

Enquiries regarding this Agenda:  
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# ***Cabinet***

***Wednesday 12 September 2012 at 5.00 pm  
in the Conference Chamber West (F1R09), West Suffolk House,  
Western Way, Bury St Edmunds***

**CONSTITUTION:**     *Leader of the Council: Councillor John Griffiths  
Deputy Leader of the Council: Councillor Sara Mildmay-White*

<b><i>Councillors:</i></b>		<b><i>Portfolios:</i></b>
Terry Clements	-	Planning and Transport
Robert Everitt	-	Tourism and Community Services
Anne Gower	-	Housing, Licensing and Environmental Health
John Griffiths	-	Corporate and Rural Affairs
Sara Mildmay-White	-	Culture and Sport
David Ray	-	Performance and Resources
Peter Stevens	-	Environment and Waste Management

**QUORUM:**             *Three Members*

***Please switch off mobile communication  
devices during the meeting, unless exceptional  
circumstances require otherwise.***

# ***Agenda***

## **Procedural Matters**

**1. Apologies for Absence**

**2. Minutes**

To confirm the minutes of the meeting held on 25 July 2012 (copy attached).

**3. Declarations of Interests**

Members are reminded of their responsibility to declare any pecuniary or local non-pecuniary interest which they have in any item of business on the Agenda ***no later than when that item is reached*** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

## **Part 1 – Public**

(Forward Plan reference (where applicable) shown in brackets)

### **Corporate Priority: Working together for strong, healthy and diverse communities**

#### **4. ONE Haverhill Neighbourhood Community Budget (Sep12/13)**

*Cabinet Member – Anne Gower;                      Contact Officer – Cathy Manning  
Telephone: 01284-757002  
e-mail: cathy.manning@stedsbc.gov.uk*

Report **D118** attached.

##### Summary and reasons for recommendations:

The Council is a member of ONE Haverhill, a Board that brings together a range of stakeholders including all three tiers of local government, the business sector, police, health and others to improve the quality of life for people in Haverhill. Haverhill has been chosen to be one of only 12 that will benefit from the Neighbourhood Community Budget (NCB) pilot scheme. ONE Haverhill is the nominated body overseeing the pilot. A draft Operational Plan for the pilot has to be provided to the Department for Communities and Local Government (DCLG) by 21 September 2012, and all the constituent organisations have been asked to formally confirm their commitment to the pilot.

Members of the core group established to co-ordinate the project on behalf of ONE Haverhill will be in attendance, together with a representative from the DCLG, to highlight the key issues detailed in the report and to respond to questions raised.

##### Recommendations:

- (1) The Council's commitment to participate in the Haverhill Neighbourhood Community Budget pilot, as detailed in Section 4 and Appendices 1 and 2 of Report D118, be confirmed; and
- (2) delegated authority be given to a Director nominated by the Joint Chief Executive, in consultation with the relevant Portfolio Holder(s), to agree any aspects of the pilot which go beyond operational matters.

#### **5. Community Right to Bid (Sep12/14)**

*Cabinet Member – Robert Everitt;                      Contact Officer – Cathy Manning  
Telephone: 01284-757002  
e-mail: cathy.manning@stedsbc.gov.uk*

Report **D119** attached.

##### Summary and reasons for recommendations:

From autumn 2012, community groups will be able to nominate local land or buildings as 'assets of community value' that cannot be sold without the community group first being informed and given the opportunity to prepare a

bid. The new powers are known as the '*Community Right to Bid*' and, with some exceptions, can be applied to land or buildings that are in public or private ownership.

The Borough Council needs to be ready to deal with nominations from community groups as well as the associated listing, review, notification and compensation processes. This paper seeks the Cabinet's agreement to a proposed approach to dealing with the Community Right to Bid.

Recommendations:

- (1) The proposed approach to dealing with the Community Right to Bid detailed in paragraphs 4.1 to 4.13 and Appendices B and C of Report D119, be approved;
- (2) it be recommended to full Council that a delegation be made such that nominations under the Community Right to Bid be handled by officers once in force, as outlined in Appendix C to Report D119; and
- (3) delegated authority be given to the Joint Chief Executive or relevant Head of Service, in consultation with the Portfolio Holder for Tourism and Community Services, to amend minor details of the operation of the scheme should it be necessary in light of changes in the Government's final regulations and advice notes.

**Corporate Priority: Working together for an efficient Council**

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

*Chairman – John Hale;*

*Contact Officer – Adriana Stapleton  
Telephone: 01284-757613  
e-mail: [adriana.stapleton@stedsbc.gov.uk](mailto:adriana.stapleton@stedsbc.gov.uk)*

Report **D120** attached.

Summary and reasons for recommendation:

On 30 July 2012 the Performance and Audit Scrutiny Committee considered the following items:-

- (1) Annual Governance Statement 2011/2012;
- (2) Budget Outturn and Financial Highlights Report: 2011/2012;
- (3) Budget Monitoring Report – 1 April to 30 June 2012;
- (4) Key Performance Indicators – First Quarter 2012/2013;
- (5) The Apex – Report of the Venues Director;
- (6) Annual Treasury Management Report 2011/2012 and Investment Activity 1 April to 30 June 2012;
- (7) Corporate Risk Register – Quarterly Monitoring Report; and
- (8) Adoption of Whistleblowing Policy

Recommendation:

The Cabinet is requested to **NOTE** the contents of the report of the Performance and Audit Scrutiny Committee.

Separate reports are included on this Cabinet agenda for items (1), (6) and (8) above.

**7. Report of the Performance and Audit Scrutiny Committee: Annual Governance Statement (Sep12/10)**

*Cabinet Member – David Ray;*

*Contact Officer – Jon Snares*

*Telephone: 01284-757239*

*e-mail: jon.snares@stedsbc.gov.uk*

Report **D121** attached.

Summary and reasons for recommendations:

The Council is required to produce and publish an Annual Governance Statement (AGS), covering six laid down core governance principles. The proposed AGS for 2011/2012 accompanies the Statement of Accounts. It covers:-

- (a) the Council's responsibilities in terms of the governance framework;
- (b) St Edmundsbury's governance environment relating to the six laid down core governance principles; and
- (c) the effectiveness of St Edmundsbury's arrangements and any significant areas of weakness identified, with proposed actions to address these.

The governance framework is 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 is embedded within the Constitution and the systems, policies, procedures and operations in place throughout the Council.

Recommendations:

- (1) The draft Annual Governance Statement for 2011/2012, as set out in Report D89, be recommended for approval by full Council prior to accompanying the Council's Statement of Accounts for 2011/2012; and
- (2) the process used to compile the Annual Governance Statement (AGS) 2011/2012, as detailed in Annex A of the AGS, be endorsed.

**8. Report of the Performance and Audit Scrutiny Committee: Annual Treasury Management Report 2011/2012 and Investment Activity 1 April to 30 June 2012**

*Cabinet Member – David Ray;*

*Contact Officer – Chris Barber*

*Telephone: 01284-757241*

*e-mail: chris.barber@stedsbc.gov.uk*

Report **D122** attached.

Summary and reasons for recommendation:

The Annual Treasury Management Investment Report, summarises the investment activities for the year 2011/2012, and also provides a summary of investment activity for the first three months of the 2012/2013 financial year.

The Report showed the total amount invested at 1 April 2011 as £32.4 million, and at 31 March 2012 £32.0 million, due primarily to the net effect of the Council's capital expenditure and asset disposals programmes. Budgeted income from investments in 2011/2012 was £457,000, and as at 31 March 2012 interest earned amounted to £582,000, an over achievement of £125,000 against the budget. The average rate of interest achieved for the year was 1.48% against the target rate of 1.50%.

The 2012/2013 Annual Treasury Management and Investment Strategy (Report C294 refers) set out the Council's projections for the current financial year. It showed the budget for investment income in 2012/2013 as £569,000, based on a continuation of the previous year's 1.5% target rate of return on investments.

Recommendation:

Subject to the approval of full Council, the Annual Treasury Management Report 2011/2012, as contained in Appendix A to Report D67, be approved.

**9. Report of the Performance and Audit Scrutiny Committee:  
Whistleblowing Policy (Sep12/11)**

*Cabinet Member – David Ray;*

*Contact Officer – Joy Bowes*

*Telephone: 01284-757141*

*e-mail: joy.bowes@stedsbc.gov.uk*

Report **D123** attached.

Summary and reasons for recommendations:

Good governance requires organisations to take malpractice seriously and to ensure that employees and others (for example, contractors, suppliers of goods and services, partner organisations and members of the public) have adequate means to raise concerns about such malpractice. St Edmundsbury Borough Council has in place a Whistleblowing Policy which sets out its commitment and describes the protection available to those who raise matters of concern.

The Council's current Whistleblowing Policy was last revised in February 2006. It is good practice to review arrangements from time to time and as such a review of the Policy has been undertaken jointly with Forest Heath District Council to ensure it continues to reflect best practice, legislation and shared services arrangements.

Recommendations:

- (1) Subject to the approval of full Council, the revised joint Whistleblowing Policy between Forest Heath District Council and St Edmundsbury Borough Council, as contained in Appendix A to Report D96, be adopted; and
- (2) the Portfolio Holder for Performance and Resources be given delegated authority to amend the officer post titles where necessary regarding the reporting of whistleblowing concerns referred to within the Policy, following the upcoming senior management restructure.

## 10. Report of the Overview and Scrutiny Committee: 5 September 2012

*Chairman – David Nettleton;*

*Contact Officer – Adriana Stapleton*

*Telephone: 01284-757613*

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

Report **D124 TO FOLLOW**

### Summary and reasons for recommendation:

On 5 September 2012 the Overview and Scrutiny Committee considered the following items:-

- (1) Work Programme Update and Suggestion for Scrutiny – Educational Attainment;
- (2) Cabinet Forward Plan – September to December 2012;
- (3) Interim Report of the Task and Finish Group: Review of Car Parking Charges Throughout the Borough; and
- (4) The Co-ordination of Licensing, Planning and Enforcement Functions Relating to Street Vending (the "A Boards" Review)

### Recommendation:

The Cabinet is requested to **NOTE** the contents of the report of the Overview and Scrutiny Committee.

## 11. Local Government Resource Review: Business Rates Retention: Pooling (Sep12/15)

*Cabinet Member – David Ray;*

*Contact Officer – Liz Watts*

*Telephone: 01284-757252*

*e-mail: liz.watts@stedsbc.gov.uk*

Report **D125** attached.

### Summary and reasons for recommendations:

One of the features of the Local Government Finance Bill, currently going through Parliament, is the retention of a proportion of the business rates revenue generated in a local area by the relevant local authorities.

Business rates retention is intended to provide incentives for local authorities to drive economic growth, as the authorities will be able to retain a share of the growth that is generated in business rates revenue in their areas, as opposed to the current system where all business rates revenues are held centrally.

The Local Government Finance Bill also allows local authorities to form pools for the purposes of business rates retention. It is expected that pooling could offer local authorities an opportunity to retain more of the rates generated in their local areas and could allow them to use that additional revenue more effectively to drive future economic growth, which in turn should increase future business rates yield. It would share the benefits of economic growth, and also the risk of any decline in business rates.

Creating a business rates pool will ensure maximum amounts of business rates collected in Suffolk remain in Suffolk, and it provides opportunities for the eight

councils to work together to deliver enhanced economic prosperity for the county as a whole.

The Borough Council submitted an initial expression of interest prior to 27 July 2012 as required by the Department for Communities and Local Government (DCLG). The formal sign-off of the intention to pool needs to be completed by 19 October 2012.

Recommendations:

- (1) The approach for the Borough Council to continue to form a pool with Suffolk County Council and Borough/District Councils for the collection of business rates with effect from 1 April 2013, be endorsed;
- (2) the detailed governance and operating arrangements be established and approved by Suffolk Public Sector Leaders at their meeting on 14 September 2012, as outlined in Sections 4.8.1 and 4.8.2 of Report D125;
- (3) support be given to Suffolk County Council becoming the lead authority and acting as 'Banker' for the pool;
- (4) the Chief Executive and Chief Finance Officer be given delegated authority to sign on behalf of the Borough Council to request the Department for Communities and Local Government (DCLG) to designate the Suffolk pool, in line with DCLG timescales outlined in Section 4.8.3 of Report D125.

**12. Report from the Shared Offices Joint Committee: 27 July 2012 (Sep12/04)**

*Cabinet Members – John Griffiths; and David Ray*      *Contact Officer – Ivan Sams*  
*Telephone: 01284-757304*  
*e-mail: ivan.sams@stedsbc.gov.uk*

Report **D126** attached.

Summary and reasons for recommendations:

On 27 July 2012 the Shared Offices Joint Committee considered the following items:-

- (1) Building Manager's Report;
- (2) Items of Interest; and
- (3) Review of Available Space at West Suffolk House.

Recommendations:

The Cabinet is requested to **NOTE** the contents of the report from the Shared Offices Joint Committee.

**13. Recommendations from the Shared Services Steering Group: 30 August 2012 (Sep12/07)**

*Cabinet Members – John Griffiths; and David Ray*      *Contact Officer – Liz Watts*  
*Telephone: 01284-757252*  
*e-mail: liz.watts@stedsbc.gov.uk*

Report **D127** attached.

Summary and reasons for recommendations:

On 30 August 2012 the Shared Services Steering Group considered the following items:-

- (1) Business Process Re-engineering (BPR) and Customer Access Update;
- (2) ICT Shared Service – ICT Mobile Device Use;
- (3) Budget Monitoring of Shared Savings;
- (4) Development of New Single Payline – Update;
- (5) Joint Chief Executive – Update;
- (6) Any Other Business; and
- (7) Future Back Office Requirements – Update on Progress.

Recommendation:

**ICT Shared Service – ICT Mobile Device Use**

A project be initiated to draw up proposals for how to gain best advantage from the use of mobile technology, as detailed in Section 2.2 of Report SSG12/024.

**14. New Single Pay and Reward Strategy (Sep12/08)**

*Cabinet Member – David Ray;*

*Contact Officer – Louise Hammond*

*Telephone: 01284-757008*

*e-mail: louise.hammond@stedsbc.gov.uk*

Report **D128** attached.

Summary and reasons for recommendations:

A process has been undertaken to move towards developing a Single Pay and Reward Strategy across both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) for all staff. This includes the process to renegotiate a collective agreement with Unison to cover all staff across both workplaces other than senior management.

The salary levels for the new senior management posts have been evaluated using a national Job Evaluation (JE) scheme developed nationally for senior management roles.

The report seeks delegated authority to take the steps required to achieve a collective agreement with Unison, the recognised trade union, on the pay and terms and conditions for posts below senior management level, which will complete the outstanding pay review.

The Localism Act 2011 requires local authorities to produce an annual Pay Policy Statement (PPS). The Cabinet is requested to note the final Joint Pay and Reward Policy agreed under the proposed delegations will be reported to each Council to form the PPS for adoption by 31 March 2013.



Recommendations:

- (1) The Joint Chief Executive be given delegated authority, in consultation with the Portfolio Holders for Performance and Resources (SEBC) and Resources, Governance and Performance (FHDC) to enter into negotiations with Unison on the Councils' preferred single payline model outlined in Section 4.7 of Report D128, to reach a collective agreement within the agreed criteria outlined in Section 4.5 of Report D128, and subject to the 7 year projected costs being within the existing combined pay budget;
- (2) Council be asked to note the progress on moving to a Single Pay and Reward Strategy across the St Edmundsbury Borough Council (SEBC) and Forest Heath District Council (FHDC) partnership; and
- (3) any agreed Joint Pay and Reward Policy emanating from the delegations detailed in (2) above, will be reported to each Council for adoption by 31 March 2013, as outlined in Section 4.9 of Report D128.

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

*Cabinet Member – Sara Mildmay-White; Contact Officer – Neil Anthony  
Telephone: 01284-757064  
e-mail: neil.anthony@stedsbcc.gov.uk*

Summary and reasons for recommendation:

Arising from the two-year review of The Apex, on 25 July 2012 Cabinet resolved that the Borough Council enter into formal discussions with the Theatre Royal and its funders about a new strategic partnership which could potentially provide a joint operating model for The Apex and the Theatre Royal (Report D85 and Minute 34 (2) refers).

Constructive discussions continue with the Theatre Royal, The Arts Council and Suffolk County Council. As also agreed by Cabinet in July, a Members' Briefing Session was held on the 13 August 2012 to update non-Cabinet Members and to allow them to ask questions and raise issues.

Appointed consultants, Bonnar Keenlyside, continue to work with all partners on the detailed business and implementation plans. The intention is to bring final recommendations to Cabinet and Council in November and December 2012. Members will have the opportunity for a further briefing prior to the next round of decision-making.

All parties are mindful of the challenging financial circumstances that they face and of the importance of securing a sustainable business model for all of the arts in Bury St Edmunds. The on-going support of The Arts Council is critical to this project and they are currently supportive of the approach that the partners are taking to explore potential options.

Recommendation:

The Cabinet is requested to **NOTE** the current position.

## 16. Review of Cabinet Working Parties

*Cabinet Member – John Griffiths;      Contact Officer – Alex Wilson  
Telephone: 01284-757695  
e-mail: alex.wilson@stedsbc.gov.uk*

### Summary and reasons for recommendation:

On 23 May 2012, the Cabinet resolved (Minute 8(4) refers) that:-

- '(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.'*

This review is currently being undertaken, however, the final report will now be presented to Cabinet on 21 November 2012.

### Recommendation:

The Cabinet is requested to **NOTE** the current position.

## **Corporate Priority: Working together for prosperous and environmentally-responsible communities**

## 17. Recommendations from the Sustainable Development Working Party Meetings: 31 July 2012 and 11 September 2012 (Sep12/03)

*Cabinet Members – Terry Clements;      Contact Officer – Ian Poole  
Telephone: 01284-757350  
e-mail: ian.poole@stedsbc.gov.uk*

### **(a) Meeting: 31 July 2012**

Report **D129** attached.

### Summary and reasons for recommendations:

On 31 July 2012 the Sustainable Development Working Party considered the following items:-

- (1) Joint Development Management Policies – Submission Version: Consultation;
- (2) Joint Forest Heath and St Edmundsbury Affordable Housing Supplementary Planning Document;
- (3) Vision 2031 – Site Submissions; and
- (4) 8<sup>th</sup> Annual Corporate Environmental Performance Report 2011/2012.

## Recommendations:

### **(1) Joint Development Management Policies – Submission Version Consultation**

*The recommendations emanating from the Working Party's consideration of this item have been incorporated into the report presented to the Joint Development Management Policies Committee (Report D110 refers), which in turn will make its recommendations directly to both Forest Heath District and St Edmundsbury Borough full Councils. No decisions are therefore required by the Cabinet in respect of these recommendations. Report D131, contained under agenda item (18) below, provides the report for noting of the Joint Development Management Policies Committee.*

### **(2) Joint Forest Heath and St Edmundsbury Affordable Housing Supplementary Planning Document**

The Joint Forest Heath and St Edmundsbury Affordable Housing Supplementary Document be approved for public consultation, subject to the deletion of paragraph 6.2, together with the suggested amendments to paragraphs 5.29 to 5.31 contained in Paper D98 and the restatement of these as follows:-

#### *'5.29 Local Connection*

*5.30 Affordable Housing in Forest Heath and St Edmundsbury will primarily be allocated to those in need with a local connection to the Local Authority area. In rural parishes the affordable housing will be available in the first instance to people with a local connection to that parish, based on the following sequential criteria:-*

- (i) current residence in the parish for a minimum period of two years; or previous residence in the parish, for a period of not less than five years; then*
- (ii) a family connection through mother, father, brother or sister, son or daughter, being resident in the parish for a period of not less than five years; and then;*
- (iii) employment in the Parish, as a main place of work; with a minimum period (to be determined) for qualification and, in the case of competing applications, the length of employment to be taken into account in determining priority; and then*
- (iv) current residence; family connection, where the time periods conditions referred to at (i), (ii) and (iii) (?) above have not been met.*

*Priority will be given in the order set out above. If no person with such a connection to the parish can be nominated, a person with an equivalent relevant connection with the [agreed parishes] can be nominated.*

5.31 *If a local person in need of accommodation cannot be found to occupy the affordable property, a cascade mechanism will be used to widen the search area. The definitions of local connection will be set out in the Section 106 agreement, where applicable.*

**(3) 8<sup>th</sup> Annual Corporate Environmental Performance Report: 2011/2012**

Continued support be given to improve the Council's Environmental Performance in order to achieve the Corporate Environmental Targets set out in the Environmental Statement 2011 attached as Appendix A to Report D100.

**(b) Meeting: 11 September 2012**

Report **D130 TO FOLLOW**

Summary and reasons for recommendations:

On 11 September 2012 the Sustainable Development Working Party will consider the following items:-

- (1) Work to Tackle Climate Change and Energy Security: Update;
- (2) Forest Heath Core Strategy – Single Issue Review: Issues and Options Consultation;
- (3) Draft Open Space, Sport and Recreation Facilities: Supplementary Planning Document; and
- (4) South Cambridgeshire Local Plan: Issues and Options Consultation.

Recommendations:

The recommendations emanating from the meeting of the Sustainable Development Working Party on 11 September 2012 will follow as Report D130.

**18. Report from the Joint Development Management Policies Committee: 23 August 2012**

*Cabinet Members – Terry Clements  
and Peter Stevens;*

*Contact Officer – Ian Poole  
Telephone: 01284-757350  
e-mail: [ian.poole@stedsb.gov.uk](mailto:ian.poole@stedsb.gov.uk)*

Report **D131** attached.

Summary and reasons for recommendation:

On 23 August 2012 the Joint Management Development Management Policies Committee considered the following item:-

- (1) Joint Development Management Policies – Submission Version Consultation.

Recommendation:

The Cabinet is requested to **NOTE** the contents of the report of the Joint Development Management Policies Committee.

**Part 2 – Private**

**NONE**