

## **MINUTES OF ST EDMUNDSBURY BOROUGH COUNCIL**

Minutes of the Special Meeting of the Council held on Tuesday 14 December 2010 at 7.00pm in the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds

PRESENT: The Mayor (Councillor I C Houlder) (in the Chair),  
Councillors Ager, Aitkens, Mrs Alexander, Anderson, Beckwith, Mrs Bone, Bradbury, Mrs Broughton, Buckle, Chappell, Mrs Charlesworth, Clements, Clifton-Brown, Cockle, Cox, Ereira-Guyer, Everitt, Farmer, Farthing, Griffiths, Hale, Houlder, Jones, Mrs Levack, Lockwood, Marks, McManus, Mrs Mildmay-White, Nettleton, Oliver, Ray, Mrs Richardson, Rout, Mrs Rushbrook, Spicer, Stevens, Thorndyke, F J Warby, Mrs P A Warby and Mrs D A Whittaker.

### **61. Prayers**

The Mayor's Chaplain, Reverend John Parr of All Saints Church, Bury St Edmunds, opened the meeting with prayers.

### **62. Apologies for Absence**

Apologies for absence were received from Councillors Mrs Gower, Price, Redhead, Turner and A Whittaker.

### **63. Declarations of Interest**

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

### **64. Public Questions**

No questions were asked.

### **65. Adoption of New Executive Arrangements**

The Council considered Report B321 (previously circulated) which had been previously considered by the Democratic Renewal Working Party on 25 November 2010 and which sought approval for the adoption of a New Leader and Cabinet Governance model and the timetable for transitional arrangements.

The Council was currently operating what was known as an 'old-style' Leader and Cabinet arrangements under the Local Government Act 2000. It was a requirement of the Local Government and Public Involvement in Health Act 2007 ("the Act") that the Council consult the public on moving to 'new-style' executive arrangements. A proposal must then be adopted before the end of 2010 for implementation after the May 2011 elections.

There were only two options for new executive arrangements and these were prescribed in the Act:-

- (a) an elected Mayor and Cabinet executive. The Mayor would be elected directly by the electorate for a four-year period and would then appoint a Cabinet of two or more, chosen from elected members; or
- (b) a Leader elected by Councillors from among their number, who held office for four years and appointed a Cabinet of two or more elected members.

There was an obligation to consult before drawing up proposals for a new-style executive. However, the current Government had indicated an intention to enact legislation which would, for example, remove the obligation to elect a Leader for four years. It had, therefore, advised local authorities not to incur 'any significant expenditure' on the requirements of the Act, on the basis that the proposed Localism Bill would bring about changes to whatever form of executive was put in place next year.

With this advice in mind, the Council issued a press release and put the consultation on its website with a voting facility enabling people to express a preference for one option. A total of twenty-one responses had been received, of which eighteen favoured the elected Mayor option. This low rate of response was similar to what had happened in other districts around the country.

Proposals for the change in governance were attached as Appendix A to the report and attached as Appendix B was the timetable for implementation and the transitional provisions.

Councillor Mrs Warby, Chairman of the Democratic Renewal Working Party, reminded the Council that it was a legal requirement that a decision be made about a new style of leadership before the end of December 2010 and that the changes would come into effect after the May 2011 elections. The choice was limited to Mayor plus Cabinet or Leader plus Cabinet models and in both cases the terms of office was four years. Other provisions for the appointment of Cabinet Members were very similar to what the Council had in place already. She commended the recommendations to Council.

In response to a question, the Council was informed that it was not yet possible for the Council to revert back to a Committee type system but that it was understood that this option would be included in the forthcoming Localism Bill.

On the motion of Councillor Mrs P A Warby, seconded by Councillor Griffiths, and duly carried, it was

RESOLVED:- That

- (1) the new-style Leader and Cabinet model be adopted with effect from the third day after the elections on 5 May 2011;
- (2) the proposals set out in Appendix A and the timetable and transitional arrangements set out in Appendix B of Report B321, be approved; and
- (3) the Head of Legal and Democratic Services be authorised to make all necessary amendments to the Council's constitution arising from adoption of the new arrangements.

66. **Conclusion of Business**

The meeting concluded at 7.11 pm

**MAYOR**

## **MINUTES OF ST EDMUNDSBURY BOROUGH COUNCIL**

Minutes of the Meeting of the Council held on Tuesday 14 December 2010 at 7.15 pm in the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds.

PRESENT: The Mayor (Councillor I C Houlder) (in the Chair),  
Councillors Ager, Aitkens, Mrs Alexander, Anderson, Beckwith, Mrs Bone, Bradbury, Mrs Broughton, Buckle, Chappell, Mrs Charlesworth, Clements, Clifton-Brown, Cockle, Cox, Ereira-Guyer, Everitt, Farmer, Farthing, Griffiths, Hale, Houlder, Jones, Mrs Levack, Lockwood, Marks, McManus, Mrs Mildmay-White, Nettleton, Oliver, Ray, Mrs Richardson, Rout, Mrs Rushbrook, Spicer, Stevens, Thorndyke, F J Warby, Mrs P A Warby and Mrs D A Whittaker.

### **67. Minutes**

The minutes of the meeting held on 28 September 2010 were confirmed as a correct record and signed by the Mayor.

### **68. Mayor's Communications**

The Mayor reported on the civic engagements and charity activities which he, the Mayoress, Deputy Mayor and Consort had attended since the last meeting of the Council held on 28 September 2010. He considered that the inaugural Schools Remembrance Service held at St Mary's Church, Bury St Edmunds was a particularly moving and heart warming ceremony which had made a lasting impression on him and many of those who attended.

### **69. Announcements from the Leader of the Council**

Councillor Griffiths, Leader of the Council, stated that the local government finance settlement had been announced in the House of Commons yesterday. This settlement set the Council's Government grant level for 2011/2012 and 2012/2013. The Council had prudently budgeted for a 10% grant cut for both years. Given that the early announcements around the Comprehensive Spending Review were of cuts in the region of 25% to 40% it was felt that budgeting for 10% each year for the next four years was a cautious, if challenging, estimate. The actual grant cut was 17.3% or 14.6% if Council Tax was frozen for 2011/2012, which was the Council's intention. The cut in 2012/2013 was 11.9%. This meant cuts of 26.5% over the 2 year period. There was no indication beyond 2012/2013, although the Secretary of State had suggested that it was the intention to undertake a fundamental reorganisation of local government, which could change the whole nature of funding by, for instance, re-localising business rates. The higher than expected grant cut in 2011/2012 translated into a further £212,000 gap in the budget and consequently there was now a shortfall of £460,000. Councillor Griffiths reminded the Council that savings had been identified totalling approximately £2 million and that with prudent financial management savings of approximately £7 million over seven years had been made without impacting on services to customers. This prudent financial management had resulted in the Council holding healthy reserves which could be used to avoid having to make cuts in services as other Councils were now being forced to make. However, the Council was not complacent and would start work in the New Year in earnest on the 2012/2013 budget to ensure that the Council had plenty of time to respond to the savage cuts now in force.

70. **Apologies for Absence**

Apologies for absence were received from Councillors Mrs Gower, Price, Redhead, Turner and A Whittaker.

71. **Declarations of Interest**

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

72. **Public Question Time**

**Mr Mike Bacon of Moreton Hall, Bury St Edmunds**, speaking on behalf of the Moreton Hall Residents' Association, asked had the Council taken into account the dramatic changes in circumstances, and in particular the current economic climate, that had taken place since the commencement of the work on the Local Development Framework: Core Strategy.

In reply, **Councillor Clements, Portfolio Holder for Transport and Planning** stated that there had been real concerns concerning the infrastructure for Moreton Hall in Bury St Edmunds; however, the Core Strategy did indicate that more infrastructure was required. He considered that the Council needed to approve the Core Strategy in order that development land would become available after 2016. He concluded by stating that the Council's Core Strategy was strong and sound.

73. **Items Referred to Full Council by Cabinet and Democratic Renewal Working Party**

The Council considered the Schedule of Referrals contained within Report B367 (previously circulated).

(A)(1) St Edmundsbury Local Development Framework: Core Strategy – Inspector's Report and Final Core Strategy Document

*(Councillor Mrs Broughton declared a prejudicial interest as she had a financial interest in some land that was included in the Local Development Framework and left the meeting for the consideration of this item.)*

Councillor Clements, Portfolio Holder for Transport and Planning, reminded the Council that it had been working on the preparation of the Core Strategy since early 2008. The content evolved from community engagement work that identified issues, through developing potential options and finally agreeing what was considered the best option in the circumstances. In December 2009, the meeting of full Council agreed to submit the Core Strategy for examination by a Government Planning Inspector and the Inspector's report was received in August 2010 and circulated to all Members for information. It was now for the Council to consider whether the Core Strategy should be adopted as part of the Local Development Framework for the Borough. There were essentially two options open to the Council.

Option 1 was to adopt the Core Strategy as amended by the Inspector. Councillor Clements emphasised that all the amendments required by the Planning Inspector must be included in the adopted version as there was not an option to 'cherry pick' certain changes or leave out those not favoured. The adoption would place the Council in a strong position with

a strategic planning framework within which the detailed policies for Bury St Edmunds, Haverhill and the rural areas could be developed.

Option 2 would be for the Council to determine not to adopt the Core Strategy. Not doing so would effectively be directing the Council to start again and could leave the authority vulnerable to both legal challenges of the reasons for not adopting as well as speculative planning applications for major development prior to a new strategy coming into force. It could also leave the planning authority short of an identifiable five year supply of readily available land suitable for development for housing. He also stated that delaying adoption because of the promised changes to the planning system being promoted by the Government was not an option. The Localism Bill would take at least a year to become law and until that time it carried no legal weight in making planning policy. However, the Government had indicated that it would remain a requirement for a strategic planning framework to be in place and this would be provided by the Core Strategy. If, at any point, new national planning policy was published that superseded elements of the Core Strategy then that would take precedent.

Councillor Clements then informed the Council that if the Core Strategy was adopted it was a requirement to publish a local advertisement called an Adoption Statement. This would provide details of the document which had been adopted and the places and times where the document could be inspected. The Adoption Statement was attached to the agenda for information. In addition, the Council was also required to publish a Sustainability Appraisal Adoption Statement, which set out how environmental considerations had been taken into account in the development of the Core Strategy. This Adoption Statement was also attached to the agenda for information.

On the motion of Councillor Clements, seconded by Councillor Mrs Levack, it was moved that:-

*'the Core Strategy document as amended, (Appendix B); Proposals Map (Appendix C), Habitat Regulations Assessment (Screening), (Appendix D), and the Sustainability Appraisal (Appendix E) to Report B239 be adopted.'*

This proposal being proposed and seconded was subject to a debate. During the debate Councillor Beckwith proposed an amendment which was seconded by Councillor Cockle *'that the Core Strategy document as amended, be adopted with the exception that the proposals for Moreton Hall, Bury St Edmunds contained in Policy CS11, be deferred to enable the Council to address the overwhelming community opposition to the proposals, in accordance with the Government's requirement to put real power in the hands of local people.'*

Councillor Beckwith considered that the continuing development of Moreton Hall, Bury St Edmunds was based on a few undeliverable infrastructure assumptions, for example cars should only be used if there was no alternative. He had attended a meeting to discuss a public transport solution and to try to improve the wholly inadequate bus service. However, in the meeting he was informed that Moreton Hall was not natural bus territory, the area was too large and funding was not available to run more buses. In addition, some roads were not conducive to use by buses due to their poor layout. Putting 500 additional houses in the same area, followed by 1,250 houses 'just down the road' was a recipe for disaster. If the infrastructure problems could be resolved the

question must be asked as to why this had not been done before now. He concluded nothing could be done.

Councillor Beckwith then reminded the Council that the new Government's Big Society agenda was aimed at putting real power in the hands of local people, which was based on the idea that in very many areas the people could make the best decisions about what was best for themselves, for their family and the place where they lived. He understood that many councils were delaying crucial planning decisions until there was clarity on the Government's proposals.

Councillor Beckwith's amendment was then the subject of debate. Several Members recognised the concerns raised by the residents of Moreton Hall in that the infrastructure was inadequate and there were serious traffic congestions and inadequate public transport. However, it was also recognised that the Council needed to approve the Core Strategy in order that there could be a coherent planning policy.

Under the procedures included in the Council's Constitution there then followed a recorded vote on the amended motion:-

For

Councillors Beckwith, Buckle, Cockle, Ereira-Guyer, Lockwood, Nettleton, F J Warby and Mrs P A Warby.

Against

Councillors Ager, Aitkens, Mrs Alexander, Anderson, Mrs Bone, Bradbury, Chappell, Mrs Charlesworth, Clements, Clifton-Brown, Cox, Everitt, Farmer, Farthing, Griffiths, Hale, Jones, Mrs Levack, Marks, McManus, Mrs Mildmay-White, Oliver, Ray, Mrs Richardson, Rout, Mrs Rushbrook, Spicer, Stevens, Thorndyke and Mrs D A Whittaker.

Abstention

The Mayor, Councillor Houlder.

The amended motion was declared lost and the original motion was then subject to further debate.

On the motion of Councillor Clements, seconded by Councillor Mrs Levack, and duly carried, it was

RESOLVED:-

That the Core Strategy document as amended, (Appendix B); Proposals Map (Appendix C), Habitat Regulations Assessment (Screening), (Appendix D), and the Sustainability Appraisal (Appendix E) to Report B239 be adopted.

*(Councillor Ereira-Guyer left the meeting at the conclusion of the debate on this item.)*

(A)(2) Heritage Service: Acquisition and Disposal Policy

On the motion of Councillor Mrs Alexander, seconded by Councillor Everitt, and duly carried, it was

RESOLVED:- That

- (1) the revised Acquisition and Disposal Policy, detailed in Paper B259, be approved; and
- (2) the Corporate Director for Community, in consultation with the Portfolio Holder for Culture and Sport, be authorised to make minor typographic, grammatical and/or factual changes.

(B)(1) Report of the Performance and Audit Scrutiny Committee: Treasury Management

On the motion of Councillor Hale, seconded by Councillor Spicer, and duly carried, it was

RESOLVED:-

That the proposals to vary the Council's lending criteria as set out in Section 7 of Report B249 be approved, subject to the maximum percentage limit of the Portfolio being reduced from 30% to 25% in the red colour code for both the Rated Banks and Institutions and the Rated Building Societies Sections.

(B)(2) Overview and Scrutiny Structure

Councillor Aitkens, Chairman of the Policy Development Committee, informed the Council that the recommendations before them had arisen after consideration of the Council's Overview and Scrutiny Structure by the Performance and Audit Scrutiny, Policy Development and Overview and Scrutiny Committees in addition to the Cabinet. All four bodies were largely in agreement and concluded that the Policy Development Committee should be disbanded and its work be reallocated to new Overview and Scrutiny and Performance and Audit Scrutiny Committees. He proposed an amendment to recommendation (1) 'that the Council's scrutiny structure be amended, immediately, along the lines of .....' However, he considered that the number of Members on the Performance and Audit Scrutiny Committee was a matter for the Committee to recommend.

On the motion of Councillor Aitkens, seconded by Councillor Lockwood, and duly carried, it was

RESOLVED:- That

- (1) the Council's scrutiny structure be amended, immediately, along the lines of Option 2 as set out in Report B270, as amended in Recommendation (3) below, with the removal of the Policy Development Committee and policy reviews being carried out by "task and finish" groups of a new Overview and

Scrutiny Committee with a membership of 16 Members;

- (2) "task and finish" groups reporting periodically and at the end of reviews to the Overview and Scrutiny Committee be encouraged as the preferred method of scrutiny for reviews;
- (3) Option 2 of Report B270 be amended, with the budget responsibilities of the Policy Development Committee (including Dynamic Review – Innovation, Value and Enterprise (DR-IVE) and Policy Based Budgeting) transferring to the Performance and Audit Scrutiny Committee rather than the Overview and Scrutiny Committee;
- (4) an additional meeting of the Performance and Audit Scrutiny Committee be set in November each year to consider the budget reports which were previously the responsibility of the Policy Development Committee;
- (5) should the budget responsibilities of the Policy Development Committee be transferred to the Performance and Audit Scrutiny Committee, consideration be given to increasing the number of Members on that Committee; and
- (6) no Member should be a full Member of both the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee, although a full Member of one Committee may be a substitute Member of the other.

The Mayor, on behalf of the Council, thanked Councillor Aitkens as Chairman and Councillor Bradbury as Vice-Chairman of the Policy Development Committee for the work that they and the Committee had undertaken.

(B)(3) Generating Income from Renewable Energy

Councillor Stevens, Portfolio Holder for Environment and Street Scene, informed the Council that it was being asked to approve up to £410,000 for the scheme but emphasised that the Council was still investigating whether other sources of funding were available.

Concern was expressed that the Council needed to progress with this scheme as a matter of some urgency in order to secure the most financial benefit. Also, some concern was expressed that under the executive arrangements full Council would not approve the final schemes but it was agreed that all Members of the Council would be sent details of the final proposals which would be presented to the Cabinet.



On the motion of Councillor Stevens, seconded by Councillor Chappell, and duly carried, it was

RESOLVED:- That

- (1) subject to final survey, tender and further investigation of other sources of funding, up to £410,000 from the unallocated capital provision be allocated to fund renewable energy generation as identified in the investment models set out in Report B317;
- (2) further analysis be carried out of a community-based investment model with the aim of realising an equitable return both for the Council and the community as well as energy and CO<sub>2</sub> savings; and
- (3) the Cabinet be given delegated authority to approve the final scheme.

*(Councillor Buckle left the meeting after the consideration of this item.)*

(B)(4) Replacement Local Plan – Policy RA2(b): Land off Crown Lane, Ixworth Approval of Masterplan

Councillor Thorndyke considered that the policy referred to for this item was incorrect now that the Core Strategy had been approved earlier in this meeting of Council. However it was explained that the Core Strategy had only suspended about 6 policies that existed in the Local Plan. Land allocated in Policy RA2 (Rural Allocations) in the Local Plan remained allocated until such a time as it was superseded by the Rural Allocations document. The Borough Council had consulted on a Preferred Options Draft earlier this year but that draft carried no weight. Only when a Local Development Framework document was adopted, like the Core Strategy, could it be used. Therefore, for Ixworth, Stanton and Barrow the Local Plan Policy RA2 remained the policy that provided guidance.

On the motion of Councillor Clements, seconded by Councillor Farthing, and duly carried, it was

RESOLVED:-

That the Masterplan for the development of land off Crown Lane, Ixworth, as contained in Appendix B of Report B300, be adopted as non-statutory planning guidance.

(B)(5) Amendments to Licensing Statement of Policy

On the motion of Councillor Everitt, seconded by Councillor F J Warby, and duly carried, it was

RESOLVED:- That

- (1) following the tri-ennial review and the public consultation undertaken earlier this year, the Licensing Statement of Policy, attached as Appendix A to Report B279, be approved; and

- (2) the Corporate Director for Community, in consultation with the Portfolio Holder with responsibility for licensing, be authorised to make minor typographic, grammatical and/or factual changes.

(B)(6) Consolidation of Byelaws for Piercing Activities

Councillor Everitt, Portfolio Holder for Bury St Edmunds and Community Safety, reminded the Council that this item meant that one byelaw would replace five current byelaws which would result in ease of administration for both applicants and officers.

In response to a question, Councillor Everitt agreed to provide a written response to Councillor Cockle on those items that had become obsolete and what remained in force.

On the motion of Councillor Everitt, seconded by Councillor F J Warby, and duly carried, it was

RESOLVED:- That

- (1) all current byelaws, as annexed to Report B351 in Appendices 1, 2, 3, 4 and 5, be revoked;
- (2) the new consolidated set of byelaws, annexed to Report B351 as Appendix 6 be adopted;
- (3) the affixing of the common seal to the set of byelaws be authorised; and
- (4) the Head of Legal and Democratic Services be authorised to carry out the necessary procedure and apply to the Secretary of State for confirmation.

(B)(7) Haverhill Golf Club: Request for Extension of Loan Arrangements

In response to questions, Councillor Griffiths informed the Council that the terms of the current loan were that the interest was payable at base rate plus  $\frac{1}{4}$  per cent, with a minimum rate of 5 per cent and that the loan was also registered as a legal charge on the Haverhill Golf Club's assets.

On the motion of Councillor Griffiths, seconded by Councillor Farthing and duly carried, it was

RESOLVED:- That

- (1) the request for an extension to the current loan agreement with the Haverhill Golf Club to assist in financing the upgrading of its car parking and disabled access facilities be supported; and
- (2) financial assistance be provided by means of an 18 month loan repayment holiday, as outlined in paragraph 5.2(b) of Report B352 and in accordance with the aspirations of the Borough Council's Cultural Strategy.

(C)(1) Member Development Update

Councillor Ray, Portfolio Holder for Performance and Organisational Development, expressed disappointment at the Council's failure to be re-awarded the East of England Regional Assembly (EERA) Elected Member Development Charter. He stated that this was primarily due to the low number of Councillors that had returned the training needs analysis form and also the relatively low number of Members that actually attended the training offered.

It was recognised that Members sometimes received appropriate training either through their work or other roles but that this should be notified to officers so that this could be included within their training record.

On the motion of Councillor Mrs P A Warby, seconded by Councillor Ray, and duly carried, it was

RESOLVED:- That

- (1) the disappointing result of the reassessment for the Member Development Charter be noted and the Democratic Renewal Working Party be authorised to initiate the necessary actions to rectify shortcomings when the Inspectors' full report is received;
- (2) the possibility of sharing training with neighbouring authorities, particularly on regulatory issues, and sharing learning through a Members only 'sharepoint' website be explored; and
- (3) the Induction Programme to be put in place following the Borough Council elections in May 2011 include items outlined in paragraph 5.3 of Report B320 and a draft programme be presented to the next meeting of the Working Party.

(C)(2) Adoption of New Executive Arrangements

This item was considered at the Special Meeting of the Council which was held immediately before this ordinary meeting of Council.

(C)(3) Community Governance Review: Final Proposals

Councillor Mrs P A Warby, Chairman of the Democratic Renewal Working Party, reminded the Council that the recommendations emanating from the meeting of the Democratic Renewal Working Party had been implemented under delegated authority by the Chief Executive, in consultation with herself and the Vice-Chairman of the Working Party. This was in accordance with the decision taken by full Council on 29 June 2010. The changes implemented were all in line with the recommendations of the Working Party and only those proposals which commanded the support of local residents were considered justified. Where there was opposition or mixed responses the Working Party left arrangements unchanged. As some of the proposals catered for future developments there were only two changes which impacted on current electors. These were the transfer of 10 houses from Wickhambrook to

Ousden, and the transfer of the town ward of Fornham All Saints to St Olave's Ward in Bury St Edmunds for future Town Council elections.

Some concern was expressed that, although the proposals in respect of the boundary of Haverhill and Little Wratting had been amended to reflect the wishes of the local residents who had indicated they wished to remain in Little Wratting, the revised option approved by the Working Party had not been the subject of fresh consultation.

(C)(4) Proposed Parishing of Bury St Edmunds: Consultation Costs

Councillor Mrs P A Warby, Chairman of the Democratic Renewal Working Party, reported that the Working Party had concluded that the cost and the workload on staff could not be justified at present but that the issue should be reconsidered at a later date.

Some concern was expressed that the recommendation should be more specific as to timescales.

On the motion of Councillor Mrs P A Warby, seconded by Councillor F J Warby, and duly carried, it was

RESOLVED:-

That the consultation to create a new parish for Moreton Hall, Bury St Edmunds not be undertaken at the present time.

(C)(5) Appointment of Independent Remuneration Panel

On the motion of Councillor Mrs P A Warby, seconded by Councillor Farthing, and duly carried, it was

RESOLVED:- That

- (1) the Council undertake a recruitment process as outlined in Sections 1.4 and 2 of Report B324;
- (2) the Council appoint a Selection Panel of three Members, plus a substitute Member, to advise the Head of Legal and Democratic Services on the appointment of Members of the Independent Remuneration Panel and the terms and conditions of appointment; and
- (3) the Head of Legal and Democratic Services be authorised to seek candidates for the Independent Remuneration Panel and to determine its terms and conditions.

(C)(6) Amendment to the Constitution

On the motion of Councillor Mrs P A Warby, seconded by Councillor Farthing, and duly carried, it was

RESOLVED:-

That the following addition to the Council's Constitution be made to Part 3: Responsibility for Functions: Scheme of Delegation to Officers: Section G1 (a) Head of Planning and Economic Development, Paragraph 38(v) 'to determine a complaint and to issue a decision.'

**74. Dispensation: Councillor Rout**

As Councillor Rout was in attendance at this meeting this item was no longer required.

The Mayor welcomed Councillor Rout and hoped that he had now recovered from his recent illness. Councillor Rout responded by thanking all those that had offered support during his period of illness.

*(Councillor Cockle left the meeting at the end of the consideration of this item.)*

**75. Standards Committee**

*(Councillor Marks declared a personal interest as his wife was a Town/Parish Council representative on the Standards Committee and remained in the meeting for the consideration of this item.)*

(a) Report from Viscount Leathers, Chairman of the Standards Committee

The Council received a presentation from Viscount Leathers, Chairman of the Standards Committee, in respect of his annual report, Report B368 (previously circulated).

St Edmundsbury Borough and Parish Councillors continued to cause very few complaints. In 2010 to date only nine complaints have been received and all had been against Parish or Town Councillors. Four were where the Committee decided no action needed to be taken. The complainant of one had requested a review of this decision. Of the remaining five complaints, three concerned the same parish council, were related, and were referred to joint investigation. Another was complete and would come before the Committee shortly. The remaining one had been the subject of an investigation by officers from Forest Heath District Council and a final version of the report was awaited. In Suffolk there was informal partnering of Committees. Forest Heath District Council was considering a review and officers from the Borough Council had reciprocated by undertaking investigations for Forest Heath, Waveney and Suffolk Coastal District Councils.

The future of the Standards Regime continued to be uncertain. The Government had described the current system as a 'top-down regime', which 'had become a vehicle for malicious and frivolous complaints'. Communities Minister, Andrew Stunell, had said that the entire Standards Regime including the central board would be abolished. The Government believed that cases where Councillors behaved ineffectively or irresponsibly were matters for the electorate to deal with through the ballot box.

Lord Leathers then informed the Council that the report from Forest Heath District Council had now been completed. Officers from Forest Heath District Council had also completed the review on an assessment

undertaken by officers of the Borough Council and had reached the same conclusions. He then stated that the Localism Bill, which would be enacted in autumn 2011, would abolish the Standards Board for England. It would also remove a national Code of Conduct for Members and it would be up to local councils to choose whether they wished to have a local Code of Conduct or even a Standards Committee. There will be a criminal offence relating to the failure to register or declare interests. In conclusion, Lord Leathers stated that he believed that Members within St Edmundsbury exhibited a professional ethos which deserved the confidence of the community. The Committee itself continued to work in a united, constructive and ethical way, and he thanked the Monitoring Officer and her team for their knowledgeable and constructive assistance. Until reorganisation, the Committee would continue to be active, following the principle that the system for which it was responsible in St Edmundsbury should be sincere, open-minded and impartial.

There was a consensus that the Standards Committee had a valuable role to play and that it was understood that the Localism Bill was promoting that there was an option for local authorities to continue with a Standards Committee. It was also understood that the local authority would have a duty to promote and maintain high standards of conduct and could adopt a voluntary Code of Conduct.

(b) Appointment of Parish Council representatives on the Standards Committee

Lord Leathers stated that recruitment of parish council representatives on the Standards Committee had proved difficult for a considerable period of time. The Committee had debated this issue on two separate occasions and had concluded that there need be no change to the thresholds from which parish representatives on the Standards Committee be recruited.

On the motion of Councillor Griffiths, seconded by Councillor Mrs Charlesworth, and duly carried, it was

RESOLVED:-

That there be no change to the thresholds from which parish representatives on the Standards Committee be recruited.

(c) Meetings

No questions were asked.

Both the Mayor and Councillor Griffiths, Leader of the Council, paid tribute to the work undertaken by Lord Leathers and the Standards Committee.

76. **Independent Remuneration Panel Report: Recommendations for Members' Allowances 2010/2011 and 2011/2012**

The Council considered Report B369 (previously circulated) which detailed the Independent Remuneration Panel's (IRPs) report and recommendations for Members' Allowances for 2010/2011 and 2011/2012.

The Borough Council was required *'before an authority amends a scheme, it shall have regard to the recommendations made in relation to it by an Independent Remuneration Panel'*.

Attached as Appendix A to the report was a copy of the Panel's full report and Appendix B was the proposed Members' Allowances Scheme with effect from 1 January 2011 taking into consideration the recommendations made by the Panel.

Dr Lower, Chairman of the IRP, drew relevant issues to the attention of the Council. He emphasised that the basic and, therefore the Special Responsibility Allowances, were still being recommended to be linked to the pay award percentage increase received by staff, which he considered now to be the 'norm' at other local authorities. He also suggested that a more detailed review be undertaken following the May 2011 elections and that the approved scheme be applicable for the remaining term of the Council to May 2015 and only subject to review when required. Again, this was a practice at other local authorities.

On the motion of Councillor Ray, seconded by Councillor Everitt, and duly carried, it was

RESOLVED:- That

(1) **Annual Indexation**

- (a) Indexation of the Basic and, therefore, the Special Responsibility Allowances, continue to be index linked to the pay award percentage increase received by staff; and
- (b) indexation of subsistence allowances also remain linked to those given to staff.

(2) **Next Review**

- (a) A detailed review be undertaken following the elections in May 2011; and
- (b) consideration be given to the approved scheme being applicable for the remaining term of the Council, to May 2015, and subject to review only when required.

(3) **Childcare Allowance**

- (a) The childcare allowance be increased to up to £5.93 an hour with effect from 1 January 2011, and linked to the national minimum wage.

Councillor Ray, on behalf of the Council, thanked Dr Lower for the work undertaken by the Independent Remuneration Panel.

77. **Review of Political Balance and Appointment of Committees and Panels**

The Council considered Report B370 (previously circulated) which detailed the results of a political balance review, following dissolution of the LLINK Group and the formation of an Independent Group consisting of three Members.

The Council was required by the Constitution to review the political balance by allocation of seats to Committees and, by custom and practice, the Democratic Renewal Working Party following the dissolution of the LLINK Group.

Councillor Ray, Portfolio Holder for Performance and Organisational Development, advised the Council of an error contained within paragraph 1.9 of the report which stated that the Green Party Member was a member of the Mayoral Advisory Committee but should have referred to an Independent Member. In addition references to the Democratic Renewal Panel should now state Democratic Renewal Working Party.

There was a consensus of opinion that changes were not required prior to the forthcoming Borough Council elections in May 2011.

On the motion of Councillor Ray, seconded by Councillor Chappell, and duly carried, it was

RESOLVED:- That

- (1) the current allocation of seats on the Committees of the political groups of the Borough Council as indicated in paragraph 1.5 of Report B370 be retained;
- (2) the current allocation of seats on the Democratic Renewal Working Party of the political groups of the Borough Council, as indicated in paragraph 1.6 of Report B370 be retained;
- (3) the current allocation of seats on the Standards Committee as indicated in paragraph 1.8 of Report B370 be retained;
- (4) the allocation of seats on the Mayoral Advisory Committee as indicated in paragraph 1.9 of Report B370 as amended to refer to Independent Member be approved; and
- (5) the Head of Legal and Democratic Services be given delegated authority to appoint Members and substitute Members of these Committees and Democratic Renewal Working Party in (1), (2), (3) and (4) above on the basis of nominations from the relevant Group Leaders.

**78. Quarterly Report on Special Urgency**

The Council received and noted a narrative item as required by the Council's Constitution in which the Leader of the Council reported that, at the time the Council agenda was published, no executive decisions had been taken.

**79. Reports and Questions**

- (a) Report from the Leader of the Council: Councillor Griffiths (Report B371)

The following topic was the subject of a question put to Councillor Griffiths, who duly responded:-

- (1) publication of payments made by the Borough Council of over £500.

*(Councillor Mrs Levack left the meeting at the end of the consideration of this item.)*



(b) Report from the Cabinet Member for the Bury St Edmunds and Community Safety Portfolio: Councillor Everitt (Report B372)

The following topics were the subject of questions put to Councillor Everitt, who duly responded:-

- (1) details of the availability online of the film '*Armchair Politics*'; and
- (2) the prohibition order regarding unsatisfactory accommodation used for residential purposes in Stanton by a local company.

Councillor Everitt agreed to publish details in the Members' Bulletin in respect of (1) above.

(c) Report from the Cabinet Member for the Culture and Sport Portfolio: Councillor Mrs Alexander (Report B373)

*(Councillor Cox declared a personal interest as an affiliated member of Suffolk and Cambridge Football Associations and the Football Association and remained in the meeting for the consideration of this item.)*

The following topics were the subject of questions put to Councillor Mrs Alexander, who duly responded:-

- (1) the acoustics within The Apex, Bury St Edmunds;
- (2) the internal decoration of The Apex;
- (3) the commemorative service in Bury St Edmunds Cemetery to mark the unveiling of a memorial dedicated to the babies and children who were at rest in the cemetery;
- (4) whether a boundary fence adjacent to the Haverhill Community Football Project would be reinstated;
- (5) the temporary diversion of Footpath No. 3 in Haverhill; and
- (6) the size of the car park to support the Bury St Edmunds Community Football Project.

Councillor Mrs Alexander agreed to provide written responses to Councillor Cox in respect of (4) and (5) above.

(d) Report from the Cabinet Member for the Economy and Asset Management Portfolio: Councillor Mrs Mildmay-White (Report B374)

Councillor Mrs Mildmay-White informed the Council that the Government had now approved the formation of the Norfolk and Suffolk Local Enterprise Partnership (LEP) and that the Borough Council would, therefore, be a member of this LEP and the Greater Cambridge and Greater Peterborough (LEP). She also informed the Council that the newly introduced waste management system in respect of the Bury St Edmunds market had been a success and approximately one ton of waste was being recycled after each market day.

The following topic was a question put to Councillor Mrs Mildmay-White, who duly responded:-

- (1) the success of the Christmas Fayre in Bury St Edmunds and in particular the efforts of the Tourism Manager and other staff working on the Fayre.

- (e) Report from the Cabinet Member for the Environment and Street Scene Portfolio: Councillor Stevens (Report B375)

Councillor Stevens informed the Council that the Borough Council had been shortlisted to receive a Fleet Hero Award from the Energy Saving Trust, which would be judged in February 2011. The awards promoted and recognised innovation in the sustainable management of vehicle fleet operations.

The following topic was the subject of a question put to Councillor Stevens, who duly responded:-

- (1) the percentage of household waste recycled and composted.

- (f) Report from the Cabinet Member for the Haverhill and Housing Portfolio: Councillor Mrs Gower (Report B376)

In the absence of Councillor Mrs Gower, Councillor Mrs Mildmay-White presented the report. She emphasised that the Council's housing responsibilities meant that the Council had to deliver a wide variety of housing needs. Often these were tailored to meet the specific requirements of individual hard to house clients. There were also a wide range of costs involved in delivering these schemes to meet these particular needs. Working in partnership was the key to delivering these challenging schemes and the Housing Team in the Borough Council worked hard in obtaining any grants available. This helped the Council to support its partners and keep delivering a variety of new housing at the least cost to the Council Tax payer. It also ensured that the most vulnerable residents were housed in the best possible way to meet their particular needs.

No questions were asked.

- (g) Report from the Cabinet Member for the Performance and Organisational Development Portfolio: Councillor Ray (Report B377)

No questions were asked.

- (h) Report from the Cabinet Member for the Resources and Efficiency Portfolio: Councillor Griffiths (Report B378)

The following topic was the subject of a question put to Councillor Griffiths, who duly responded:-

- (1) assumptions regarding the base interest rate for the 2010/2011 financial year.

- (i) Report from the Cabinet Member for the Transport and Planning Portfolio: Councillor Clements (Report B379)

No questions were asked.

- (j) Report from the Chairman of the Overview and Scrutiny Committee: Councillor Lockwood (Report B380)

No questions were asked.

- (k) Report from the Chairman of the Performance and Audit Scrutiny Committee: Councillor Hale (Report B381)

No questions were asked.

- (l) Report from the Chairman of the Policy Development Committee: Councillor Aitkens (Report B382)

No questions were asked.

- (m) Questions to the Chairmen of other Committees

No questions were asked.

*(In accordance with the Council's Constitution the Mayor determined that the one and a half hours allocated for this session had not been fully utilised and further questions could be asked.)*

- (n) Report from the Cabinet Member for the Culture and Sport Portfolio: Councillor Mrs Alexander (Report B373)

The following topic was the subject of a question put to Councillor Mrs Alexander, who duly responded:-

- (1) the position regarding the construction of the new visitor centre at Nowton Park.

Councillor Mrs Alexander agreed to provide a written response.

## 80. **Conclusion of Business**

Councillor Griffiths, Leader of the Council, extended season's greetings to members of the public, Councillors, staff and families and friends.

The Mayor wished the public, Councillors, staff, families and friends a Merry Christmas and Happy New Year.

The meeting concluded at 10.11 pm.

**MAYOR**