

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

**Minutes of a meeting held on Wednesday 27 March 2013 at 5.00 pm
in the Conference Chamber West (F1R09), West Suffolk House,
Western Way, Bury St Edmunds**

PRESENT: Councillor Mrs S J Mildmay-White (Deputy Leader of the Council) (in the Chair)
Councillors Clements, Everitt, Mrs Gower, Ray and Stevens

BY INVITATION: Councillors Nettleton (Chairman of the Overview and Scrutiny Committee), Farmer (for Minute 119 below only), Pugh, Spicer, Thorndyke and Mrs P A Warby

116. Apologies for absence

An apology for absence was received from Councillor Griffiths.

117. Minutes

The minutes of the meeting held on 13 February 2013 were confirmed as a correct record and signed by the Chairman.

118. Declarations of Interests

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

119. Petition

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

(The Chairman, Councillor Mrs Mildmay-White, declared that her son was the son-in-law of the landowner of an area of land in Bury St Edmunds known as the 'Leg of Mutton', and left the meeting to avoid the perception of bias. Councillor Ray duly took the Chair.)

In the absence of Mr Andrew Hinchley who had originally given notice to present a petition to the Cabinet, Mr Alan Jary presented the petition containing 28 signatures on behalf of residents in Bury St Edmunds. The petition related to an area of land in Bury St Edmunds known as the 'Leg of Mutton' and the petitioners had requested that in order to protect this land from development, the Borough Council should amend Section 11.5 of the Bury St Edmunds Vision 2031 Preferred Options to:

'The area of land bounded by the A14, Rougham Hill and the River Lark (known as Leg of Mutton) forms an important open area, protecting views of the town centre and will be protected from any development'.

In accordance with the Council's Constitution, Mr Jary addressed the Cabinet for a total of three minutes, detailing the reasons why he and the petitioners considered the 'Leg of Mutton' should be protected from any development.

Councillor Clements, Portfolio Holder for Planning and Transport, formally accepted the petition and responded to Mr Jary and the other petitioners concerned. He explained that the Council had received a number of comments on this proposal during the initial formal consultation on the draft Bury St Edmunds Vision 2031 held in spring 2012. At that time 27 respondents had objected to the proposal and 19 had given their support. The Bury St Edmunds Area Working Party would be considering the revised draft Bury St Edmunds Vision 2031 document on 13 May 2013, following which, and subject to Cabinet and full Council approval, the revised document would go out to consultation. Representations should be submitted during the consultation period as the Planning Inspector examining the draft document would only consider and give weight to comments received during this formal consultation window. The Examination was anticipated to take place in early 2014.

The Chairman then invited Councillor Farmer, neighbouring Ward Member to address the Cabinet and his comments were duly noted.

(At this point, Councillor Farmer, Mr Jary and the majority of the other members of the public in attendance for this matter left the meeting. Councillor Mrs Mildmay-White duly retook the Chair.)

120. Report of the Overview and Scrutiny Committee:

6 March 2013

Decisions Plan Ref: N/A Cabinet Members: All Portfolio Holders

The Cabinet received and noted Report D329 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 6 March 2013:

- (1) Update on the Impact of the West Suffolk Partnership;
- (2) Loans to Organisations made by the Borough Council;
- (3) Conservation Area Policy/Article 4 Directions;
- (4) Work Programme Update; and
- (5) Decisions Plan: March to September 2013.

Councillor Nettleton, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet. He explained that a Task and Finish Group had been established to formulate a draft policy which aimed to set out clear guidelines for use in assessing future loan requests made to the Borough Council by external organisations. The Group would report back to the Committee on 24 April 2013, together with receiving the final report of the Conservation Area Policy/Article 4 Directions Task and Finish Group.

Councillor Nettleton added that during the consideration of the Decisions Plan covering the period March to September 2013, concern had been expressed that planning applications were being submitted which related to areas of land/policies outlined in the draft Vision 2031 documents and these documents were yet to be adopted. In response, the Cabinet informed that all Members had been advised by the Planning Policy Section that some policies contained in the draft Vision 2031 documents may soon be considered as material planning considerations, but not at the present time.

The Chairman wished to thank Councillor Nettleton for his work with the Committee during the 2012/2013 civic year and also wished to place on record her thanks to the interim Democratic Services Manager and the officers involved with the scrutiny Task and Finish Groups for their contributions throughout the year.

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

121. Recommendations from the West Suffolk Joint Health and Safety Panel: 18 February 2013: Amendments to the Joint Health and Safety Policy

Decisions Plan Ref: Mar13/06 Cabinet Member: Cllr David Ray

The Cabinet considered Report D330 (previously circulated) which sought approval for recommendations emanating from the West Suffolk Joint Health and Safety Panel meeting held on 18 February 2013.

On 18 February 2013 the West Suffolk Joint Health and Safety Panel considered the following items:

- (1) Minutes: Joint Health and Safety Group;
- (2) Employee Accidents and Accidents Involving Members of the Public: 1 October 2012 to 31 December 2012: Summary;
- (3) Joint Health and Safety Policy; and
- (4) Health and Safety: Update.

Councillor Ray, Portfolio Holder with responsibility for Health and Safety, informed the Cabinet of a typographical error in the recommendation detailed in the Cabinet agenda, which had omitted references to Reports D297 and D298; however, the correct recommendation was provided in Report D330.



RECOMMENDED:

That subject to the approval of full Council, the amendments to the Joint Health and Safety Policy as contained in Reports D297, D298, D299 and D300 inclusive, be adopted.

**122. Recommendations from the Grant Working Party:
5 March 2013**

Decisions Plan Ref: Mar13/09 Cabinet Member: Cllr Robert Everitt

The Cabinet considered Report D331 (previously circulated) which contained the recommendations emanating from the Grant Working Party meeting held on 5 March 2013.

On 5 March 2013 the Grant Working Party considered the following items:

- (1) Rural Initiatives Grant Scheme (RIGS): Application for Project Funding from Hopton Community Swimming Committee; and
- (2) Streamlining Rural Grants Decision Making.

Councillor Everitt, Portfolio Holder with the responsibility for Grants, drew relevant issues to the attention of the Cabinet. He asked Councillor Ray as Ward Member for Hopton, to elaborate on the application for project funding made by Hopton Community Swimming Committee. Councillor Ray explained that the project was originally estimated to cost over £100,000; however, due to obtaining a swimming pool cover from a redundant pool at Tuddenham, the project had saved £50,000 and therefore the estimated cost

was now effectively £56,448. He added that Suffolk County Council had approved a grant of £9,500 from its Corporate Regeneration Fund and that the County Council's Development Control Committee would shortly be considering the planning application in respect of the amended opening hours.

Councillor Thorndyke, Vice-Chairman of the Grant Working Party, informed the Cabinet that the application submitted by Hopton Community Swimming Committee had previously been deferred and now that a number of issues had been addressed, the Working Party was satisfied to recommend approval for a grant of £10,000, subject to the provisos detailed in the recommendations. He added that the streamlining of the Rural Grants decision making process was supported, which involved raising the threshold for electronically approving grants made under the Rural Initiative Grants Scheme from £5,000 to £10,000; however, he reiterated that careful consideration of applications needed to be maintained, particularly given the issues that had been originally raised regarding the Hopton Community Swimming Committee application. Provision had been made, however, for special meetings of the Working Party to be called to collectively consider an application, should no consensus of agreement be achieved via email.

RESOLVED: That

(a) Rural Initiatives Grant Scheme (RIGS): Application for Project Funding from Hopton Community Swimming Committee

A grant of £10,000 be awarded to the Hopton Community Swimming Committee towards the refurbishment of the swimming pool and changing room facilities at Hopton Primary School, subject to the Head of Economic Development and Growth being satisfied that:

- (a) the leasehold of the facilities to Hopton Community Swimming Committee is in place for a minimum period of 10 years;
- (b) permission has been granted to extend the opening hours of the swimming pool and facilities for use by the community; and
- (c) all other match-funding is in place.

(b) Streamlining Rural Grants Decision Making

The following be approved:

- (1) all applications for Rural Initiatives Grant Scheme funding be dealt with via the e-mail system, as detailed in Section 4 of Report D318, subject to the provisos:
 - (a) that in the event that there is no consensus of agreement in the case of an individual application a special meeting of the Working Party be called to consider the matter; and

- (b) the system be subject to annual review at the meeting of the Working Party held in December of each year which will also consider Core Funding Grants.



RECOMMENDED: That

- (2) subject to (1) above and subject to the approval of full Council, the Grants Policy and the scheme of delegation be amended to reflect the use of the e-mail system for grants up to the maximum of £10,000.**

123. The Apex Performance Panel

Decisions Plan Ref: N/A Cabinet Member: Cllr Sara Mildmay-White

The Cabinet considered Report D332 (previously circulated) which sought approval for the Terms of Reference for the newly established Apex Performance Panel.

One of the proposals from The Apex Two Year Review carried out by the Overview and Scrutiny Committee in December 2012, subsequently adopted by the Cabinet (Reports D209 and D222 refer) was to establish an informal performance panel for The Apex, to assist in the next stage of its development and oversee its savings programme.

The review indicated that Cabinet would need to approve terms of reference for the Panel, and the proposal from a first informal session held in February 2013 was contained in the report.

Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport, informed the Cabinet that the Panel would closely monitor the performance of The Apex in order to guide its management team on future programming and lettings strategy, in accordance with existing officer delegated powers. The Panel would advise the Council's scrutiny committees, (with an annual report being presented to the Performance and Audit Scrutiny Committee in the autumn of each year) Cabinet Members and the Joint Leadership Team on the performance of The Apex. It would also make recommendations directly to Cabinet as and when appropriate.

RESOLVED:

That the terms of reference for The Apex Performance Panel, as detailed in Report D332, be approved.

124. Annual Meeting of the Council and Mayor Making: 16 May 2013

Decisions Plan Ref: N/A

Cabinet Members: Cllrs Sara Mildmay-White and David Ray

The Cabinet received and noted a narrative item which advised of changes to the administrative arrangements for Mayor Making and Annual Council in 2013.

On 26 March 2013 the Mayoral Advisory Committee discussed with officers arrangements for the Annual Meeting of the Council and Mayor Making (Report D326 referred and provided to the Cabinet at this meeting for information). Although the administration of meetings was a matter for officers to organise, it had been custom and practice for the Mayoral Advisory Committee to be consulted about the arrangements.

A Member Working Group had recently been established by the Cabinet to undertake an informal review of the Mayoralty which involved considering changing the timings and venue, as well as other arrangements, for Mayor Making and the Annual Meeting.

Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport and Chairman of the Member Working Group, explained that the review had been an opportunity to ensure the role of the Mayor remained relevant to local communities.

The Cabinet noted that the remaining recommendations for changes to the Mayoralty would be presented at a future meeting of full Council. The main administrative changes made for this year's Mayor Making event, as discussed by the Mayoral Advisory Committee on 26 March 2013, were:

- (a) the procession would commence from Moyse's Hall and not The Apex; and
- (b) the proposing speeches would be limited to five minutes and the seconders would not provide an additional speech.

A discussion had also been held at that meeting regarding changing the start time for Mayor Making; however, it was agreed that for 2013, arrangements would be made as previous years with the event being held in the Athenaeum commencing at the usual time of 11.00 am. Members noted however, that the Annual Meeting of Council would commence following the Mayor Making ceremony at a set time of 1.00 pm.

125. Exemption to Contract Procedure Rules

Decisions Plan Ref: N/A Cabinet Member: Cllr Peter Stevens

The Cabinet received and noted a narrative item which informed of an Exemption to the Contract Procedure Rules, which was required to be reported to the Cabinet for noting.

In accordance with paragraph 2.2 (ii) of the Contract Procedure Rules contained under Part 4 , Rules of Procedure, of the Council's Constitution, the Head of Waste Management and Property Services had authorised the purchase of six second-hand light commercial vehicles.

The vehicles were required as part of the ongoing replacement programme. Using the government procurement service to buy new vehicles would have resulted in an unacceptable lead time of 19-23 weeks. The second-hand vehicles were available immediately, were under a year old and their condition and specification met the Council's needs. In addition, they were cheaper than new by £2,000 per vehicle. The purchase was therefore authorised so as to secure the vehicles without delay.

Councillor Stevens, Portfolio Holder for Environment and Waste Management, drew relevant issues to the attention of the Cabinet.

126. The Guildhall Project, Bury St Edmunds

Decisions Plan Ref: Mar13/05

Cabinet Members: Cllrs John Griffiths and Sara Mildmay-White

The Cabinet considered Report D333 (previously circulated) which sought approval for a number of recommendations relating to the Guildhall Project in Bury St Edmunds.

The Guildhall Project was a joint venture between the Bury St Edmunds Heritage Trust Limited and the Guildhall Feoffment Trust. The Project aimed to create a new Exhibition and Heritage Centre within the existing Guildhall complex, which was fully supported by a number of local societies and organisations including The Bury Society. The long term aim of the Project was to make the Guildhall fully sustainable and financially independent.

The Project would cost in excess of £500,000 and the Cabinet considered endorsing a Heritage Lottery Funding bid intended to be submitted by the Project, both as a Managing Trustee and as a potential partner. The Council would not be expected to contribute to the long term running costs of the Project, or the capital costs of the conversion. It would simply be asked to continue to make available the already budgeted for Urgent and Essential works (and officer time) in relation to the two properties.

The Cabinet then considered and supported the surrendering the principle of the Council's role as Managing Trustee to achieve a sustainable community asset transfer of the Guildhall and 79 Whiting Street to a Guildhall Management Company (or equivalent). The transfer of responsibilities would in principle, be in three stages and these were detailed in Section 4.8 of the report. The Trustees owned the buildings; therefore it was only the management and operational functions requiring to be transferred by the Council to the Company.

This joint venture would be governed by a Licence and/or a Memorandum of Understanding (MOU) agreed with the other partners. To ensure sufficient safeguards for the taxpayer were in place, the Cabinet considered the authorisation of the necessary delegations to negotiate and sign the Licence and/or MOU with the Guildhall Project.

Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport drew relevant issues to the attention of the Cabinet, including that if the Project was successful in securing the Heritage Lottery Funding Bid and the Project came to fruition, the proposed Exhibition and Heritage Centre would be an exciting cultural enhancement for the town.

The Cabinet all agreed this was an extremely worthwhile project and commended the partners for their vision. It was noted, however, that Heritage Lottery Funding was extremely difficult to obtain and successful applicants were required to fully meet several detailed objectives.

RESOLVED: That

- (1) the Council agrees to be a co-signatory to the Guildhall Project's forthcoming funding application to the Heritage Lottery Fund on the basis set out in paragraphs 4.5 to 4.7 of Report D333;

- (2) the Council also supports the long-term objective of surrendering its role as Managing Trustee to achieve a sustainable community asset transfer of the Guildhall and 79 Whiting Street, Bury St Edmunds to a Guildhall Management Company (or equivalent), on the basis set out in paragraphs 4.8 to 4.10 of Report D333; and
- (3) in respect of the above, the Director, in consultation with the Portfolio Holders with responsibility for property services and heritage, be authorised to negotiate and sign a Licence and/or Memorandum of Understanding with the Guildhall Project in respect of the proposed joint venture, provided that it is consistent with the Council's agreed budgets and policy framework and that the Council's Monitoring Officer and Chief Financial Officer are satisfied that any agreements provide sufficient safeguards to the local taxpayer.

127. Recommendations from the Sustainable Development Working Party: 12 March 2013

Decisions Plan Ref: Mar13/08

Cabinet Members: Cllrs Terry Clements and Peter Stevens

The Cabinet considered Report D334 (previously circulated) which provided the recommendations emanating from the Sustainable Development Working Party meeting held on 12 March 2013.

On 12 March 2013 the Sustainable Development Working Party considered the following items:

- (1) Draft East Cambridgeshire Local Plan: Consultation; and
- (2) Developing a West Suffolk Contaminated Land Strategy.

Councillor Clements, Portfolio Holder for Planning and Transport, informed the Cabinet that the Working Party had considered the draft East Cambridgeshire Local Plan was unlikely to have any significant detrimental impact on the economy and environment in St Edmundsbury, and therefore no objections should be made; however, the response would include a request for a potential amendment to ensure that the implementation of strategic green infrastructure projects had regard to the strategies of neighbouring districts, in order that a cohesive approach to delivery could be sought.

RESOLVED: That

(a) Draft East Cambridgeshire Local Plan: Consultation

East Cambridgeshire District Council be thanked for consulting the Borough Council on the draft Local Plan, and that the content of paragraphs 4.1 to 4.9 of Report D322 form the basis of the Council's response to the consultation.

(b) Developing a West Suffolk Contaminated Land Strategy

The proposed West Suffolk Contaminated Land Strategy presented at Appendix 1 to Report D323, be approved for stakeholder consultation.

128. Revenues Collection Performance and Write Offs

Decisions Plan Ref: Mar13/03 Cabinet Member: Cllr David Ray

The Cabinet considered Report D335 (previously circulated) which provided the Collection Data in respect of Council Tax and National Non Domestic Rates (NNDR) and sought approval for the write off of debts, as contained within the Exempt Appendices.

The Revenues 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 Head of Resources and Performance, for debts up to £1,499.99, 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.

Councillor Ray, Portfolio Holder for Performance and Resources, informed the Cabinet that as at 28 February 2013, the total NNDR billed by Anglia Revenues Partnership on behalf of the Borough Council (as the billing authority) was nearly £44.5 million per annum and the collection rate was 97.65%. The end of year target for collection was 98.5%. In addition, as at 28 February 2013 the total Council Tax Bill by Anglia Revenues Partnership on behalf of the Borough Council (which included the County, Police and Parish precept Elements) was just under £51.75 million per annum and the collection rate was 97.87%. The end of year target for collection was 98.5%.

The Cabinet was satisfied with the current collection rates, particularly when compared to the performance of other local authorities.

RESOLVED: That

the write off of the amounts detailed in the exempt appendices to Report D335, be approved as follows:

Exempt Appendix 1: 3 accounts for Council Tax totalling £9,911.85;

Exempt Appendix 2: 27 accounts for Business Rates totalling £208,098.68; and

Exempt Appendix 3: 4 Housing Benefit overpayment totalling £15,288.64.

The meeting concluded at 5.59 pm

CHAIRMAN