



## Council 1 March 2011

### Schedule of Referrals from Cabinet and Democratic Renewal Working Party

(A) Referrals from Cabinet: 19 January 2011

1. Grant Policy: Amendments

*Forward Plan Reference: Feb11/04*  
*Cabinet Member: Cllr Robert Everitt*

*Report B412*  
*(Grant Working Party*  
*Report B362)*

**RECOMMENDED:- That**

- (1) *the amendments to the Grants Policy, as annotated in Appendix A to Report B362, be approved, as amended to incorporate the following additional changes:-*
  - (a) *Section 7 Table: under the Rural Area Community Initiatives heading, reference to '...or the Grant Working Party recommends to Cabinet' be deleted;*
  - (b) *Section 9.2: the following sentence be amended to read, 'If there is not a majority in favour of awarding the grant, the application will be referred to the next available meeting of the Grant Working Party for determination';*
  - (c) *Section 10.1: the terms of reference of the Grant Working Party be amended to read, 'To consider grant applications and recommend the level of grants payable to organisations to officers or the Cabinet, based on the policies agreed by Council and in accordance with the relevant delegations detailed in Section 7 of this Grants Policy';*
  - (d) *Section 1.10 of Appendix A to the Policy: the following sentence be amended to read, 'Consultations that arise within ten working days of a scheduled Grant Working Party meeting will be considered and voted upon at the meeting and not via the email system';*
  - (e) *Section 1.13 of Appendix A to the Policy: this entire paragraph be deleted and subsequent paragraphs be renumbered accordingly; and*

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

On 9 December 2008 (minute reference 64(B)(3)) the Council approved the Grants Policy. Following the withdrawal of the arts grants and the hall hire discount grants it is necessary to alter the Grants Policy to cover these changes. In addition, it is also considered an opportune time to insert additional clauses to clarify and highlight the Council's current position. A summary of the proposed changes is detailed below:-

Section 1.2: grants of less than £250, change *'Community Based Organisations'* to *'Residents' Associations'*;

Section 3.1: following the withdrawal of the Arts Grants and the Hall Hire discount grants, reduce the number of types of grants available to four;

Section 3.1: Core Funding: an additional paragraph inserted stating that grants approved to cover the rent payable to the Borough Council will not in future be released to the applicants but an internal transfer will be made under advice;

Section 3.1: Capital Project Funding: insert a specific earliest timescale i.e. three years, in respect of when the same organisation can reapply for further grant funding from the Council;

Section 3.1: Grants of £250 or less: Re-wording of the whole paragraph and the deletion of reference to Hall Hire Discount grants and Arts grants;

Section 6.1: insert revised wording: *'Applications are assessed against the following criteria:-'*

Section 6.8: insert new paragraph which states that should a grant applicant be indebted to the Council, the Council reserves the right to withhold grant funds until full clarification of the debt is achieved.

Section 7.1: Deletion of all Arts grant cells from the matrix;

Section 11.1: insert an additional sentence stating: *'Council approval must be obtained for any alteration to the original proposal before any grant funding will be released'*; and

Section 13.1: change of wording from *'funding decisions'* to *'funding criteria'*. The website link is to be simplified and there is re-wording of the Council's communications system.

In addition to these the Cabinet have approved changes as detailed in the recommendations.

**2. Replacement St Edmundsbury Borough Local Plan 2016: Development Brief for the Land at The Green, Barrow**

*Forward Plan Reference: Feb11/06  
Cabinet Member: Cllr Terry Clements*

**Report B414**  
*(Sustainable Development  
Working Party Report B406)*

**RECOMMENDED:-**

***That the Design Brief for the development of land at The Green, Barrow, as contained in Appendix A of Report B406, be adopted as non-statutory planning guidance for the determination of future planning applications.***

The adopted Replacement Borough Local Plan contains a requirement for a development brief or site-specific design guidance to be prepared for all major development sites before planning permission can be granted.

Land at The Green, Barrow is allocated in Policy RA2(c) of the Replacement Local Plan for residential development. Agents acting on behalf of the owners of the site have prepared the Development Brief for the site in accordance with the Council's protocol for the preparation of such documents. Following a period of consultation with stakeholders and neighbouring residents, they are now seeking the Council's approval of the Development Brief as planning guidance.

Officers are satisfied that the Development Brief, and the proposals within it, have been prepared in accordance with the adopted replacement Local Plan. The Rural Area and Sustainable Development Working Parties, together with the Cabinet, consider that it should be adopted as planning guidance.

**3. Replacement St Edmundsbury Borough Council Local Plan – Policy HAV2: Strategic Housing Site, North West Haverhill: Approval of Amendment to Masterplan**

*Forward Plan Reference: Feb11/06  
Cabinet Member: Cllr Terry Clements*

**Report B414**  
*(Sustainable Development  
Working Party Report B425)*

**RECOMMENDED:-**

***That the amendments to the previously adopted North-West Haverhill Masterplan, as detailed in Appendix A to Report B425, be adopted as non-statutory planning guidance.***

Land at North West Haverhill is allocated in Policy HAV2 of the Replacement Local Plan for housing, a primary school, recreational open space and a local centre or centres. The Local Plan states that development cannot proceed until a Masterplan has been adopted for the site and this is to be informed by a Concept Statement.

The Concept Statement was adopted in October 2007 and the Masterplan was adopted in June 2009. Subsequent to the adoption of the Masterplan, two minor amendments have been proposed by the landowners which affect part of the eastern end of the Masterplan area. These have been the subject of consultation.

Officers are satisfied that the amendments to the Masterplan have been prepared in accordance with the adopted Replacement Borough Local Plan and the Council's protocol for preparing Masterplans. The Haverhill Area and Sustainable Development Working Parties, together with the Cabinet, consider that it should be adopted as non-statutory planning guidance.

#### **4. St Edmundsbury Local Development Framework Local Development Update and Scheme**

*Forward Plan Reference: Feb 11/06  
Cabinet Member: Cllr Terry Clements*

*Report B414  
(Sustainable Development  
Working Party Report B427)*

**RECOMMENDED:- That**

- (1) the indicated revisions to the Local Development Scheme be approved for formal submission to GO-East; and**
- (2) the Corporate Director for Economy and Environment, in consultation with the Portfolio Holder for Transport and Planning, be authorised to incorporate into the submitted Local Development Scheme any further minor changes as are necessary to update it and make any spelling, grammatical, factual, formatting and numbering corrections, provided they do not materially affect the substance or meaning of the document.**

Local planning authorities are required to have a 'project plan' that sets out how and when its Local Development Framework Documents are to be prepared. It is called the Local Development Scheme (LDF). Paper B427 provides an update on the preparation of the Local Development Framework Documents and a review of the Local Development Scheme.

#### **5. Social Housing Reform: Affordable Rents**

*Forward Plan Reference: Feb11/03  
Cabinet Member: Cllr Anne Gower*

*Report B421*

**RECOMMENDED:- That**

- (1) the Borough Council agrees in principle to accept the new 'affordable rent' on new social housing schemes, including schemes currently in development where appropriate; and**
- (2) agrees in principle to set targets for social rent and affordable rent tenancies as part of a new tenancy strategy, and to work with partners to develop these targets and strategy.**

The Government is planning to introduce some radical reforms to social housing which have been the subject of consultation. These reforms and the Council's suggested comments on the reforms are attached as Appendix 1 to Report B421. The suggested comments were approved by the Cabinet. Members will have seen the proposals and suggested response in the Members' Bulletin of 7 January 2011 and had the opportunity to comment prior to approval by the Cabinet.

One of the major reforms will introduce a new form of tenancy, an 'affordable rent', which will enable registered providers (housing associations) to offer tenancies on fixed terms of at least two years, and also to charge a rent that is up to 80% of the local market rent. As part of this consultation response, the Borough Council agreed in principle to accept the new 'affordable rent' on new social housing schemes, including schemes currently in development where appropriate. Full Council is being asked to endorse this approach to enable the registered providers in the Borough to work up their offer by 31 March 2011 to the Homes and Communities Agency for future development of social housing.

As part of the consultation response, the Borough Council also agreed in principle to set targets for social rent and affordable rent tenancies as part of a new tenancy strategy, and to work with its partners to develop these targets and strategy. This will involve a proportion of existing social rent tenancies 'converting' to affordable rent tenancies when they become empty. Existing tenants will not be affected. Full Council is also requested to endorse this approach and will be asked to approve the new tenancy strategy in due course.

#### **6. Picturehouse Cinema, Hatter Street, Bury St Edmunds: Request for Financial Support from City Screen Ltd**

*Forward Plan Reference: Feb11/01*  
*Cabinet Member: Cllr John Griffiths*

*Exempt Report B423*

***RECOMMENDED:- That***

- (1) the Council agrees to provide loan finance to City Screen Ltd to fund the next stage in the development of the Hatter Street Cinema; and***
- (2) the loan be conditional upon the Council securing a first legal charge on the Hatter Street Cinema lease and internal furniture and equipment.***

In July 2010 City Screen Ltd entered into an Agreement to take a lease on the Hatter Street Cinema in Bury St Edmunds. Since taking over this property, the company has invested in a major refurbishment of the cinema's interior and infrastructure.

City Screen Ltd are now looking at the next stage in their planned development of the cinema's facilities, including improvements to the external façade of the building, reorganisation of the foyer area and improvements to the food and beverage areas. However, the company acknowledges that banks and commercial investors are unlikely to invest in a venture with such marginal expected returns. They have, therefore, approached the Council for a loan.

**(B) Referrals from Cabinet: 16 February 2011**

**1. Annual Treasury Management and Investment Strategy 2011/2012**

**Forward Plan Reference:** N/A  
**Cabinet Member:** Cllr John Griffiths

**Report B451**  
*(Performance and Audit  
Scrutiny Committee  
Report B410)*

**RECOMMENDED:-**

***That, the Annual Treasury Management and Investment Strategy 2011/2012 and Prudential Indicators, as detailed in Appendix 2 to Report B410, be approved.***

The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice requires that a treasury management and investment strategy is approved by the Council prior to the beginning of the financial year to which it relates. The proposed Treasury Management and Investment Strategy Statements for 2011/2012, attached at Appendix 2 to Report B410, meets the requirements of the CIPFA code together with the Department for Communities and Local Government's (DCLG) Guidance on Local Government Investments and the statutory requirements of the Local Government Act 2003 (relating to the need to set Prudential Indicators to ensure that the Council's capital investment plans are affordable, prudent and sustainable). The strategies give priority to the security and liquidity of investments, whilst at the same time seeking to achieve value for money in treasury management. They also seek to give maximum flexibility in terms of the usage of fixed and variable rate investments and allow for the balancing of certainty of income arising from fixed term investments with the need to retain a core balance that can be easily liquidated should the need arise.

The Strategy confirms the Council's debt free status and indicates that there are no plans to borrow monies for capital purposes in the foreseeable future. Within this overall Strategy the Chief Finance Officer may approve short term borrowings (less than 12 month in duration) to provide for day to day cash flow management. This does not affect the Council's debt free status.

It is estimated that in 2011/2012 Treasury Management activity will generate income of £0.457m (which is equivalent to £11.97 for each Council Tax Band D property). This represents an average target investment rate for the year of 1.5%. The reduction in investment income compared to the 2010/2011 estimate (ie investment income of £0.566m, equivalent to £14.91 for each Council Tax Band D property) takes into account the:-

- (a) latest projections regarding the continuation of historic low interest rates;
- (b) maturity dates for the Council's current fixed term investments; and
- (c) reduction in Council balances arising from the impact of the Council's capital expenditure plans and reducing asset disposals programme.

**2. Sex Entertainment Licences: Regulation of Lap Dancing and other Sexual Entertainment Venues**

*Forward Plan Reference: Feb11/15  
Cabinet Member: Cllr Robert Everitt*

*Report B456  
(Licensing and Regulatory  
Committee Report B393)*

**RECOMMENDED:-**

***That, additional powers relating to the licensing of sexual entertainment venues, as contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 and outlined in Section 5 of Report B393, be adopted with a first appointed date of 6 April 2011.***

The increase nationally in the number of lap dancing clubs since the implementation of the Licensing Act 2003 has become a concern for many local communities.

The Government had responded to proposals for further controls to be introduced specific to lap dancing clubs and similar premises, by introducing legislation relating to such licensing contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009.

If the Council adopts the additional powers it will be able to require premises in the Borough that provide 'relevant entertainment' prescribed in the legislation, such as lap dancing, to obtain a sex establishment licence.

**(C) Referrals from Democratic Renewal Working Party: 17 February 2011**

**Chairman of the Working Party: Councillor Mrs P A Warby**

**1. Member Development Update (Report B459)**

**RECOMMENDED:- That**

**(a) East of England Local Government Association (LGA) Charter for Elected Member Development**

***The action plan in Section 1.3 of Report B459, as amended to delete paragraphs 5, 7, 9 and 12, be approved.***

**(b) New Member Induction 2011**

***The induction programme for 2011/2012 detailed in Section 2.2 of Report B459, be approved.***

**(c) Opportunities to Learn and Develop**

***The Members Induction Training Brochure detailed in Appendix B to Report B459, be approved, subject to detail of the individual sessions being ratified by the officers' responsible.***

On 14 December 2010 Council was advised that following the re-assessment of the East of England Local Government Association (LGA) Charter for Elected Member Development the Assessors felt unable to issue the Charter. The full Report from the Assessors has now been received and considered by the Working Party. The Working Party has analysed the recommendations for improvement and an Action Plan produced.

The Working Party also considered an Induction Programme following the May 2011 elections.

## **2. Amendments to the Constitution: Members' E-mail and Internet Usage Policy (Report B460)**

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

***That, the Members' E-mail and Internet Usage Policy, attached as Appendix A to Report B460, as amended, be approved.***

The Democratic Renewal Working Party has, as part of its Terms of Reference, to recommend amendments to the Council's Constitution to full Council. The Members' E-mail and Internet Usage Policy is included in Part 5, Codes and Protocols, of the Council's Constitution. It has been amended in order to comply with the Code of Connection to the Government's Secure Intranet, changes in legislation relating to the Freedom of Information Act and Data Protection requirements. An amended version is attached as Appendix A to this report for ease of reference.



## Members' Email and Internet Useage Policy

### 1. Introduction

- 1.1 **It is vital that you read this Policy carefully.** If there is anything that you do not understand, please ask HLDS to explain. Once you have read and understood this Policy, you must sign it and return the signed copy to Democratic Services. If you wish to refer to the Policy in the future it is in the Council's Constitution, on the website. If the signed agreement is not returned within a reasonable time your use of e-mail and internet facilities may be withdrawn.
- 1.2 This Policy contains important rules covering e-mail, internal and external, and access to the Internet. Many of the rules apply equally to the Council's other methods of communicating with the outside world such as letter, fax and telephone.
- 1.3 This Policy explains how e-mail and Internet access should be used. It explains what you are allowed to do and what you are not allowed to do. If you have any general problems with this Policy please contact the Head of Legal and Democratic Services ('HLDS').
- 1.4 This Introduction of the Policy describes some of the controls operated by the Council. Next are General Rules for the use of the Council's Internet and e-mail services and some advice on the sensible use of internet services. We have then identified six areas where legal problems might arise for you and for the Council. These are harassment, defamation, copyright, entering contracts, pornography and confidential information.
- 1.5 Failure to comply with this Policy:
- (a) may result in legal claims against you and the Council; and
  - (b) you may breach the Council's Code of Conduct; *leading to your being reported to the Standards Committee for breach of the Code of Conduct*
- 1.6 The Council routinely monitors the level and route of e-mail and Internet traffic. Logs are kept on the system. These may be inspected at any time without notice where there is just cause for suspicion of misuse. If through routine monitoring the Council has grounds for suspecting a councillor of illegal or inappropriate e-mail or internet use, further investigations, including the examination of relevant computer files, records and personal e-mails, may be carried out. This will be conducted by Information and Communication Technology (ICT) staff but always subject to the individual member being advised that this action is to be taken.
- 1.7 The Council automatically monitors internet sites visited from the Council's network for inappropriate content. 'Inappropriate' includes, but is not limited to, material that is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, describes techniques for criminal or terrorist acts and any other categories as determined from time to time by the HLDS. If it is found that such sites have been visited, the procedure described in 1.6 above will be followed.
- 1.8 The Council's systems are set up so that all external e-mail and files exchanged over the internet pass through the Council's 'firewall' and filtering software to prevent the spread of viruses and malicious software.

- 1.9 All e-mail and attachments are scanned for viruses and inappropriate content. If any are found the e-mail is withheld. A message to that effect is returned to the sender and, for incoming mail only, to the recipient. The e-mail Administrator in the ICT Unit is informed of any virus or inappropriate content.
- 1.10 It must be understood that e-mail is not secure and that no personal, confidential or sensitive material should be sent by e-mail without careful consideration. For example it is possible that technical staff may see isolated messages just as telephone engineers may overhear telephone calls, or a hacker may intercept an e-mail. Council staff are required to maintain the privacy and confidentiality of any message inadvertently viewed.

## 2. General rules

- 2.1 The Council Internet and e-mail system is primarily for business use, but occasional and reasonable personal use is permitted. **However, you must not allow third parties to use the system.** Remember that misuse of council resources is a breach of the Code of Conduct.
- 2.2 Council-owned, such as a laptop computer, or facilities, such as a St Edmundsbury email address, cannot be used for any party political purposes. If you do so, you could be breaching the Code of Conduct and could also cause the Council to breach the rules about not using resources to support political parties.
- 2.3 The use of web based e-mail services such as Microsoft Hotmail is prohibited, as this bypasses the Council's full security system. All e-mail should be sent/received using the corporate e-mail system.
- 2.4 For external e-mails, the Council System will automatically add a Council disclaimer. However, if you send a personal e-mail sign off the e-mail with the following statement:
- PERSONAL E-MAIL: This e-mail is personal. It is not authorised by or sent on behalf of St Edmundsbury Borough Council. This e-mail is the personal responsibility of the sender.***
- 2.5 E-mails are not to be sent nor Internet pages accessed if the contents are likely to be illegal, could bring the Council into disrepute or could make the Council liable to action against it. Examples include but are not limited to material that is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, describes techniques for criminal or terrorist acts, or otherwise represents values which are in the opinion of the Chief Executive Officer inappropriate to the Council's activities or could bring the Council into disrepute. **If it is justifiable in terms of legitimate Council business to access a website which could fall into any of the above categories, a member may do so, but is advised to notify their group leader or Head of Legal and Democratic Services of the reason for doing so.**
- 2.6 Sending viruses and hacking into any e-mails or computer systems of the Council or outside the Council are strictly prohibited and is illegal.
- 2.7 The Council's Internet or e-mail facilities must not be used for personal gain.

- 2.8 Take advice from ICT before using your council equipment to sign up to social media, such as Facebook or YouTube.
- 2.9 Keep all passwords secure and never write them down.
- 2.10 Access to another person's e-mail is only allowed with the authorisation of the owner or the ICT & eServices Manager.
- 2.11 Remember the Freedom of Information Act (FOI). All emails sent from or received by your council equipment are subject to FOI and will be provided to anyone making a relevant request for information under the Act. Ask yourself, before sending an e-mail, how you would feel if your message were read out in court. E-mail messages may have to be disclosed in litigation.
- 2.12 If your email contains information which could identify a living person, such as a name or address, this must not be disclosed without their prior consent, otherwise you will be **breaking the Data Protection Act**. Contact Legal Services if you need further advice.
- 2.13 Take care about the style you use, be friendly, businesslike and brief but not curt.
- 2.14 **Do not:**
- (a) impersonate any other person (such as using another's password) when using e-mail and do not alter messages received;
  - (b) attempt to bypass the Council's security controls;
  - (c) introduce software or any electronic media onto the Council's system without the prior permission of the ICT Unit. This includes software, shareware and freeware available on the Internet;
  - (d) use **bold** or UPPERCASE lettering unnecessarily. This is known in e-mail terms as shouting;
  - (e) create e-mail congestion by sending trivial messages or personal messages or by copying e-mails to those who do not need to see them. Do not engage in trivial banter;
  - (f) misuse the 'Reply to all' button, or comprehensive distribution lists. The system becomes clogged with unnecessary items. Make sure only those who need to see them receive your messages;
  - (g) send or forward chain letters of unsolicited mail (SPAM).
- 2.15 **Do:**
- (a) use appropriate language. Emails tend to be more informal than printed letters but always have the reader in mind – sometimes a level of formality may be more appropriate;
  - (b) obtain confirmation of receipt (e.g. asking the recipient to send an e-mail reply) for important e-mails sent. Don't rely on "view acknowledgements" as this is not supported on all e-mail systems;

- (c) keep copies of important e-mails received and delete unwanted e-mails regularly including emptying your deleted items folder;
- (d) check your e-mail regularly, at least once each working day;
- (e) make arrangements for your e-mail to be forwarded to, or accessed by, someone else in your absence. Use the 'Out of Office Assistant' under Tools in Outlook to inform senders and use it to make arrangements for your e-mail to be forwarded as appropriate;
- (f) reply promptly to all e-mail messages requiring a reply. Where a prompt detailed response is not possible, send a short e-mail acknowledging receipt and giving an estimate of when a detailed response will/should be sent;
- (g) acknowledge internet derived material in Council documents. See also Copyright below;
- (h) if you accidentally visit a site with inappropriate content or receive such e-mails, immediately inform the ICT Help Desk.

### **3. Problem areas**

#### **3.1 Harassment**

You could be held liable for harassment of fellow members, officers or the public if you send e-mails of a bullying or offensive nature. Such behaviour could also be a breach of the Code of Conduct.

#### **3.2 Defamation**

Inflammatory or derogatory messages sent through the internet can be held to be defamatory if the message is likely to be available to readers other than the person referred to and the recipient. A defamed party could personally sue the sender for large sums in damages.

#### **3.3 Copyright**

Copyright laws protect most material appearing on the internet and some attachments to e-mails. Both the employer and the employee could be liable under civil and criminal law for any unauthorised copying of those materials by the employee.

#### **3.4 Pornography**

Displaying on screen, printing or transmitting material with a sexual content could constitute criminal offences.

### **3.5 Confidential information**

E-mails are not necessarily a secure way of sending information. Not only could it be embarrassing for the organisation if sensitive or confidential information of its own is publicly disclosed, but disclosure of a third party's confidential information, for example that of a client, could expose it to negligence actions and commercial risk. Members are reminded that disclosure of confidential information is a breach of the Code of Conduct.

### **3.6 Freedom of Information**

Members will receive guidance on the Freedom of Information Act, including the recommended time limits for keeping e-mails before deletion.

### **3.7 Amendments**

The Council may amend this Policy at any time and users will be notified of any changes made.

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