

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

20 September 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 28 September 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 29 June and 22 July 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**

(a) **Petition**

In accordance with Part 4, Rules of Procedure, of the Council's Constitution '*Petitions containing not less than 100 signatures may be presented at meetings of the Council during public question time....*' and that '*The Council will, without debate, refer any petition to the appropriate forum for consideration.*'

The Council has received a petition containing over 700 signatures that supports that the Wednesday Craft Market currently operating in the Corn Exchange, Bury St Edmunds is transferred to the new public building, The Apex. The operator of the Craft Market and organiser of the petition, Lynnette Plumb, will present the petition and be allowed to address the Council for up to 5 minutes.

(b) 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 27 September 2010**. The written notification should **detail the full question** to be asked at the meeting of the Council.)*

7. **Items Referred to full Council by Cabinet, West Suffolk House Joint Committee and Democratic Renewal Panel**

Schedule attached as Report **B215**.

8. **Approval of a Partnership Arrangement for the Delivery of the Revenues and Benefits Service**

Report **B216** attached.

9. **Havebury Housing Partnership: Nominating Non-Executive Director**

As reported in the Members' Bulletin on 13 August 2010, the Council is required to make two nominations to the Havebury Housing Partnership (HHP) Board, as the terms of office of two of our representatives have come to an end. The Council currently nominates five board members (a third of the total of 15 places) and has, in the past, nominated both councillors and non-councillors to fulfil this role.

In this instance, one of the retirees is a non-councillor and, therefore, expressions of interest were also sought from the local community for one of these two places. In particular, HHP was interested in finding a director with financial, audit and risk management experience to complement the existing mix of its Board.

The position was publicly advertised by HHP and the Council and the response was very positive, allowing a very strong short-list of candidates from a range of backgrounds to be selected. Interviews were carried out with HHP by a joint panel which included the Portfolio Holder, Councillor Mrs Anne Gower, and the Corporate Director for Community Services. The candidate who, it was felt by the Panel, offered the closest match to HHP's requirements at this particular time was Liz Watts, the Council's Chief Finance Officer, given her financial experience within and outside local government.

Accordingly, it is **RECOMMENDED** that:-

- (1) Councillor Everitt is nominated to the position of non-executive director of the Havebury Housing Partnership; and
- (2) following an external recruitment exercise, the Borough Council also confirms its nomination of Liz Watts as a non-executive director of the Havebury Housing Partnership.

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 the next meeting of the Democratic Renewal Panel is open to the press and public.'; and*
- (2) *'That with effect from 1 January 2011 all meetings of the Council and its Committees, Sub-Committees, panels etc are open to the press and public.'*

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. **Question on Notice**

Councillor Buckle has given notice under paragraph 11.2 of the Council Procedure Rules of the following question to Councillor Mrs Mildmay-White, Portfolio Holder for Economy and Asset Management:-

Will Councillor Mrs Mildmay – White, as the Portfolio Holder with responsibility for West Suffolk House, please inform the Council when the continuing problems encountered with the hearing loop in the Conference Chamber will be finally rectified in order that those with hearing difficulties can take a full part in debates and whether consideration is being given to replace the current portable hearing aids so as not to discriminate against those hard of hearing?

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. **Constitution: Amendment**

The Conservation of Habitats and Species Regulations (2010) require that where it appears that a proposal or plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site, an 'appropriate assessment' of the implications for that site in view of that site's conservation objectives should be undertaken. In relation to proposals requiring planning consent, this work would need to be managed by the local planning authority. In order to expedite the development control function of the Borough Council efficiently, it would be appropriate for this function to be delegated to officers as and when such assessments are required.

It is therefore **RECOMMENDED** that Part 3, Responsibility for Functions, of the Council's Constitution is amended as follows:-

As well as the Head of Planning and Economic Development, all Principal Planning Officers in the Development Control Section and Principal Planning Policy Officers to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with Regulation 61 of the Conservation of Habitats and Species Regulations (2010) in relation to Habitat Regulations Assessments.

13. 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 proceeding three months.

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

14. 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 and a half hours; and

(b) a maximum of 7 minutes to be initially allocated to each report and questions on that report (to include up to two minutes if necessary for the report writer to present their 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 and a half left available for this session.)

(i) *Report from the Leader of the Council, Cllr. John Griffiths (Report B217 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	(B218 attached)
(b)	Culture and Sport	Cllr. Lynsey Alexander	(B219 attached)
(c)	Economy & Asset Management	Cllr. Sara Mildmay-White	(B220 attached)
(d)	Environment & Street Scene	Cllr. Peter Stevens	(B221 attached)
(e)	Haverhill and Housing	Cllr. Anne Gower	(B222 attached)
(f)	Performance & Organisational Development	Cllr. David Ray	(B223 attached)
(g)	Resources & Efficiency		(B224 attached)
(h)	Transport & Planning	Cllr. Terry Clements	(B225 attached)

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

Report **B226** attached.

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

Report **B227** attached.

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

Report **B228** 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 July, 5 and 19 August and 2 September 2010.
Standards	-	14 July 2010.
Licensing and Regulatory Committee	-	12 July 2010.