



## Council 28 September 2010

### Schedule of Referrals from Cabinet, West Suffolk House Joint Committee and Democratic Renewal Panel

(A) Referrals from Cabinet: 28 July 2010

**1. Ixworth Conservation Area Appraisal and Management Plan**

*Forward Plan Reference: Aug10/05  
Cabinet Member: Cllr Terry Clements*

*Report B140  
(Sustainable  
Development Panel and  
Rural Area Working Party  
Report B53)*

**RECOMMENDED:- That**

- (1) the Ixworth Conservation Area Appraisal and Management Plan, attached as Appendix B to Report B53, be adopted as planning guidance;**
- (2) the revised boundary of the Conservation Area attached as Appendix C, as amended to remove the property known as Mere View, to Report B53 be adopted as the new boundary for the Ixworth Conservation Area; and**
- (3) any minor typographical, factual and/or grammatical changes to the final document be agreed by the Head of Planning and Economic Development in consultation with the Portfolio Holder for Transport and Planning.**

The Ixworth Conservation Area Appraisal and Management Plan has been produced in accordance with the advice contained in the latest English Heritage publications 'Guidance on Conservation Area Appraisals' and 'Guidance on the Management of Conservation Areas', both published in February 2006. The draft Appraisal and Management Plan were the subject of consultation, which took place between 15 February and 15 March 2009. In addition a public notice was placed in the Bury Free Press on 12 March 2010, documents were made available on the Borough Council's website and copies were placed in the reception area of West Suffolk House and in the library in Ixworth. Posters about the consultation and drop-in session were also displayed around the village.

A total of nine responses were received in respect of the appraisal and the draft Appraisal and Management Plan has been amended in the light of comments received.

## **2. Homes Assistance Policy: Decent Home Grants**

*Forward Plan Reference: Aug10/12*  
*Cabinet Member: Cllr Robert Everitt*

*Agenda Item 11*

**RECOMMENDED:- That**

- (1) the Homes Assistance Policy be amended as detailed in agenda item 11 of the Cabinet agenda for 28 July 2010; and**
- (2) the conditions set out in agenda item 11 be attached to applications in respect of Decent Homes Grants.**

The administration of the Decent Homes Grant is included within the Council's Home Assistance Policy. The grant is made available to vulnerable persons, those in receipt of an income or disability related benefit, to bring their homes up to the Decent Homes standard.

The Council has been successful in obtaining £320,000 from the former East of England Regional Assembly, now the East of England Local Government Association, for improving homes to the Decent Homes standard for households on low incomes but not in receipt of a qualifying benefit. Despite extensive marketing take-up of this new grant, Decent Homes Plus, had been slow and a request had been made to the East of England Local Government Association to extend the eligibility criteria for the grant to include those vulnerable households currently eligible for the Decent Homes Grant. Agreement has been given, subject to the Decent Homes Grant having the same conditions as the Decent Homes Plus Grant.

### **(B) Referrals from Cabinet: 15 September 2010**

#### **1. St Edmundsbury Replacement Local Plan 2016 – Policy HAV3: Employment Site – Hanchett End, Haverhill: Adoption of draft Concept Statement**

*Forward Plan Reference: Sep10/01*  
*Cabinet Member: Cllr Terry Clements*

*Report B198*  
*(Sustainable*  
*Development Panel*  
*Report B169)*

**RECOMMENDED:-**

***That the Concept Statement for Hanchett End, Haverhill, as attached as Appendix C of Report B169, be adopted as non-statutory planning guidance.***

Land at Hanchett End is allocated in Policy HAV3 of the Replacement Local Plan as a Strategic Employment Site (Use Classes B1 and B8). Policy DS4 of the Plan requires that a Masterplan for the site is agreed and adopted by the Borough Council before a planning application for the site can be approved. Masterplans are to be informed by a Concept Statement produced by the Borough Council.

A draft Concept Statement for the development at Hanchett End was approved for consultation by the Sustainable Development Panel at its meeting on 14 June 2010. The consultation has now been completed and a summary of comments received together with officers' responses is attached to the Sustainable Development Panel Report (B169).

The Concept Statement has been amended in the light of comments received and it is recommended that it is adopted as planning guidance for the preparation of a Masterplan for the site.

## **2. The Apex First Floor Area and Business Plan: Use of Chief Executive's Urgency Powers**

**Forward Plan Reference:** Sep10/02  
**Cabinet Member:** Cllr Lynsey Alexander

**Report B202 (Public Venue (The Apex) Working Party Report B159)**

### **RECOMMENDED:-**

***The Council is requested to NOTE the use of the Chief Executive's Urgency Powers in accordance with the Council's Constitution and detailed below and attached as Appendix A to this Council report.***

According to the Council's Constitution, this use of the Chief Executive's Urgency Powers 'shall be reported to the next meeting of the Cabinet, appropriate Committee or Council .....

On 11 August 2010 the Public Venue (The Apex) Working Party **RESOLVED:-**

That, the Working Party endorses the Chief Executive exercising the urgency powers contained within the Council's Constitution to authorise the following actions and expenditure:-

- (1) capital expenditure of up to £160,000, to be funded from unallocated capital reserves, be invested in the fit-out of the First Floor Area of The Apex on the basis outlined in Report B159;
- (2) the business plan for The Apex be amended, as set out in Report B159, to reflect the additional revenue income and expenditure arising from the Council's control of the entire First Floor Area;
- (3) the existing capital budget for equipping The Apex be increased by up to £48,000 from unallocated capital reserves to accommodate the purchase of additional conference/banqueting furniture and two mobile bars to support the successful delivery of the business plan; and
- (4) under the terms of rules 2.2(ii) and (iii), an exemption from Contract Procedure Rules be authorised to allow the selected designer, Ryoko Leveritt, to design, procure and/or supply

furniture to the bar/café area of The Apex, as required, within the agreed budget.

Full details are attached as Appendix A to this Council Report.

### **3. Community Centre Transfer**

*Forward Plan Reference: Sep10/11  
Cabinet Member: Cllr Robert Everitt*

*Report B203*

#### **RECOMMENDED:- That**

- (1) full Council endorse the "Transfer of council-owned community centres to community ownership – Expectations Document", attached as Appendix 1 to Report B203, as its adopted framework for working towards the transfer of community centres;***
- (2) the project plan attached as Appendix 2 to Report B203 be agreed as the working timetable and basis for work towards the transfer of Southgate Community Centre to the Southgate Community Partnership, subject to the partnership satisfactorily meeting the milestones listed in the plan;***
- (3) delegated authority be given to the Corporate Director Community Services, in consultation with the Portfolio Holder for Community Safety, to receive updates and determine whether the various milestones have been satisfactorily met;***
- (4) where milestones have not been satisfactorily met, further negotiations take place with the Southgate Community Partnership, or the issue to be referred to Cabinet; and***
- (5) the final decision on transfer be brought back to the Cabinet for consideration and a recommendation to full Council.***

The 2007 review of Council owned community centres was the origin for the work which is taking place now to establish the framework in which community centres can be transferred into the ownership of the local community.

In May 2010 Cabinet received report B12 which outlined contact with the existing community associations running centres and other local voluntary and community groups and town councils. This contact resulted in an expression of interest being received from the Southgate Community Association working with the Southgate Church, now known as the Southgate Community Partnership (SCP) in relation to Southgate Community Centre. The report also outlined the support in kind for the transfer process which had been gained through the Council's successful application for a place on the final round of the national Advancing Assets Programme. As part of that programme, officers and the SCP have been working with the Development Trust Association (DTA), the national group supporting

community enterprise practitioners and groups which take on community asset transfers. The DTA have been providing a range of practical support to the SCP.

Although the focus of work with the DTA is the transfer of the Southgate Centre, the basis of the application to the Advancing Assets Programme was that transfer would be used to develop an overall model which would be applicable to the transfer of other centres. To develop that model the DTA has encouraged the Council to develop the 'Expectations Document', attached as Appendix B to this Council report. The document clearly lays out the expectations the Council has of any voluntary or community group coming forward to take on a centre, how those expectations can be met and the support which the Council will offer the organisation.

#### **4. Asset Management Plan: Ground Lease Shopping Centres in Bury St Edmunds**

*Forward Plan Reference: Sep10/12*

*Report B205*

*Cabinet Member: Cllr Sara Mildmay-White*

##### ***RECOMMENDED:-***

***That the Hardwick and St Olaves Shopping Parades in Bury St Edmunds are declared surplus and the sites are sold, either by auction or by private treaty, as outlined in Report B205.***

Report B205 considered the Asset Management Plan (AMP) options for the future Council ownership of the freehold of the Hardwick and St Olaves shopping parades in Bury St Edmunds, as part of the objective of making better use of property resources, in accordance with good asset management planning. In the context of the current economic and financial conditions, it is proposed to sell the freehold of the sites subject to the ground leases, but to retain the adjoining car parks and landscaping areas. The sale of the assets will not alter the individual tenancies of the shops, which will continue to be managed in the same way, nor will it have any effect on the community and customers which use them.

#### **(C) West Suffolk House Joint Committee: 23 July 2010**

##### **1. Car Parking to the front of West Suffolk House**

On 29 June 2010, Councillor Nettleton moved the following motion at Council:-

*'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.'*

This motion was seconded by Councillor Beckwith.

The Mayor, in accordance with the Council's Constitution, considered that this motion should be referred to the appropriate forum for consideration. He considered that the appropriate forum in this instance was the West Suffolk House Joint Committee, which had operational responsibilities concerning West Suffolk House and was to consider car parking at its next meeting scheduled for 23 July 2010.

On 23 July 2010 the West Suffolk House Joint Committee resolved that:-

- (1) *monitoring of abuses to the car park located to the front of West Suffolk House be undertaken over the next three months; and*
- (2) *if significant levels of abuse continue, then Option (a), as detailed in Section 3.1 of Report B132, be implemented.*

Option A is to install a ticket machine and obtain a Road Traffic Order, which will enable penalty Excess Charge Notices (ECNs) to be issued to those that exceed the permitted hour.

The Council is requested to **NOTE** the actions initiated by the West Suffolk House Joint Committee in respect of parking at the front of West Suffolk House.

**(D) Democratic Renewal Panel: 9 September 2010**

**Vice Chairman of the Panel: Councillor Mrs P A Warby**

**1. Member Development Update (Report B186)**

***RECOMMENDED:- That***

- (1) *the Member Development Programme for 2010/2011 be amended and the items in respect of 'Development of Future Portfolio Holders and Committee Chairmen' and 'Communication Skills' be deferred until after the May 2011 elections; and*
- (2) *the assessment arrangements for achieving the East of England Regional Assembly (EERA) Elected Member Development Charter, outlined in Appendix A to Report B186, be endorsed.*

The Report detailed the approved Member Development Programme for 2010/2011 and the Panel agreed the deferment of two timetabled sessions, namely:-

28 March 2011: Development of Future Portfolio Holders and Committee Chairmen; and 19 April 2011: Communications Skills.

The Panel agreed that the deferred sessions will be of greater value if these two sessions were held following the Borough Council elections in May 2011. In addition, these dates were likely to fall in the period of election purdah.

The assessment in achieving the East of England Regional Assembly (EERA) Elected Member Development Charter has been set for Wednesday 27 October 2010 and that the South East Employers Organisation (SEE) will be carrying out the assessment. SEE has provided a list of interviewees, all of whom they wish to see on 27 October, and officers are currently working to facilitate this request. The officers will also produce briefing notes for various individuals and focus groups. The current timetable for the day was set out in Appendix A to the Panel's report.

## **2. Community Governance Review: (Report B187)**

Members are reminded of the timetable for this review agreed by the Council on 29 June 2010 (minute 29(D)(1) refers), namely:-

<b>Action</b>	<b>Timetable</b>
Terms of Reference are published	30 June 2010
Introductory stage – submissions are invited	2 July 2010
Draft Proposals are prepared	27 August 2010
Draft Proposals are published	3 September 2010
Consultations	10 September 2010
Interim Report prepared	28 September 2010
Final Proposals are prepared	5 November 2010
Final Proposals are published	1 December 2010

Attached to this report as Appendix C is an extract from the draft minutes of the meeting of the Democratic Renewal Panel held on 9 September 2010. Minute 21 provides the interim report on the Community Governance Review which the timetable above indicated would be made. Should any Member wish to receive a copy of Report B187, including the maps which illustrate the various options for boundary changes, a copy can be requested from the Democratic Services Section.

The recommendations at minute 21 are that a variety of the options for changes should now be the subject of consultation with those within the area concerned, councillors, political parties and other interested bodies. The consultations going forward are either in line with the principle agreed by Council on 29 June 2010, namely that where a community expands into a neighbouring parish the existing parish boundary should be reviewed to prevent it becoming anomalous, or relate to modest changes proposed by parishes where a small number of houses which have a natural affinity with one parish are just over the boundary in a neighbouring parish where there is less connection or use of local services.

The outcome of the consultation will be reported to the next meeting on the Democratic Renewal Panel scheduled for 25 November 2010. Taking account of the debate at the Panel's meeting the Chief Executive, in consultation with the Chairman and Vice-Chairman of the Panel, will then implement the outcomes of the review by reflecting any changes agreed in the register of electors to be published by 1 December 2010, in line with the delegated authority to implement the outcome of the review agreed by Council on 29 June 2010.

### **3. Borough Council Elections May 2011: Voice of the Community Campaign II (Report B188)**

***RECOMMENDED:- That***

- (1) St Edmundsbury run a campaign to encourage people to consider standing in the Borough Council elections in May 2011 making use of relevant 'What Will You Stand For' materials and supplementing these with local information;***
- (2) officers explore the capacity for this activity to be co-ordinated with Forest Heath District Council;***
- (3) a small Councillor sub-group with up to 5 Members be formed to be a sounding board for officers in the development of the campaign and Group Leaders be requested for appropriate nominations;***
- (4) 'Local Democracy Week' be used to launch the local campaign; and***
- (5) delegated authority be given to the Chief Executive to agree the initial details of the campaign with the Chairman of the Democratic Renewal Panel, following consultation with group leaders, and the input of the Councillor sub-group.***

In the lead up to the May 2007 Borough and Parish Council elections the Borough Council ran a campaign to encourage more people to stand as candidates at the elections. The campaign was well received by the political parties and it had the strap line *'Be the voice of your community'*. Appendix B to the Panel's report provided some of the details of this campaign.

Since that campaign local returning officers have been placed under a legal duty to promote participation, so all councils with elections in May 2011 will be considering some kind of campaign activity. As a result, the East of England Local Government Association (EELGA) are co-ordinating a regional campaign, details of which were attached at Appendix A to the Panel's report.

The Panel endorses that the new campaign should be developed by reusing the existing *'Be the voice of your community'* branding and also utilising relevant elements of the regional campaign. The campaign will consist of:-

- (1) a launch in 'Local Democracy Week', 13 to 19 October 2010;**



- (2) information about the campaign being included in the December 2010 edition of Community Spirit;
- (3) a workshop for potential candidates to be held in late January 2011;
- (4) each political party being offered a short briefing on the process for standing for nominations; and
- (5) the campaign to be underpinned by a communications strategy to try and secure coverage from the local media.

#### **4. Membership of Committees, Working Parties and Panels (Report B189)**

##### ***RECOMMENDED:- That***

- (1) the current system for allocating seats to any group on the Bury St Edmunds Area Working Party continue and be initially based on the political balance of the Council; and***
- (2) if there is a Member who is particularly interested in a specific topic and would readily volunteer for the Working Party then the relevant Group Leader contact the other Group Leaders to 'broker' a deal.***

On 29 June 2010 Councillor Nettleton moved the following motion at Council:-

*'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 abut Bury St Edmunds, namely: Barrow, Fornham, Great Barton, Horringer and Whelnetham and Rougham.'*

This motion was seconded by Councillor Beckwith.

The Mayor, in accordance with the Council's Constitution, considered that this motion should be referred to the appropriate forum for consideration and on this occasion the appropriate forum was the Democratic Renewal Panel.

There was a consensus amongst the Panel that Councillors were elected to represent the whole of the Borough and not specific wards. In addition, it was further recognised that all residents and their elected representatives had, for a number of reasons, an interest in issues associated with Bury St Edmunds due to it being a major service centre for the area.

## **5. Amendments to the Constitution (Report B190)**

### ***RECOMMENDED:-***

***That the amendments to the Council's Constitution proposed in Appendix A to Report B190 be approved.***

On 6 April 2010 new legislation came into force which made changes to the investigation of food poisoning and notifiable diseases. Part 2 of the Public Health (Control of Disease) Act 1984 had been repealed and replaced with a revised Part 2A, which introduced three new sets of regulations, to allow an appropriate response to a public health threat. This revision required changes to the Council's Constitution which are detailed in Appendix D to this Council Report.

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# Council

## 28 September 2010

### Use of Chief Executive Officer's urgency powers – Apex fit out

*Part C paragraph (a) of the Council's Scheme of Delegation provides that "where, in [the CEO's] opinion, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as he considers necessary (or as required by the Council's Budget and Policy Framework Procedure Rules in part 4 of this constitution) he shall have power to make a decision provided that any such decision shall be reported to the next meeting of the Cabinet, appropriate Committee or Council..."*

*Rule 4 of the Budget and Policy Framework Procedure Rules says that "officers..may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:*

- (i) if it is not practical to convene a quorate meeting of the full Council; and*
- (ii) if the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency".*

*Rule 2.2 (ii) of the Contracts Procedure Rules permits any member of Management Team to authorise non-compliance with those Rules "in a case of urgency where following the Rules would result in an unreasonable delay".*

*The Council's Contract Procedure Rules also allow an exemption to those rules to be made by a member of the Management Team where they are satisfied that the exemption is justified:*

- (i) in a case of urgency where following the Rules would result in an unreasonable delay; or*
- (ii) in requiring the provision of goods, services or works of a specialised nature.*

***The background to this decision is set out fully in Paper B159 to the Public Venue (The Apex) Working Party on 11 August, 2010 and is summarised here. The recommendations in that paper were approved, in addition to an additional recommendation to employ a furniture designer to design and supply a furniture scheme for the first floor bar/café area.***

#### Background

1. The business plan agreed for the Apex in December 2009 did not include any income or expenditure related to what is known as the 'First Floor Lettable Area' (FFLA) as this area of the building was in the control of the developer at that time. However, in June 2010, it was agreed with the developer that the Council would take control of the entire First Floor Lettable Area, taking the income from this space, but also becoming responsible for the fitting out costs and overheads.
3. The cost of fitting out this space was also not included in the Council's original capital budget for the Apex since it was the responsibility of the developer. Therefore no provision was made for fitting out the catering operations within the public area. Until June 2010, the Council had hoped that this cost would be met in full or part by an external caterer, but a tendering exercise was unsuccessful and the Council must now provide the necessary infrastructure in the building at the time of opening to allow a basic catering service to be provided in-house. This investment is likely to be recouped both in income from catering and also, if an external contractor is brought in at a later date, through better contract terms.

4. The public space of the new area will be used predominantly for catering although there is also the opportunity to hire it out for events, etc as well. More bar and café furniture will therefore be needed as well as an additional serving structure to meet the bar requirements at the time of opening, and also to allow for the future development of catering. This structure will match the design and finish of the Council's existing bar on the first floor.

#### Capital and Revenue expenditure on the FFLA

5. Taking into account what was already budgeted for providing the other bars, the additional cost of extending the Council's catering operation across the whole of the public areas on the first floor at the time of opening is estimated to be £160,000, to include:
  - Permanent bar/café serving structure
  - Furniture
  - Equipment/tills/crockery/glasses, etc.
6. The current business plan does not include the overheads for the FFLA since these were not expected to be the responsibility of the Council. It is estimated that there will be additional service charges of up to £10,000. Utility costs for the space in full use are estimated to be around £15,000 although, clearly, this will not be the case at opening since only the public area will be operational. While the Council runs the catering operation itself it will also be prudent to increase the Apex's equipment replacement fund by £5,000 a year, although this would be a cost transferred (at least in part) to any caterer if a contract is awarded at a later date. In summary, the maximum additional overhead of the space is estimated at £30,000 a year, if all the space is in use and the Council is operating the catering operation itself.
7. In addition to the considerable operational benefits of having the space under one control, there is also a potential financial benefit which is not currently reflected in the business plan. This new income is divided into two types: catering and hires. For the former, initial additional net income in the business plan (while the Council operates a limited bar/café operation) is estimated at around £10,000 p.a. However, over time it is anticipated that this income will grow as the food offer develops. Hiring income for the rest of the FFLA is subject to market-testing but is estimated in the region of £18,000 p.a. when the spaces are fitted out. Decisions on the business case for fitting out any surplus space in the FFLA will need to be taken separately and are not covered by these urgent decisions.
8. In summary, after the first year, it should be possible to meet the additional overheads incurred from the FFLA and, beyond that, hopefully develop a small surplus.

#### Design and Supply of FFLA furniture

9. Members of the Public Venue (The Apex) Working Party had also requested that a designer be employed to design the furniture scheme for the public areas of the FFLA, given the potential detrimental impact of an unsuitable and uncoordinated scheme. The Working Party selected a local designer from various proposals submitted at its meeting on 11 August.

10. In order to ensure that furniture is installed in the building by mid-October when it opens, it was proposed that, as is standard practice in the profession, the chosen designer be commissioned to design, procure and/or supply the furniture, as appropriate, within the agreed budget. This required an exemption from contract procedure rules on the grounds of urgency and also special circumstances (CPR 2.2).
11. The reasons for this exemption were:
  - (a) It will cause unreasonable delay to follow a conventional procurement route, as these items must, ideally, be in place by early October at the time of opening and the lead-in time is 6-8 weeks.
  - (b) The Council did not become certain it would need to procure this furniture itself until June 2010, and therefore could not plan ahead to do so.
  - (c) The process involves purchasing a specific set of furniture, to an agreed design, without the flexibility that would be possible with a conventional procurement process (in which a range of suppliers offered items which met an agreed specification from their own stock). Some of the items may also be proprietary items.

#### Additional enhancements to support the business plan

##### 12. *Conference and banqueting furniture*

While there is sufficient budget provision to procure the equipment required to open the Apex, this did not include the provision of new conference chairs and tables. The intention was that the old furniture from the Corn Exchange could be transferred. While this existing stock will be retained and can be used for other events and venues (for instance festival or outdoor events), it is now considered that it will not work well in the Apex. In particular, the Council needs to be aware of the high standards and competitiveness of the quality conferencing and business-to-business (B2B) sector which are a key part of the Apex business model. Upgrading this furniture is estimated to cost up to £40,000 depending on the outcome of tenders.

##### 13. *Mobile Café / Bars*

The fire management plan indicates that a small number of mobile structures can be used in the Apex. The provision of these will enable customers to purchase drinks quickly prior to, and in the intervals for, major events. They could also be used to generate additional income when not used for major events, particularly during the daytime in the outdoor space allocated to the Apex. Similarly, it is therefore recommended that the fit-out budget be increased by £8,000 for the purchase of two mobile bar units.

#### Reasons for urgency and consultation

14. The Apex opens in mid-October and, in order to ensure that the additional fit out was completed before or as soon as possible after opening, the works needed to be commissioned, and procurement processes started, prior to the end of August. To enable this, it was necessary that urgency powers were exercised by the Chief Executive. As there was no current budgetary provision for this expenditure the urgency powers also had to be exercised in conjunction with rule 4 of the Budget

and Policy Framework Procedure Rules. It was the view of officers that it was not practical to convene a special meeting of full Council during August to consider just this one item in isolation and that, in addition, to do so would have caused a delay which would have jeopardised the smooth opening of the Apex. The decision would however be reported to the next available Cabinet and Council meetings.

15. To ensure adequate councillor involvement in the decision, the matter was considered by the full Cabinet at an informal briefing with the Council's senior management team on 28 July 2010. It had also been agreed at the meeting of the Public Venue (The Apex) Working Party on 13 July that this matter should be considered at a special meeting, including a tour of the building, on 11 August, on the understanding that any decisions would require CEO urgency powers to be used. Paper B159 was considered in detail by the Working Party on 11 August and the recommendations were approved, including an additional recommendation relating to the use of a furniture designer. The Council also issued a press release prior to the meeting, which attracted significant coverage, and also placed Paper B159 on its website. Press releases are also sent internally to a significant number of councillors.
16. As an in-year change to the budget, the Chairman of the O&S Committee also agreed that it was impractical to call a special meeting of the full Council in the time available.

#### Decisions made

- (i) capital expenditure of up to £160,000, to be funded from unallocated capital reserves, be invested in the fit-out of the First Floor Area of the Apex on the basis outlined in Paper B159;
- (ii) the business plan for the Apex be amended, as set out in Paper B159, to reflect the additional revenue income and expenditure arising from the First Floor Area;
- (iii) the existing capital budget for equipping the Apex be increased by up to £48,000 from unallocated capital reserves to accommodate the purchase of additional conference/banqueting furniture and two mobile bars to support the successful delivery of the business plan; and
- (iv) under the terms of rules 2.2(ii) and (iii), an exemption from Contract Procedure Rules be authorised to allow the selected designer to design, procure and/or supply furniture to the bar/café area of the Apex, as required, within the agreed budget.

# Council

## 28 September 2010

### St Edmundsbury Borough Council Transfer of council-owned community centres to community ownership

#### Expectations document

##### Background

Although the concept of community asset management has been around for nearly ten years, the Quirk review of 2007 looked in detail at the transfer of public assets to community management organisations.

The rationale behind the report is that communities are transformed if people are empowered to deliver locally-owned, determined and managed services and activities. Local people can become inspired, and attitudes and behaviours change from reliance on others to self-sufficiency.

##### The proposal

St Edmundsbury Borough Council is proposing to offer ownership of its five community centres (Chalkstone and Leiston in Haverhill; Westbury, Newbury and Southgate in Bury St Edmunds) to organisations that share the same ethos for the centres. The aim is to provide community buildings for local people and local activities at reasonable cost, and also to develop new management organisations that will be innovative and proactive in looking for new ways of delivering services and activities.

This transfer of assets will require organisations taking over ownership to agree to keep the buildings in good repair, and ensure they are open and accessible to all sections of the community. The organisation's Memorandum and Articles of Association will need to set out how it expects to achieve this.

##### Benefits of community management and ownership

The benefits of community ownership are varied.

- Community-based organisations have a vested interest in the upkeep of their local centres, while the council has to balance the needs of each and allocate funds fairly to them all.
- Community-based organisations can also access sources of finance that are not available to the council.
- By improving the building through re-investing some of the profits made from hiring, the centres become more attractive, increasing bookings and therefore creating a cycle of higher numbers of bookings and greater investment.

- By generating income, community-based organisations are able to work with partners to support a greater variety of activities which meet the needs that local people have identified themselves.
- People from different backgrounds can come together, developing trust and understanding.
- People involved in the running of such an asset often experience increased levels of self-confidence and gain valuable skills which can result in enhanced employment and education opportunities.
- Surpluses generated stay in the local community so that local success can be used as a building block to breed further success.
- New partnerships and networks can be developed, opening up fresh opportunities

### Who can take on community centres?

A wide variety of organisations could effectively run community centres, but the council would expect them to have a clear and direct connection with people in their local community. They could include, for example, community associations, registered providers (housing associations) or local charities. They could apply to take on the ownership of any number of the centres, providing they can demonstrate they have the relevant skills and capacity to do so.

New organisations formed for the purpose of running community centres could be set up as social enterprises, which would run the centre(s) as a business, with any profit generated going back into the asset or community (for example, through more or better activities, services or events).

Parish and town councils could also apply to take over the centres, although the funding they would be able to access would be limited to that available from the precept. This document therefore focuses on transfer to a community group.

### Risks

The Quirk report recognised that, as with all enterprising activity, there are risks but that these risks can be managed. It is therefore important that both the council and the organisation wanting to take over ownership are sufficiently equipped to understand, assess and manage the risks that are involved in asset transfers.

The table on the next page identifies some of the most likely risks, together with potential solutions.

Risk	Potential solution
Community-based organisation does not have the capacity/skills to take over and manage the asset.	Study expectations document at the outset with the organisation and agree whether they have the skills to develop: <ul style="list-style-type: none"> <li>• detailed business plan;</li> <li>• audit of existing skills;</li> <li>• management plan;</li> <li>• training and development plan to help build skills;</li> </ul>



	<ul style="list-style-type: none"> <li>• ongoing management plan;</li> <li>• marketing plan</li> </ul> <p>(The plans listed above may be sections in the business plan, not separate documents.)</p> <p>Agree at the outset the level of support from council staff.</p>
The ability of the council to support a particular project is limited by state aid rules or other restrictions, or legal constraints which will impact on organisation's operation of the asset.	Identify at the start of the process any issues that need to be tackled and allow enough time in the transfer programme to resolve them.
Inability of the organisation to manage the asset effectively.	Robust business planning identifying revenue streams and the responsibilities of the organisation.
Asset not used in public interest; taken over by an unrepresentative or unaccountable minority; access to the asset is not inclusive.	This aspect must be included in the organisation's Memorandum and Articles of Association.
Organisation is not able to invest in the asset to meet its longer term liabilities for upgrading and regular maintenance.	Robust long-term business and other plans. Organisation has demonstrated appropriate financial skills or access to them. Minimise liabilities through appropriate legal structures.
Reliance of smaller organisations on volunteers through lack of resources or professional/ support staff.	Adequate support/advice on organisational structure and management. Use of role descriptions for trustees.
Organisation has not identified how it will empower and involve their local community.	Organisation needs to undertake community needs survey to assess the needs/interests of the community. Develop partnerships with other groups, with results reflected in the business plan.
The council does not have resources to support the initiative.	Set out role of local authority in the expectations document and council to plan for it.

To tackle these risks the council will expect an applicant looking to take on a community centre to be:

- community-led. This means, its governance arrangements must ensure that it has strong links with the local community and that members of the community are able to influence its operation and decision-making processes;
- a voluntary or community sector ('third sector') organisation. This means it must be a legal entity which:
  - must exist for social/economic/environmental benefit of the community to comply with the terms of the General Disposal Consent (the power under which the council can transfer a centre at less than market value);
  - is a not for private profit-making organisation;
  - has community benefit objectives;
  - must be appropriately constituted, for example, a registered charity, a community interest company, a charitable incorporated organisation, a not-for-profit company or a co-operative. The constitution must allow the management/ownership of buildings and the provision of services and income generation activity;
  - demonstrates good governance by operating through open and accountable co-operative processes, with adequate monitoring, evaluation and financial management systems;
  - imparts confidence in its ability to effectively deliver services and manage the asset;
  - embraces diversity and works to improve community cohesion and reduce inequalities;
  - abides by the principles and undertakings as set out in the Suffolk Compact<sup>1</sup>
  - demonstrates management experience or expertise;
  - has management proposals which include a specific plan on health and safety, building maintenance issues and compliance with legislation and any statutory requirements arising from ownership or management of the building and/or running a service;
  - demonstrates how they will tackle any need to build capacity within their organisation;
  - has a clear purpose and understanding of the activities it wishes to deliver.

## Expectations

In particular, to ensure the community centres remain viable and sustainable assets for the local community, we (the council) would expect you (a potential management organisation interested in running a centre) to meet the following principles.

- **Have a strong commitment to equality and diversity**

This means that your organisation would not restrict access to the centre on grounds of gender, age, disability, race, religion, sexual preference or sexuality, or background. You would be expected to have a statement or policy in place to demonstrate this.

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<sup>1</sup> The Suffolk Compact is an agreement between the statutory and voluntary sectors operating within the county and mirrors the National Compact. Copies can be obtained from [http://www.sav0.co.uk/files/Compact/SUFFOLK%20COMPACT%202006%20version%201\\_3.doc](http://www.sav0.co.uk/files/Compact/SUFFOLK%20COMPACT%202006%20version%201_3.doc)

- **Be prepared to produce a business plan**

A business plan sets out what you will do, when you will do it and how you will achieve it. For example, you may want to decorate one of the rooms in the building each year. How will this be funded? How many activities will happen in the centre each week? Who will you work with to encourage a diverse programme of activities? What skills do you need and how will they be secured? You will need the business plan once we agree in principle to the transfer.

- **Able to show a commitment to providing local people with an accessible venue for a variety of activities**

We need to ensure the centre will be used for the correct purpose in the years to come. For example, the building cannot be taken over by one interest group. You will need to tell us how you will do this.

- **Willing to work in partnership with other organisations, whether statutory, voluntary or commercial**

You can achieve a great deal through working with other organisations. A statement within your constitution needs to set out this aim.

- **Will have a committee/board of trustees which is open to local people to join**

It is important that your committee includes representatives of the community in which the centre is located. People have a greater commitment to a project when they feel they are fully involved.

- **Have access to some funding to cover legal costs**

This can be raised either from existing budgets in the case of an established organisation, through one of the various grants set up to assist with the transfer (although as with all grants, this cannot be guaranteed) or through a loan. There are various sources of help on this matter, such as the DTA<sup>2</sup> and other providers and it is also worth noting that some professionals may offer free help to a charitable organisation.

## **How the community centre will be used**

The way the centre is run and used should be consistent with the vision of local people in terms of community cohesion and the sustainability of their neighbourhood. It will ensure extensive and inclusive reach into the community and will be open to all. It is expected that the organisation will maximise opportunities for income generation to ensure sustainability, for example, through social enterprise and the hiring of space and facilities. Any projects or services which are proposed need to be in response to both a local need and demand.

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<sup>2</sup> DTA – Development Trust Association is a support network of Community Enterprise organisations. Link: [Development Trust Association | Home](#)

## **Business plan and finance**

Any applicant must be able to demonstrate they have a clear rationale, backed by a robust business case, which illustrates how they intend to manage the asset effectively – this is fundamental to the success of any transfer. This needs to include an assessment of the financial and organisational capacity of the organisation applying for ownership. The DTA recommends the questions to which the council will need answers when assessing the business plan. These include the following.

- How has the need for proposed transfer and use of the asset been identified?
- What will be different and what benefits will the community see as a result of the transfer?
- What is the capacity of the organisation wanting to acquire and manage the asset, including what accreditation does it have (such as Community Matters 'VISIBLE'<sup>3</sup> standards or Development Trust Association 'healthcheck')?
- What does the business case say about future uses for the asset, such as cashflow forecasts?
- What plans are there for building capacity and how will they be delivered?
- Are appropriate governance documents in place prior to transfer which cover the future use of the asset?

A business case will clearly need to identify:

- projections of the costs of managing and operating the asset over three years and the plans to fund the necessary revenue and capital costs;
- an understanding of realistic costs for the maintenance, and investment into the property, including complying with health and safety responsibilities;
- a community governance structure which demonstrates the organisation has the capability to sustain the asset transfer and plans to develop the capacity of the organisation where necessary;
- where transfer is requested at less than market value the applicant has met the terms of the General Disposal Consent to justify the subsidy;
- any sources of finance the asset transfer might release or attract;
- realistic plans for delivering services and managing the property;
- financial sustainability and forward planning.

## **What you could expect from the council**

The council does not expect local people to take on the responsibility of running a community centre without significant support from staff and partners. As a minimum, the council would offer support in these areas:

- guidance on writing a constitution;
- support in identifying help on writing a business plan
- access to in-house training on issues such as health and safety and finance;
- access to property advice, which will taper off over time;
- on-going support and advice from the Community Development Unit;
- a dedicated contact person at the council;
- assistance with applications for funding from other organisations;
- publicity through the council website page for local community venues for hire.

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<sup>3</sup> VISIBLE – the nationally accredited quality standard for community organisations

## Summary

The organisation wanting to take over ownership will need to have certain documents in place before any transfer is completed. Below is a summary of what each document will need to include<sup>4</sup>:

<b>Document name</b>	<b>To include:</b>
<b>Business plan</b>	Evidence of skills audit and how it supports the organisational development plan
	Realistic projections of future revenue streams
	Results of a community needs survey and how this is reflected in the operational plan for the organisation
	The balance of skill within the management organisation/trustees and where increased capacity is needed
	Monitoring procedures
<b>Memorandum and articles of association (or other form of governing document)</b>	The charitable objects of the organisation (if applicable)
	Open membership to the organisation and committee
	The powers of the organisation
	How the future use of the building will be protected for the public
	How the property will be secured in the longer term
	What the community empowerment objectives of the organisation are
	How often meetings will be held and what the proceedings will be
	What plans there are for partnership working
<b>Supporting documents</b>	Equality and diversity statement
	Safeguarding policy children and vulnerable adults
	Mission statement
	Community needs survey

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<sup>4</sup> Further information and Model documents can be found at the Charity Commission website [The Charity Commission for England and Wales](http://www.charitycommission.gov.uk)

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# COUNCIL

## 28 September 2010

### Extract from the draft Minutes of the meeting of the Democratic Renewal Panel held on 9 September 2010

#### **21. Community Governance Review: Draft Proposals**

*(Councillors Nettleton, Oliver and Mrs P A Warby declared personal interests as Members of the Bury St Edmunds Town Council and remained within the meeting for the consideration of this item.)*

The Panel considered Report B187 (previously circulated) which sought approval for consultation to be undertaken in respect of the Community Governance Review.

On 29 June 2010, the Borough Council resolved to carry out a Community Governance Review in advance of the scheduled Borough and Parish Council elections due in May 2011. The Review was to be carried out in accordance with Section 83 of the Local Government and Public Involvement in Health Act 2007 and the Guidance on Community Governance Reviews issued in accordance with Section 100(4) of the Act by the Department for Communities and Local Government and the Electoral Commission. Any changes proposed to the electoral arrangements for parishes would be implemented at the next scheduled elections in May 2011.

A letter formally announcing the start of the review was sent on 7 July 2010 to all Parish Councils and County Councillors and had also been included in the Borough Council's Members' Bulletin on 9 July 2010. Parish Councils had previously received notification that the Review would be taking place to encourage them to consider any potential changes in advance of the review commencing.

Attached to the report was the following documentation:-

Appendix A: letter from Bury St Edmunds Town Council dated 4 August 2010;

Appendix B: a list of responses received in respect of:-

- (a) creation of new Parish for Moreton Hall, Bury St Edmunds; and
- (b) move boundary for Fornham All Saints Part 2 (Town Ward) so all properties are in St Olaves Ward.

Appendix C: letter from Haverhill Town Council dated 23 August 2010;

Appendix D: notes of a conversation with Withersfield Parish Council; and

Appendix E: letter from Kedington Parish Council dated 26 August 2010.

In addition, a copy of an e-mail from the Clerk of Fornham All Saints dated 9 September 2010 was tabled at the meeting.

Thirteen responses had been received from Parish and Town Councils and these could be summarised as follows:-

- (1) no changes to electoral arrangements;
  - (2) boundary change;
  - (3) change of Parish Council Name; and
  - (4) change in number of councillors.
- three further responses had been received from Borough Councillors.

The report made proposals regarding:-

- (1) taking account of boundary changes;
- (2) taking account of future growth;
- (3) creation of new parishes;
- (4) amendment to name of parish; and
- (5) changes to the number of councillors.

It was also proposed that any households affected by boundary changes would be notified of the proposals in writing so that they had an opportunity to comment on the recommendations. This would commence immediately following this meeting of the Panel, from 10 September 2010, for a period of 8 weeks. In addition, all interested parties, such as County and Borough councillors, Town and Parish councils and all political parties would be consulted along with local, voluntary and community groups. At the conclusion of the consultation period the responses would be reported to the next meeting of the Panel, scheduled for 25 November 2010. The recommendations of the Panel would then be forward to the Chief Executive, who, in consultation with the Chairman and Vice-Chairman of the Panel, would implement the outcomes of the review under delegated authority so that they could be reflected in the register of electors published on 1 December 2010.

A detailed discussion was held on a number of proposals contained within the report. The Panel was informed that:-

- (1) only those residents directly affected by the proposal to transfer 195 properties and 271 electors from Fornham All Saints Part 2 to Bury St Edmunds St Olaves Ward would be written to, and not the other residents within the Ward;
- (2) the consultations would be in the form of a questionnaire to enable residents to provide a rapid response and that a reply paid envelop would be included; and
- (3) it was not practical for all residents within a particular Ward that would be subject to change to be contacted but only those residents that would be directly involved. However, it was noted that all interested parties would be contacted which would include Town and Parish Councils and local political parties.

The Panel recognised that the creation of a new parish in Moreton Hall, Bury St Edmunds would require larger scale consultation and did not fall within the remit of the current review because the necessary work could not be undertaken before the deadline of 1 December 2010. Concerns were expressed that consultations would not be undertaken with residents of Moreton Hall and/or residents within Bury St Edmunds and, therefore, residents' views on parishing Moreton Hall would not be known. The Panel wished to consider the implications of carrying out a separate wider review but also recognised that more details were required to make this decision, such as resource implications and timescales. It was agreed that a report be presented to the Panel in due course.

RESOLVED:- That

- (1) the boundary changes proposed in paragraphs 4.1.1 to 4.1.5 (a) of Report B187, excluding the properties at Hanchett Hall and Spring Grove Farm, Haverhill, be the subject of consultation;
- (2) the boundary change proposed in the first part of paragraph 4.1.5 (b) of Report B187 (i.e. north of the A143) be the subject of consultation;
- (3) in principle the parish boundaries in paragraphs 4.2.1 and 4.2.2 of Report B187 be changed at the stage that the development plans, and therefore development boundaries, are fully known and be the subject of a report to the Democratic Renewal Panel prior to consideration by full Council for approval;
- (4) the boundary changes proposed in paragraphs 4.2.3 and 4.2.4 of Report B187 due to future development are put forward for consultation;
- (5) the proposed name change in paragraph 4.4 of Report B187 be approved;



- (6) the proposed change to the number of Councillors in paragraph 4.5.1 (a) of Report B187 is not made, but the proposed change at paragraph 4.5.1 (b) of Report B187 be approved; and
- (7) as resolved by full Council on 29 June 2010, the outcomes of the review be implemented under delegated authority by the Chief Executive, in consultation with the Chairman and Vice-Chairman of the Democratic Renewal Panel, by 1 December 2010 to ensure they are included in the Electoral Register published on that date.
- (8) a report be presented to the Democratic Renewal Panel on the implications, resources required and proposed timescales to enable the Panel to consider that a Community Governance Review be carried out in relation to the proposal to amend the current Parish of Bury St Edmunds to create a separate Parish Council for Moreton Hall.

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DRAFT

# Council

## 28 September 2010

On April 6 2010 new legislation came into force which makes changes to the investigation of food poisoning and notifiable diseases. Part 2 of the Public Health (Control of Disease) Act 1984 has been repealed and replaced with a revised Part 2A which introduces three new sets of regulations, to allow an appropriate response to a public health threat.

As a result of these changes the following amendments to the Constitution are required:-

- (1) **Constitution Part 3 Responsibility for Functions Section F3(a) Paragraph 34, amend to:-**

To appoint Consultant in Communicable Disease Control (CCDC) as Proper Officer.

**Insert new Paragraph 35**

To authorise CCDC and other nurses qualified to "Agendas For Change band 7 and above" within the Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU) or any successor agency for Regulation 8 (1) and 8 (2) or the Health Protection (Local Authority Powers) Regulations 2010.

**Insert new Paragraph 36**

Suitably qualified Environmental Health and Technical Officers be appointed Proper Officers for the purpose only of exercising rights of entry under Sections 61 and 62 of the Public Health (Control of Diseases) Act 1984.

- (2) **Constitution: Part 3 Responsibility for Functions: Section I, replace existing with:-**

Consultant in Communicable Disease Control (CCDC)

The Proper Officer, where specified or referred to in the Public Health (Control of Disease) Act 1984 and in any subsequent regulations or orders, shall be the Consultant for Communicable Disease Control (CCDC) for Suffolk as designated by the Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU) or by any successor agency and any equivalently medically qualified deputising officer, also designated by the NSCHPU or by an successor agency.

To issue Certificates and make applications under the provisions of the National Assistance Act 1948 and National Assistance (Amendment) Act 1951.