



Council 27 September 2011

Schedule of Referrals from Cabinet, Overview and Scrutiny and Democratic Renewal Working Party

(A) Referrals from Cabinet: 20 July 2011

1. Revised Equality Scheme 2011/2014 and Action Plan

Forward Plan Reference: Aug11/08
Cabinet Member: Cllr David Ray

Report C62
(Overview and Scrutiny
Committee Report C50)

RECOMMENDED:-

That the revised Equality Scheme 2011-2014 and Action Plan 2011/2012, as set out in Report C50 and amended by the Committee as detailed below, be approved:-

- (a) Section 1: include reference to working with Suffolk County Council;*
- (b) Section 3: include reference to Town/Parish Councils and Suffolk County Council in the list of key partnerships; and*
- (c) Appendix 1: the definition of 'religion or belief' be amended to delete the words 'lack of belief (e.g.', including the closed bracket after the word 'Atheism', so that the sentence reads '.... and philosophical beliefs including Atheism....'*

The Overview and Scrutiny Committee has responsibility for overseeing the work of the Diversity Group, which existed to progress the Council's Diversity and Equality Agenda. The Group has recently focused on the development of the revised Equality Scheme and the implementation of the Equality Action Plan. The Council first published an Equality Scheme in 2008, and this has now been revised following the introduction of the Equality Act 2010. The revisions have been considered by the Diversity Group, based on guidance produced by the Equality and Human Rights Commission.

**2. West Suffolk Waste and Street Scene Services Joint Committee:
17 June 2011**

*Forward Plan Reference: Aug11/05
Cabinet Member: Cllr Peter Stevens*

Report C69

RECOMMENDED:-

That the Partnering Agreement, dated 9 April 2008, be varied so that the business plan forms an integral part of the service plan.

The Partnering Agreement dated 9 April 2008, signed by both the Borough Council and Forest Heath District Council, requires that both business plans and service plans are presented to the West Suffolk Waste and Street Scene Services Joint Committee. However, it was considered by the Joint Committee and endorsed by the Cabinet that there was now no need to produce two separate documents and that the business plan should form an integral part of the service plan. This amendment needs to be registered as it was included in the formal Partnering Agreement signed by both local authorities.

3. Asset Management Plan: Ground Lease Shopping Centre, St Olaves Parade, Bury St Edmunds

*Forward Plan Reference: Aug11/06
Cabinet Member: Cllr Sara Mildmay-White*

Report C70

RECOMMENDED:-

That St Olaves Shopping Parade in Bury St Edmunds be declared surplus and the site sold, either by auction or by private treaty, as outlined in Report C70.

On 28 September 2010 Council agreed (Minute 52 (B)(4) refers) that the sale of the St Olaves Shopping Parade in Bury St Edmunds should be deferred to enable further consultation to be undertaken with the Ward Members. A meeting was held between the Ward Members, the Portfolio Holder and officers. The potential concerns of the sale were discussed, most of which had been raised by the tenants' representative of the shopping parade. The Ward Members agreed to relay to the shop tenants the reassurances given, including an explanation of those areas of landlord management over which the Borough Council had no control or influence. Ward Members agreed to report back to officers if they received any further comments or concerns. No further comments had been received from the shop tenants.

(B) Referrals from Cabinet: 14 September 2011

1. Anti-Fraud and Anti-Corruption Strategy

*Forward Plan Reference: Sep11/11
Cabinet Member: Cllr David Ray*

*Report C125
(Performance and Audit
Scrutiny Committee
Report C81)*

RECOMMENDED:-

That the revised Anti-Fraud and Anti-Corruption Strategy, attached to Report C81, be adopted.

The existing Anti-Fraud and Anti-Corruption Strategy was last updated in 2009, and needs to be kept under review in order to meet legal requirements and maintain the Council's high standards of corporate governance.

Amendments to the Anti-Fraud and Anti-Corruption Strategy were considered by the Performance and Audit Scrutiny Committee. These amendments are proposed to reflect the implications of the Bribery Act 2010, which came into force on 1 July 2011. Internal Audit are currently undertaking a focused review to determine current adherence to the requirements of the Bribery Act 2010, to ensure the Council's procedures cover six key principles. The outcome of this review will be reported to the Committee in the next Annual Fraud Report in April 2012, or sooner if significant concerns are raised.

2. Health and Safety Policy

*Forward Plan Reference: Sep11/08
Cabinet Member: Cllr David Ray*

*Report C129 (Central
Safety Working Party
Report C87)*

RECOMMENDED:-

That the amendments to the Health and Safety Policy in respect of Instruction 15: Health, Safety and Environment Requirements for Contractors, as contained in Report C87, be approved.

On 26 July 2011 the Central Safety Working Party considered amendments to Instruction 15 of the Health and Safety Policy entitled Health, Safety and Environment Requirements for Contractors.

3. St Edmundsbury Local Development Framework Supplementary Planning Document: Development Design and Impact

*Forward Plan Reference: Sep11/03
Cabinet Member: Cllr Terry Clements*

Report C132 (Sustainable Development Working Party Report C107)

RECOMMENDED:-

That the amended draft Supplementary Planning Document on Development Design and Impact, as contained in Appendix A of Report C107, be adopted.

The adoption of the Local Development Framework Core Strategy resulted in some policies in the Replacement Local Plan being superseded. Elements of these are either included in the Core Strategy or will be included in the emerging Development Management Policies document.

Policy DS3 of the Replacement Local Plan (Development Design and Impact) was superseded by policies in the Core Strategy but, due the strategic nature of these policies, much of the detail required to determine planning applications would be included in the emerging Development Management Policies document.

As an interim measure, it will be possible to adopt Policy DS3 as a Supplementary Planning Document until the Development Management Policies are adopted, provided that appropriate planning regulations are complied with.

A draft document was approved for consultation by the Sustainable Development Working Party at its meeting on 12 April 2011 (minute 68 refers). The consultation period has now been completed.

4. Replacement St Edmundsbury Borough Local Plan 2016: Development Brief for Land East of the The Granary, Clare

*Forward Plan Reference: Sep11/03
Cabinet Member: Cllr Terry Clements*

Report C132 (Sustainable Development Working Party and Rural Area Working Party Report C108)

RECOMMENDED:-

That the Development Brief for the development of land east of The Granary, Clare, attached as Appendix A to Report C108, 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 east of The Granary, Clare is allocated in Policy RA2(d) of the Replacement Local Plan for residential development. Agents acting on behalf of the owners of the site have prepared a 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 and should, therefore be adopted as planning guidance.

5. Generating Income from Renewable Energy

Forward Plan Reference: Sep11/09
Cabinet Member: Cllr Peter Stevens

Report C135 (AMENDED)

RECOMMENDED:-

That an additional £205,700 be allocated from the unallocated capital provision to fund all renewable energy generation as identified in Exempt Annex 3 (termed "enhanced option").

On 14 December 2010 full Council approved (minute 73 (B)(3) refers) that:-

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 CO₂ savings; and*
- (3) the Cabinet be given delegated authority to approve the final scheme.*

On 25 May 2011 Cabinet approved (minute 6 refers) that:-

- (a) the preferred procurement routes, as outlined in paragraph 5.4 of Report C7, be adopted; and*
- (b) subject to survey, specific funding in the region of £17,000 be allocated from Growth Area Funding for the proposed installation of solar energy generation at the proposed Nowton Park Visitor Centre.*

Report C135 (AMENDED) summarises the procurement process that has been followed to secure a preferred supplier for the installation of solar photovoltaics on key Council property. Details of the preferred bid are set out in *Exempt Annex 2*.

Based on the tendering process, the unit cost of installed solar photovoltaics is predicted to be significantly lower than stated in the initial report, Report B317. It has also shown that corporate property could accommodate more solar panels.

The result is that the Council could achieve a higher return on investment than previously predicted.

Exempt Annex 3 is **attached** to this Council report.

6. The Apex Business Plan

Forward Plan Reference: Sep11/06
Cabinet Member: Cllr Sara Mildmay-White

Report C136

RECOMMENDED:- That

- (1) *an additional capital budget of up to £35,000 be allocated to allow a supplementary scheme of works to the frontage, signage and foyer of The Apex to be implemented; and***
- (2) *a further sum of up to £50,000 be allocated as a contingency in the capital programme for the provision of the new bar if the Chief Finance Officer assesses that there is a greater return for the taxpayer through the Council making this investment rather than the new catering contractor.***

There has been concern expressed about the blandness of the open space immediately outside The Apex. In response to this, designs have been developed which provide for new external signage, information boards, seating areas and accompanying planting, as well as canopies and umbrellas. The proposed designs are being consulted upon with ING, who manage the arc. Advertisement consent will also be needed for the new signage. It is estimated that these improvements will cost up to £140,000, although a large proportion of this funding is already in place in existing budgets.

The Council is particularly keen to make more use of the space in the foyer/reception area in response to comments from users. The Fire Management Plan requires this area to be kept clear and determines what is allowed to take place and be placed in this area for different events. In consultation with the Fire Officer we have been exploring ways in which this area could potentially be used for more activities and also made more attractive. Plans being developed include lighting, artwork, seating and point of sale units to assist with merchandising at concerts and with conference management. Better signage is also needed to help customers find their way around the building, so additional signs within the Foyer and in the stairwells have been designed. The total cost of these additions to the foyer is estimated at £30,000.

It is also proposed to liaise with the new catering operator around the provision of an enhanced permanent bar/catering unit in the Foyer instead of the mobile units envisaged in the original business plan. A foyer bar is important for pre-concert and interval drinks sales and, if it were of a permanent construction, would also provide additional catering options inside and outside of the building. Work on this option is underway with our fire consultants prior to consultation with the Fire Service. The Council has already budgeted £20,000 for a mobile bar to serve the foyer, and it is estimated that the cost of installing a permanent bar, if permitted, would be an additional £30,000 i.e. £50,000 in total. It is likely that the Borough

Council may require the new caterer to invest in installing the bar. However, if a better financial return is achieved from the catering contract by the Borough Council making the investment itself, it is suggested that a contingency sum of £50,000 is allocated in the capital programme to meet these costs.

(C) Referrals from Overview and Scrutiny Committee: 6 July 2011

1. Appointment to Suffolk Health Overview and Scrutiny Committee

RECOMMENDED:-

That full Council be asked to confirm the appointment of Councillor Beckwith as the Borough Council's nominated representative on the Suffolk Health Overview and Scrutiny Committee for 2011/2012.

The Overview and Scrutiny Committee was advised that contrary to information published in the report, Suffolk County Council had reinstated its Health Overview and Scrutiny Committee and, as in previous years, wished a representative to be appointed to it from each of the County's District and Borough Councils. As Councillor Beckwith had been this Council's representative for several years, and was keen to continue, the Committee was in agreement that Councillor Beckwith should be re-appointed as the Borough Council's nominated representative on the Suffolk Health Overview and Scrutiny Committee for 2011/2012.

(D) Referrals from Democratic Renewal Working Party: 8 September 2011

(Chairman of the Working Party: Councillor Mrs P. A. Warby)

1. Polling District Review (Report C116)

RECOMMENDED:- That

- (1) Abbeygate Ward (BAF) in Bury St Edmunds be split into two polling districts with the divide being along Parkway;***
- (2) the schedule of Polling Places be amended by removing the entry for the Station Ward of Honington Parish (BAZ) polling with the Village Ward of Honington Parish (WAY);***
- (3) the schedule of Polling Districts be amended to reflect the boundary change made by the Community Governance Review with regard to BAO1 Village Ward of Fornham All Saints to BAO Fornham All Saints and BAO2 Town Ward of Fornham All Saints; and***
- (4) the schedule of Polling Districts be amended to reflect the creation of 2 new polling districts in the Abbeygate Ward in Bury St Edmunds.***

The Electoral Administration Act requires every Council to conduct a review of its designation of polling districts and polling places at least once every four years and the Borough Council's last review was completed in December 2007. The most

efficient and cost effective time to make any changes is when the newly updated register is published on 1 December.

At the beginning of July 2011 a letter outlining the review process, and a background document, were circulated to the following people:-

Borough Councillors;
County Councillors for divisions in St Edmundsbury;
Chairmen of Parish Councils;
Party Agents; and
Acting Returning Officers of the West Suffolk and South Suffolk constituencies.

A link was put on the home page of the Council's website alerting visitors to the site that the review was taking place. The link allowed people to view the consultation information, and this documentation is attached as Appendix 1 to the report. The information includes background information, Schedule of Polling Districts and Schedule of Polling Places.

Appendix 3 provides a breakdown of the eleven consultation responses received to date. Of these, seven responses were from Parish/Town Councils and four from Borough Councillors. At the meeting of the Working Party the Electoral Services Manager tabled a paper that contained details of four further consultation responses, of which three had recommended no change. Stansfield Parish Council had suggested that Denston and Poslingford should be merged with polling in Stansfield. However, as no indications of support on this proposal has been received from Poslingford and Denston no action can be taken until further consultation had taken place.

2. Amendments to the Constitution (Report C118)

RECOMMENDED:-

That Paragraph 15.4 of the Overview and Scrutiny Procedure Rules (Call in and Urgency), be amended and that the Mayor and Deputy Mayor be replaced by the Chairman and Vice-Chairman of the Overview and Scrutiny Committee respectively.

Paragraph 15.4 of the Overview and Scrutiny Procedure Rules relates to Call-in and Urgency and was replicated within the report. The Mayor can approve that where a decision taken by the Cabinet is considered to be urgent it need not be subject to the call-in rules and can be implemented immediately. However, it is considered more appropriate for the Chairman/Vice Chairman of the Overview and Scrutiny Committee to replace the Mayor/Deputy Mayor in making this type of decision as the Chairman of Overview and Scrutiny is already the designated post holder for other exceptions within the decision making process.

(E) Referrals from Cabinet: 14 September 2011

1. Annual Governance Statement 2010/2011 (Sep11/12)

*Forward Plan Reference: Sep11/12
Cabinet Member: Cllr David Ray*

***Report C126
(Performance and Audit
Scrutiny Committee
Report C80)***

RECOMMENDED:- That

- (1) the Annual Governance Statement (AGS) for 2010/2011, as set out in Report C80, be approved;***
- (2) the process used to compile the Annual Governance Statement and review of internal controls be endorsed for application in future years; and***
- (3) internal control assessment and proposed additional areas for improvement (Assurance Framework and related Action Plan) at Appendices 1 and 2 of Report C80 be approved.***

The Council is required to produce and publish an Annual Governance Statement (AGS), which covers six laid down core governance principles, and is to be approved by full Council, and signed by the Leader of the Council and the Chief Executive Officer.

The AGS for 2010/2011 accompanies the Statement of Accounts, and covers the Council's responsibilities in terms of the governance framework, the Borough Council's governance environment relating to the six laid down corporate governance principles, and the effectiveness of arrangements and any significant areas of weakness identified, with proposed actions to address them.

The governance framework is designed to facilitate the achievement of the Council's policies, aims, and objectives, and to identify and manage risk to a reasonable level. The governance framework is embedded within the Borough Council's Constitution and the systems, policies, procedures and operations in place throughout the Council.

The Performance and Audit Scrutiny Committee confirmed that the internal control assessment and proposed additional areas for improvement (Assurance Framework and related Action Plan) provided at Appendices 1 and 2 of Report C80 are adequate.