



Council 27 September 2012

Schedule of Referrals from Cabinet, Joint Development Management Policies Committee, and Democratic Renewal Working Party

(A) Referrals from Cabinet: 25 July 2012

1. Housing Assistance Policy

Forward Plan Reference: Aug12/15
Cabinet Member: Cllr Anne Gower

Report D78

RECOMMENDED:-

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

The Borough Council's current Homes Assistance Policy approved on 9 December 2008 (Council minute 64(B)(1) refers) came into effect on 1 April 2009. The Policy is due for review next year but with shared services being imminent it is appropriate to develop and adopt a common Policy and approach with Forest Heath District Council (FHDC) to provide housing assistance in the private sector.

Amendments to the current Policy have been made and these are highlighted in red in the draft Policy attached as Appendix A to Report D78.

2. Community Right to Challenge: Protocols – Scheme of Delegations

Forward Plan Reference: Aug12/10
Cabinet Member: Cllr Robert Everitt

*Appendix A to Report
D142
(Cabinet Report D79)*

RECOMMENDED:-

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.

On 27 June 2012, a new duty was placed on local authorities to consider and either accept or reject expressions of interest from community groups who wish to operate a council service. If the expressions of interest meet certain criteria laid down in the Localism Act 2011 and subsequent regulations, the local authority must run a procurement exercise. As such, community groups will have a new 'Community Right to Challenge'.

The Council needs to be ready to receive and assess expressions of interest. On 25 July 2012, the Cabinet approved an amended proposed approach to dealing with the new right, both in terms of embedding it in its wider community engagement activities and in terms of ensuring the technical and legal requirements are met.

It also recommended approval to Council of the proposed Scheme of Delegations for handling the expressions of interest, attached as Appendix C to Report D79, subject to a number of amendments detailed in Cabinet Minute 28. These amendments have now been incorporated and the amended Scheme of Delegations is attached as Appendix A to this report.

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

*Forward Plan Reference: Aug12/07
Cabinet Member: Cllr Terry Clements*

Report D83 (Bury St Edmunds Area Working Party Report D61)

RECOMMENDED:-

That Council formally adopt 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.

There is no statutory requirement to carry out any public consultation before designating a conservation area or amending its boundary. Officers consider it 'good practice' however, and a means of raising public awareness of the conservation areas. Extensive public consultation, in accordance with the Council's Statement of Community Involvement, therefore took place between 29 February and 30 April 2012 inclusive, which coincided with the consultation period for the Vision 2031 documents.

The Bury St Edmunds Town Centre Conservation Area boundary has been amended after consultation to follow the west side of St Andrew's Street South and part of St Andrew's Street North to include the Town Ditch.

The Bury St Edmunds Victoria Street Conservation Area boundary has been amended after consultation to include St Peter's Pit in Out Risbygate and remove the whole garden of 2 Westbury Avenue.

The Cabinet has recommended the adoption of the conservation area boundaries, having authorised the Interim Head of Planning, in consultation with the Portfolio Holder for Planning and Transport, to amend any minor mapping errors prior to their formal adoption.

4. Sex Entertainment Venues: Standards Conditions

*Forward Plan Reference: Aug12/17
Cabinet Member: Cllr Anne Gower*

*Report D80
(Licensing and
Regulatory Committee
Report D27)*

(This item was considered by the Licensing and Regulatory Committee on 11 June 2012 and its recommendations were subsequently considered by the Cabinet on 25 July 2012. However, it has transpired that the recommendations relating to this item were approved directly by Council on 26 June 2012 (Minute 25 (C)(2)(2.1) refers) and therefore the referral from Cabinet is not required.)

(B) Referrals from Cabinet: 12 September 2012

1. Community Right to Bid: Scheme of Delegations

*Forward Plan Reference: Sep12/14
Cabinet Member: Cllr Robert Everitt*

Report D119

RECOMMENDED:-

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.

From autumn 2012, community groups will be able to nominate local land or buildings as *'assets of community value'* that cannot be sold without the community group first being informed and given the opportunity to prepare a bid. The new powers are known as the *'Community Right to Bid'* and, with some exceptions, can be applied to land or buildings that are in public or private ownership.

The Borough Council needs to be ready to deal with nominations from community groups as well as the associated listing, review, notification and compensation processes.

On 12 September 2012, the Cabinet approved the proposed approach to dealing with the Community Right to Bid, including recommending approval to Council of the proposed Scheme of Delegations for handling nominations, as detailed in Appendix C to Report D119.

2. Annual Governance Statement 2011/2012

*Forward Plan Reference: Sep12/10
Cabinet Member: Cllr David Ray*

*Report D121
(Performance and Audit
Scrutiny Committee
Report D89)*

RECOMMENDED:- 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.***

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

The AGS for 2011/2012 accompanies the Statement of Accounts, and covers the Council's responsibilities in terms of the governance framework, St Edmundsbury's governance environment relating to the six laid down corporate governance principles, and the effectiveness of St Edmundsbury's arrangements and any significant areas of weakness identified, with proposed actions to address these.

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

The Performance and Audit Scrutiny Committee confirmed that the process used to compile the AGS, as detailed in Annex A of the AGS is adequate.

The Cabinet agreed with the recommendations of the Performance and Audit Scrutiny Committee in respect of approving the draft AGS 2011/2012. The draft has now been subject to minor modifications and the final version accompanies the Statement of Accounts contained in Report D140 of this Council summons.

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

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

Report D122
(Treasury Management
Sub- Committee Report
D67)

RECOMMENDED:-

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

The Annual Treasury Management Investment Report, summarises the investment activities for the year 2011/2012, and also provides a summary of investment activity for the first three months of the 2012/2013 financial year.

The Report showed the total amount invested at 1 April 2011 as £32.4 million, and at 31 March 2012 £32.0 million, due primarily to the net effect of the Council's capital expenditure and asset disposals programmes. Budgeted income from investments in 2011/2012 was £457,000, and as at 31 March 2012 interest earned amounted to £582,000, an over achievement of £125,000 against the budget. The average rate of interest achieved for the year was 1.48% against the target rate of 1.50%.

The 2012/2013 Annual Treasury Management and Investment Strategy (Report C294 refers) set out the Council's projections for the current financial year. It showed the budget for investment income in 2012/2013 as £569,000, based on a continuation of the previous year's 1.5% target rate of return on investments.

On this occasion, no issues or recommendations needed to be brought to the attention of the Performance and Audit Scrutiny Committee or the Cabinet by the Treasury Management Sub-Committee.

4. Whistleblowing Policy

Forward Plan Reference: Sep12/11
Cabinet Member: Cllr David Ray

Report D123
(Performance and Audit
Scrutiny Committee
Report D96)

RECOMMENDED:- 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.***

Good governance requires organisations to take malpractice seriously and to ensure that employees and others (for example, contractors, suppliers of goods and services, partner organisations and members of the public) have adequate means to raise concerns about such malpractice. St Edmundsbury Borough Council has in place a Whistleblowing Policy which sets out its commitment and describes the protection available to those who raise matters of concern.

The Council's current Whistleblowing Policy was last revised in February 2006. It is good practice to review arrangements from time to time and as such a review of the Policy has been undertaken jointly with Forest Heath District Council to ensure it continues to reflect best practice, legislation and shared services arrangements.

5. New Single Pay and Reward Strategy

***Forward Plan Reference: Sep12/08
Cabinet Member: Cllr David Ray***

Report D128

RECOMMENDED:- Council be asked to NOTE that

- (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) any agreed Joint Pay and Reward Policy emanating from the delegations detailed in Cabinet Minute 52 (1), will be reported to each Council for adoption by 31 March 2013, as outlined in Section 4.9 of Report D128.***

A process has been undertaken to move towards developing a Single Pay and Reward Strategy across both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) for all staff. This includes the process to renegotiate a collective agreement with Unison to cover all staff across both workplaces other than senior management.

The salary levels for the new senior management posts have been evaluated using a national Job Evaluation (JE) scheme developed nationally for senior management roles.

Report D128 sought delegated authority to take the steps required to achieve a collective agreement with Unison, the recognised trade union, on the pay and terms and conditions for posts below senior management level, which will complete the outstanding pay review. Consequently, on 12 September 2012, the Cabinet resolved that (Minute 52 (1) refers):-

'The Joint Chief Executive be given delegated authority, in consultation with the Portfolio Holders for Performance and Resources (SEBC) and Resources, Governance and Performance (FHDC) to enter into negotiations with Unison on the Councils' preferred single payline model outlined in Section 4.7 of Report D128, to reach a collective agreement within the agreed criteria outlined in Section 4.5 of Report D128, and subject to the 7 year projected costs being within the existing combined pay budget'.

The Localism Act 2011 requires local authorities to produce an annual Pay Policy Statement (PPS). Council is therefore also requested to note the final Joint Pay and Reward Policy agreed under the proposed delegations detailed above will be reported to each Council to form the PPS for adoption by 31 March 2013.

**(C) Referral from the Joint Development Management Policies Committee:
23 August 2012**

Vice-Chairman of the Joint Committee: Cllr Terry Clements

**1. Joint Development Management Policies Development Plan Document:
Submission Version Consultation (Report D110)**

RECOMMENDED:- 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.***

The Local Plans for Forest Heath District Council and St Edmundsbury Borough Council are the policy backgrounds against which planning decisions are judged, and the Development Management Policies Development Plan Document is one of the planning policy documents that will sit within both Councils' Local Plans. Both Authorities originally consulted on their joint preferred options document between January and March 2012, and 343 representations were received to the consultation. The Joint Committee considered summaries of the representations, together with officers' responses to these. Where these had led to changes within the main policy document, these amendments had been made within the submission version considered by the Joint Committee and are now recommended to full Council for approval.

Following full Council approval by both Authorities, consultation is anticipated to commence for a period of 8 weeks. Thereafter, final approval will be needed to submit to the Planning Inspectorate, with this anticipated in Spring 2013, with an examination in Summer 2013 and adoption in Autumn 2013.

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

Chairman of the Working Party: Cllr Mrs P A Warby

1. Member Development Update (Report D117)

RECOMMENDED:- 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 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.***

Following the handover of responsibility for the management of Member training for both St Edmundsbury and Forest Heath to the Learning and Development Team, there were a number of efficiencies in the processes that could be achieved. It is proposed to move to a both qualitative and quantitative method of recording evaluation information, on a new evaluation form to be used by both St Edmunds and Forest Heath. The Working Party agreed that the proposed new form would allow for the collection of information both for numerical assessment, and also for comments and general observations. It requested, however, that the 1-10 evaluation score lines at sections 3, 4, 5 and 8 of the form be changed to 1-5, and also that sections 1 and 2 also include the 1-5 evaluation score line, rather than a simple yes or no response.

Whilst at St Edmundsbury the Member Development Programme is driven through the Democratic Renewal Working Party, at Forest Heath there is an informal Member/officer group consisting of 6 Members and the Learning and Development Manager. The Joint Learning and Development Manager suggested that the membership of Forest Heath's informal Member/officer group should be widened to include two St Edmundsbury Councillors. The group looks at issues such as start times of specific training events, and other housekeeping issues with regard to training, but any major issues with regard to Member Development will continue to be brought to the Democratic Renewal Working Party. The Chairman and Vice Chairman were nominated to join the group, and to report back on the work of the group to a future meeting of the Working Party.

2. Appointment of Chief Executive as Returning Officer (Agenda Item 8)

RECOMMENDED:-

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".

The acceptance by the Council of Report C354 on 15 February 2012 outlining the appointment of a Joint Chief Executive for Forest Heath District Council and St Edmundsbury Borough Council contained at Section 5.7 a view that it would be impractical for the Joint Chief Executive to be the Returning Officer for both authorities, as there would be occasions when there would be two counts taking place at the same time. As a result of the acceptance of Report C354 the reference to the Joint Chief Executive being the Returning Officer for St Edmundsbury Borough Council was removed from the Council's Constitution.

Whilst this situation was being reviewed the Chief Executive used the urgency powers contained within the Council's Constitution to appoint another officer as Returning Officer in a temporary capacity until such time as the Council formally appointed to the role. The situation had been reviewed, and there appeared to be no reason why the Chief Executive may not act as Returning Officer for both authorities.

3. Amendment to the Schedule of Polling Places (Agenda Item 9)

RECOMMENDED:

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.

The Schedule of Polling Places was last amended and approved by full Council on 27 September 2011 (Report C116 and Council minute 47(D)(1) September 2011 refers).

The Working Party recommends 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 (CEVCP) School. As the polling stations involved are only 500 yards apart, this would not inconvenience voters.

APPENDIX A

Proposed scheme of delegations for handling expressions of interest made under the provisions in chapter 2, part 5 of the Localism Act 2011 and described in The Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 (SI 2012 No. 1647); and The Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012 (SI 2012 No. 1313).

It is proposed that all powers in the above statutes relating to “the relevant authority” should be delegated to:

a) Heads of Service, where it is proposed to accept an expression of interest (s83(1)a), or reject it on the following grounds;

Regulation 3, schedule 1, SI 1313	Expression of interest not in writing or does not meet the requirements of the regulation in terms of its form (must include financial information, evidence of capability, information about the service and geographical area, information about outcomes and information about employees)
s81(6)	The community group does not meet the definition set out in regulations
s82(2)	The expression of interest was not made during the prescribed time period for the corresponding service
Regulation 4 (4) (SI 1647)	The relevant service is stopping
Regulation 4 (5) (SI 1647)	The relevant service is provided jointly with the NHS and joint provision is critical to the wellbeing of the service users
Regulation 4 (6) (SI 1647)	The relevant service is already being procured
Regulation 4 (7) (SI 1647)	The relevant service is currently under negotiation
Regulation 4 (8) (SI 1647)	The authority has published its intention to consider the provision of the service by 2 or more employees
Regulation 4 (10) (SI 1647)	Accepting the expression of interest is likely to lead to a breach of a statutory duty

b) the Cabinet, where it is proposed to reject an expression of interest (s83(1)b) on grounds of:

s83(8)	Acceptance of the expression of interest does not promote or improve the social, economic or environmental well-being of the authority's area
Regulation 4 (2) (SI 1647)	Inadequate or inaccurate information was provided
Regulation 4 (3) (SI 1647)	The relevant body or its subcontractor is not suitable to provide or assist in providing the relevant service
Regulation 4 (9) (SI 1647)	The expression of interest is frivolous or vexatious
	The relevant body is not content to accept proposed modifications to the expression of interest

For a), it is proposed that Members are informed of expressions of interest relating to their ward or portfolio area i) as soon as they are received and ii) before they are accepted