

NOTE: All Members are requested to sign, before the Meeting, the Attendance Register which will be placed in the **Conference Chamber**.

ST. EDMUNDSBURY BOROUGH COUNCIL

JOY BOWES
Head of Legal
and Democratic Services

West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

21 June 2010

To: All Members of the Council

You are hereby summoned to a Meeting of the Council to be held in the **Conference Chamber** at **WEST SUFFOLK HOUSE**, Western Way, Bury St Edmunds on **Tuesday 29 June 2010** at **7.00 pm**. when it is proposed to transact the business on the agenda set out below.



Head of Legal and Democratic Services

The Meeting will be opened with Prayers by the Mayor's Chaplain, Reverend John Parr of All Saints Church, Bury St Edmunds.

(Note: Those Members not wishing to be present for prayers should remain in the Members' Breakout Area and will be summoned at the conclusion of prayers.)

PART 1 – PUBLIC

1. **To confirm the minutes of the meetings of the Council held on 30 March and 20 May 2010** (copies herewith).
2. **Mayor's communications**
3. **Announcements (if any) from the Leader of the Council or Members of the Cabinet**
4. **Announcements by the Head of Legal and Democratic Services** *(including apologies for absence)*
5. **Declarations of Interests**

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

6. **Public Question Time under Paragraph 9 of the Council Procedure Rules**

To hear and answer any questions by members of the public in the public gallery who are residents of the Borough.

(Note: The maximum time to be set aside for this item is 30 minutes, but if all questions are dealt with sooner, or if there are no questions, the Council will proceed to the next business.

*Each such person will be allowed up to a total of **five minutes for their question to be put and answered**. One further question will be allowed arising directly from the reply, **provided that the original time limit of five minutes is not exceeded**.*

***Written questions** may be submitted by members of the public to the Head of Legal and Democratic Services **no later than 10.00 am on Monday 28 June 2010**. The written notification should **detail the full question** to be asked at the meeting of the Council.)*

7. **Statement of Accounts: 2009/2010**

In accordance with the Overview and Scrutiny Procedure Rules, as contained within Part 4 of the Council's Constitution, the Performance and Audit Scrutiny Committee has a responsibility 'to provide Scrutiny to the authority's financial performance by scrutinising the Annual Accounts.'

On 24 June 2010, after the distribution of these Council papers, the Committee will scrutinise the Annual Statement of Accounts for 2009/2010 as contained within Report B60 alongside the Code of Corporate Governance and Annual Governance Statement. Following the Committee meeting Members will be sent the Statement of Account (**Paper B77 TO FOLLOW**), which will detail any comments made by the Committee. Attached to this paper will be a copy of the Code of Corporate Governance and Statement of Accounts. The Annual Governance Statement is included in the Statement of Accounts.

The Council is **RECOMMENDED** to approve:-

- (1) the Code of Corporate Governance;
- (2) the Annual Governance Statement; and
- (3) the Statement of Accounts 2009/2010, contained within Report **B77**.

8. **Overview and Scrutiny Report: 2009/2010**

Article 7 of the Council's Constitution requires that 'The Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate'

Attached as Report **B78** is the eighth Annual Scrutiny Report to be considered by the Council.

9. **Items Referred to full Council by Cabinet, Standards Committee and Democratic Renewal Panel**

Schedule attached as Report **B79**.

10. Motions on Notice

Councillor Nettleton has given notice under paragraph 12.1 of the Council Procedure Rules of the following two motions:-

- (1) *'That membership of the Bury St Edmunds Area Working Party is drawn from the 17 Members who represent the nine town wards plus the five rural wards which about Bury St Edmunds, namely: Barrow, Fornham, Great Barton, Horringer and Whelnetham and Rougham.'*; and
- (2) *'That due to the regular abuses of the one hour limit imposed on staff of both St Edmundsbury Borough Council and Suffolk County Council in the short-stay car park at West Suffolk House and the unauthorised use of the four disabled bays close to the entrance to the building, the Borough Council resolves to:-*
 - (1) *instruct all Borough Council staff to use the Olding Road car park at all times;*
 - (2) *publicly name anyone employed by either authority who uses the short-stay car park at any time or occupies any of the four disabled bays without prior authorisation; and*
 - (3) *take disciplinary action against anyone who disregards these requirements which are designed to allow the public easy access to West Suffolk House.'*

Paragraph 12.5 of the Council Procedure Rules state:-

'Any motion under paragraph 12.1 of these Rules, on being moved and seconded, will, without discussion, be referred to the appropriate forum for consideration and report except that the Mayor may, if he/she considers it appropriate, allow the motion to be dealt with at the meeting at which it is moved and seconded; provided that the motion, if carried, would not involve the Council in expenditure not included in the Council's approved revenue or capital budget.'

(Note: Each motion will be taken separately.)

11. Questions on Notice

Councillor Nettleton has given notice under paragraph 11.2 of the Council Procedure Rules of the following two questions to Councillor Griffiths, Leader of the Council:-

- (1) *'Now that the final cost of the new public hall in Charter Square, Bury St Edmunds has been revealed at £18.6 m, does the Leader of the Council regret not advising cancellation of the project in September 2005 when the estimated final cost rose to £10.8m?'; and*
- (2) *'Following the broken promise to widen Market Thoroughfare, Bury St Edmunds made in Community Spirit, (December 2004, page 9), why should anyone believe anything the Leader of the Council says from now on?'*

Paragraph 11.5 of the Council Procedure Rules states that:-

Every question will be answered without discussion. The Member who is asked the question may decline to answer or may ask another Member to answer but that Member may also decline to answer. An answer may take the form of:-

- (a) a direct oral answer summarised in the minutes;*
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or*
- (c) where the reply cannot conveniently be given orally at the meeting, a written answer sent by the appropriate officer and/or relevant Member to all Members within 10 working days of the Council meeting'.*

Paragraph 11.6 states that:-

'A Member asking a question under paragraph 11.2 or 11.3 of these Rules may ask one supplementary question, without notice, of a Member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply'.

(Note: Each question will be taken separately)

12. **Representation on Outside Bodies: Appointments**

On 2 June 2010 the Overview and Scrutiny Committee considered nominations to three Suffolk wide scrutiny bodies and have made the following recommendations:-

(a) Suffolk Health Overview and Scrutiny Committee

The Council has been asked to nominate one Member and one substitute Member to serve on the County's Health Overview and Scrutiny Committee. This Member should ideally be from the Borough Council's Overview and Scrutiny Committee, and the Committee had been asked to make recommendations.

The Committee has recommended that Councillor Beckwith continues as the Borough Council's representative.

The Council is **RECOMMENDED** to appoint Councillor Beckwith as the Borough Council's representative on the Suffolk Health Overview and Scrutiny Committee.

(b) Suffolk Joint Emergency Planning Policy Panel

The Council has been asked to make a nomination to the Suffolk Joint Emergency Planning Policy Panel and also a substitute Member if it so wishes.

As this is a scrutiny working party, the Overview and Scrutiny Committee had been asked to make recommendations.

The Committee has recommended that Councillor Thorndyke continue as the Borough Council's representative and Councillor Oliver continues as the Substitute Member.

The Council is **RECOMMENDED** to appoint Councillor Thorndyke as the Borough Council's representative on the Suffolk Joint Emergency Planning Policy Panel and Councillor Oliver as the Substitute Member.

(c) Joint Scrutiny of Flooding and Flood Risk Working Party

The Council has been asked to nominate two Members to the Joint Scrutiny of Flooding and Flood Risk Working Party.

As this is a scrutiny working party, the Overview and Scrutiny Committee had been asked to make recommendations.

The Committee has recommended that Councillors Lockwood and Price continue as the Borough Council's representatives.

The Council is **RECOMMENDED** to appoint Councillors Lockwood and Price as the Borough Council's representatives on the Joint Scrutiny of Flooding and Flood Risk Working Party.

13. Chief Executive's Urgency Powers

On 30 March 2010, full Council gave authority to the Chief Executive to cease the compulsory purchase proceedings for Market Thoroughfare, Bury St Edmunds when documentation giving effect to a settlement with developers had been executed by all parties (Minute 118(3) refers). On 7 June 2010, after consultation with the Leader of the Council, the Chief Executive used his urgency powers to authorise cessation although the settlement had not been completed. This was necessary to enable the Compulsory Purchase Order procedure to be halted before the date of the Public Inquiry. At the time all the documents had been signed by the parties but there was delay caused by a formality outside of the parties' control.

The Council is requested to **NOTE** that the Chief Executive used his urgency powers to cease the Compulsory Purchase Order proceedings.

14. Quarterly Report on Special Urgency

Part 4, Access to Information Procedural Rules, of the Constitution (paragraphs 17.3.1 and 17.3.2) requires the Leader of the Council to submit quarterly reports to the Council on the executive decisions taken, if any, in the circumstances set out in Rule 16, Special Urgency, in the preceding three months.

Accordingly, the Leader of the Council reports that no executive decisions have been taken under the Special Urgency provisions of the Constitution.

15. Reports and Questions

(Note: Council Procedure Rule 11.1 of the Constitution requires that:-

- (a) the time limit for all questions and answers under this item is one hour; and***
- (b) a maximum of 5 minutes to be initially allocated to each report (and questions on that report). After every report has been received, the Mayor will determine if further questions can be put to the relevant Member(s) in the balance of the hour left available for this session.)***

(i) *Report from the Leader of the Council, Cllr. John Griffiths (Report B80 attached)*

(ii) *Reports from each Member of the Cabinet, namely:-*

	<u>Portfolio</u>	<u>Cabinet Member</u>	<u>Report No</u>
(a)	Bury St Edmunds and Community Safety	Cllr. Robert Everitt	(B81 attached)
(b)	Culture and Sport	Cllr. Lynsey Alexander	(B82 attached)
(c)	Economy & Asset Management	Cllr. Sara Mildmay-White	(B83 attached)
(d)	Environment & Street Scene	Cllr. Peter Stevens	(B84 attached)
(e)	Haverhill and Housing	Cllr. Anne Gower	(B85 attached)
(f)	Performance & Organisational Development	Cllr. David Ray	(B86 attached)
(g)	Resources & Efficiency	Cllr. Paul Farmer	(B87 attached)
(h)	Transport & Planning	Cllr. Terry Clements	(B88 attached)

(iii) *Report from the Chairman of the Overview & Scrutiny Committee, Councillor David Lockwood.*

Report **B89** attached.

(iv) *Report from the Chairman of the Performance & Audit Scrutiny Committee, Cllr. John Hale.*

Report **B90** attached.

(v) *Report from the Chairman of the Policy Development Committee, Cllr. Nigel Aitkens*

Report **B91** attached.

(vi) ***Questions to Chairmen of other Committees (No reports or minutes attached)***

Under this item, Members may ask the relevant Chairman questions relating to meetings of the following Committees on the dates indicated:-

Development Control - 1 April, 5 May and 3 June 2010.

Standards - 5 May 2010.

**EXEMPT INFORMATION – EXCLUSION OF PUBLIC
TERMS OF FORMAL RESOLUTION**

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 involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

Part 2 - Private

16. **Item Referred to full Council by Cabinet: Construction of the Public Venue (The Apex) Fit Out: Final Account**

Exempt Report **B92** attached.