

**ST EDMUNDSBURY BOROUGH COUNCIL**

**CABINET**

**Minutes of a meeting held on Wednesday 12 December 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 and Ray

BY INVITATION: Councillors Nettleton (Chairman of the Overview and  
Scrutiny Committee), Cox and Mrs Stamp

**81. Apology for absence**

An apology for absence was received from Councillor Stevens.

**82. Declarations of Interests**

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

**83. Petition/Request for Article 4 Direction to Prevent the  
Conversion of Residential Properties in Starre Road, Bury St  
Edmunds to Houses in Multiple Occupation**

*Decisions Plan Ref: N/A Cabinet Member: Cllr Clements*

Mr John Bosley, a resident of Starre Road, Bury St Edmunds presented a petition containing 45 signatures. The petitioners were against the use of 37 Starre Road being allocated as a House in Multiple Occupation and had requested that St Edmundsbury Borough Council serve an Article 4 Direction on Starre Road to prevent the conversion of properties to Houses in Multiple Occupation (HMOs).

In accordance with the Council's Constitution, Mr Bosley addressed the Cabinet for a total of three minutes, detailing the reasons why he and the petitioners considered an Article 4 Direction should be served on Starre Road.

Councillor Clements, Portfolio Holder for Planning and Transport responded to Mr Bosley and the other petitioners' concerns. He stated that in April 2010, changes in planning legislation enabled more flexibility in the housing market and allowed HMOs to be provided without the requirement for planning permission to be secured. Changes were made to Part I of the Town and Country (General Permitted Development) Order which enabled a family dwelling house (Use Class C3) to be converted to an HMO (Use Class C4). This allowed from three to six unrelated people to reside in the same dwelling and they could share basic facilities. Legislative changes also allowed Local Planning Authorities, where they considered it appropriate, to serve Article 4 Directions which removed permitted development rights.

Councillor Clements added that whilst the Council had the power to serve an Article 4 Direction with immediate effect, the use of Article 4 Directions to remove permitted development rights should be limited to situations where it was necessary to protect the local amenity or the

wellbeing of an area, as prescribed in paragraph 200 of the National Planning Policy Framework.

In respect of whether sufficient evidence was provided to soundly serve an Article 4 Direction in this location, Councillor Clements informed the petitioners that there were no HMOs within the immediate vicinity of the site with the closest being located in Abbot Road. As such, there was no evidence to suggest there was a pre-existing problem of C4 Uses affecting the local amenity or wellbeing in this area. Officers were aware that residents parked their cars on the road but there was ample off-street parking and most properties had drives and garaging. It was not considered that the area in question had a serious on-street parking problem; however the Cabinet noted this was not a formal response of the Highway Authority.

In response to questions regarding the conversion of the property to a HMO, the Lead Development Control Officer informed the Cabinet that works were being undertaken to form six bedrooms on an internal basis only, which was not development for which permission was required.

The Cabinet considered the petitioners' concerns in detail, and the response of Councillor Clements. Members concluded that due to the legal and policy implications and the lack of evidence before them, there was no justification for serving an Article 4 Direction in this location. The Cabinet did, however, wish a full inspection of the property to be undertaken by the Building Control Section to ensure the internal conversion of the proposed HMO had been carried out to satisfactory planning and building control standards.

RESOLVED:- That

- (1) due to the fact there are no other Houses in Multiple Occupation (HMO) in Starre Road, Bury St Edmunds and none within 0.5 miles, it would not be prejudicial to the proper planning of the area or constitute a threat to the amenities of the area should 37 Starre Road be occupied as a HMO and accordingly there is insufficient evidence to justify an Article 4 Direction in this instance; and therefore
- (2) having considered the petition in accordance with Section 9.12 of the Council Procedure Rules of Part 4 of the Constitution, no Article 4 Direction be served on Starre Road.

*(At this point, Mr Bosley and the members of the public in attendance for this matter left the meeting.)*

**84. Report of the Overview and Scrutiny Committee:**

**Two Year Review of The Apex**

***Decisions Plan Ref: Dec12/03 Cabinet Member: Cllr Sara Mildmay-White***

*(Councillor Clements wished it to be recorded that in his capacity as a Suffolk County Councillor, he was an observer on the Theatre Royal Management Board and remained in the meeting for the consideration of this item.)*

The Cabinet considered Report D222 (previously circulated) which provided the recommendations of the Overview and Scrutiny Committee following its own two year review of The Apex.

The Apex in Bury St Edmunds opened in October 2010. Prior to 2009, the Council had intended the new venue would be a hall-for-hire, but it was decided at that time, given its potential, to invest in the building operationally as a programmed arts venue. It was recognised that this decision should be reviewed by Cabinet after two years of operation. The March 2009 Business Plan for The Apex also contained a commitment to look at alternative governance models for the project after two years.

On 25 July 2012, the Cabinet considered Report D85 which comprised the initial report for the review. Cabinet agreed at that time to proceed to the development of a joint business case for a wider arts trust (or 'Single Operation') to run both the Theatre Royal and The Apex. This work would be carried out as a joint exercise with the Theatre, Arts Council England and Suffolk County Council.

Given the interest in the review, it was agreed that the Borough Council's Overview and Scrutiny Committee would not only carry out its own two year review of The Apex in early December 2012, but also advise Cabinet on the merits of the business case for the Single Operation and of an alternative plan to achieve savings through a retained in-house operation.

Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport, drew relevant issues to the attention of the Cabinet. She thanked Councillor Nettleton for his Committee's review of The Apex, together with the Committee's recommendations on the merits of the indicative business case for a Single Operation with the Theatre Royal and the existing plans to retain an in-house operation. Councillor Mrs Mildmay-White emphasised that whilst the Council looked forward to the Theatre's proposals in the New Year for a potential collaboration between the venues, the Council would continue to look at ways to strengthen and protect the overall arts provision in St Edmundsbury as a whole, recognising the need to maximise the return from the investment of combined public subsidy. The priority of this work was not dependent on the decision of the Theatre regarding whether to collaborate with The Apex or not. She added that an internal Performance Panel would also be established to analyse the operating costs of The Apex on an ongoing basis.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, stated that all Members had been invited to attend the meeting on 5 December 2012 and all had been provided with a copy of Report D209 containing the details that informed the review. A structured and robust debate had been held at that meeting, which had been well attended by members of the public and by representatives from a range of organisations wishing to have their say about the future of The Apex.

RESOLVED: - That

- (1) the existing in-house plans for The Apex, as set out in Part 3 of Report D209, be adopted and incorporated, as appropriate, into normal budget-setting for 2013/2014;
- (2) all opportunities for collaboration with the Theatre Royal, Bury St Edmunds, continue to be explored; and
- (3) the issues identified by the Overview and Scrutiny Committee in relation to any proposals for collaboration with the Theatre Royal, as set out in Section 4 of Report D222, be noted.

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

**85. Response to the Overview and Scrutiny Committee's Review of Car Parking Charges throughout the Borough**

***Decisions Plan Ref: Dec12/02 Cabinet Member: Cllr Terry Clements***

The Cabinet considered Report D223 (previously circulated) which sought approval for a proposed response to the 17 recommendations emanating from the Overview and Scrutiny Committee's Review of Car Parking Charges throughout the Borough.

On 21 November 2012, the Cabinet resolved that:

- '(1) The Overview and Scrutiny Committee is thanked for the detailed work it has carried out to review car parking charges in the Borough; and*
- (2) the Cabinet receives the Committee's recommendations and reports back on 12 December 2012 with its response, so that any actions can be incorporated in the normal budget setting process for 2013/2014.'*

In light of the range and depth of recommendations, the Cabinet tasked officers to bring back a full response for their consideration and Report D223 set out this response. Decisions taken by the Cabinet on this matter would be subject to the 2013/2014 budget setting process, which would be presented to full Council in February 2013.

Both the Leader of the Council and the Portfolio Holder for Planning and Transport thanked Councillor Nettleton and his Committee for the thorough and extensive work undertaken in completing the Review of Car Parking Charges throughout the Borough. The Cabinet all agreed that the level of detail contained in the review was exceptional; however, it was noted that a review of this scale would not be undertaken on an annual basis.

Discussion was then held on the options contained in Section 4.7 of the report which provided the Cabinet with the opportunity to consider and progress if deemed appropriate. Options included providing free parking offers in Bury St Edmunds and Haverhill at certain times. This would result in a loss of income; however, such offers would help support residents and businesses that may be struggling financially. These options and the others proposed in Section 4.7 were accepted by the Cabinet.

In response to a question regarding the provision of free parking in Haverhill on Friday afternoons and on Christmas Eve, the Cabinet was informed that free parking had been introduced on a trial basis in Haverhill on Friday afternoons between 4.00 pm and 6.00 pm during 2011 and this had proved successful, being supported by residents and retailers alike. The intention was to bring shoppers into town during quiet periods and therefore it was not envisaged that free parking would be provided on Christmas Eve when the town centre was historically busy during this period. The Cabinet suggested that any free parking offers in both Bury St Edmunds and Haverhill may need to be better communicated to residents and businesses.

RESOLVED: - That

- (1) subject to the budget setting process, where applicable, that in response to Report D190, which contained 17

recommendations from the Overview and Scrutiny Committee regarding car parking charges throughout the Borough:

- (a) Recommendations (2), (3), (4), (5), (7), (9), (10), (12), (15), (16), (17) be accepted;
  - (b) Recommendations (1), (8), and (13) be accepted with modifications, as set out in Section 4.5 of Report D223;
  - (c) Recommendations (6), (11) and (14) be rejected, for the reasons set out in Section 4.6 of Report D223; and
- (2) subject to the approval of full Council, the further changes to car parking charges outlined in Section 4.7 of Report D223 also be agreed and incorporated into budget setting for 2013/2014.

**86. Local Council Tax Support Scheme 2013/2014**

*Decisions Plan Ref: Dec12/01 Cabinet Member: Cllr David Ray*

The Cabinet considered Report D224 (previously circulated) which sought approval for the Local Council Tax Support Scheme for 2013/2014.

The Welfare Reform Act abolished Council Tax Benefit (CTB), and replaced it with a Local Council Tax Support (LCTS) scheme. The new Local Government Finance Act 2012 and regulations set out how the Council must create a LCTS scheme. This meant the majority of LCTS awards would be based on criteria set and administered by each local billing authority (such as St Edmundsbury), having consulted with the major precepting authorities (including Suffolk County Council, Fire and Police authorities) and the public.

Under the new regulations, the Council was required to adopt a new policy detailing a local scheme by 31 January 2013.

Councillor Ray, Portfolio Holder for Performance and Resources, drew relevant issues to the attention of the Cabinet, including clarifying that as it was not abundantly clear, the second recommendation would also require agreement and a recommending approval to full Council. He highlighted that once the final funding decisions of the Government were known and the scheme finalised, the Local Council Tax Support Scheme would be distributed by the Department of Communities and Local Government (DCLG) to local authorities through a cash limited grant, which was expected to be at least 10% less than currently received. The grant reduction was expected to be at least £961,000 of which £111,000 would be borne by St Edmundsbury with the balance borne by Suffolk County Council and the Police Authority. However, subject to meeting criteria, a grant, which had been recommended to be applied for, would be available from the DCLG to assist with the transition. Further financial implications regarding the adoption of the support scheme were detailed in Section 8 of Report D224.

Councillor Ray added that the changes to the current Council Tax support scheme would only affect benefit claimants of a working age and not pensioners. There may be an impact on funding received by Parish Councils; however, the Borough Council was likely to absorb the shortfall and in effect parishes would not see a change to their precepts received.

The Cabinet noted that the recommended scheme would be for one year only and that a review would be undertaken for the 2014/2015 financial year. Members also noted that the decision from the Government regarding the level of funding to be received may not be known by the date of the Council meeting arranged for 18 December 2012, which was the reason for recommending the fourth recommendation in order that the scheme could be finalised following the meeting of full Council.

In response to a question, the Cabinet was informed that whilst the full proposed policy attached as Appendix A to the report had not been subject to public consultation, a summary had been published and this summary contained the parts that had changed to the existing scheme.



**RECOMMENDED:**

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

- (1) the Local Council Tax Support Scheme, as set out in Section 4 of Report D224 and detailed in the Policy document contained in Appendix A to Report D224 be adopted;***
- (2) the transitional grant for one year support, as detailed in Sections 4.14 to 4.18 of Report D224, be applied for;***
- (3) the change to the Council's Scheme of Delegation to Officers as set out under Legal and Policy implications at Section 10.2 of Report D224, be approved; and***
- (4) if the final funding decisions are not known by the date of the Council meeting on 18 December 2012, delegated authority be given to the Head of Resources and Performance, in consultation with the Leader of the Council and the Portfolio Holder for Performance and Resources, to make final decisions on any additional changes to the Local Council Tax Support Scheme arising as a result of the final funding decisions, as detailed in Section 10.3 of Report D224.***

**87. Draft Open Space, Sport and Recreation Facilities Supplementary Planning Document**

***Decisions Plan Ref: N/A Cabinet Member: Cllr Terry Clements***

The Cabinet considered Report D225 (previously circulated) which sought approval for the draft Supplementary Planning Document relating to the provision of open space, sport and recreation facilities to be adopted as supplementary planning guidance.

A Supplementary Planning Document relating to the provision of open space, sport and recreation facilities in conjunction with the provision of new housing development had been developed to assist all parties in the provision and subsequent maintenance of such facilities.

Prior to being adopted as Supplementary Planning Guidance, the document needed to be the subject of public consultation. Consultation was carried out between 25 September and 6 November 2012 and Report D225 detailed the responses received during the consultation and consequential amendments to the document.

Councillor Clements, Portfolio Holder for Planning and Transport drew relevant issues to the attention of the Cabinet.



**RECOMMENDED:**

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

- (1) the draft Supplementary Planning Document for Open Space and Recreation Facilities, as contained in Appendix 2 to Report D225, be adopted as a Supplementary Planning Guidance; and***
- (2) the Head of Planning and Regulatory Services be authorised, in consultation with the Portfolio Holder for Planning and Transport, to make any further minor typographical, factual, spelling, grammatical and other minor changes to the Supplementary Planning Document for Open Space and Recreational Facilities prior to its implementation.***

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

**88. Careers Guidance Software Package**

***Decisions Plan Ref: Dec12/05 Cabinet Member: Cllr John Griffiths***

The Cabinet considered Report D226 (previously circulated) which sought approval for the allocation of funding towards a Careers Guidance Software Package.

The responsibility for careers guidance had passed from the County Council to schools and there was a role for Borough/District Councils to play in supporting schools with careers guidance and linking in local businesses. This provided benefits to students to help prepare them for employment and it benefitted businesses as school leavers would be better prepared for work.

U-Explore was careers guidance computer software. Its creators had proposed a two year package that would enable schools and education providers in West Suffolk to have licences to allow students to have access to the system, together with receiving local support for one year to help embed the scheme. The package would cost a total of £45,000 (plus VAT) for both St Edmundsbury Borough and Forest Heath District Councils, to be funded from unallocated Local Authority Business Growth Incentive (LABGI) funding.

There were other providers of online careers advice and it was proposed that a procurement process be followed to ensure this opportunity was open to other providers to ensure best value and the best product was achieved.

Councillor Griffiths, Portfolio Holder with the responsibility for Economic Development and Growth, drew relevant issues to the attention of the Cabinet. He proposed an amendment to the recommendations to highlight that opportunities for increased collaboration with other Suffolk Councils, including Suffolk County Council, should be explored and consultation should be undertaken with schools/education providers, JobCentre Plus and other interested parties prior to the procuring of the most suitable careers guidance software package. The change to the recommendation was accepted by the Cabinet.

RESOLVED:

That subject to exploring opportunities for increased collaboration with other Suffolk Councils (including Suffolk County Council) and undertaking consultation with schools/education providers, JobCentre Plus and other interested parties, delegated authority be given to the Head of Economic Development and Growth, in consultation with the Portfolio Holder for Corporate and Rural Affairs, to start a procurement process to acquire a two year careers guidance software package, as detailed in Section 4 of Report D226, funded from unallocated Local Authority Business Growth Incentive (LABGI) funding.

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 paragraph 3 of Part 1 of Schedule 12(A) of the Act.

**89. Reduced Business Rate Package for Research/Business Parks**

*Decisions Plan Ref: Dec12/04 and Dec12/01P*

*Cabinet Member: Cllr John Griffiths*

The Cabinet considered Exempt Report D227 (previously circulated) which sought approval for the implementation of a reduced business rate package for business/research parks.

The Government had established a number of Enterprise Zones across the country with the aim of promoting growth. Businesses located within an Enterprise Zone received a reduced business rate; a simplified approach to planning through the implementation of Local Development Orders (LDOs); and access to superfast Broadband. Whilst the Council had the power to grant LDOs to reduce the need for some planning permissions, and superfast Broadband had been realised in Bury St Edmunds and in Haverhill, the Council needed to continue to make business/research parks in West Suffolk attractive locations for business since West Suffolk did not have any Enterprise Zones.

Exempt Report D227 provided details of ways in which the Council could respond to this.



The Leader of the Council, Portfolio Holder with the responsibility for Economic Development and Growth drew relevant issues to the attention of the Cabinet, firstly by highlighting a typographical error in recommendation (1) which should refer to Section 4.11 of Exempt Report D227 and not Section 4.1.

The Cabinet considered a fourth recommendation as proposed by the officers at the meeting and this was accepted.

*(The recommendations proposed for approval by full Council, are detailed in the exempt minutes.)*

The meeting concluded at 6.47 pm

**J H M GRIFFITHS  
CHAIRMAN**