stadia Improvement Fund. Subject to a successful final national funding bid to the Football Association in summer 2012, Bury Town Football Club had proposed to invest sufficient funding to make up the shortfall on the balance. The Club had initially committed its own capital and the remainder would be achieved through a loan. Consequently, discussions had been held to investigate the possibility of the Council making a commercial loan to Bury Town Football Club to allow it to invest in the facility.

Approval of any loan would be subject to the Chief Finance Officer being satisfied that the loan was sustainable and properly secured and also having obtained agreement of full Council.

At this stage, the Cabinet was asked only to agree to consider the principle of the loan, so that the potential arrangement could be included as part of the final national funding bid to the FA this summer.

Following funding bid approval and, if successful, building tenders being in place, a final report would be submitted to Cabinet for authorisation of the Council's own funding and the leasing arrangements.

RESOLVED:- That

- (1) Cabinet agrees to consider the principle of making a loan to Bury Town Football Club to allow it to invest in the Community Football Project; approval to be subject to the Chief Finance Officer being satisfied that the loan is sustainable and properly secured and the agreement of full Council; and
- (2) following funding bid approval and, if successful, building tenders being in place, a final report be submitted to Cabinet for authorisation of the Council's own funding and the leasing arrangements.

The meeting concluded at 7.19 pm

**J H M GRIFFITHS  
CHAIRMAN**