

MINUTES OF ST EDMUNDSBURY BOROUGH COUNCIL

Minutes of the Meeting of the Council held on Tuesday 5 April 2011 at 7.00 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, Beckwith, Mrs Bone, Bradbury,
Mrs Broughton, Buckle, Chappell, Mrs Charlesworth, Clements,
Clifton-Brown, Cockle, Cox, Ereira-Guyer, Everitt, Farmer, Farthing,
Griffiths, Hale, Jones, Mrs Levack, Lockwood, Marks, McManus,
Mrs Mildmay-White, Nettleton, Oliver, Ray, Redhead, Mrs Rushbrook,
Spicer, Stevens, Thorndyke, F J Warby, Mrs P A Warby, A Whittaker and
Mrs D A Whittaker.

98. Prayers

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

99. Minutes

The minutes of the meeting of the Council held on 1 March 2011 were confirmed as a correct record and signed by the Mayor.

100. 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 1 March 2011. He also reported that he attended an excellent charity concert in aid of the National Deaf Children's Society at King Edward VI School in Bury St Edmunds. He was also very impressed at the skills shown at the West Suffolk College Festival of Hair and Beauty held at The Apex in Bury St Edmunds.

101. Announcements from the Leader of the Council

Councillor Griffiths, the Leader of the Council, expressed thanks to all Councillors and officers for their dedication, hard work and skills which had enabled the Council to achieve so much during the past four years. He expressed the view that Councillors not seeking re-election would be missed and in particular he expressed special thanks to Councillors Nigel Aitkens, David Lockwood and Lynsey Alexander.

102. Apologies for Absence

Apologies for absence were received from Councillors Anderson, Mrs Gower, Price, Mrs Richardson, Rout and Turner.

103. Declarations of Interest

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

104. **Public Question Time**

(a) **Petition**

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

Mrs Karen Hurden, representing the Churchgate Residents' Association in Bury St Edmunds, presented a petition containing over 100 signatures that supported the re-adoption of the Cumulative Impact Policy, commonly known as the Special Area Policy, for the defined area of Bury St Edmunds in the Licensing Statement of Policy. Mrs Hurden drew relevant issues to the attention of the Council.

The Mayor determined that on this occasion as the petition was in connection with the recommendation from both the Cabinet and the Licensing and Regulatory Committee, which was to be considered later at this meeting, that he would accept the petition and that reference would be made to it again during the debate on the item.

(b) **Public Questions**

Mr Simon Harding of Bury St Edmunds asked whether the Council regarded The Apex as a frontline service and would the Council, in line with the Government's Big Society Initiative, move The Apex from the public to the private sector to save approximately half a million pounds?

In reply, **Councillor Mrs Alexander, Portfolio Holder for Culture and Sport**, stated that The Apex was definitely an essential frontline service of the Council, as the thousands of people who had bought tickets there in the first six months would testify. The 2009 Business Plan for The Apex, which was a public document, made it clear that the Council's intention was to review the management of The Apex after two years of operation, when it was safely up and running. Such a review would look at all options, from keeping it in house to setting up a social enterprise. At the moment, however, the Council's priority was to build on the huge success of the first six months. Councillor Mrs Alexander then provided some statistics relating to the use of The Apex since it opened. Tickets sales had approached 25,000, 2,400 local young people had now had the opportunity to perform on its stage, 357 professional performers had appeared, 483 local amateur performers, 7,335 people had attended conferences, dinner dances and other events, 9,000 people have come through its doors on the opening weekend and 15,000 had attended the Christmas Fair. She concluded by stating that the community feedback had been amazing.

As a supplementary question, Mr Harding then asked whether the electorate should be asked whether they wished The Apex to be transferred to the private sector?

In reply, **Councillor Griffiths, Leader of the Council**, replied that The Apex was a significant investment by this Council which he would have much preferred the private sector to undertake but they would not do so. Financially it has helped to attract over £85 million of private sector investment. Whilst it had cost the Council a great deal of money it had brought in many times more investment and had been a great deal for the Council Tax Payer. The Council would review the situation of the private sector could do better but there would have to be safeguards, the community services and community benefit would have to be maintained and not run just for profit.

Mrs Christine Bird of Beeton's Lodge, Bury St Edmunds asked would the Council help to reinstate the bus service to the Howard Estate and Beeton's Lodge area of Bury St Edmunds? In addition, Mrs Bird informed the Council that she had a petition containing approaching 300 signatures which called for the re-instatement of the bus service.

Councillor Clements, Portfolio Holder for Transport and Planning, thanked the residents of the Howard Estate and Beeton's Lodge for the petition regarding the change of the bus routes in Bury St Edmunds. He added that the provision of bus services and the routes were decisions taken by commercial operators and the Borough Council had little power to influence those decisions. However, the Council would make representations where at all possible in conjunction with colleagues from Suffolk County Council to ensure a sustainable service that to meet residents needs was provided. He added that the removal or cessation of coverage of certain routes may open up the opportunity for an alternative bus operator to provide coverage but this would be a commercial decision by the operator. Councillor Clements concluded by stating that he would ensure that the petition was passed onto First Eastern Counties Buses Limited.

Mrs Bird commented that the simple solution would be that bus operators should make routes whereby the buses did not follow each other but travel in opposite directions.

Mr Mike Bacon of Moreton Hall, Bury St Edmunds, stated he was speaking on behalf of the Moreton Hall Residents' Association. He then stated that the three Vision 2031 workshops covering the eastern half of Bury St Edmunds confirmed that there were serious shortcomings in the transport infrastructure in this area. He asked whether the Council intended to undertake a traffic survey and consultation process and implement the findings prior to commencing the planning process for the 3,000 homes being considered for this area?

The evidence from the drop ins and workshops was that the residents of Moreton Hall, Great Barton and Rougham were all very concerned that the traffic issues be resolved and he further suggested that the residents of Eastgate and Fornham had similar concerns.

In reply, **Councillor Clements, Portfolio Holder for Transport and Planning** stated that the Council had gone through a consultation exercise in connection with the Local Development Framework (LDF) and transport was only one part of that process. The Core Strategy had been examined by an Inspector and found to be sound. The suggested figure of 3,000 homes being considered was not correct and the figure was around 500 houses. The Council would welcome responses to the consultation on Bury St Edmunds Vision 2031 issues document but it would not be undertaking a transport survey.

As a supplementary question Mr Bacon stated that 3,000 dwellings was an accurate figure when considering developments at Moreton Hall and Compiegne Way which would require improvements to the infrastructure. He had never seen any scheme or suggestions that would resolve the infrastructure problem.

In reply, **Councillor Clements**, stated that the Council had allocated Growth Area Funding to facilitate the improvements to the road infrastructure.

(The Mayor determined that the 30 minutes set aside for this item had not been fully utilised and allowed further questions.)

Mr Simon Harding, of Church Walks, Bury St Edmunds asked whether the Council was still actively marketing the Corn Exchange in Bury St Edmunds and would the deal be made public?

In reply, **Councillor Griffiths, Leader of the Council**, stated that the Corn Exchange had been actively marketed, which had resulted in two possible bids. The marketing had been undertaken by both the Council and the private sector and, therefore, as a bid had been accepted from J D Wetherspoon Ltd, which was subject to planning permission, no further marketing would take place. The information on both of the bids had been placed in the public domain.

As a supplementary question, **Mr Harding** commented that the use that the Corn Exchange was being considered for was degrading for those with disabilities. He considered it to be unacceptable that those with disabilities would have to use the lift, which would also be used as a service lift.

In reply, **Councillor Griffiths**, stated that J D Wetherspoon Ltd would have to comply with the relevant legislation concerning access arrangements for those with disabilities and this would be addressed in the planning application stage and would be monitored by the Council's Planning Officers.

105. **Nomination for the Office of Deputy Mayor: 2011/2012**

Councillor Hale, Chairman of the Mayoral Advisory Committee, reported informally that the Committee had recommended that at the Annual Meeting of Council, Councillor Terence (Terry) Buckle be nominated for election as Deputy Mayor for the 2011/2012 civic year. The Committee considered that this nomination would not mean that Councillor Buckle would automatically be nominated for Mayor for the 2012/2013 civic year.

106. **Items Referred to Full Council by Cabinet and Licensing and Regulatory Committee**

The Council considered the Schedule of Referrals contained within Report B537 (previously circulated).

(A)(1) Transfer of Southgate Community Centre

Councillor Everitt, Portfolio Holder for Bury St Edmunds and Community, informed the Council that this was the first transfer of a community centre and was an important demonstration of the Council's preparedness to see all local communities truly in control of their own centres with the freedom to develop them as they saw fit in the interest of local residents. He considered that this transfer was a result of an excellent partnership arrangement, in which the Southgate Community Partnership had been formed by the Southgate Community Association and Southgate Church. Although this transfer had taken a considerable time since the Council had first indicated that it was willing to transfer assets to communities it was also recognised that the community had to be comfortable to take on additional responsibilities.

On the motion of Councillor Everitt, seconded by Councillor Mrs Mildmay-White, and duly carried, it was

RESOLVED:- That

- (1) the principle of transferring at nil value the freehold of Southgate Community Centre to the Southgate Community Partnership be agreed, subject to the Partnership:-

- (a) completing its business planning;
 - (b) demonstrating that it has in place the necessary policies and procedures to meet the requirements of the Expectations Document of September 2010; and
 - (c) accepting in the transfer of the property sufficient safeguards to ensure that the centre remains in community use.
- (2) the Corporate Director for Community Services, in consultation with the appropriate Portfolio Holders for asset management and community, be given delegated authority to confirm that the requirements of the Expectations Document and safeguard measures have been met and to, thereby, approve the transfer.

(A)(2) Policy BSE16: West Suffolk College, Bury St Edmunds: Approval of Amendments to Masterplan

Councillor Clements, Portfolio Holder for Transport and Planning, reminded the Council that the Masterplan for the future development of West Suffolk College had been adopted in 2007. However, as a result of reductions in funding but with a need to continue to improve the facilities on the college campus, a revised Masterplan had been prepared. The main changes related to the reduction in the size of buildings and a plan to retain the existing building that fronted onto Out Risbygate. The Masterplan did not propose a reduction in the amount of car parking provided. The College had undertaken consultation on the revisions and the comments received were generally supportive.

Some concern was expressed at the car parking arrangements at West Suffolk College and in particular the charging in the evenings, which was leading to students parking in nearby residential streets. Councillor Clements agreed to discuss this issue with the Vice-Principal of the College.

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

RESOLVED:-

That, subject to no significant issues arising during the remainder of the consultation period, the amendments to the Masterplan for the development of West Suffolk College, Bury St Edmunds, as detailed in Appendix A to Report B492, be adopted as non-statutory planning guidance.

(A)(3) Policy HAV3: Employment Site, Hanchett End, Haverhill: Approval of Masterplan

Councillor Clements, Portfolio Holder for Transport and Planning, informed the Council that the developers had prepared a draft Masterplan which had received mixed reaction, many supported bringing forward the site and others objecting to the detail. As a result, the developers had amended the Masterplan which excluded the link, increased the landscape

buffer and removed the indicative element of the scheme. He also informed the Council that the recommendation included that the Masterplan be adopted for a limited period of three years to reflect the exception to the policy of allowing residential development so as to improve the viability of the project and ensure that the momentum continued to bring the site forward. He also informed the Council that Growth Area Funding had been allocated for a loan of £750,000 that would be made to facilitate this development. The loan would be subject to interest. When repaid the loan would then be used to facilitate further developments.

There was a general consensus that the amendments to the Masterplan were a testament to the excellent consultation procedures undertaken and that the proposed development provided excellent employment opportunities for Haverhill.

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

RESOLVED:-

That the Masterplan for the development of the employment site at Hanchett End, Haverhill, attached as Appendix A to Report B493, be adopted as non-statutory planning guidance for a limited period of three years.

(A)(4) Policy BSE2: Vinefields Farm, Bury St Edmunds: Strategic Housing Site: Approval of Masterplan

(Councillor Mrs Mildmay-White declared a prejudicial interest as a close acquaintance of a landowner and left the meeting for the consideration of this item.)

Councillor Clements, Portfolio Holder for Transport and Planning, informed the Council that following consultation some concerns had been brought to the Council's attention about potential rights of access to the rear of properties on Eastgate Street which could be affected by the Masterplan. As a result, a minor amendment was being proposed to make reference to the development enabling the potential to achieve rear access.

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

RESOLVED:-

That, subject to no significant issues arising during the remainder of the consultation period, the Masterplan for the development of Vinefields Farm, Bury St Edmunds, as detailed in Appendix B to Report B494, and as amended to include reference to enabling potential rear access from the Masterplan site to adjoining residential properties in Eastgate Street, be adopted as non-statutory planning guidance.

(A)(5) Review of Inclusion of Cumulative Impact Policy in St Edmundsbury Borough Council Licensing Statement of Policy

Councillor Farmer, one of the local Ward Members, spoke in favour of adopting the Cumulative Impact Policy by stating that it was universally wanted by the residents of the historic core of Bury St Edmunds, that it would not involve the Council or applicants in any additional administration or costs and it did not preclude sensible applications being approved.

Councillor Mrs Levack was concerned that there was insufficient evidence to put the re-adoption of a Cumulative Impact Policy for the defined area. She drew Members' attention that there needed to be good evidence that crime and disorder and nuisance was happening and was caused by the customers of licensed premises in the proposed area identified and that it was possible to identify the boundary of an area where the problems were occurring. She also emphasised that the Act required evidence and it could have been seen from the reports on this matter that neither the Police nor the Borough Council's Environmental Health Section had provided such evidence.

Councillor Nettleton, drew Council's attention to the final paragraph of the report in which it stated that there was no evidence that nuisance was caused by customers of the licensed premises in the defined area but rather the problems experienced were often caused late at night as people walked back through the area from late night premises in other parts of the town. In addition, an email from the Police stated that 'there was no direct evidence that licensed premises within the designated area have increased the levels of crime/anti-social behaviour across the town'.

Other Members supported the re-adoption of the Cumulative Impact Policy.

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

RESOLVED:-

That taking into consideration the schedule of responses to the recently concluded public consultation, the Council re-adopts a Cumulative Impact Policy for the Area identified in Appendix A of Report B501 and the Licensing Statement of Policy published on 5 January 2011 be amended accordingly.

(A)(6) Sex Entertainment Licences: Regulation of Lap Dancing and other Sexual Entertainment Venues

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

RESOLVED:-

That the revised Statement of Licensing Policy for Sex Establishments, attached as Appendix A to Report B502 be adopted and the timescales for administering applications for Sexual Entertainment Venues following the proposed adoption of the additional powers arising as a result of the

amendment to Part II of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009 be noted.

107. **Questions on Notice**

Councillor Nettleton had given notice under paragraph 11.2 of the Council Procedure Rules of two questions to Councillor Griffiths, Leader of the Council. The questions were taken separately and the first question put by Councillor Nettleton was as follows:-

'Before seeking to hide secret deals by the issuing of a 'blue' paper to be debated behind closed doors, would not it be a good idea to first check that the information contained in the report is not required to be released if a Freedom of Information request is received?'

In response Councillor Griffiths stated that he would like to deal with the assertion that the Council sought to hide what was inferred as secret deals. Councillor Griffiths considered that there were times when, for commercially sensitive reasons, the Council needed to work in private but the Council always disclosed as much information in its public papers as possible. With any confidential papers, officers were highly mindful that there must sound reasons for confidentiality and those reasons would stand up to a Freedom of Information challenge. He considered that the Council did not make items confidential unless there was a need to do so at that particular time and what was commercially sensitive in, say, January may not be so in, say, March. Being realistic it should be recognised that things change.

Councillor Nettleton stated that Councillors had been constrained in discussing information which had been contained in a confidential blue paper circulated to the cabinet but the Bury Free Press had been able to obtain this information under a Freedom of Information request and questioned whether this situation was right.

Councillor Griffiths, the Leader of the Council replied that certain information was also provided in a white paper which was available to the public and what was contained in the confidential blue paper was information which was commercially sensitive to a private company which could not be revealed.

Councillor Nettleton then asked the following question:-

'What are the terms and conditions for Members and officers wishing to use the Members' Meeting Room in West Suffolk House?'

In reply, Councillor Griffiths stated that the demand for a Members' Meeting Room arose from two main sources. Firstly, for the Cabinet to have suitably sized rooms to meet and, secondly, for relevant Members to meet with external partners. The room had also proved to be very useful for pre-meetings for Members. He considered that the ability to allow the Cabinet and Chairman/Vice-Chairman of Committees to have private meetings and the space to make private telephone calls etc was essential. In conclusion, he stated that the room was a meeting room predominately for use by Cabinet and Chairman/Vice-Chairman. There was a booking system that was operated by the Chief Executive's Secretary which would avoid any clashes.

In response to a further question from Councillor Nettleton, Councillor Griffiths agreed to provide details on the use of the Members' Meeting Room in the Members' Bulletin.

108. **Community Governance Review March 2011: Use of Chief Executive's Urgency Powers**

The Council received and noted a narrative item which informed that the Chief Executive had exercised his urgency powers as contained within Part 3 of the Council's Constitution in order to increase the number of Parish Councillors in Wickhambrook Parish Council by one to provide a total of eight. The decision was time critical as the change needed to be made in advance of 25 March 2011, the date for publication of the Notice of Election, so that residents knew how many seats there were to be filled.

109. **Reports and Questions**

(a) Report from the Leader of the Council: Councillor Griffiths (Report B538)

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

- (1) the funding of projects that would provide a sustainable legacy to the West Suffolk Local Strategic Partnership Area as a whole.

(Councillor Nettleton left the meeting at the conclusion of this item.)

(b) Report from the Cabinet Member for the Bury St Edmunds and Community Safety Portfolio: Councillor Everitt (Report B539)

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

- (1) the bus shelter in St Andrews Street South, Bury St Edmunds;
- (2) the installation on each corner of the War Memorial located on Angel Hill, Bury St Edmunds of additional signage to reinforce the message that parking was prohibited;
- (3) the assistance provided by officers to the Southgate Community Partnership once the transfer of the Community Centre was completed; and
- (4) the vehicular access arrangements in St Andrews Street South, Bury St Edmunds.

(c) Report from the Cabinet Member for the Culture and Sport Portfolio: Councillor Mrs Alexander (Report B540)

Councillor Mrs Alexander reported that the Theatre Royal had secured Art Council grant funding for a further three years however, the Art Gallery in Bury St Edmunds had not.

(d) Report from the Cabinet Member for the Economy and Asset Management Portfolio: Councillor Mrs Mildmay-White (Report B541)

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

- (1) communicating the efficient partnership working arrangements undertaken by the Borough Council.

- (e) Report from the Cabinet Member for the Environment and Street Scene Portfolio: Councillor Stevens (Report B542)

The following topics were the subject of questions put to Councillor Stevens, Councillor Everitt duly responded as the appropriate Portfolio Holder:-

- (1) the number of applications for street parties to commemorate the forthcoming Royal Wedding; and
- (2) would similar licensing conditions apply for when street celebrations were undertaken for celebrating the Queen's Diamond Jubilee.

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

- (f) Report from the Cabinet Member for the Haverhill and Housing Portfolio: Councillor Mrs Gower (Report B543)

No questions were asked.

- (g) Report from the Cabinet Member for the Performance and Organisational Development Portfolio: Councillor Ray (Report B544)

Councillor Ray informed the Council that the Shared Services Steering Group had approved the detailed Business Case in respect of the Learning and Development Services and that the recommendation would be considered by the Cabinet at its next meeting. The Business Case in respect of Property Services was deferred until the next meeting of the Shared Services Steering Group.

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

- (1) implications of updating the Borough Councils Equality Scheme and its approach to carrying out Equality Impact Assessments.

(Councillor Chappell left the meeting at the conclusion of this item.)

- (h) Report from the Cabinet Member for the Resources and Efficiency Portfolio: Councillor Griffiths (Report B545)

No questions were asked.

- (i) Report from the Cabinet Member for the Transport and Planning Portfolio: Councillor Clements (Report B546)

Councillor Clements informed the Council that following consideration at the Shared Services Steering Group and other forums, Mrs Nicola Baker had taken the role of Interim Joint Head of Planning for both the Borough Council and Forest Heath District Council for six months. This arrangement had commenced on 1 April 2011. During this period a Business Case for the Planning Shared Service would be developed and would be priority in Phase two of the Shared Services Programme.

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

(1) the implementation of a number of changes to the bus services in Bury St Edmunds.

(j) Report from the Chairman of the Overview and Scrutiny Committee: Councillor Lockwood (Report B547)

No questions were asked.

(k) Report from the Chairman of the Performance and Audit Scrutiny Committee: Councillor Hale (Report B548)

No questions were asked.

(l) Questions to the Chairmen of other Committees

No questions were asked.

(m) Additional Questions

(The Mayor determined that the full time allocation for this item had not been utilised and allowed further questions.)

Further questions were put to Councillor Clements, Cabinet Member for the Transport and Planning Portfolio, (Report B546).

The following topics were questions put to Councillor Clements, who duly responded:-

(1) the changes to the bus services in Bury St Edmunds with particular emphasis on Moreton Hall;

(2) car parking arrangements for the residents of Kings Road, Bury St Edmunds;

(3) the car parking arrangements for residents of York Road and Queens Road, Bury St Edmunds; and

(4) the lack of up-to-date bus timetable information, including that available at West Suffolk House.

110. **Conclusion of Business**

The Mayor reminded the Council that this was the last meeting of full Council during the current administration and wished all those Members standing for re-election good luck and those retiring Members best wishes for the future. He also thanked Members for the respect shown to him as Chairman of the Council meetings.

The meeting concluded at 9.28 pm.

MAYOR