

MINUTES OF ST EDMUNDSBURY BOROUGH COUNCIL

Minutes of the Meeting of the Council held on Thursday 27 September 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, Mrs Broughton, Buckle, Chung, Clements, Clifton-Brown, Cockle, Cox, Everitt, Farmer, French, Mrs Gower, Griffiths, Mrs Hind, P J Hopfensperger, Mrs R V Hopfensperger, Houlder, Mrs Levack, McManus, Mrs Mildmay-White, Nettleton, Oliver, Pugh, Ray, Mrs Richardson, Mrs Rushen, Spicer, Springett, Mrs Stamp, Stevens, Thorndyke, Mrs P A Warby, A Whittaker and Mrs D A Whittaker.

40. Prayers

The meeting was opened with prayers by Reverend Manette Crossman, Curate at St Mary's, Haverhill.

41. Minutes

The minutes of the meetings of the Council held on 19 June 2012 and 1 August 2012 (Special Meeting) were confirmed as correct records and signed by the Mayor.

42. Mayor's Communications

The Mayor reported on the civic engagements and charity activities which he and the Mayoress had attended since his last report to Council on 19 June 2012. He reported that he had attended over 70 engagements since mid June, including events at each of the military establishments in the St Edmundsbury area which had close connections with the Borough, the homecoming parade at RAF Honington, Armed Forces Day events and Battle of Britain Parades and Services. He had also attended events throughout the Borough linked with the Queen's Jubilee and the Olympic and Paralympic Games, including the Olympic Torch Relay, which had been a truly outstanding occasion with thousands of people in Haverhill and Bury St Edmunds watching the torch travel through West Suffolk. St Edmundsbury had also had the honour of hosting the Rwandan Olympic and Paralympic Teams, and receptions had been held for both groups of athletes. The Rwandan High Commissioner had extended his country's thanks to the Borough for providing a training base for the teams, and for the warm welcome received.

The Mayor thanked all those involved in making the Olympic and Paralympic Games such an outstanding event, and advised that the Borough's Olympic and Paralympic athletes, games makers and torch bearers, amongst others, would be invited to the next meeting of full Council in December 2012, to give Members the opportunity of congratulating them all on their part in making this magnificent event such a success.

43. **Announcements from the Leader of the Council**

Councillor Griffiths, Leader of the Council, announced that Councillor Joshua Hordern had relocated to Oxford and would shortly be tendering his resignation as a Borough Councillor. Councillor Griffiths had sent a letter to Councillor Hordern saying how much the Council appreciated his contributions, and this afternoon Councillor Hordern had rung the Leader and asked him to extend his thanks to fellow Councillors for the support he had received during his time as a Borough Councillor, which he had very much enjoyed, and that he very much looked forward to keeping in touch.

Councillor Griffiths then announced that two new West Suffolk Directors had been appointed in a shared role across Forest Heath District and St Edmundsbury Borough Councils; these were Liz Watts, Head of Finance at St Edmundsbury, and Alex Wilson, Corporate Director for Community at St Edmundsbury. Both directors would formally start their new roles from 1 October 2012.

Councillor Griffiths was delighted that, following a robust recruitment process, the councils had successfully recruited two talented directors with the skills to take the councils forward into their new shared future, and was confident that Alex and Liz would help to provide strong leadership across West Suffolk.

The Leader then advised that the Council's current Corporate Director for Economy and Environment, Sandra Pell, would be leaving the authority in October 2012. Sandra had decided not to apply for one of the two new director posts, and was looking forward to many more new challenges in her life. Councillor Griffiths paid tribute to Sandra's many achievements during her 20 years at St Edmundsbury, having joined the authority as a Recycling Officer in 1992, when the Council's recycling rate was 2%. By the time she was appointed Head of Waste Management, ten years later, St Edmundsbury was the highest recycling authority in the country, recycling more than 50%.

In 2007 Sandra had been appointed Corporate Director for Economy and Environment, responsible for a list of high profile services, but nothing was to tax Sandra's skills, particularly in diplomacy and negotiation. Sandra also pioneered shared services, starting in 2005 with the Joint Waste Partnership. The award of an MBE in 2009 to Sandra was given in recognition of her services to local government, and in promoting recycling and waste reduction.

Councillor Griffiths finished by saying that if he had to come up with three words associated with Sandra they would be trust, respect and understanding. It was with some sadness that he, on behalf of all Councillors, thanked Sandra for her service to the Borough, and wished her all the best for the future.

The Mayor then took the opportunity to add his own thanks to Sandra, personally and on behalf of the Mayoralty. The Borough had an active civic life, and was often on show, and it was a reflection on civic pride that a Mayor had never been embarrassed by a litter strewn street or graffiti in the background. This demonstrated the care and attention to detail that Sandra applied in all her dealings.

The Mayor also added the recent investment in Haverhill to Sandra's list of achievements, with proactive planning and economic development activities, amongst other things, helping the town to express more confidence. If a call was put in to Sandra, action would be taken. Sandra would be the first to say that it was the team that delivered the achievements, however it took a leader to create the team. On behalf of all Members, the Mayor thanked Sandra for all she had done for St Edmundsbury.

44. **Apologies for Absence**

Apologies for absence were received from Councillors Ms Byrne, Hale, Hordern, Redhead, Rout, Mrs Rushbrook, Simner and F J Warby.

45. **Declarations of Interest**

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

46. **Public Question Time**

No questions were asked.

47. **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 D142 and Appendix A to Report D142 (both previously circulated).

(A) Referrals from Cabinet: 25 July 2012

(A)(1) Housing Assistance Policy

Councillor Mrs Gower advised the Council that the current Homes Assistance Policy had been due for review in 2013. However, due to the progress being made on the Shared Services programme with Forest Heath District Council, it was appropriate to develop and adopt a common policy to provide housing assistance in the private sector. Both councils had similar priorities on this issue, both seeking to ensure safe and suitable accommodation and the protection of households. It was therefore appropriate to combine the policies.

Councillor Mrs Gower outlined the main changes seen in the new combined policy, mainly concerned with the provision of grants.

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

RESOLVED: -

That the joint Housing Assistance Policy, as contained in Appendix A to Report D78, be approved.

(A)(2) Community Right to Challenge: Protocols – Scheme of Delegations

Councillor Everitt advised that this Scheme of Delegations explained the protocol to be followed under the new duty placed on local authorities to consider expressions of interest from community groups who wished to operate a council service.

On the motion of Councillor Everitt, seconded by Councillor Mrs Gower, and duly carried, it was

RESOLVED: -

That the handling of expressions of interest under the Community Right to Challenge be subject to a Scheme of Delegations, as set out in Appendix A to Report D142.

(A)(3) Amendments to the boundaries of the Bury St Edmunds Town Centre and Victoria Street Conservation Areas

Councillor Clements advised the Council that the Overview and Scrutiny Committee had done an excellent job with regard to the suggested amendments to the conservation area boundaries, having viewed each of the conservation areas on the ground, and not having simply looked at maps of the areas.

Councillor P Hopfensperger congratulated and thanked Claire Johnson (Assistant Conservation Officer) and Christine Leveson (Conservation Officer) for their work on this issue; they had worked very hard to make this piece of scrutiny interesting, enjoyable and informative.

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

RESOLVED: -

That the amended conservation area boundaries for the Bury St Edmunds Town Centre and Victoria Street Conservation Areas, as shown in Appendices 1 and 3 of Report D61, be adopted.

(A)(4) Sex Entertainment Venues: Standard Conditions

The Mayor advised that the recommendations relating to this item were approved by Council on 26 June 2012, and therefore the referral from Cabinet was not required.

(Councillor A Whittaker arrived during this item).

(B) Referrals from Cabinet: 12 September 2012

(B)(1) Community Right to Bid: Scheme of Delegations

Councillor Everitt advised the Council that from Autumn 2012 community groups would be able to nominate local land or buildings as community assets, which would then not be able to

be sold without the community group first being given the opportunity to prepare a bid. He further advised that relevant Borough Councillors would be advised of any community rights to bid which arose.

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

RESOLVED: -

That a delegation be made such that nominations under the Community Right to Bid be handled by officers once in force, as outlined in Appendix C to Report D119.

(B)(2) Annual Governance Statement 2011/12

Councillor Ray advised the Council that the Annual Governance Statement was required to be produced annually to confirm that the Council was complying with the six core principles of good corporate governance. The document had been scrutinised by the Performance and Audit Scrutiny Committee, and was included at pages 122 to 143 of the Statement of Accounts. Councillor Ray took the opportunity to remind the Council of the six core principles.

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

RESOLVED: - That

- (1) the Annual Governance Statement for 2011/2012, as set out in Report D89, as amended and attached to the Statement of Accounts contained in Report D140, be approved; and
- (2) the process used to compile the Annual Governance Statement (AGS) 2011/2012, as detailed in Annex A of the AGS, be endorsed.

(B)(3) Annual Treasury Management Report 2011/2012 and Investment Activity 1 April to 30 June 2012

Councillor Ray advised the Council that this report summarised the investment activities for 2011/2012. There was good news in the report, as budgeted income had been £457,000, but actual interest earned had amounted to £582,000, an over achievement of £125,000. The average rate of interest achieved for the year was actually 1.48% against a target of 1.5%, and Councillor Ray explained that the over achievement of interest had been due to the fact that the Council had had more funds invested than anticipated.

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

RESOLVED: -

That the Annual Treasury Management Report 2011/2012, as contained in Appendix 1 to Report D67, be approved.

(B)(4) Whistleblowing Policy

Councillor Ray advised the Council that good governance required organisations to take malpractice seriously. St Edmundsbury's Whistleblowing Policy had been reviewed and updated, alongside Forest Heath District Council, and would now be a joint policy with that council. In response to a question Councillor Ray advised that there had been no requirement to utilise this policy over a number of years, which was very encouraging and indicated that there had been no malpractice identified or reported.

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

RESOLVED: - That

- (1) the revised joint Whistleblowing Policy between Forest Heath District Council and St Edmundsbury Borough Council, as contained in Appendix A to Report D96, be adopted; and
- (2) the Portfolio Holder for Performance and Resources be given delegated authority to amend the officer post titles where necessary regarding the reporting of whistleblowing concerns referred to within the Policy, following the upcoming senior management restructure.

(B)(5) New Single Pay and Reward Strategy

Councillor Ray advised the Council that this new strategy was connected with the shared services programme with Forest Heath District Council, and aimed to bring the two officer teams together into one, serving both councils. At the moment, the pay structures were different for each council, and if these were not reviewed then it could lead to a situation where, in a shared officer team, there were people doing the same job but on different salaries. The aim was therefore to bring the two paylines together, but without increasing the overall salary budget for the two councils. The councils had established the principles as to how the new pay model would be established, and the next step was to negotiate agreement of this with Unison. Tonight the Council was simply asked to note the progress with this, and that any strategy would be reported back in due course.

In response to questions, Councillor Ray advised that:

- (1) the shared services concept was to bring two teams together in order to increase efficiency. Money would be saved in a large part as a result of savings on staff, and it was a sad fact of life that there would be some redundancies. As far as the single payline was concerned, some people would be slightly better off than at present, whilst others would be slightly worse off, but this was a result of aligning the pay structures.
- (2) as part of the single payline, both councils would aim to move to a minimum wage which was as close to the national minimum living wage as possible.

The Council noted:

- (1) the progress on moving to a Single Pay and Reward Strategy across the St Edmundsbury Borough Council (SEBC) and Forest Heath District Council (FHDC) partnership, as detailed in Report D128; and
- (2) that any agreed Joint Pay and Reward Policy emanating from the delegations detailed in Cabinet Minute 52 (1), would be reported to each Council for adoption by 31 March 2013, as outlined in Section 4.9 of Report D128.

(C) Referrals from Joint Development Management Policies Committee: 23 August 2012

(C)(1) Joint Development Management Policies Development Plan Document – Submission Version Consultation

Councillor Clements advised the Council that the Joint Development Management Policies Development Plan Document was one of the documents which would sit within both St Edmundsbury's and Forest Heath's local plans. Councillor Clements recognised the document as being a St Edmundsbury document, and had asked Forest Heath Members on the above Committee whether they recognised it as a Forest Heath document, and they had confirmed that they did. This showed that the document was well matched to each council's own particular area. Councillor Clements also advised that the draft Open Space document had been sent out for consultation this week.

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

RESOLVED: - That

- (1) the draft Submission Version of the Joint Development Management Policies Development Plan, as set out in Working Paper 2 of Report D110, be approved for public consultation; and

- (2) the Joint Interim Head of Planning, in consultation with the Chairman of the Joint Development Management Policies Committee, be authorised to make any necessary minor typographical, grammatical or similar textual changes to the draft prior to publication for consultation purposes.

**(D) Referrals from Democratic Renewal Working Party:
13 September 2012**

(D)(1) Member Development Update

Councillor Mrs P A Warby advised the Council that the Democratic Renewal Working Party felt it was appropriate to move to a both qualitative and quantitative method of recording evaluation information following Member Development activities, on a new evaluation form to be used by both St Edmundsbury Borough and Forest Heath District Councils. Additionally, the Working Party recommended that the Chairman and Vice Chairman of the Working Party be nominated to join Forest Heath District Council's informal Member/officer group which looked at issues such as the start times of specific training events, and other housekeeping issues with regard to training. Any major issues with regard to Member Development would continue to be brought to the Democratic Renewal Working party.

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

RESOLVED:- That

- (1) the current evaluation form completed by Members following Member Development sessions be replaced by a joint form to be used by both St Edmundsbury Borough Council and Forest Heath District Council Members, as shown in Appendix B1 to Report D117, subject to the 1-10 evaluation score lines at sections 3, 4, 5 and 8 of the form being changed to 1-5, and also that sections 1 and 2 include a 1-5 evaluation score line, rather than a simple yes or no response; and
- (2) Councillors Thorndyke and Mrs P A Warby be nominated to join Forest Heath District Council's informal Member Development Working Group, and that they report back on the work and remit of that group to a future meeting of the Working Party.

(D)(2) Appointment of Chief Executive as Returning Officer

Councillor Mrs P A Warby advised the Council that following an earlier view that it would be impractical for the Joint Chief Executive to be the Returning Officer for both St Edmundsbury Borough and Forest Heath District Councils, the situation had

now been reviewed, and there appeared to be no reason why the Chief Executive could not act as Returning Officer for both authorities.

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

RESOLVED: -

That the powers and duties of the Joint Chief Executive, as set out in Part C of the Scheme of Delegation to Officers in the Council's Constitution, be amended to include an additional power, "to act as Returning Officer, and any variation thereof as appropriate to different elections, and to act as the Electoral Registration Officer".

(D)(3) Amendment to the Schedule of Polling Places

Councillor Mrs P A Warby advised the Council that the Working Party recommended an amendment to the Schedule of Polling Places to allow electors in Honington Parish (Village Ward) to poll in Sapiston Parish when required, to avoid any unnecessary disruption to Honington Church of England Voluntary Controlled Primary School. As the polling stations involved were only 500 yards apart, this would not inconvenience voters.

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

RESOLVED: -

That the Schedule of Polling Places be amended to allow electors in Honington Parish (Village Ward) to poll in Sapiston Parish when required to avoid any unnecessary disruption to Honington CEVCP School.

48. Statement of Accounts: 2011/2012

The Council considered Report D140 (previously circulated) which sought approval of the Statement of Accounts for 2011/2012. An addendum to the report, and Report D139 considered by the Performance and Audit Scrutiny Committee, was circulated.

D139 – Audit Commission Interim Annual Governance Report

(With the agreement of the Chairman, the recommendation arising from the Performance and Audit Scrutiny Committee's consideration of Report D139 was considered as a matter of urgency under item 8, in accordance with S100B(4) of the Local Government Act 1972, as authorisation was required to sign off the Audit Commission's Annual Governance Report following the completion of the audit.)

Report D139 considered by the Performance and Audit Scrutiny Committee set out the key messages from the Audit Commission's audit of the Council's financial statements, and included an assessment of the Council's arrangements for securing value for money in its use of resources.

The 2011/2012 audit was still in progress, but to date there were no errors of significance that might impact on the Council's financial position or level of reserves. In addition, work on the audit of the Council's value for money arrangements had been completed, and the Audit Commission was expecting to issue an unqualified conclusion stating that the Council had proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

However, at the time of the Performance and Audit Scrutiny Committee meeting there was one significant piece of work, regarding the Council's Collection Fund Statement, which was still incomplete, full details of which were considered by the Committee. There was therefore the risk that the Commission might not be in a position to issue their audit opinion by 28 September 2012. As the final sign-off of the Annual Governance Report could not be completed at the meeting, the Committee had recommended that full Council delegate authority to the Chairman or Vice Chairman of the Committee to sign off the final report, once the audit was completed.

Councillor Ray advised the Committee of the current position, which was that the Audit Commission would not complete the audit by 30 September 2012. Their current forecast was for completion by 3 October 2012, at which stage they would issue their final Annual Governance Report.

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

RESOLVED:-

That the sign-off of the final Audit Commission 2011/2012 ISA 260 Annual Governance Report to those charged with governance (including approval of the Council's letter of representation) be delegated to the Chairman or the Vice Chairman of the Performance and Audit Scrutiny Committee.

2011/2012 Statement of Accounts

The Performance and Audit Scrutiny Committee had responsibility for scrutinising the Statement of Accounts prior to consideration by full Council, and the Committee had undertaken its responsibilities on 25 September 2012.

The Statement of Accounts set out St Edmundsbury's financial performance for 2011/2012, and provided details of revenue and capital income and expenditure during the period, an explanation of significant variances between budgeted and actual activity, and information regarding the Council's assets and liabilities as at 31 March 2012.

Councillor Ray, in presenting the Statement of Accounts to the Council, took the opportunity to thank the Chief Finance Officer, Liz Watts, and her team for the hard work involved in submitting this comprehensive Statement of Accounts to the Audit Commission in a timely fashion, and by the 30 June 2012 deadline. Sadly, this would be the last Statement of Accounts which would be the responsibility of Liz, as she

was moving on, as the Leader had already advised, to be one of the Directors under the new Joint Leadership Team. This was a well deserved appointment, and Councillor Ray took the opportunity to formally congratulate Liz. He looked forward to the appointment of the new Head of Resources and Performance with some trepidation and hoped that someone would be appointed who was as helpful and supportive as Liz.

This was the second year that the accounts had been produced in the new format required under the International Financial Reporting Standards, and the first year in which heritage assets had been required to be included. This had necessitated the re-statement of the last two years' accounts into the balance sheet, in order to be able to compare like with like. This was also the third year in which an Environmental Statement had been included.

The key highlights of the accounts were shown in sections 4.4.2 to 4.4.6 of the covering report, and relayed the good news that the final out turn was within 1% of the budget, which showed the accuracy of the Council's budget forecast. This was an excellent endorsement of the budget produced, and further good news was that the final figures showed an underspend of £0.138m, which would be transferred to the General Fund to help support the budget for future years.

Capital expenditure showed a significant underspend, although this was due largely to projects being delayed. This funding would be carried forward to 2012/13, but in the meantime had continued to be invested and to earn interest for the Council.

The pension fund figures were, however, alarming, and showed a significant increase in the deficit. The next triennial review of the fund, which was the formal valuation of the fund, was due in 2013, when the future contributions of the member councils would be set. The Council's current contribution was £2.1m pa.

Councillor Ray proposed one change to the Statement of Accounts, on page 4, amending "following our decision to freeze council tax for the second time in three years" to "...for the third time in four years".

Councillor Spicer informed the Council that the Performance and Audit Scrutiny Committee had scrutinised the Annual Statement of Accounts for 2011/2012 and sought explanations on a range of issues. As had already been reported to Council, the Audit Commission had not yet completed their audit, and it was therefore not yet possible to recommend to full Council to approve the Statement of Accounts, hence the Committee's recommendation that the signing of the accounts be delegated to the Chief Finance Officer, in consultation with the Portfolio Holder for Performance and Resources, following completion of the audit.

In response to questions, Councillor Ray advised that:

- (1) ownership of West Suffolk House and the Council's offices in Haverhill was on a 50/50 basis with Suffolk County Council.
- (2) the increase in Councillors' business mileage may be due, in part, to the change in the way mileage was claimed and the introduction of forms which put the onus on Members to claim

for mileage, rather than relying on the signing of attendance sheets at meetings. Under the old system a lot of mileage had not been claimed, but the new system was more accurate. Nevertheless, there was a necessity to reduce the overall bill, by car sharing wherever possible, or using minibuses where several Members were attending a meeting at the same location. The overall number of meetings would also be looked at, and where committees or panels had ceased to have a useful function they may no longer need to meet; alternatively they could meet less frequently.

- (3) referring to a suggestion to split the mileage concerned with the Mayor's official duties from his or her general Council duties, on Appendix 2 to Report D140, this list of payments to Councillors was not a formal part of the Statement of Accounts, although an amalgamated figure for all Councillor mileage was included. The appendix had been provided following a request from Performance and Audit Scrutiny Committee, and there was no reason why the Mayor's mileage could not be shown differently in future versions of the appendix.
- (4) regarding officer remuneration, there had been a policy of a 0% pay increase for two years, and the only way for officers' pay to change was by way of increments awarded for good performance or reductions for poor performance under the Council's Performance Development Review system. Under the system, 44% of officers had received an increment during 2011/12, and six officers had seen their pay reduce. The overall increase in the salary bill relating to that was 0.9%. Councillor Ray felt that it would be wrong to remove this incentive of rewarding good performance and reducing pay for poor performance.

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

RESOLVED: - That

- (1) the 2011/2012 Statement of Accounts, as attached to Report D140, be approved, as amended on page 4 to replace "following our decision to freeze council tax for the second time in three years" with "following our decision to freeze council tax for the third time in four years", subject to any changes that may need to be made as a result of the audit being finalised;
- (3) the transfer of £0.138m budget underspend for 2011/2012 to the General Fund be approved; and
- (4) the Chief Finance Officer, in consultation with the Portfolio Holder for Performance and Resources, be given delegated authority to make any changes to the Statement of Accounts that may arise from the finalisation of the audit process.

49. **Question on Notice**

In accordance with paragraph 11.2 of the Council Procedure Rules, as contained within the Council's Constitution, Councillor Nettleton had given notice of the following question to Councillor Mrs Gower, Portfolio Holder for Housing, Licensing and Environmental Health: -

'What immediate action, if any, is being taken to bring 103 Northgate Street, Bury St Edmunds, into use as a dwelling as it has been empty and semi-derelict for 14 years and the Borough Council has so far failed to act decisively?'

Councillor Mrs Gower, Portfolio Holder for Housing, Licensing and Environmental Health, replied that, with regard to 103 Northgate Street, she was restricted by the Data Protection Act and therefore unable to disclose any personal information about the owner of the property. She agreed with Councillor Nettleton, however, that this property had been empty for a very long time, a fact which both officers and Members had found frustrating. But having been involved herself for the last twelve months, Councillor Mrs Gower was clear that officers had established a relationship with the owner by working with him since 2010. As Councillor Nettleton was aware, 103 Northgate Street required considerable repair and renovation, and the owner had co-operated, albeit slowly, with an expected completion and occupation date of the end of September 2012.

Councillor Mrs Gower had been involved with this case since September 2011, and although it had taken 12 months, she had updated both Councillors Nettleton and Mrs P A Warby when she had regularly chased the situation. She had already issued a letter making the Council's position entirely clear, but could not legislate for personal circumstances which may have caused even more delays to the completion of this project, personal circumstances which she was not prepared to disclose in open forum.

With respect to what immediate action she was prepared to take, Councillor Mrs Gower could inform Councillor Nettleton that she had decided the following: with the continued progress made in bringing this property back into use, and for the additional reasons that it was generally clean and tidy on the outside, as she had personally verified; that work had been continual to return it to use; that it was secure; and that there was no nuisance associated with the property (Environmental Health Officers had visited on numerous occasions to monitor the property and check the progress of the renovation works), there were no grounds for the Council taking enforcement action to compulsorily purchase this property. Indeed, if enforcement action was undertaken, she had been advised by a legal officer that the courts would seriously question the validity of any action as the owner was clearly co-operating and had stated his commitment to returning the property into use.

Councillor Mrs Gower gave her assurance that officers would continue to closely monitor progress until the property was occupied, and she had on Monday of this week received confirmation that the person who would be living in the property would be moving in sometime in October.

Councillor Mrs Gower advised that a copy of her full response, which included an overview of the Empty Homes Process, would be sent to every Member by Democratic Services on her behalf as soon as possible.

As a supplementary question, Councillor Nettleton asked when Councillor Mrs Gower planned to next visit 103 Northgate Street to see for herself the dilapidation of this property, including the exterior, to which Councillor Mrs Gower replied that she did not intend to visit the property, but took regular reports from officers.

50. **New Standards Regime: Independent Persons**

The Council considered Report D143 (previously circulated) which sought the appointment of eight persons as Independent Persons under the Localism Act 2011 for a period of one year.

As part of the new Standards framework under the Localism Act, each local authority was obliged to appoint at least one 'Independent Person' (IP). Their role would be to advise whether complaints should be investigated, give support and advice, if sought, to Councillors who were complained against, and to be consulted on appropriate penalties when complaints were upheld. The Suffolk authorities had carried out one recruitment process and selected eight successful candidates. Each authority in Suffolk had been recommended to appoint all of the candidates as its IPs, but would pay the annual allowance for only one.

Councillor Ray reminded the Council that in June 2012 it had appointed Mr John Burgess as Independent Person on a temporary basis from 1 July to 27 September 2012. Tonight Council was asked to approve the appointment of 8 persons, only one of which would be paid for by the Council. Councillor Ray wished to move an amendment to the recommendation, to extend the period of appointment to up to 2 years. The reason for this was that some Councils in Suffolk had expressed concern that all the candidates were male, and there was therefore not appropriate diversity in the appointees. Applications had been received from females but following a robust process the eight men to be appointed had been selected on merit. Nevertheless, some authorities wished to see another recruitment process sooner rather than later.

Forest Heath District Council had appointed the Independent Persons for one year; Suffolk County Council, Waveney District Council and Suffolk Coastal District Council had appointed them for two years with an option to extend for a further two years. The remaining district councils had not yet determined the period of appointment, but it was expected that Mid Suffolk District Council and Babergh District Council would appoint for up to two years, and that Ipswich Borough Council would appoint along the lines of the County Council. Councillor Ray therefore proposed that St Edmundsbury appoint for up to two years, to allow time for consideration and perhaps another co-ordinated recruitment process. If the Council appointed for only one year, the likelihood was that it would need to extend that in a year's time.

In response to questions, Councillor Ray advised that:

- (1) any further recruitment process would not have a 'quota' system for appointment of male or female persons, and that applicants

would again be appointed on merit, so it was feasible that there could again be an all-male panel.

- (2) although one of the persons lived in Wivenhoe, Essex, there had been no geographical requirements of applicants; the role was to act in an advisory capacity, and that advice would most likely be sought and given electronically.
- (3) if any of the appointed persons resigned before the end of the two year period, then a replacement would be sought at that time.

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

RESOLVED: -

That the eight persons listed in Appendix A to Report D143 be appointed as Independent Persons under the Localism Act 2011 for a period of up to two years.

51. **Management Restructure: Changes to the Constitution**

The Council considered a narrative item and supporting document (Paper D144, previously circulated) which sought amendments to the Scheme of Delegation to Officers.

Part 3 of the Council's Constitution contained a Scheme of Delegation setting out the functions that had been delegated to specific officer posts. As a result of the restructure that was due to take effect shortly, it was necessary to amend these delegations to enable new Directors and Heads of Service to carry out their duties immediately they were appointed. The revised delegation scheme as it applied to the new Director and Head of Service posts was attached to the agenda as Paper D144.

Councillor Ray advised that the principal changes were to the titles of Heads of Service and the movement of responsibilities from one area to another, as a result of the management restructure.

In response to questions, Councillor Ray advised that:

- (1) Paper D144 had been written in the best way possible to identify the changes in responsibility, but it was difficult to specify the exact changes when whole sections had moved from one Head of Service's responsibility to another's.
- (2) the definition of Chief Officers now included Heads of Service, and whilst this was a significant change, he did not foresee any problem arising from it.
- (3) regarding the power to make virements of up to £25,000, this was simply the process of moving money from one budget to another. It was delegated to Heads of Service to avoid delay, and virements were kept a close eye on by the Finance Department. This power had been in place for 10 years and the limits had not been changed.

- (4) a written response would be provided as to what a "register of common lodging housekeepers" was, as referred to on Page 29 of Paper D144.

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

RESOLVED:- That

- (1) the delegations set out in Paper D144 be approved;
- (2) the Chief Executive be given delegated authority, in consultation with the Leader of the Council, to make further minor consequential changes arising from changes in job title or duties which do not materially affect the terms of the Constitution; and
- (3) a written response be provided as to what constitutes a "register of common lodging housekeepers", as referred to on Page 29 of Paper D144.

52. **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.

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

53. **Reports and Questions**

- (a) Report from the Leader of the Council: Councillor Griffiths
(Report D145)

(Councillor Mrs Broughton declared a pecuniary interest as the owner of land referred to in 'Policy BV5: North East Bury St Edmunds Strategic Site' of the Draft Bury St Edmunds Vision 2031 document, as Vision 2031 was the subject of Section 6 of Report D145, and left the meeting during the consideration of this report.)

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

- (1) the petition started on 13 May 2012 objecting to aspects of the Vision 2031 document, and when this was likely to be presented;
- (2) the potential for the Mayor to be formally invited to attend the Business Festival; and
- (3) the name of Haverhill House, the Council's offices in Haverhill, and whether the enhancements would be applied to the outside of the building (a written response was requested on this issue).

- (b) Report from the Cabinet Member for the Culture and Sport Portfolio: Councillor Mrs Mildmay-White (Report D146)

Councillor Mrs Mildmay-White expressed her huge thanks to all staff in Leisure Services for the enthusiasm and work ethic which had produced such an excellent events programme, the highlight of which had been the Olympic Torch Relay. Wherever she went, people had happy faces, and she thanked all staff for their part in making this happen. Councillor Mrs Mildmay-White also congratulated the Parks Department on their four Green Flag Awards, and on securing the gold award in the Large Town category of Anglia in Bloom.

(Councillor Ager left the meeting during the discussion of this item).

- (c) Report from the Cabinet Member for the Environment and Waste Management Portfolio: Councillor Stevens (Report D147)

Councillor Stevens drew the Council's attention to the Climate Change section of his report, where it could be seen how the Council was working with partners to tackle this important issue. He also advised that the cost of waste collection had fallen again for the third successive year, and paid tribute to the staff who had made this possible. He gave special thanks to the Council's retiring Director for Economy and Environment, who had been the bedrock of the Council's waste service for many years, and whose achievements included the rollout of 2-weekly 3-bin collections, and breaking through the 50% recycling rate. Councillor Stevens thanked Sandra Pell for her support to him as Portfolio Holder.

In response to a question Councillor Stevens advised that there were no holes in the textiles recycling bags in order to prevent soiling of the contents. The textile collection scheme was being rolled out as part of the Council's aim to divert as much waste as possible from landfill.

- (d) Report from the Cabinet Member for the Housing, Licensing and Environmental Health Portfolio: Councillor Mrs Gower (Report D148)

Councillor Mrs Gower advised the Council that the estimated attendance at Haverhill's Older Peoples Forum's Golden Age Fair was over 75. Councillor Mrs Gower also reported on the distribution of the new style CB9 badge, funded from Councillor Marks's locality budget and designed by members of the One Haverhill Board.

- (e) Report from the Cabinet Member for the Performance and Resources Portfolio: Councillor Ray (Report D149)

Councillor Ray reminded Members again of the six principles of good governance, and advised that part of this was around developing the capacity and capability of Members. This required a comprehensive Member Development Programme to be put in place, as set out on page 5 of his report, and had included an excellent session on Freedom of Information and Data Protection on Monday of this week, which several Members

had attended. The Member Development Programme provided useful sessions for Members, and Councillor Ray urged Members to attend these.

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

- (1) how attendance at development sessions outside the Council, perhaps through a Councillor's work, could be "logged" as attendance against a particular subject;
- (2) how to set times for training events which were convenient for all Members, or whether sessions should be repeated at different times;
- (3) that some sessions were held twice, at different locations, and this gave two opportunities for Members to attend a session; and
- (4) that there were currently no plans for video conferencing of Council meetings.

(f) Report from the Cabinet Member for the Planning and Transport Portfolio: Councillor Clements (Report D150)

Councillor Clements advised the Council that it was important to move forward with regard to improvements on the railways in East Anglia, and that he would be attending a full-day session at the end of October in this regard. He also advised that the number of customers choosing to pay for parking using the RingGo pay by phone system had continued to rise. Finally, Councillor Clements said that this was a sad time for him, with Sandra Pell due to leave the organisation, and thanked her for the support she had given him, which had been greatly appreciated.

(g) Report from the Cabinet Member for the Tourism and Community Services Portfolio: Councillor Everitt (Report D151)

Councillor Everitt highlighted several events which had taken place over the summer months which had attracted thousands of people into the Borough. In particular he mentioned the Jubilee Fete in the Abbey Gardens, organised by the Tourist Information Centre with funding from the Bury St Edmunds Town Council, and he thanked the Town Council for their contribution to this event, and hoped that it would consider a repeat of it.

Councillor Everitt also reminded the Council that the election of a Police and Crime Commissioner for Suffolk was due to take place on 15 November 2012. This would be an important role responsible for the entire police budget. The West Suffolk Community Safety Partnership, which consisted of four district councils including St Edmundsbury, had produced and distributed a brochure to the prospective candidates highlighting the positive contribution that the partnership made to keeping the community safe in West Suffolk, together with the priorities for the coming year.

Finally, Councillor Everitt made an addition to his report, announcing that Simon Blows, the Council's Market Business Development Officer, had moved on to new challenges, but had left a much improved and healthy Provisions Market at both Bury St Edmunds and Haverhill. Over the past year the number of new stalls joining the Bury St Edmunds market had increased, there had been a successful National Market Day event, and more events were planned over the coming months, the next being a two day market. activities and events on the weekend of the Bury St Edmunds Christmas Fayre, 23 and 24 November 2012. Councillor Everitt reminded Members that the markets would only prosper if we supported them.

- (h) Report from the Chairman of the Overview and Scrutiny Committee: Councillor Nettleton (Report D152)

No questions were asked.

- (i) Report from the Chairman of the Performance and Audit Scrutiny Committee: Councillor Hale (Report D153)

In the absence of Councillor Hale, Councillor Spicer advised Members that following the Committee's consideration of the report of the Venues Director on the performance of the Apex, the Cabinet's planned two year review of the Apex would now be first scrutinised by the Overview and Scrutiny Committee, at its meeting on 5 December 2012, and all Members would be invited to participate.

- (j) Questions to the Chairmen of Other Committees

No questions were asked.

54. **Conclusion of Business**

The meeting concluded at 9.25 pm.

MAYOR