

ST EDMUNDSBURY BOROUGH COUNCIL

CABINET

Minutes of a meeting held on Tuesday 2 September 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 Mrs Broughton (Chairman of the Performance and Audit Scrutiny Committee), Houlder (Chairman of the Overview and Scrutiny Committee), Ms Byrne, Cox and Everitt

IN ATTENDANCE: Councillor Nettleton

35. Apologies for absence

No apologies for absence were received.

36. Minutes

The minutes of the meeting held on 24 June 2014 were confirmed as a correct record and signed by the Chairman.

37. Declarations of Interests

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

38. Report of Overview and Scrutiny (O&S) Committee (including joint informal discussions with Forest Heath District Council's O&S Committee): 23 July 2014

Decisions Plan Ref: N/A Cabinet Members: All Portfolios

The Cabinet received and noted Report F93 (previously circulated) which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 23 July 2014:

- (1) Monitoring the Western Suffolk Community Safety Partnership;
- (2) Draft West Suffolk Housing Strategy;
- (3) Quarter 1 Directed Surveillance Authorised Applications; and
- (4) Work Programme Update

Councillor Houlder, Chairman of the Overview and Scrutiny Committee drew relevant issues to the attention of the Cabinet. He informed Members that before convening separate meetings for voting and Constitutional purposes, informal discussions had been held with Forest Heath District Council's (FHDC) O&S Committee on the items listed above.

Recommendations emanating from (2) above would be presented to both the St Edmundsbury Borough and Forest Heath District Councils' Cabinets at a joint meeting on 16 September 2014.

39. Report of the Performance and Audit Scrutiny (P&AS) Committee: (including joint informal discussions with Forest Heath District Council's P&AS Committee): 31 July 2014
Decisions Plan Ref: N/A Cabinet Members: All Portfolios

The Cabinet received and noted Report F94 (previously circulated) which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 31 July 2014:

- (1) Key Performance Indicators and Quarter 1 Performance Report 2014/2015;
- (2) West Suffolk Strategic Risk Register – June 2014;
- (3) Work Programme Update;
- (4) Annual Performance Report for The Apex;
- (5) Financial Outturn Report (Revenue and Capital) 2013/2014;
- (6) Budget Monitoring Report (1 April to 30 June 2014); and
- (7) Annual Treasury Management Report 2013/2014 and Investment Activity 1 April to 30 June 2014.

Councillor Mrs Broughton, Chairman of the Performance and Audit Scrutiny Committee drew relevant issues to the attention of the Cabinet. She informed Members that before convening separate meetings for voting and Constitutional purposes, informal discussions had been held with Forest Heath District Council's (FHDC) P&AS Committee on the first three items listed above.

The Cabinet was also informed that a separate report relating to Item (7) above was included on the Cabinet agenda as this required separate consideration of the recommendation provided.

40. Recommendations of the Performance and Audit Scrutiny Committee: 31 July 2014: Annual Treasury Management Report 2013/2014 and Investment Activity 1 April to 30 June 2014
Decisions Plan Ref: Sep14/08 Cabinet Member: Cllr David Ray

The Cabinet considered Report F95 (previously circulated) which sought approval for the Annual Treasury Management Report 2013/2014.

Councillor Ray, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet including that the Chartered Institute of Public Finance and Accountancies revised Code of Practice for Treasury Management required that Members were provided with regular reports on the performance of the Council's treasury management function, including an annual treasury management and investment strategy (setting out its treasury management policies and strategies for the forthcoming year), a mid year Treasury Management Review and an Annual Outturn Report at the close of the financial year. In addition, Members noted the summary of investment activity for the first three months of the 2014/2015 financial year, as summarised in sections 4.4 to 4.8 inclusive of Report F95.



RECOMMENDED:

That the Annual Treasury Management Report for 2013/2014, attached as Appendix 1 to Report F69, be approved.

41. Revised Market Licence Regulations

Decisions Plan Ref: May14/05 Cabinet Member: Cllr Alaric Pugh

The Cabinet considered Report F96 (previously circulated) which sought approval for the adoption of revised Market Licence Regulations, which were attached as Appendix A to the report.

Councillor Pugh, Portfolio Holder with the responsibility for St Edmundsbury's Markets drew relevant issues to the attention of the Cabinet, including that the Market Licence Regulations had been reviewed and amended in consultation with market stallholders and reflected new ways of working. Greater emphasis had been placed on matters relating to food hygiene, health and safety, management and operational issues.

Councillor Pugh added that a significant amount of time had been spent with market traders to achieve a revised set of Regulations that aimed to be fair and reasonable, and provide sufficient flexibility to meet the future needs of traders and customers. They also aimed to clarify the position regarding provision for political parties and pressure groups; however, Councillor Pugh considered that further consideration of the definitions and provisions made regarding these topics was required and he therefore proposed an amendment to the recommendation to reflect this. Following further consideration, these matters would be the subject of a separate report and added as an amendment to the Regulations later, as appropriate, when new wording was agreed.

Councillor Ray supported the amended recommendation but sought clarification on issues contained in Sections 3.1 and 13.11 and whether minor amendments should be made to the wording provided. Should this be considered appropriate following the meeting, such minor amendments could be implemented using delegated authority already granted to certain officers, as provided in the Constitution.

Together with other Portfolio Holders, Councillors Ms Byrne, Cox and Everitt were all invited to speak on this item. Following a wide ranging discussion, the Chairman duly moved to the vote on the recommendation, as amended.

RESOLVED: That

- (1) the Market Licence Regulations contained in Appendix A to Report F96, except the provisions and definitions being made for political parties and pressure groups to operate in the town centres set out at Sections 4.4 and 2 (p) and (q) respectively of the Regulations, be approved; and
- (2) a further report be presented to Cabinet to address the exceptions provided in (1) above.

42. Eastern Relief Road, Bury St Edmunds

Decisions Plan Ref: Sep14/03 Cabinet Member: Cllr John Griffiths

The Cabinet considered Report F97 (previously circulated) which sought approval for a capital investment of £3 million to support the delivery of the Eastern Relief Road (ERR) in Bury St Edmunds.

The Chairman, Councillor Griffiths, Leader of the Council and Portfolio Holder with the responsibility for Strategic Economic Development, drew relevant issues to the attention of the Cabinet. He stated that the ERR would

open up 68 hectares of employment land; land for about 500 homes; a secondary school site; leisure and community opportunities; and motorist facilities associated with the A14. The estimated cost of the ERR project was £15 million. New Anglia Local Enterprise Partnership (NALEP) had committed £10 million and Suffolk County Council was taking a proposal to its Cabinet to contribute a further £2 million.

A set of three recommendations was tabled to replace those provided in Report F97, which sought to clarify certain issues. It was proposed that subject to full Council approval and due diligence procedures, the Borough Council allocated £3 million in its Capital Programme to be used to bring forward the ERR. The £3 million would include the original £2.5 million loan previously agreed in 2010 with developer, Churchmanor plus a further capital allocation of £0.5 million.

In addition, delegated authority was sought to allow an application to be made to enter into a loan arrangement with New Anglia Local Enterprise Partnership to enable the required electricity infrastructure works to be commissioned and installed in the area. This loan would be repaid from commercial lets as the employment land came forward.

Members also acknowledged the role of Price Waterhouse Coopers (PWC), whom had been instructed to undertake an assessment of the investment opportunity which would enable the Borough Council to be assured that it had carried out the due diligence necessary; that the case for investment involvement was proven (or not); and that it understood the associated risks with the delivery/investment model. Importantly, PWC would provide advice and assistance to the Council to ensure it receives the best return on its investment. Advice would also be sought as to the best structure for the legal agreement or agreements to be entered into by the Borough Council and the developer and landowner. A further report would be brought o Cabinet on 21 October 2014 which would provide a project update and details of the advice received from PWC.

The Cabinet fully supported the proposals and agreed the ERR scheme was an ambitious, exciting project which was extremely significant for the growth of Bury St Edmunds and the wider West Suffolk region. The Chief Executive, Head of Economic Development and Growth, other officers and partners (NALEP and Suffolk County Council particularly) were commended for their work in enabling to bring this scheme forward.



RECOMMENDED:

That subject to the Section 151 and Monitoring Officers being satisfied with the outcome of due diligence, the original £2.5 million loan to Churchmanor be changed to a capital investment along with an additional £0.5 million to be allocated to the Eastern Relief Road (ERR) project in St Edmundsbury Borough Council's (SEBC) capital programme, funded from capital receipts.

RESOLVED: That

- (1) a further report be brought to Cabinet on 21 October 2014 containing recommendations for the agreement or agreements to be entered into by SEBC and the developer and landowner to enable the development of the ERR and

to enable SEBC to realise a return on its investment in line with the principles approved in the Medium Term Financial Strategy; and

- (2) subject to the Section 151 and Monitoring Officers being satisfied with the outcome of the due diligence referred to in (1) above, delegated authority be given to the Head of Economic Development and Growth, in consultation with the Leader of the Council, to make an application to and enter into a loan arrangement with the New Anglia Local Enterprise Partnership for £3 million from its Growing Places Fund to enable the electricity infrastructure works to be commissioned, as detailed in Section 4.9 of Report F97.

(Councillors Ms Byrne and Houlder left the meeting during the consideration of this item.)

43. Recommendations from the Sustainable Development Working Party: 27 August 2014: Kedington Development Brief
Decisions Plan Ref: Sep14/11 Cabinet Member: Cllr Terry Clements

The Cabinet considered Report F98 (previously circulated) which sought approval for a recommendation relating to a Development Brief for a site in Kedington, which emanated from the meeting of the Sustainable Development Working Party on 27 August 2014.

Councillor Clements, Portfolio Holder for Planning and Regulation drew relevant issues to the attention of the Cabinet, including that a draft development brief for the site known as The Orchard, land off Mill Road, Kedington, had been prepared by KLH Architects and Tim Harbord Associates on behalf of Milton Investments Ltd. This draft development brief had been subject to public consultation and sought to deliver a sustainable urban extension to Kedington on a site allocated for approximately 20 dwellings in the emerging Rural Vision 2031 document. The draft development brief had been amended following consultation and the Cabinet was satisfied that the document and the proposals within it, had been prepared in accordance with the adopted statement of community involvement and protocol for the preparation of development briefs and considered it therefore should be adopted as informal planning guidance.



RECOMMENDED:

That, the Development Brief for development of the site at Land at The Orchard, Land off Mill Road, Kedington, as set out in Appendix A of Report F91, be adopted as non-statutory planning guidance.

44. Report of the Anglia Revenues and Benefits Partnership Joint Committee: 30 June 2014
Decisions Plan Ref: N/A Cabinet Member: Cllr David Ray

The Cabinet received and noted Report F99 (previously circulated) which informed the Cabinet of the following items discussed by the Anglia Revenues and Benefits Partnership Joint Committee on 30 June 2014.

On 30 June 2014 the Anglia Revenues and Benefits Partnership Joint Committee considered the following substantive items of business:

- (1) Fraud;
- (2) Future of Counter Fraud Work of ARP;
- (3) Risk Register;
- (4) Performance Report;
- (5) Final Accounts 2013/2014;
- (6) Moving to a Single Member Joint Committee; and
- (7) Welfare Reform.

Councillor Ray, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including that whilst St Edmundsbury Borough and Forest Heath District Councils' representatives on the Joint Committee had supported a move to a Single Member Joint Committee, this had not been supported by the majority of Members at this time.

45. Exercise of Chief Executive's Urgency Powers: Sale of 10 Well Street, Bury St Edmunds

Decisions Plan Ref: N/A

Cabinet Member: Cllr Anne Gower

The Cabinet received and noted Report F100 (previously circulated) which informed the Cabinet of a decision that had been taken through the exercising of the Chief Executive's urgency powers.

Members noted that the Council had owned 10 Well Street, Bury St Edmunds, a three storey semi-detached Georgian fronted townhouse since the 1990s. The property was let on a lease to Co-op Homes in 1998 for a term of 24 years expiring in 2022 and used to house short term homeless families. Following the departure of the last tenants, Co-op Homes and the Council took the decision to review the future use of the property and it had remained vacant for approximately 18 months. It was considered that the property was no longer flexible enough to be used as temporary accommodation and following Co-op Homes willingness to surrender the property to the Council subject to conditions, it was agreed that the best option moving forward was to sell the property on the open market for the best possible price obtainable, with the receipt going into the Council's capital receipt reserve. A report for the property was then commissioned so that a potential value for it could be established and the market tested for the likely level of interest for private purchase. The valuation said a guide price of £235,000 as a certain level of renovation work was required to the property. Through a marketing exercise the Council received over 50 viewings with the best cash offer being made of £249,999.

As the next scheduled Cabinet meeting was not until 2 September 2014, the delay in seeking approval for the sale would have delayed the production of the draft contracts for sale and the exchange of contracts date risking the loss of the sale. Therefore, on 15 August 2014 and in accordance with the provisions made in paragraph (c)(a) of the Scheme of Delegation, contained in part 3, Responsibility for Functions of the Council's Constitution, the Chief Executive exercised his urgency powers to agree the sale of 10 Well Street, Bury St Edmunds for the value of £249,999.

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

46. Revenues Collection Performance and Write-Offs

Decisions Plan Ref: Sep14/02 Cabinet Member: Cllr David Ray

The Cabinet considered Report F101 (previously circulated) which provided the collection data in respect of Council Tax and National Non-

Domestic Rates and sought approval for the write-off of debts as contained in the Exempt Appendices.

As at 31 July 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 £47.3 million per annum. The collection rate as at 31 July 2014 was 38.76% against a profiled target of 39.71%.

As at 31 July 2014, the total Council Tax billed by Anglia Revenues Partnership on behalf of St Edmundsbury Borough Council (included the County, Police and Parish precept elements) was just under £53.5 million per annum. The collection rate as at 31 July 2014 was 39.55% against a profiled target of 39.78%

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 £2,499.99) or by Cabinet (for debts over £2,500).

The specific reasons for recommending each write-off were included in Exempt Appendices 1, 2 and 3.

Councillor Ray, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet. In response to a question, the Cabinet was informed that the Council had taken account in the budget regarding potential non-payment of business rates. External advice was also sought with respect to quantifying appeals that the Council would potentially be liable for.

RESOLVED:

That the write-off of the amounts detailed in the exempt appendices to Report F101, be approved, as follows:

- Exempt Appendix 1: 1 account for Council Tax totalling £6,025.69
- Exempt Appendix 2: 10 accounts for Business Rates totalling £78,832.55
- Exempt Appendix 3: 4 accounts for Housing Benefit overpayments totalling £4,195.31

47. Exempt Appendices: Revenues Collection Performance and Write-Offs

Decisions Plan Ref: Sep14/02 Cabinet Member: Cllr David Ray

The Cabinet considered Exempt Appendices 1, 2 and 3 to Report F101 (previously circulated), however no reference was made to specific detail and therefore this item was not held in private session.

The meeting concluded at 6.37 pm

**J H M GRIFFITHS
CHAIRMAN**

