

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

Minutes of a meeting held on Tuesday 20 May 2014 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, Mrs Gower, Mrs Mildmay-White, Pugh, Ray, Mrs Stamp and Stevens

BY INVITATION: Councillors Beckwith, Cox, Everitt, Nettleton and Springett

1. Apologies for absence

No apologies for absence were received.

2. Minutes

The minutes of the meeting held on 25 March 2014 were confirmed as a correct record and signed by the Chairman subject to the following addition to Minute 108, '*Recommendations from the Grant Working Party: 20 March 2014*', following the sentence, '*The Cabinet acknowledged these concerns but was also aware that it was likely that SEBC was the only Suffolk council that had not yet agreed to support this scheme*':

The Cabinet recognised the importance that sports clubs in West Suffolk should not be disadvantaged by any decision not to contribute to the Suffolk Community Foundation Sports Fund.

3. Declarations of Interests

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

4. Petition: Closure of Tourist Information Office on Angel Hill

Decisions Plan Ref: N/A **Cabinet Members:** Cllr Sarah Stamp

Mr Arthur Debenham of St Andrews Street North, Bury St Edmunds, presented a petition, containing in excess of 550 signatures on behalf of residents on St Edmundsbury. The petition was against the closure of the Tourist Information Office on Angel Hill, Bury St Edmunds.

In accordance with the Council's Constitution, Mr Debenham addressed the Cabinet for no more than three minutes, detailing the reasons why he and the petitioners were against the closure of the Tourist Information Office on Angel Hill, Bury St Edmunds. Councillor Mrs Stamp, Portfolio Holder for Leisure, Culture and Heritage, acknowledged receipt of the petition which had previously been submitted to the Head of Legal and Democratic Services. She responded to Mr Debenham explaining that the Tourist Information Service in Bury St Edmunds was expanding with tourists being encouraged to visit other areas of the town in addition to the historic core. The Tower Room, a building located adjacent to St Edmundsbury Cathedral would shortly host a manned tourist information hub to support the service

and maintain a presence on Angel Hill. Councillor Mrs Stamp continued by responding to other specific issues raised in the petition.

5. Annual Review and Appointment of Cabinet Working Party, Panels and other Groups

Decisions Plan Refs: Mar14/04 and May14/02

Cabinet Member: Cllr John Griffiths

The Cabinet considered Report F3 (previously circulated) which sought approval for a number of recommendations emanating from the annual review and appointment of Cabinet Working Parties, Panels and Other Groups.

The Cabinet reviewed annually its Working Parties, groups etc, including membership and terms of reference. An overall review of the Council's democratic processes was also currently being undertaken which aimed to further simplify and align the decision making structures of St Edmundsbury Borough Council (SEBC) and Forest Heath District Council (FHDC), where appropriate, over the longer term. This review would require the input of all councillors in relation to the wider decision making processes of the councils, and approval by full Council. As the Cabinet was able to review its own processes some initial proposals consistent with the aims of the wider review were recommended as part of this annual review so they could be implemented in 2014/2015. These changes related to the potential future direction of the existing Cabinet Working Parties, Shared Officers Joint Committee and the West Suffolk Joint Waste and Street Scene Services Joint Committee, as detailed in Report F3.

In addition, amendments to the West Suffolk Joint Health and Safety Panel's terms of reference were recommended by the Panel as contained in Appendix A to Report E288 and reproduced at Appendix H to Report F3. These amendments were largely to enable membership of the employees' side to be drawn from either employing authority of the West Suffolk shared services arrangements, provided they were members of the Officer Joint Health and Safety Group.

While not required by law, appointments to the Working Parties listed in Section 4.2.1 and the West Suffolk Joint Growth Steering Group were made with regard to the political balance of the Council. Appendix J provided details of the number entitled seats against the number of actual places currently held by each political group. The Cabinet considered the three discrepancies detailed in Section 4.4.2 of the report; however, the Cabinet considered that no changes should be made at the present time as no other political group or non-group Member was entitled to additional seats on these bodies.

The Cabinet considered the explanation provided in Section 4.5.5 of the report regarding the proposed dissolution of the Shared Offices Joint Committee. However, as partnering authority, Suffolk County Council's approval would be needed to undertake this change. It was also formally noted that with the agreement of the respective Portfolio Holders, the West Suffolk Waste and Street Scene Services Joint Committee had been formally dissolved in January 2014, as outlined in the Section 4.5.6.

RESOLVED: That

(1)

- (a) taking (b) and (c) into account below, the five Working Parties listed in Section 4.2.1 of Report F3 continue to operate at the present time in accordance with their current Terms of Reference detailed in Appendices A to E inclusive;
- (b) a further report be brought back to Cabinet later in 2014 regarding the future direction of the Area Working Parties; and
- (c) the future direction of the Grant Working Party and the Sustainable Development Working Party, as outlined in Sections 4.2.3 and 4.2.4, be noted.

(2)

- (a) the West Suffolk Joint Growth Steering Group, West Suffolk Joint Emergency Planning Panel and West Suffolk Joint Staff Consultative Panel continue to operate in accordance with their current Terms of Reference contained in Appendices F, G and I to Report F3 respectively; and
- (b) the amendments to the West Suffolk Joint Health and Safety Panel's Terms of Reference (ToR), as contained in Appendix H to Report F3, be approved and this Panel continue to operate in accordance with these amended ToR.

(3)

- (a) no changes be made to the allocation of seats to the Working Parties/Steering Group detailed in Appendix J of Report F3, having given regard to the political balance and discrepancies highlighted in Section 4.4.2;
- (b) subject to the outcome of (a) above, the Head of Legal and Democratic Services exercise her existing delegated authority to appoint Members and substitute Members to those bodies set out in Appendix J on the basis of nominations from the relevant Group Leaders.

(4)

- (a) no changes to the operation of the Anglia Revenues and Benefits Joint Committee be suggested to the relevant partner authorities; however, the Borough Council's vacancy on this Joint Committee not be filled at the present time under the Head of Legal and Democratic Services' existing delegated authority on the nomination of the Leader of the Council, until the outcome of the Joint Committee's membership review is known, as detailed in Section 4.5.3 of Report F3;

- (b) subject to the approval of Suffolk County Council (SCC), the Shared Offices Joint Committee be dissolved as soon as practicable with its functions being delegated to SEBC's Head of Waste and Property and SCC's Assistant Director for Corporate Property, (or any other officer nominated by SCC), in consultation with the respective Portfolio Holders, as outlined in Section 4.5.5; and the Head of Legal and Democratic Services be authorised to amend the Operating Agreement and any other legal documentation relating to the management of the two West Suffolk House buildings in order to implement this change;
- (c) (i) no changes be made to the membership of the Joint Development Management Committee listed in Section 4.5.2; and
 - (ii) no changes to the operation of this Joint Committee be suggested to Forest Heath District Council; and
- (d) it be noted that with the agreement of the respective Portfolio Holders, the West Suffolk Waste and Street Scene Services Joint Committee was formally dissolved in January 2014, as outlined in Section 4.5.6.
- (5)
 - (a) The Cabinet's existing informal working groups be retained or disbanded as indicated in Section 4.6.2 of Report F3; and
 - (b) provided that resources are available to support them, further informal task-and-finish working groups continue to be established to consider specific issues as required throughout 2014/2015.
 - (6) As part of the overarching review, the impact of these changes be monitored in order to inform the further alignment of decision making processes with Forest Heath District Council over the longer term.

6. Report of the Anglia Revenues and Benefits Partnership Joint Committee: 13 March 2014

Decisions Plan Ref: N/A Cabinet Member: Cllr David Ray

The Cabinet received and noted Report F4 (previously circulated) which informed the Cabinet of the following items discussed by the Anglia Revenues and Benefits Partnership Joint Committee on 13 March 2014.

On 13 March 2014, the Anglia Revenues and Benefits Partnership Joint Committee considered the following substantive items of business:

- (1) Urgent Business: Joint Committee Membership
- (2) Fraud;
- (3) Performance Report: Operational and Financial Performance;
- (4) 2013/2014 Surplus and Carry Forwards;
- (5) Strategic Review;
- (6) Partnership Working;
- (7) Fenland Due Diligence;
- (8) Forthcoming Issues; and
- (9) Any Other Business.

Councillor Ray, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet.

7. Recommendations from the Rural Area Working Party:

26 March 2014: Rural Action Plan Monitoring Report

Decisions Plan Ref: May14/04 Cabinet Members: Cllr Peter Stevens

The Cabinet considered Report F5 (previously circulated) which sought approval for a recommendation emanating from the meeting of the Rural Area Working Party held on 26 March 2014.

On 26 March 2014, the Rural Area Working Party considered a substantive item, the Rural Action Monitoring Report, which sought a recommendation on how underspends arising from the Rural Action Plan 2011 to 2014 were to be utilised.

Councillor Stevens, Portfolio Holder with responsibility for rural areas, drew relevant issues to the attention of the Cabinet.

RESOLVED: That

- (1) the completion of the St Edmundsbury Rural Action Plan 2011 to 2014 and the statement of how rural issues are being taken forward within the new strategic framework, as contained in Appendix 1 to Report E332, be noted; and
- (2) any remaining underspends from the delivery of the Rural Action Plan 2011 to 2014 be used for future rural initiatives in addition to the Rural Initiatives Grant Scheme and any Locality Budgets allocated to Rural Members.

8. Recommendation from the Haverhill Area Working Party:

17 April 2014: Amendment of the Article 4 Direction in Haverhill

Decisions Plan Ref: May14/01 Cabinet Member: Cllr Terry Clements

The Cabinet considered Report F6 (previously circulated) which sought approval for a recommendation emanating from the meeting of the Haverhill Area Working Party on 17 April 2014.

On 17 April 2014 the Haverhill Area Working Party considered the following substantive items:

- (1) Amendment of the Article 4 Direction in Haverhill;
- (2) Commemoration to those who fell in World War I;
- (3) Haverhill Town Centre Masterplanning: Update;
- (4) Verbal Updates on the following items:
 - (a) Public Art in the Town Centre of Haverhill (PATCH);
 - (b) Empty Retail Units in Haverhill;
 - (c) Development of the Haverhill Markets;
 - (d) Strategic Sites in Haverhill; and
- (5) Future Work Programme/Items for Discussion.

Councillor Clements, Portfolio Holder for Planning and Regulation, drew relevant issues to the attention of the Cabinet, including that a positive approach had been taken to try and encourage people to maintain and improve the appearance of their properties in the two conservation areas in

Haverhill. The complete cancellation of the Article 4 Direction had previously been proposed but this option had not been supported by Members, therefore an alternative had been proposed and consulted upon, as detailed in Section 5 of the report. The amendments would retain the protection of the roofs and front elevations of the properties that were subject to the Article 4 direction and the Cabinet agreed this was a sensible compromise.

RESOLVED:

That taking the results of the public consultation into account, the Article 4 Direction in the two Haverhill conservation areas, as shown in Appendices 1 and 2 to Report E341, be amended as set out in Section 5 of the report.

9. Recommendations from the Sustainable Development Working Party: 7 May 2014: Vision 2031: Planning Inspector's Recommended Main Modifications
Decisions Plan Ref: N/A Cabinet Member: Cllr Terry Clements

(Councillor Mrs Mildmay-White declared that her son was the son-in-law of the landowner of the area of land to the west of Rougham Road in Bury St Edmunds known as the 'Leg of Mutton', and left the meeting during the consideration of this particular issue to avoid the perception of bias.)

The Cabinet considered Report F7 (previously circulated) which sought approval for recommendations emanating from the meeting of the Sustainable Development Working Party held on 7 May 2014.

On 7 May 2014, the Sustainable Development Working Party considered as a substantive item, Vision 2031: Planning Inspector's recommended main modifications. Following the Examination of the Bury St Edmunds, Haverhill and Rural Vision 2031 Local Plan documents, the Planning Inspector had recommended a number of 'main modifications' which he considered would make the document sound. These main modifications were subject to public consultation and the Council was able to respond to the consultation. The Working Party had recommended that the proposed responses contained in Appendices A, B and C to Report E346, together with the following additional comments should be approved:

- (a) the response to modification MMB11 (Ram Meadow – Policy BV11) be strengthened by the officers in respect of the Council's support for the access road to Compeigne Way;*
- (b) a further comment be submitted in respect of modification MMB5 to correct the area of Policy BV6 from 66.5 hectares to 89.5 hectares; and*
- (c) a further comment be submitted that the site area of Policy BV7 should be amended to reflect the modification in MMB8.*

Councillor Clements, Portfolio Holder for Planning and Regulation informed the Cabinet that further amendments to the suggested comments provided on the following modifications had been proposed and these were tabled:

- (a) Modification MMB11 (Ram Meadow – Policy BV11);
- (b) Modification MMB20 (Land to west of Rougham Road (Leg of Mutton) - Policy BV20); and
- (c) Modification MMR1 (Shepherds Grove, Stanton – Policy RV4).

Detailed discussion was initially held on (b) above while Councillor Mrs Mildmay-White was absent from the meeting room. Councillor Beckwith expressed concern regarding the proposed amended response, which was duly considered by the Cabinet.

To enable Councillor Mrs Mildmay-White to partake in the discussions and voting on the recommendations that were not applicable to (b) above, a motion to approve the amended response to modification MMB20 (land to the west of Rougham Road – Policy BV20) was voted upon and duly carried.

Councillor Mrs Mildmay-White subsequently returned to the meeting room and discussion was held on the remaining proposed responses, with particular reference to the amended tabled responses to (a) and (c) above. An additional amendment to a section of the tabled comment proposed in response to modification MMR1 (Shepherds Grove, Stanton – Policy RV4) was agreed so that the clause read *'it has concerns about the proposed modification on the basis of the potential inclusion of an unspecified amount of residential and/or higher value development'*.

Councillors Beckwith and Nettleton then expressed concerns regarding the proposed responses, as amended, to modification MMB11 (Ram Meadow – Policy BV11). Both Members' concerns were duly considered by the Cabinet; however no further changes to this particular consultation response was made.

RESOLVED:

That the responses to the Inspector's Recommended Main Modifications to the Vision 2031 document, as contained in Appendices A, B and C to Report E346, be submitted as the Council's response to the consultation, with the inclusion of the following:

- (a) the response to modification MMB11 (Ram Meadow – Policy BV11) be amended to read:

'It is acknowledged that the Inspector has not published the report into the examination but the Council seeks clarification concerning this proposed modification. It is considered that, subject to the criteria within the policy, it would be possible for an access road to be constructed across this area to serve Ram Meadow car park whilst facilitating significant wider public access and delivering biodiversity and ecological improvements and without having detrimental impact on the nearby conservation area. It is considered that a development brief for the allocation should be required to assess these issues';

- (b) a further comment be submitted in respect of modification MMB5 to correct the area of Policy BV6 from 66.5 hectares to 89.5 hectares;

- (c) a further comment be submitted that the site area of Policy BV7 should be amended to reflect the modification in MMB8;
- (d) the response to modification MMB20 (Land to west of Rougham Road – Policy BV20) be amended to read:

'The Council welcomes the retention of this policy but seeks clarification in the Inspector's Report on the viability and deliverability of the proposed modification. The Borough Council, The Water Meadows Group and the Bury Society all seek to achieve publicly accessible open space on this site, but while the Council is not the landowner, it does wish to see a solution come forward that is financially viable over the longer term in order to ensure the open space is maintained and remains accessible.

The Council also considers that the policy, or supporting paragraphs, should define the meaning of "informal recreation" in order to provide some certainty going forward as to what would be acceptable on the site'; and

- (e) the response to modification MMR1 (Shepherd's Grove, Stanton – Policy RV4) be amended to read:

'While the Council remains supportive of bringing forward employment development on this site and acknowledges the development viability issues resulting from the requirements to construct a roundabout and new access onto the A143, it has concerns about the proposed modification on the basis of the potential inclusion of an unspecified amount of residential and/or higher-value development. The principal concern is that without careful consideration, the development of housing in this location would be contrary to Policies CS1 and CS4 of the adopted Core Strategy, unsustainable and poorly related to the services and facilities in nearby Stanton. It could therefore undermine the objectives of the seeking to achieve sustainable development in the rural areas and to reduce reliance on the private car. It would also be contrary to the vision for the rural areas (page 20 of the Rural Vision 2031 document, June 2013) which seeks to bring forward '...integrated sustainable communities' and excellent transport options. Whilst housing would be located close to the employment area it is anticipated that due to the remote location there could be difficulties in successfully bringing forward a public transport strategy which would result in an increase in trips made by private car.

There are also wider implications for service and infrastructure provision in terms of education, as growth in this location could potentially result in the need for the expansion/relocation of Stanton primary school, an issue which has not been fully considered through the development of Rural Vision 2031 and the Infrastructure Delivery Plan.

It is therefore suggested that, should the Inspector wish to retain this modification in the final local plan, and where the resulting level of enabling development would be contrary to the Core Strategy, additional wording is inserted in the policy to provide a threshold at which an appropriate statutory plan making mechanism is triggered for bringing forward such development.

Notwithstanding the Council's concerns, it is suggested that some supporting text would be required preceding Policy RV4 and also in Section 24 'Stanton' in paragraphs 24.11 and 24.12 to set the context for the changes to Policy RV4.

Notwithstanding the Council's concerns, it is considered that not including main town centre uses would preclude any form of retail development coming forward on this site. This decision is premature prior to fully understanding the viability issues, the likely level of residential/higher-values development required on the site and taking into account the broader issues of sustainability. It could be more appropriate to place a cap on any retail uses to clarify that they must be appropriate in scale and form to the development coming forward and restricted to local centre uses.

It is considered that clarification is needed on the final sentence of the proposed modification around the references to the regular review of the amount location and nature of any higher-value development. Assuming that a masterplan has been adopted, the Council has no justification to require a developer to revisit a masterplan. This brings into question the mechanisms the Council would have to review and change the level of development agreed in the masterplan. It could be helpful to insert some text requiring a time limit on any masterplan to ensure that reviews are undertaken in a timely manner and are able to respond quickly to changes in market conditions. In relation to the assessment of viability, it may aid interpretation and clarification by inserting the words 'commercial market' before 'development viability' in the final sentence.'

(In accordance with Section 15.4 of the Overview and Scrutiny Committee's Rules of Procedure contained in Part 4 of the Council's Constitution, the decisions taken in respect of the item detailed above were considered to be urgent as delay caused by the call-in process would be seriously prejudicial to the public interest if the Council's consultation response was not submitted to the Inspector before the deadline of 30 May 2014 to ensure he considered the potential implications of his proposed modifications. The agreement of the Chairman of the Overview and Scrutiny Committee was obtained following the meeting and he considered the decisions were reasonable and should be treated as a matter of urgency. If these urgency rules were not applied and a call-in was submitted for consideration by the Overview and Scrutiny Committee, it would not be possible to deal with the matter prior to meeting the aforementioned deadline of 30 May 2014.)

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

10. Revenues Collection Performance and Write-Offs

Decisions Plan Ref: *May14/06* **Cabinet Member:** *Cllr David Ray*

The Cabinet considered Report F8 (previously circulated) which provided the collection data in respect of Council tax and National Non Domestic Rates and sought approval for the right off of debts as contained in the exempt appendices.

As at 31 March 2014, the total National Non Domestic Rates (NNDR) billed by Anglia Revenues Partnership on behalf of St Edmundsbury Borough Council (as the billing Authority) was nearly £46.3 million per annum. The collection rate as at 31 March 2014 was 98.27%, the annual target was 99.00%.

As at 31 March 2014, the total Council Tax billed by Anglia Revenues Partnership on behalf of St Edmundsbury Borough Council (which included the County, Police and Parish precept elements) was just under £53.1 million per annum. The collection rate as at 31 March 2014 was 98.4% against a profiled target of 98.00%.

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 and 2.

Councillor Ray, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet.

RESOLVED:

That the write-off of the amounts detailed in the exempt appendices to Report F8 be approved, as follows:

Exempt Appendix 1: 2 accounts for Council Tax totalling £5,974.05

Exempt Appendix 2: 2 accounts for Business Rates totalling £9,765.87

11. Business Case for Investing in the CCTV Service

Decisions Plan Ref: *May14/03 and May14/01P*

Cabinet Member: *Cllr Mrs Mildmay-White*

The Cabinet considered Report F9 (previously circulated) which sought approval for an 'invest to save' proposal that recommended upgrading the Council's CCTV monitoring equipment. This would allow the Council to improve the current service, cut operating costs and extend the range of services the Council could provide. This in turn would yield increased external income thereby reducing the cost to the Council of providing the CCTV service.

Councillor Mrs Mildmay-White, Portfolio Holder with the responsibility for CCTV, drew relevant issues to the attention of the Cabinet. She explained the benefits of upgrading and relocating the CCTV control room to

West Suffolk House. A detailed discussion was held on the merits of the proposal and officers comprehensively responded to questions raised.

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 3 and 4 of Part 1 of Schedule 12(A) of the Act.

12. Business Case for Investing in the CCTV Service

Decisions Plan Ref: May14/03 and May14/01P

Cabinet Member: Cllr Mrs Mildmay-White

The Cabinet considered Exempt Appendices A, B and C to Report F9 (previously circulated), which related to the 'invest to save' proposal recommending the upgrading of the Council's CCTV monitoring equipment as outlined in Minute 11 above.

Discussion was held on information contained in the exempt appendices, following which the Cabinet gave its full support for the proposals.

RESOLVED: That

- (1) the budget built up in the CCTV renewals fund be used to invest in upgrading and the CCTV control room and connectivity to the camera network, as detailed in Section 8 of Report F9;
- (2) the CCTV control room be relocated to West Suffolk House, as detailed in Sections 4.13 to 4.20 of Report F9; and
- (3) new sources of income and savings be sought to be secured through providing new services directly to customers, through strategic partnerships and through greater coordination with other services, as outlined in Exempt Appendix A to Report F9.

13. Revenues Collection Performance and Write-Offs

Decisions Plan Ref: May14/06 Cabinet Member: Cllr David Ray

The Cabinet considered Exempt Appendices 1 and 2 to Report F8 (previously circulated) as part of its consideration of the report in public session, as detailed in Minute 10 above; however no reference was made to the specific detail and therefore this item was not required to be held in private session.

The meeting concluded at 7.24 pm

**J H M GRIFFITHS
CHAIRMAN**