

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

Minutes of the Meeting of the Council held on Tuesday 19 June 2012 at 7.00 pm in the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds.

PRESENT: The Mayor (Councillor T G Marks) (in the Chair),  
Councillors Ager, Beckwith, Ms Byrne, Chung, Clements, Clifton-Brown, Cockle, Cox, Everitt, Farthing, French, Griffiths, Hale, Mrs Hind, Hordern, Houlder, Mrs Levack, McManus, Mrs Mildmay-White, Nettleton, Oliver, Pugh, Ray, Redhead, Mrs Rushen, Simner, Spicer, Springett, Mrs Stamp, Stevens, Thorndyke, F J Warby, Mrs P A Warby and Mrs D A Whittaker.

### **18. Prayers**

The Mayor's Chaplain, Reverend Canon Ian Finn, Rural Dean of Clare and Rector of Haverhill, opened the meeting with prayers.

### **19. Minutes**

The minutes of the meetings of the Council held on 28 February, 17 May (Special Meeting) and 17 May 2012 (Annual Meeting) were confirmed as correct records and signed by the Mayor.

### **20. Mayor's Communications**

The Mayor reported on the civic engagements and charity activities which he, the Mayoress, Deputy Mayor and past Mayor Margaret Charlesworth had attended since the Annual Meeting of Council on 17 May 2012.

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

Councillor Griffiths, Leader of the Council, reminded the Council of the successful Jubilee celebrations that had taken place and the contributions made by Councillors, officers and residents. He then reminded the Council that the Olympic Torch would be soon travelling through the Borough. He had recently attended the opening of the refurbished Roundhouse which had previously been situated on the Cattle Market site in Bury St Edmunds but which now proudly adorned the Museum of East Anglian Life at Stowmarket.

Councillor Griffiths then provided some background information concerning the fire at Cupola House in Bury St Edmunds, which was operated as a restaurant by Strada. It was understood that the fire started in the basement of the Strada restaurant shortly after 8.00 pm on Saturday 17 June 2012, and unfortunately the restaurant had been destroyed. The Borough Council's Conservation Team was working with the structural engineers, building contractors and English Heritage to salvage any part of the building which could be reinstated or used as a template, and this work would be ongoing for some time. The Fire Service was still present.

On Monday morning 42 businesses were unable to open. By Monday lunchtime this number had reduced to 14 and was currently 10. The reasons preventing re-opening of these businesses were the fire-fighting operations or the risk of further collapse. The Wednesday Market would be opening as usual but some stalls would be relocated. Councillor Griffiths wished to place on record his thanks to the Borough Council's staff in meeting the challenge of this major incident, and also the staff of Suffolk County Council, the Fire and Rescue Service and Strada Restaurant. He concluded by stating that the situation was

now entering into the recovery phase, and at the beginning of a possibly lengthy process.

Councillor Griffiths then informed the Council that yesterday (Monday) he had received a letter with a petition from the Chairman of Bury Town Branch Labour Party requesting that the letter be presented together with the petition at this meeting of Council. The petition called for the Borough Council to withdraw the parking charges at Nowton Park with immediate effect. He reminded Council of the requirements of its Constitution, and that the requisite period of notice had not been given. However, the Overview and Scrutiny Committee had set up a Task and Finish Group to review car parking charges throughout the Borough, and this Group had just commenced this extensive piece of work. He, therefore, proposed to forward the letter and petition to the Task and Finish Group in order that it could be included in their deliberations. He then informed the Council of a number of facts associated with Nowton Park, which included that:-

- (1) the net costs of running the Park in 2012/2013 was estimated at £195,000;
- (2) the Council had recently invested £525,000 in the new Visitors' Centre, incorporating enhanced changing rooms, toilets and a café;
- (3) the Council had also earmarked £30,000 towards improvements to the play area;
- (4) consultation had taken place during the budget setting process;
- (5) car parking charges were levied not only at Nowton Park but other equivalent country parks within the area; and
- (6) the Council purchased Nowton Park in September 1985 for £425,000.

He concluded that it was too early to review the impact of the parking charges, not least because the poor weather had affected visit numbers to all parks, and any new charging system needed to 'settle down'.

Councillor Griffiths then paid tribute to Carol Rowntree, Economic Development Officer, who had recently retired from the Council. He commended the work she had undertaken over the last 24 years, and wished her every success for the future.

Councillor Ray, Portfolio Holder for Performance and Resources, then informed the Council that Claire Skoyles, Senior Committee Administrator, had recently become one of the first people in the country to be awarded the Association of Democratic Services Officers (ADSO) Certificate of Democratic Practice. He then presented her with the certificate of her achievement, and informed the Council that there would be a national presentation later in the year.

Councillor Ray then paid tribute to Steven Lincoln, Committee Services Manager, who was shortly to retire, for the work he had undertaken in supporting all Members of the Council and for doing so with a sense of humour. On behalf of the Council, he wished him a long and happy retirement.

## 22. **Apologies for Absence**

Apologies for absence were received from Councillors Mrs Broughton, Buckle, Farmer, Mrs Gower, P J Hopfensperger, Mrs R V Hopfensperger, Mrs Richardson, Rout, Mrs Rushbrook and A Whittaker.

23. **Declarations of Interest**

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

24. **Public Question Time**

**Mr Simon Harding of Bury St Edmunds** asked was the Council satisfied that all reasonable safety precautions for toddlers and young children had been installed at the newly refurbished play ground in the Abbey Gardens, and was the Council only interested in legally protecting itself should further injuries to children occur?

In reply, **Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport**, stated that the Council had employed professionals in the children's play industry to design and build the play facility in the Abbey Gardens. The play area was subject to post installation inspection/scrutiny by both the Borough Council's Health and Safety Officer and an external playground auditor. Since its opening nearly a year ago it had been subject to regular inspections by the Borough Council's Playground Inspector, and had recently been subject to an annual external audit. Whilst the design might not be everybody's taste the play area had proven very popular, and this was evidenced by the high number of visitors. Councillor Mrs Mildmay-White then added that the Council had approached a playground inspection company, one of the most respected and successful companies in the field of playground inspections, for a comment on the fencing in the play area, and she read out their response, which supported the current layout of the play area. Councillor Mrs Mildmay-White concluded that there had been one report of a young child breaking their arm following a fall from the ladder of the tree house since the play area had opened. Since that fall a sign suggesting a suitable minimum age for use had been installed.

**Mr Tom Murray of Bury St Edmunds** asked about the percentage of affordable or social housing included in the Vision 2031 documents, and what protection there was to ensure that this much needed housing was delivered?

In reply, **Councillor Clements, Portfolio Holder for Planning and Transport**, stated that although Local Planning Authorities were only required to deliver 30% affordable housing where affordable housing was required to be built, the Council aimed to deliver 35%; however this aspiration was difficult to achieve in the current economic climate.

As a supplementary question, **Mr Murray** referred to Affordable Rent guidelines, where homes were made available at a rent level of up to 80% of gross market rents (GMR). As he considered GMR rents in Bury St Edmunds were set to rise to as much as £1,000 per month for a three-bedroom property by 2031, he asked whether the Council had any plans for housing that would have more 'affordable' rents to help young people and those in lower paid employment.

In reply, **Councillor Clements, Portfolio Holder for Planning and Transport**, stated that Havebury Housing Partnership worked closely with housing associations to provide a range of affordable accommodation and ways in which to access such housing, to support those on lower incomes.

**Mr Harding of Bury St Edmunds** asked why had the Council adopted a secret and obscure stance regarding publishing the full details of the Council's final Heritage Lottery Fund bid for the Abbey Gardens in Bury St Edmunds.

In reply, **Councillor Mrs Mildmay-White, Portfolio Holder for Culture and Sport**, said she considered that there had not been secrecy surrounding the bid. The stage 1 bid had received coverage in the local press, and prior to the submission of the bid there were two well attended public consultations. The main features of the bid were summarised on the Borough Council's website, with the plans, and were explained in a lengthy Cabinet paper. She added that it was considered unnecessary to place the whole of the bid on the website because of its size and technical content. There were also aspects of the bid content that outlined estimated costs, which the Borough Council would not choose to release widely because it could compromise future tendering activities. This would not be in the council tax payers' interest. She concluded by stating that Mr Harding had been the only person to request a full copy of the bid.

As a supplementary question, **Mr Harding** asked why the Council thought it was necessary to form two new entrances to the Abbey Gardens when the present four entrances were adequate; why the Council proposed to remove the tennis courts, bowling green, shelters, gift shop, and the park-keeper's office, instead of improving them; and why did the Council propose to reduce or remove the aviaries when a survey had shown how popular these were.

In reply, **Councillor Mrs Mildmay-White** agreed to provide a written response.

25. **Items Referred to Full Council by Cabinet, Licensing and Regulatory Committee and Democratic Renewal Working Party**

The Council considered the Schedule of Referrals contained within Report D36 and the Addendum to Report D36 (both previously circulated).

**(A) Referrals from Cabinet: 28 March 2012**

(A)(1) Corporate Plan 2012-2016

Councillor Griffiths, Leader of the Council, reminded the Council that the document had been considered in detail by both the Overview and Scrutiny Committee and the Cabinet. The Plan focused on three new priorities:-

- (1) working together for strong, healthy and diverse communities;
- (2) working together for prosperous and environmentally responsible communities; and
- (3) working together for an efficient Council.

Councillor Griffiths emphasised that the 'our' theme ran throughout the document, and the need for all, Councillors, staff and public alike to work together. He added that in accordance with the decision taken by Cabinet, there had been minor amendments made since the Cabinet meeting, and that the latest version was attached to the Council report.

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

RESOLVED:- That

- (1) the Corporate Plan, attached as Appendix A to Report D36 be approved; and
- (2) the Policy, Performance and Customer Service Manager, in consultation with the Portfolio Holder for Performance and Resources, be authorised to make any minor typographic, factual, spelling and grammatical changes to the Plan, as required.

(A)(2) Tenancy Strategy

*(Councillor Cox declared a personal interest as a tenant of Havebury Housing Partnership. Councillors Everitt, Farthing and F J Warby declared personal interests as Borough Council representatives on the Havebury Housing Partnership Board. Councillor French declared a personal interest as a Member of the Havebury Housing Partnership Tenants' Forum and Scrutiny Panel. Councillor Clements declared a personal interest as Honorary Life President of the Havebury Housing Partnership. All Councillors remained within the meeting for the consideration of this item.)*

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

RESOLVED:- That

- (1) the Tenancy Strategy, as contained in Appendix A to Report C413, be adopted; and
- (2) the Head of Environmental Health and Housing, in consultation with the Portfolio Holder for Housing, Licensing and Environmental Health, be authorised to make any minor typographic, factual, spelling and grammatical changes to the document provided they do not materially affect the substance or meaning of the Strategy.

(A)(3) Joint Health and Safety Policy

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

RESOLVED:-

That the new Instruction 32 relating to Event Safety, as detailed in Appendix A to Report C409, be incorporated into the Joint Health and Safety Policy.

(A)(4) Design Brief for Redevelopment of Stourmead Close, Kedington

Councillor Clements, Portfolio Holder for Planning and Transport, reminded Council that the adopted Local Plan contained a requirement for a development brief or site specific design guidance to be prepared for all major development sites before planning permission could be granted. Consultants working on behalf of the landowners had prepared a draft design brief to assist potential developers to bring forward redevelopment schemes. The draft had been the subject of local consultation and the

Borough Council's Planning Officers had been involved in discussions as part of its preparation.

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

RESOLVED:-

That the Design Brief for the development of the land at Stourmead Close, Kedington, as contained in Appendix A to Report C391, be adopted as non-statutory guidance for the determination of future planning applications.

**(A)(5) Design Brief for Redevelopment of Westfield Primary School, Haverhill**

In response to a question, the Council was informed that Ward Members had not been specifically consulted at this stage of the process as it was only an initial design brief. Members would be consulted when detailed plans had been submitted.

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

RESOLVED:-

That the Design Brief for the development of the land at Westfield Primary School, Manor Road, Haverhill, as contained in Appendix A to Report C392, be adopted as non-statutory planning guidance for the determination of future planning applications.

**(B) Referrals from Cabinet: 23 May 2012**

There was one referral to full Council emanating from this meeting of the Cabinet, and because the recommendations related to an exempt report, the item was debated by Council at the end of its meeting (see minute 32 below).

**(C) Referrals from Licensing and Regulatory Committee**

**1. Meeting: 2 April 2012**

**1.1 Acceptance of Electronic Representations in Licensing Act 2003 Applications**

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

RESOLVED:-

That hard copies of electronic representations (emails) submitted in respect of Licensing Act 2003 applications be no longer necessary.

1.2 Street Collections: Proposal to Amend Procedures

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

RESOLVED:- That

- (1) the current requirement to consult with Suffolk Constabulary on applications for street collections be removed; and
- (2) the minimum period between application and the date of the proposed collection be reduced from 28 days to 10 working days.

**2. Meeting: 11 June 2012**

2.1 Sex Entertainment Venues: Standard Conditions

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

RESOLVED:-

That the Standard Conditions, attached as Appendix A to Report D27 and activity specific toolkits, attached as Appendices B, C and D to Report D27, be approved.

**(D) Referrals from Democratic Renewal Working Party: 26 April 2012**

(D)(1) Member Development Programme 2012/2013

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

RESOLVED:- That

- (1) the Member Development Programme 2012/2013, be commissioned using the training areas as set out in (1) to (10) of Report D36(D)1 with those areas shown in (a) to (d) of Report D36(D)1 being delivered as appropriate; and
- (2) Development Control and Licensing and Regulatory training be delivered outside the set programme dates.

(D)(2) Amendments to the Constitution: Overview and Scrutiny Committee Agenda

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

RESOLVED:- That

- (1) Paragraphs 8.1 and 8.2 of the Overview and Scrutiny Procedure Rules in Part 4 of the Council's Constitution be replaced with paragraph (2) below,

and that the existing Paragraph 8.3 be re-numbered 8.2; and

- (2) 8.1: Any Member of the Council shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. The request must be made by way of the "suggestion for scrutiny" form available on the Council's website or on request, in order to ensure the Committee has all the information it needs to decide whether to take the issue forward.

(D)(3) Representation on Outside Bodies: Annual Report

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

RESOLVED:-

That the annual reporting arrangements whereby Members appointed by the Borough Council to outside bodies report to full Council be amended and that those currently required to report to full Council should now annually report to an appropriate Group, such as a Committee or Working Party.

26. **New Standards Regime**

The Council considered Report D37 (previously circulated) which sought approval for the establishment of a new Standards Regime arising from the provisions of the Localism Act 2011.

The Localism Act 2011 made fundamental changes to the system of regulation of Standards of Conduct for Elected and Co-opted Councillors. The date for implementation of these changes was 1 July 2012. The authority remained under a statutory duty to promote and maintain high standards of conduct for its Members, but there was no statutory requirement for a Standards Committee. However, there was still a need to deal with Standards issues and case-work. It was proposed to retain, for the time being, a Standards Committee comprising the existing Borough Council Members, but with a view to joint arrangements being entered into with Forest Heath District Council. The current co-opted Independent Members would cease to hold office.

The Act established a new category of Independent Persons who must be consulted at various stages, but provided that the existing co-opted Independent Members could not serve as independent persons for five years. The Council would continue to have responsibility for dealing with Standards Complaints against elected and appointed Members of Parish Councils but the current Parish Council representative ceased to hold office.

There was a need to have a new Code of Conduct that was consistent with seven principles, and the Suffolk Monitoring Officers considered that one code for the whole county would be desirable to avoid confusion among twin and triple hatted Members. Attached as Appendix A to the report was a draft Code, which would



be adopted by all the local authorities within Suffolk. The Borough Council was also required to:-

- (1) approve procedures for dealing with complaints;
- (2) appoint an Independent Person;
- (3) maintain a new register of Members' Interests to comply with the requirements of the Act and of the Council's Code of Conduct;
- (4) maintain a new register of Members' Interests for each Parish Council; and
- (5) delegate to the Monitoring Officer the power to grant dispensations.

Councillor Ray, Portfolio Holder for Performance and Resources, drew relevant issues to the attention of the Council. He proposed an amendment to the recommendations contained within the report concerning the fee for the Independent Person, as it was understood that the other local authorities within Suffolk were proposing to pay a fee of £50.00 for each case considered. Councillor Ray, seconded by Councillor Cockle moved the recommendations, as amended.

Councillor Beckwith, considered that there was an inequity within recommendation 11(ii). The recommendation within the report stated that where a Member was found to have failed to comply with the Code of Conduct one course of action was to recommend to the Member's Group Leader or in the case of an un-grouped Member to Council or to a Committee that he/she be removed from any or all Committees or Sub-Committees of the Council. Councillor Beckwith considered that all Members should be treated equally and, therefore, proposed that this recommendation be amended to read "*recommending to Council or to Committees that he/she be removed from any or all Committees or Sub-Committees of the Council*". This amendment was seconded by Councillor Redhead, and being put to the vote was carried and became the substantive motion.

On the motion of Councillor Beckwith, seconded by Councillor Redhead, and duly carried, it was

RESOLVED:- That

**(a) Standards Committee**

- (1) the Council establish a Standards Committee comprising the three current elected members of the Council; and
- (2) the Monitoring Officer be authorised to work with her counterpart at Forest Heath District Council towards the establishment of a Joint Standards Committee and to report back to full Council on 27 September 2012.

**(b) The Code of Conduct**

- (3) the draft Code of Conduct, attached as Appendix A to Report D32, be approved for adoption;
- (4) when the Disclosable Pecuniary Interests (DPIs) Regulations are published, the Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Independent Person, be authorised to add to that draft Code provisions which she considers to be appropriate for the

registration and disclosure of interests other than DPIs to be known as Local Non-Pecuniary Interests; and

- (5) the Monitoring Officer, in consultation with the Chairman of the Standards Committee, be given delegated authority to make any minor typographical, grammatical or factual amendments to the Code.

**(c) Action in response to a Hearing finding of failure to comply with Code**

- (6) the procedure for dealing with complaints, set out at Appendix B to Report D32, be adopted;
- (7) the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (8) the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation or not, and if so, to arrange such investigation and be authorised to refer complaints to political group leaders and to seek resolution of complaints without formal investigation wherever practicable, and to report to Standards Committee on the discharge of this function;
- (9) where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be authorised to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the Member concerned, and to the Independent Person, and report the findings to the Standards Committee for information;
- (10) where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer be authorised to consult with the Independent Person on the appropriate sanction to be recommended to the Standards Committee ;
- (11) the Standards Committee be authorised to take decisions on the action to be taken in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:-
  - (i) reporting its findings to Council [*or to the Parish Council*] for information;
  - (ii) recommending to Council or to Committees that he/she be removed from any or all Committees or Sub-Committees of the Council;

- (iii) recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (iv) instructing the Monitoring Officer to *[or recommending that the Parish Council]* arrange training for the Member;
- (v) removing *[or recommending to the Parish Council that the Member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- (vi) withdrawing *[or recommending to the Parish Council that it withdraws]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- (vii) excluding *[or recommending that the Parish Council exclude]* the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

**(d) Independent Person**

- (12) John Burgess, member of the current Standards Committee, be nominated as the Independent Person from 1 July to 27 September 2012 inclusive; and
- (13) the Independent Person receive an annual allowance of £300 and a fee of £50 for each case considered.

**(e) The Register of Members' Interests**

- (14) the Monitoring Officer be authorised to maintain a new Register of Members' Interests to comply with the requirements of the Act, and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act; and
- (15) maintain new Registers of Members' Interests for each Parish Council to comply with the Act, and any Code of Conduct adopted by each Parish Council, and ensure that it is available for inspection as required by the Act.

**(f) Dispensations**

- (16) the power to grant dispensations be delegated to the Monitoring Officer, who may at her discretion refer the matter to the Standards Committee for a decision; and
- (17) there be a right of appeal to the Standards Committee from decisions made by the Monitoring Officer.

**27. Tenth Annual Scrutiny Report 2011/2012**

The Council received and noted the Tenth Annual Report of the Overview and Scrutiny and Performance and Audit Scrutiny Committees previously circulated as Report D38.

Paragraph 7.5.1 of Article 7 of the Council's Constitution requires that 'The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate'

Councillor Griffiths, Leader of the Council thanked the Chairmen and the Committees for the large amount of work undertaken and the significant contributions made.

**28. Representation on Outside Bodies: Appointments**

**(a) Havebury Housing Partnership (Havebury) Board**

*(Councillor Cox declared a personal interest as a tenant of Havebury Housing Partnership. Councillors Everitt, Farthing and F J Warby declared personal interests as Borough Council representatives on the Havebury Housing Partnership Board. Council French declared a personal interest as a Member of the Havebury Housing Partnership Tenants' Forum and Scrutiny Panel. Councillor Clements declared a personal interest as Honorary Life President of the Havebury Housing Partnership. All Councillors remained within the meeting for the consideration of this item.)*

The Council considered a narrative item which sought nominations for three Borough Councillors to serve as its appointed Directors on the Havebury Housing Partnership (Havebury) Board, and to appoint a Member of the Cabinet to exercise the Borough Council's voting rights at the Special General Meeting of the Havebury Board.

On 14 September 2011, Cabinet approved in principle changes to the Articles of Association of Havebury Housing Partnership in line with national good practice (minute 34 referred). Under these changes, the number of Havebury Board directors would reduce in September 2012 from 15 to 12, and the Borough Council's nomination rights for these directorships from 5 to 3. Tenants would nominate 4 directors, and there would be 5 'independent' directors.

In view of the magnitude of the changes to the Articles of Association, it had been agreed that the Borough Council would carry out a full review of its places on the Board at this time, and advise Havebury of its nominations at the Special General Meeting on 25 June 2012. It had, however, already been indicated to Havebury that the Council's three remaining directorships would be taken by Borough Councillors from September 2012 onwards. Non-councillors who were currently serving as 'local authority' directors would be able to be considered for appointment as independent directors if they met the skills and experience sought by the Board.

Under the current, and proposed, Articles of Association, the Borough Council's collective vote at special or annual general meetings of the Havebury Board was exercised by a single member of the Cabinet, rather than individually by the Council's appointed directors. This 'block vote' was usually exercised by the Portfolio Holder responsible for housing, which in this case was Councillor

Mrs Gower. However, due to a prior commitment, Councillor Mrs Gower was unable to attend the Special General Meeting on 25 June, and a substitute was required.

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

RESOLVED:- that

- (1) Councillors Everitt, Farthing and F J Warby continue to serve as the Borough Council's appointed directors on the Havebury Housing Partnership Board; and
- (2) Councillor Mrs Mildmay-White be appointed to exercise the Council's vote at the special general meeting of the Havebury Housing Partnership Board on 25 June 2012.

#### **(b) Suffolk Health Overview and Scrutiny Committee**

The Council considered a narrative item which sought approval for Councillor Beckwith to be nominated as a Borough Council representative on the Suffolk Health Overview and Scrutiny Committee.

The Council was asked to nominate one Member and, if required, one substitute Member to serve on the County Council's Health Overview and Scrutiny Committee. This Member should ideally be from the Borough Council's Overview and Scrutiny Committee, although this was not essential as the necessary training would be given by the County Council.

Given the years of experience Councillor Beckwith had on this joint body, the Overview and Scrutiny Committee had re-nominated him for 2012/2013.

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

RESOLVED:- that

Councillor Beckwith be nominated as the Borough Council's representative on the Suffolk Health Overview and Scrutiny Committee.

#### **29. Quarterly Report on Special Urgency**

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

#### **30. Reports and Questions**

- (a) Report from the Leader of the Council: Councillor Griffiths (Report D39)

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

- (1) the consultation exercise and responses associated with the Vision 2031 documents.

(b) Report from the Cabinet Member for the Culture and Sport Portfolio: Councillor Mrs Mildmay-White (Report D40)

Councillor Mrs Mildmay-White informed the Council of the challenging times being encountered by the staff within the Parks Section as earlier in the year they were having to combat the drought, and now were having to combat the heavy rainfall.

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

- (1) the outstanding contribution from staff involved with the Jubilee events, especially the Tourist Information Manager and her staff;
- (2) the automatic gates at the Bury St Edmunds Cemetery, which appeared to have no emergency facility to enable visitors to exit the premises;
- (3) the excellent new facilities at Nowton Park;
- (4) measures being undertaken prior to the Olympic Torch Relay through the Borough; and
- (5) the Council's plans for the aviary in the Abbey Gardens, Bury St Edmunds.

Councillor Mrs Mildmay-White agreed to write in respect of (1) above, make enquires in respect of (2) above and provide a written response in respect of (5) above.

(c) Report from the Cabinet Member for the Environment and Waste Management Portfolio: Councillor Stevens (Report D41)

Councillor Stevens informed the Council on the new textile recycling trial, and that information would be made available to all Councillors. He stated that the trial was introduced by the Suffolk Waste Partnership because 7,000 tonnes of clothing was being diverted to landfill and was, therefore, the subject of landfill tax. However, he wished to emphasise that it was not the intention to change people's habits who wished to donate clothing to charities.

Councillor Stevens was pleased to inform the Council that for the fourth consecutive year there was a decrease in the cost of waste management services per household in 2011/2012. The costs had decreased by 4% to £41.90 per household.

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

- (1) the textile recycling trial.

(d) Report from the Cabinet Member for the Housing, Licensing and Environmental Health Portfolio: Councillor Mrs Gower (Report D42)

*(In the absence of Councillor Mrs Gower, Councillor Mrs Mildmay-White presented the report and duly responded to questions.)*

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

- (1) the successful take up within St Edmundsbury of the 'Warm Homes Healthy People' Fund.

(e) Report from the Cabinet Member for the Performance and Resources Portfolio: Councillor Ray (Report D43)

Councillor Ray reminded Members of forthcoming Member Development activities, including the visit to the Anglia Revenues Partnership in Thetford, and the presentation on Local Government Finance.

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

- (1) whether litter bins had been provided where vending machines were to be placed in the Council's public car parks and bus and coach station in Bury St Edmunds, and if so would these be emptied frequently.

Councillor Ray agreed to make enquiries of the Waste Management Section in respect of the questions in (1) above.

(f) Report from the Cabinet Member for the Planning and Transport Portfolio: Councillor Clements (Report D44)

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

- (1) the possibility of re-instating the rail service at Haverhill.

(g) Report from the Cabinet Member for the Tourism and Community Services Portfolio: Councillor Everitt (Report D45)

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

- (1) the significant contribution of the Tourist Information Manager and staff in the successful Jubilee Events.

Councillor Everitt agreed to congratulate the staff as appropriate.

(h) Report from the Chairman of the Overview and Scrutiny Committee: Councillor Nettleton (Report D46)

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

- (1) litter collection and dog/litter bin distribution within the Borough; and
- (2) the successful review by the Task and Finish Group into the continuing success of the Bury St Edmunds Christmas Fayre.

- (i) Report from the Chairman of the Performance and Audit Scrutiny Committee: Councillor Hale (Report D47)

No questions were asked.

- (j) Questions to the Chairmen of Other Committees

No questions were asked.

**31. Exempt Information: Exclusion of the Public**

On the motion of Councillor Redhead, seconded by Councillor French, and duly carried, it was

RESOLVED:-

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

**32. Item referred to Council from Cabinet: Environmental Efficiency of the Council's Leisure Centres**

*(Councillor Clements declared a prejudicial interest as the Borough Council's representative on the Abbeycroft Leisure Board and left the meeting for the consideration of its item)*

The Council considered Exempt Report D48 (previously circulated) which sought approval for a loan to Abbeycroft Leisure to enable them to carry out a scheme of Environmental Improvements at the Borough Council's two leisure centres.

The Borough Council's two leisure centres were managed by Abbeycroft Leisure, which paid the utility costs directly to suppliers. Abbeycroft Leisure had commissioned an independent survey of energy and water usage and this survey had concluded that, with investment, considerable annual savings could be achieved. Abbeycroft Leisure may be able to secure some grants for the works. However, it was likely that funding of around £150,000 was required to deliver the project. On the basis that the Borough Council had asked Abbeycroft Leisure to reduce its management fee by £100,000 over the next four years, it had requested that the Borough Council consider a low interest short-term loan in order to deliver this challenging savings target.

In response to a question, the Council was informed that the loan would be funded from the unallocated capital reserves.

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

RESOLVED:- That

- (1) a five year loan of up to £150,000 be offered to Abbeycroft Leisure to enable them to carry out a scheme of environmental improvements at the Borough Council's two leisure centres; and



- (2) in view of the benefits to the Borough Council as landlord, the loan be offered at an interest rate of 2% above base rate, or 5%, whichever is the lower.

**33. Conclusion of Business**

The meeting concluded at 9.11 pm.

**MAYOR**