



Council 28 February 2012

Schedule of Referrals from Cabinet and Democratic Renewal Working Party

(A) Referrals from Cabinet: 1 February 2012

1. Shared Offices Joint Committee (Formerly West Suffolk House Joint Committee)

Forward Plan Reference: Feb12/04
Cabinet Member: Cllr John Griffiths

Report C318
(Shared Offices Joint
Committee Report C294)

RECOMMENDED:- That

- (1) the amended Terms of Reference for the West Suffolk House Joint Committee, attached as Appendix 2 to Report C294 as amended, be approved as the Terms of Reference for the Shared Offices Joint Committee;**
- (2) the West Suffolk House Joint Committee be renamed the Shared Offices Joint Committee; and**
- (3) delegated authority be granted to the Head of Legal Services of Suffolk County Council and the Head of Legal and Democratic Services of the Borough Council to amend the Joint Committee Constitutional Agreement in line with the amended Terms of Reference for the Joint Committee.**

On 26 June 2007, the Council resolved to establish the West Suffolk House Joint Committee and its Terms of Reference (minute 33(B)(2) refers).

St Edmundsbury Borough and Suffolk County Councils have agreed to share the Borough Council's Haverhill Offices in a way similar to West Suffolk House in Bury St Edmunds. The building will be jointly owned by Suffolk County Council and St Edmundsbury Borough Council.

The integrated approach to the delivery of services by the County Council and Borough Council is extended at the Haverhill Council Offices to include shared occupation of the building with four voluntary organisations, designed to improve the quality of service for visitors, to enhance the work environment for all office based and peripatetic employees, to meet Government aspirations for localism and to make efficiency savings on property occupation costs.

It is recognised that the most efficient way to undertake the management functions required for the Haverhill Council Offices is to extend the terms of reference of the West Suffolk House Joint Committee. It is also recognised that any changes to the Terms of Reference will result in similar changes being required to the Joint Committee Constitutional Agreement to ensure there is no conflict between the two.

2. Pay Policy Statement 2012/2013

Forward Plan Reference: Feb12/10
Cabinet Member: Cllr David Ray

Report C319

RECOMMENDED:-

The Pay Policy Statement for 2012/2013, attached as Appendix A to Report C319, be approved.

The Localism Act and supporting guidance provides details of matters that must be included in a statutory pay policy, but also emphasises that each local authority has the autonomy to take its own decisions on pay and pay policies. The Pay Policy Statement must be approved formally by full Council by the end of March each year. The Statement can be amended in year, must be published on the Borough Council's website and must be complied with when setting the terms and conditions of Chief Officer employees.

The Pay Policy Statement includes a policy on:-

- (a) the level and elements of remuneration for each Chief Officer;
- (b) the remuneration of the lowest paid employees;
- (c) the relationship between the remuneration of Chief Officers and other officers; and
- (d) other specific aspects of Chief Officer remuneration, fees and charges and other discretionary payments.

The Pay Policy Statement being recommended for adoption will be in the same format as that of Forest Heath District Council (FHDC), and it is anticipated that a single Pay Policy will be produced for both Councils from 2013/2014.

3. Empty Homes and Wasted Space Strategy 2009–2011

Forward Plan Reference: N/A
Cabinet Member: Cllr Anne Gower

Agenda Item 13

RECOMMENDED:- That

- (1) ***the current Empty Homes and Wasted Space Strategy 2009–2011 be extended for a further 6 months to allow a full refresh to be carried out jointly with Forest Heath District Council; and***
- (2) ***the change from giving grants to providing loans for owners to make improvements to their houses in return for nomination rights from the housing register be approved.***

The Empty Homes and Wasted Space Strategy was approved by Council on 22 September 2009 (minute 59(B)(1) refers).

The Strategy outlines those empty homes which will be targeted robustly for action, namely those that have been empty for more than 12 months, and are causing nuisance to neighbours. However, officers also try to engage with all empty home owners where the property has been empty for more than 12 months through correspondence and discussion.

The Strategy is now due for a review, but as it has been effective during the past two years it is recommended that the current Strategy is extended for a further 6 months. A full refresh of the strategy will then be carried out jointly with Forest Heath District Council as part of the shared services agenda during 2012.

Council is also requested to consider a change from offering grants to private owners to offering loans instead. In this way the money can be recouped and recycled, thus assisting more empty homes onto the scheme. This has been successfully used by Housing Action in other areas they are operating.

Owners who wish to access a loan will be required to enter into a leasing agreement with Housing Action Ltd under the terms of the private sector leasing scheme. The owner would agree that a portion of the money owed each month from the leasing agreement would be paid directly to the Borough Council until the loan is repaid. Interest will be charged on the loan in line with other loans the Council has made.

4. Joint Suffolk Section 106 Supplementary Planning Document

*Forward Plan Reference: Feb12/06
Cabinet Member: Cllr Terry Clements*

*Report C323 (Sustainable
Development Working
Party Report C331)*

RECOMMENDED:-

That the revised Joint Suffolk Section 106 Supplementary Planning Document, as contained in Appendix 2 to Report C331, be adopted.

Suffolk County Council and the local planning authorities in Suffolk are seeking to introduce a 'joint Suffolk Section 106 document'. This document will provide consistent guidelines for local planning authorities in Suffolk on the types of planning obligations which may be sought from developers. Consultation in respect of the draft document was carried out between March and May 2011.

Following consultation, a summary of comments received together with officers' responses was prepared and the draft Supplementary Planning Document amended. The Borough Council's original consultation response incorporated the comments made by the Sustainable Development Working Party on 12 April 2011, which was subsequently endorsed by the Cabinet on 27 April 2011 (Minute 154 (2) refers.)

5. Air Quality Management and New Development: Draft Supplementary Guidance

*Forward Plan Reference: Feb12/06
Cabinet Member: Cllr Peter Stevens*

*Report C323 (Sustainable
Development Working
Party Report C332)*

RECOMMENDED:-

That the revised Air Quality Management and New Development Supplementary Guidance, as contained in Appendix 2 to Report C332, be adopted as a protocol for dealing with planning applications.

Suffolk County Council and the local planning authorities in Suffolk are seeking to introduce Supplementary Guidance in respect of Air Quality Management and New Development. This document will assist both developers and local authorities in the preparation of information required to support planning applications in relation to air quality. Consultation in respect of the draft document was carried out between February and April 2011.

Following consultation, a summary of comments received together with officers' responses was prepared and the draft Supplementary Guidance amended. The Borough Council's original consultation response incorporated the comments made by the Sustainable Development Working Party on 12 April 2011, which was subsequently endorsed by the Cabinet on 27 April 2011 (Minute 154 (3) refers.)

(B) Referrals from Cabinet: 15 February 2012

1. Annual Treasury Management and Investment Strategy 2012/2013

*Forward Plan Reference: N/A
Cabinet Member: Cllr David Ray*

*Report C350
(Performance and Audit
Scrutiny Committee
Report C294)*

RECOMMENDED:-

That the Annual Treasury Management and Investment Strategy Statements for 2012/2013 and Prudential Indicators, as detailed in Appendix 3 to Report C294, 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 2012/2013 meets the requirements of the CIPFA Code, together with the Department for Communities and Local Government Guidance on Local Government Investment 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 affordance prudent and sustainable.

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 Borough Council's debt free status.

It is estimated that in 2012/2013 Treasury Management activity will generate income of £0.569m (which is equivalent to £14.84 for each Council Tax Band D property). This represents an average target investment rate for the year of 1.5%. The increase in projected investment income compared to the 2011/2012 estimate (i.e. investment income of £0.457m, equivalent to £11.97 for each Council Tax Band D property) takes into account:-

- (a) revised projections for Council balances taking into account the updated and rescheduled capital expenditure and asset disposals programmes; and
- (b) the maturity dates for the Borough Council's current fixed term investments.

2. (a) Report of the Performance and Audit Scrutiny Committee: Delivering a Sustainable Budget 2012/2013 (Report C351)

(b) Report of the Performance and Audit Scrutiny Committee: Review of the Capital Programme (Report C352)

(c) Budget and Council Tax Setting: 2012/2013 (Report C353)

The recommendations emanating from the Cabinet's consideration of the above three reports are contained within Item 9, Budget and Council Tax: 2012/2013, on this Council agenda.

(C) Referrals from Democratic Renewal Working Party: 9 February 2012

Chairman of the Working Party: Cllr Mrs P A Warby

1. Updating the Contract Procedure Rules (Report C344)

RECOMMENDED:-

That delegated authority be granted to the Head of Legal and Democratic Services and the Head of Finance to amend the Contract Procedure Rules contained within Part 4, Rules and Procedures, of the Council's Constitution in order that:-

- (a) the tender thresholds be amended as detailed in Sections (B) (C) and (D) of Appendix 1 of Report C...; and***
- (b) they provide for electronic tendering and are generally brought up the date.***

The Council's participation in a county wide electronic tendering and contract management system in Suffolk requires the Borough Council's Contract Procedure

Rules contained within Part 4, Rules and Procedures, of the Council's Constitution to be updated.

The Working Party endorsed the thresholds for procuring the value of goods, services or works from £10,001 and above. However, it was particularly concerned at the proposed amendments for ordering of goods, services or works below the value of £10,000, and has recommended an interim measure, as detailed in Section (B) of Appendix 1 to this Report. The Working Party considered that, without full details of the internal checks within the Borough Council's systems that provided the appropriate safeguards to both the Council and officers, it could not recommend approval that '*Officer selects a suitable supplier to ensure that price represents value for money (one quotation)*', especially when compared with the current requirement for a minimum of two quotations required for orders below £5,000.

Recent changes in legislation and the European Union (EU) procurement thresholds have also resulted in further changes being required to the Contract Procedure Rules.

It is also considered opportune to examine the current Contract Procedure Rules and make positive changes to assist officers of the Borough Council when undertaking a procurement exercise.

2. Amendments to the Constitution: Licensing (Report C345)

RECOMMENDED:-

That the amendments to the Council's Constitution regarding the licensing function, detailed in Appendix A to Report C345, be approved.

It is expected that provision will need to be made for a number of changes to the licensing function in respect of changes to the Licensing Act 2003, which will be effected by the Police Reform and Social Responsibility Act 2011. The Head of Environmental Health and Housing and Licensing Services Manager have reviewed the delegations in the Constitution and request the amendments to the Constitution.

Currently no regulations have been published with respect to the anticipated changes, which include:-

- (a) the Licensing Authority becoming a Responsible Authority; and
- (b) Environmental Health becoming a Responsible Authority for the purposes of considering Temporary Event Notices from a prevention of public nuisance perspective.

UPDATING COUNTRACT PROCEDURE RULES

(A) Current Tender Thresholds: For Information

Threshold: Value of Goods, Services or Works	Tendering Procedure
Less than £100	No tendering procedure required.
More than £100 but less than £5,000	Three verbal or written quotations preferred but a minimum of two required.
More than £5,000 but less than £50,000	The minimum of three written quotations required.
More than £50,000	Formal tendering procedure.
Above EU threshold	Full tendering procedure in accordance with Public Contracts Regulations.

RECOMMENDATIONS FROM DEMOCRATIC RENEWAL WORKING PARTY

(B) Amended Borough Council Threshold Subject to Review by the Democratic Renewal Working Party at its next meeting

Threshold: Value of Goods, Services or Works	Tendering Procedure
Less than £500	No tendering procedure required.
More than £500 but less than £10,000	Three verbal or written quotations preferred but a minimum of two written/hard copy required.

(C) Aligned Tender Thresholds (with other Local Authorities within Suffolk)

Threshold: Value of Goods, Services or Works	Tendering Procedure
£10,001 to £50,000	Three quotations required in hard copy from suitably qualified suppliers.
£50,001 to EU threshold	Formal tendering procedure (to be advertised on Contracts Finder).
Above EU threshold	Formal tendering procedure in accordance with Public Contracts Regulations.

(D) EU Thresholds as at 1 January 2012

	Threshold
Supplies and services contracts	£173,943.00 (€200,000)
Works contracts	£4,348,350 (€5,000,000)