



Council 26 February 2013

Schedule of Referrals from Cabinet, Standards Committee and Democratic Renewal Working Party

(A) Referrals from Cabinet: 13 February 2013

**1. Treasury Management Performance and Annual Treasury
Management and Investment Strategy 2013/2014**

*Decisions Plan Reference: Feb13/04
Cabinet Member: Cllr David Ray*

*Report D276
(Treasury
Management Sub-
Committee Report
D252)*

RECOMMENDED:-

***That the Annual Treasury Management and Investment
Strategy for 2013/2014, attached as Appendix 2 to Report
D252, be approved.***

The CIPFA Code of Practice requires that a treasury management and investment strategy is approved by the Council prior to the beginning of the financial year to which it relates. The proposed Treasury Management and Investment Strategy Statement for 2013/2014, attached at Appendix 2 to Report D252, meets the requirements of the CIPFA code together with the Department for Communities and Local Government's Guidance on Local Government Investments and the statutory requirements of the Local Government Act. The Strategy gives priority to the security and liquidity of investments whilst at the same time seeking to achieve value for money in treasury management. It also seeks to give maximum flexibility in terms of the usage of fixed and variable rate investments and allows for the balancing of certainty of income arising from fixed term investments with the need to retain a core balance that can be easily liquidated should the need arise.

The Strategy confirms the Council's debt free status and indicates that there are no plans to borrow monies for capital purposes in the foreseeable future. Within this overall Strategy, the Head of Resources and Performance may approve short term borrowings (less than 12 month in duration) to provide for day to day cash flow management. This does not affect the Council's debt free status.

It is estimated that in 2013/2014 treasury management activity will generate income of £554,000, representing a target investment rate for the year of 1.5%. This estimate takes account of Sector's (the Council's Treasury Management Advisors) views on future interest rate levels as well as revised projections for Council balances taking into account the updated and rescheduled capital expenditure and asset disposals programmes, and the maturity dates for the Council's current fixed term investments.

2. Council Tax Base for Tax Setting Purposes 2013/2014 and Changes to the Level of Discounts and Exemptions in Respect of Second Homes and Some Classes of Empty Properties

Forward Plan Reference: Feb13/03

Report D277

Cabinet Member: Cllr David Ray

RECOMMENDED:-

- (1) the changes to the level of discounts and exemptions currently granted in respect of second homes and some classes of empty properties, as outlined in paragraph 4.7 of Report D277, be approved;***
- (2) the tax base for 2013/2014, for the whole of its area, is 34,380.85 equivalent Band 'D' dwellings, as detailed in paragraph 4.14 of Report D277, be noted;***
- (3) the tax base for 2013/2014 for the different parts of its area, as defined by Parish or special expense area boundaries, as shown in Appendix 2 to Report D277, be noted; and***
- (4) delegated authority be given to the Head of Resources and Performance, in consultation with the Portfolio Holder for Performance and Resources, to design a scheme that aims to compensate Parish and Town Councils for the net changes agreed as part of the Local Council Tax Support scheme (Cabinet Report D224 – 12 December 2012) and the changes proposed within paragraph 4.7 of Report D277.***

Report D277 sets out the new powers within the Local Government Finance Act 2012 for Local Authorities to reduce the level of discounts and exemptions currently granted in respect of second homes and some classes of empty properties. The powers are available to local authorities from April 2013.

The report also sets out the basis of the formal calculation for the Council Tax base for the financial year 2013/2014 and details the impact at district, parish and town level of the changes agreed as part of the Local Council Tax Support scheme (Cabinet Report D224 – 12

December 2012 refers) and the changes proposed within paragraph 4.7 of the report, which for ease of reference is provided below.

The Council's proposed new level of discounts and exemptions in respect of second homes and some classes of empty properties changes are outlined below:

- (a) 'Class A' Empty Property: 10% discount for a maximum of twelve months;
- (b) 'Class C' Empty Property: 10% discount for a maximum of six months, within a twelve month period;
- (c) 'Empty homes premium': 50% premium (150% charge in total); and
- (d) Second Homes: 5% discount.

3. Budget and Council Tax Setting: 2013/2014

Decisions Plan Reference: Feb13/02

Report D279

Cabinet Member: Cllr David Ray

The recommendations emanating from the Cabinet's consideration of the above three reports are contained within Report D303, Budget and Council Tax Setting: 2013/2014, on this full Council agenda.

4. Providing Flexibility Over the Start Time for Annual Council

Decisions Plan Reference: N/A

Cabinet Agenda Item

*Cabinet Members: Cllrs Sara Mildmay-
White and David Ray*

15

RECOMMENDED:-

That the existing Council Procedure Rules at 1.1.1 of Part 4 of the Constitution be replaced with the following:

'The timing of the Annual Meeting of the Council will be established by the Head of Legal and Democratic Services, following consultation with the Leader of the Council and the Chairman of the Mayoral Advisory Committee, the meeting to be held on the second Thursday following the four yearly elections, or if there are no elections, the third Thursday in May'.

The Council Procedure Rules at Part 4 of the Constitution currently state:

'The Annual Meeting of the Council will be held at 11 am on the second Thursday following the four yearly elections, or if there are no elections, the third Thursday in May'

In order to provide some flexibility over the start time to this important event in the annual cycle of meetings Cabinet is invited to recommend to Council a change to the Constitution. This change would provide the flexibility to explore a later start time which could aid the planning of a more compact programme of events on the day of Mayor Making which would be more accessible and relevant to stakeholders and the key strategic partners of the Council.

5. Suffolk Joint Health and Wellbeing Strategy

Decisions Plan Reference: N/A

Report D282

Cabinet Member: Cllr Sara Mildmay-White

RECOMMENDED:- That,

- (1) the Joint Health and Wellbeing Strategy for Suffolk developed by Suffolk's Health and Wellbeing Board, as contained in Appendix 1 to Report D282, be approved as part of the St Edmundsbury policy framework; and**
- (2) it be agreed that St Edmundsbury will contribute to the implementation of the Joint Health and Wellbeing Strategy through its service delivery mechanisms (where appropriate in terms of meeting local need and matching the policies and resources of the Council), and through membership of the Suffolk Health and Wellbeing Board which has the statutory duty to produce the Strategy and Joint Strategic Needs Assessment.**

Under the Health and Social Care Act 2012, Suffolk County Council is required to establish a Health and Wellbeing Board for Suffolk and, with Clinical Commissioning Groups (CCGs), has a duty to produce a Joint Health and Wellbeing Strategy (JHWS) for the county. Although not statutory partners the contribution of Suffolk District Councils to local communities, for example, housing, licensing, planning economic development, leisure etc, is recognised as being a key factor in the health and wellbeing of Suffolk residents. Suffolk District Councils have four seats on the Board representing Ipswich, plus the three sets of shared service paired authorities. The current West Suffolk representative is Councillor Mrs Mildmay-White, who took over the position from Councillor Hirst at Forest Heath District Council in October 2012. Representation rotates annually between the two Portfolio Holders.

The Suffolk Health and Wellbeing Board (SHWB), which has been meeting in shadow form for over a year, becomes statutory from April 2013 and the JHWS will guide the work of the Board. It is important that all those with representation on the Board, including St Edmundsbury, agree the content of the JHWS and contributes to its

implementation through the Council's service delivery where appropriate in terms of meeting local need and matching the policies and resources of the individual partner organisations.

6. Triennial Review of Gambling Act 2005: Statement of Licensing Principles

Decisions Plan Reference: Feb13/07
Cabinet Member: Cllr Anne Gower

Report D284
(Licensing and
Regulatory Committee
Report D253)

RECOMMENDED:-

- (1) *the Gambling Act 2005: Statement of Licensing Principles, as set out in Appendix A of Report D253, be adopted; and***
- (2) *the Head of Planning and Regulatory Services be given delegated authority, in consultation with the Portfolio Holder for Housing, Licensing and Environmental Health, to make any minor typographical, grammatical, factual or contextual changes to the Gambling Act 2005: Statement of Licensing Principles, provided they do not materially affect the meaning of the document.***

The Council adopted and published a Gambling Act 2005: Statement of Licensing Principles in January 2007 and subsequently re-adopted and published this policy in January 2010. The Act currently requires the Council, as the licensing authority, to review its Statement of Licensing Policy every three years. At its meeting on 15 October 2012, the Committee had agreed that public consultation be carried out on a revised Statement of Licensing Principles. Consultation took place between 19 October and 19 November 2012. With the agreement of the Chairman of the Licensing and Regulatory Committee, it had been intended that responses to the consultation would be reported to Cabinet on 21 November 2012, in order that Full Council could adopt the Statement at its meeting on 18 December 2012. Unfortunately, due to an oversight by Licensing officers, this timescale was not met. As a result, changes arising from responses to the public consultation were reported to the Licensing and Regulatory Committee on 21 January 2013. The draft Statement of Licensing Principles was attached as Appendix A to Report D253, with proposed amendments following the public consultation shown as tracked changes. The proposed amendments were accepted by the Committee and Cabinet.

7. Suffolk Flood Risk Management Strategy

*Decisions Plan Reference: Feb13/08
Cabinet Member: Cllr Terry Clements*

*Report D288
(Sustainable
Development Working
Party Report D266)*

RECOMMENDED:-

That, the content of the Suffolk Local Flood Risk Management Strategy, as contained in Appendix 1 to Report D266, be adopted.

The Flood and Water Management Act 2010, (Section 9), requires Suffolk County Council, (as Lead Local Flood Authority), to develop, maintain, apply and monitor a strategy for local flood risk management in its area. Section 9 of the Act requires the County Council to consult with the other 'flood risk management authorities, (local authorities, Environment Agency, water companies and Internal Drainage Boards), that may be affected by the strategy' as well as the public.

Report D266 presents the final version of the Suffolk Local Flood Risk Management Strategy, (Appendix 1), for adoption by Council following the period of formal public consultation, hosted by Suffolk County Council and carried out in the period July to September 2012.

The Local Flood Risk Management Strategy will be a statutory document, which will impact on the activities of all flood risk management authorities, i.e. local authorities, the Environment Agency, highways authorities and Internal Drainage Boards. Such bodies have a 'duty to act consistently with the local strategy' when undertaking their flood and coastal erosion risk management functions and have a 'duty to have regard for the strategy' when discharging other duties that may affect flood and coastal risk, (for example spatial planning and development).

With the ongoing enactment of the numerous provisions contained within Flood and Water Management Act, (notably Section 3 - the sustainable drainage provisions), and other changes to legislation and government guidance it is inevitable that the Strategy and associated 'action plan' will need to be regularly reviewed and updated. It is proposed that this will be carried out by the Suffolk Flood Risk Management Partnership with any substantive changes subject to further political endorsement. The Suffolk Joint Flood Scrutiny Panel will continue to monitor the actions of the Suffolk Flood Risk Management Partners and the Action Plan itself.

8. Joint Development Management Policies: Submission

*Decisions Plan Reference: Feb13/01
Cabinet Member: Cllr Terry Clements*

*Report D289
(AMENDED)*

*(Joint Development
Management Policies
Committee Report
D270)*

RECOMMENDED:- That

- (1) *the Joint Development Management Policies document, as attached at Working Paper 2 to Report D110, be approved for submission to the Planning Inspectorate;***
- (2) *the possibility of further consultation being necessary in relation to the potential impacts on this document of the revocation of the Regional Spatial Strategy (RSS) be noted;***
- (3) *delegated authority be given to the Head of Planning and Regulatory Services, in consultation with relevant Portfolio Holders from each authority, to make minor changes to the document, as required, as a result of discussion and negotiation with interested parties prior to the Examination in Public; and***
- (4) *a method be brought forward whereby all Members can be kept informed of changes to the document being recommended to the Inspector.***

Report D270 updates and reports on the latest stage of the Joint Development Management Policies, following the most recent 'submission version' consultation which took place between October and December 2012. This consultation sought comment on matters of 'soundness' and 'legal compliance'.

Officers' response to the latest representations will be considered and formulated in due course, in advance of the Examination in Public. Delegated authority is therefore sought, in conjunction with the Head of Planning and Regulatory Services and the relevant Portfolio Holders, for the negotiation and agreement of any minor changes to the Policy document that might be necessary as a result of the further submission version representations received.

Following 'submission', an Examination in Public will be held, at a date to be determined, but anticipated to be September 2013 or later, with adoption to follow the Inspectors' report.

As a consequence of the Sustainable Development Working Party's initial consideration of Report D270 on 7 February 2013, an additional recommendation was submitted to the Joint Development Management

Policies Committee (and to Cabinet for information only), as shown as Recommendation (4) above.

As a consequence of the Joint Development Management Policies Committee's subsequent consideration of Report D270, an amendment to Recommendation (3) above was orally reported to the Cabinet, whereby the words, '*from each authority*', were inserted following '*delegated authority be given to the Head of Planning and Regulatory Services, in consultation with relevant Portfolio Holders...*'. This amendment was accepted by the Cabinet.

(B) Referral from the Standards Committee: 23 January 2013

Chairman of the Committee: Cllr Jim Thorndyke

1. Joint Standards Committee for West Suffolk (Report D256)

RECOMMENDED:- That

- (1) full Council approve the establishment of a Joint Standards Committee with Forest Heath District Council;***
- (2) the Joint Standards Committee comprise three Members from each authority, and have the Terms of Reference set out in Appendix A to Report D256;***
- (3) one substitute Member also be appointed from each authority;***
- (4) the Chairman of the Joint Standards Committee be appointed from one council, the Vice Chairman of the Joint Standards Committee from the other council, and rotating annually;***
- (5) meetings of the Joint Standards Committee commence at 4pm; and***
- (6) the venue for meetings of the Joint Standards Committee alternate between the two councils, except in the case of consideration of a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct, or of the Members' Code of Conduct of a Town or Parish Council, in which case the meeting should take place at the council which the breach affects, or where the Town or Parish Council concerned is situated.***

The Borough Council and Forest Heath District Council both agreed as part of the process for the introduction of the new Standards and Ethics regime that they would work towards the introduction of a Joint Standards Committee. The aim was to introduce as straightforward and

proportionate an arrangement as possible to avoid over-elaboration that was not appropriate to the new regime.

The Council is recommended to agree to a new Joint Standards Committee comprised of six members (three from each authority) with Terms of Reference as set out in Appendix A to Report D256.

Recommendations (1) and (2) above were included on Report D256, recommendations (3) to (6) were added at the meeting of Standards Committee.

(C) Referrals from Democratic Renewal Working Party: 14 February 2013

Chairman of the Working Party: Cllr Mrs P A Warby

1. Amendment to the Schedule of Polling Places (Agenda Item 5)

RECOMMENDED:

That the Schedule of Polling Places be amended to allow electors in Sapiston Parish to poll in Honington Parish (Village Ward) when required.

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 refer).

Due to the non-availability of a polling station in Sapiston Parish for the County Council Elections on 2 May 2013, the Working Party recommends an amendment to the Schedule of Polling Places to allow electors in Sapiston Parish to poll in Honington Parish (Village Ward) when required. As the parishes are adjacent to each other, this will not inconvenience voters.

2. Members' Overnight Subsistence (Report D293)

RECOMMENDED:- That

for the sake of clarity, the sentence "the overnight subsistence allowance may be exceeded on the authorisation of a Head of Service, for example in order for a Member to stay in a hotel associated with a particular conference" be added to Schedule 4 of the Members' Allowances Scheme in the Council's Constitution.

Following a question raised at Democratic Renewal Working Party at its 6 December 2012 meeting by Councillor Cox regarding the maximum amount claimable by Members for overnight subsistence, the Working Party requested a report setting out the circumstances in which a variation from these limits could be authorised. Councillor Cox felt that, for the sake of clarity, a line should be added in the Travel and

Subsistence part of the Members' Allowances Scheme to state that these maximums may be exceeded where authorised by a Head of Service, and this issue was also covered in the report.

Report D293 advised that for many years senior Councillors had attended national conferences and events, principally those organised by the Local Government Association (LGA). In addition to the main Conference, these events included other presentations, networking and workshops, over 2 to 3 days, from the morning through into the evening each day. It was therefore practical, in the interests of the conference attendee being able to do business effectively, for the Member to stay at a hotel associated with the Conference, rather than have to drive to and from an alternative, albeit possibly cheaper hotel, further away from the Conference venue. This meant that, on occasion, the limit for overnight stays outside London had been exceeded.

On these occasions the full overnight cost of the accommodation had been met from the relevant service budget alongside the Conference fee itself. Authorisation to make payments for overnight accommodation in excess of the maximum shown in the Members' Allowances Scheme was too minor an issue to warrant its own line in the Scheme of Delegation to Officers, however, it would be dealt with under standard financial authorities in the Council's Constitution which were set out in the report.

In officers' opinion, the marginal extra cost was justified as being an efficient and effective way for the Member to obtain the maximum benefit and value from attendance at the Conference. However, Cllr Cox's point was acknowledged and it was proposed that the Constitution be clarified to make it clear that the allowance may be exceeded on those occasions when accommodation associated with a Conference exceeded the nightly allowance.

3. Amendments to the Constitution (Report D294)

RECOMMENDED:- That

the Head of Legal and Democratic Services be given delegated authority to make the amendments to the Constitution outlined in Section 5 of Report D294, in order to remove inaccuracies.

Each year the Constitution is updated to reflect the changes which have been agreed through full Council. In working through the Constitution to make these amendments, several other inaccuracies were spotted, such as references to old officer titles, changes to Council priorities etc. This report requested authority to make relevant changes to the Constitution to bring it up to date.

At the same time, delegated authority was sought to amend the Policy Framework, which had not been updated for many years, in order to clarify what policies and strategies should be approved through full Council. Additionally, the Corporate Communications Manager wished

to amend the procedure rules on the recording of Council meetings in order to change the emphasis to be more positive and outlining what was allowed, rather than what was not allowed. These and the other proposed changes were set out in the table at Section 5 of Report D294, which for ease of reference are repeated below.

Page/para number	Detail
2, fourth para	Change number of Members on the Cabinet from "up to 6" to "up to 9" to reflect legislation.
5, para 1.3	The Council has a new Vision which should replace the vision and mission shown, and new Corporate Priorities.
11	Policy Framework – this has not been updated for many years, and it is recommended that delegated authority be given to the Head of Legal and Democratic Services to amend the Policy Framework, in order to clarify what policies and strategies should be approved through full Council.
Article 3 (pp 25/26) and pp 53/54 – Standards Committee	Attached at Appendices A and B to Report D294 are replacement Terms of Reference for the already-agreed interim Standards Committee. These will apply until a new Joint Standards Committee is agreed.
41	Reference to Best Value reviews is outdated and should be removed.
44, final para	Reference to the Design Panel should be removed, as this no longer exists.
156, Section 10	The Corporate Communications Manager has requested that procedure rules on the recording of Council meetings be amended to that shown in Appendix C to Report D294, in order to change the emphasis to be more positive and emphasising what is allowed rather than what is not allowed.
156, para 12.1	Remove link to e-petitions on website, as link sometimes moves, instead refer to Council's website.
158	Remove mention of Motions being entered into a book, as these are available on the website on both the agenda and in the minutes.
172 and 176	Petitions Scheme, remove references to links (which are not actually set out) and instead refer to website.
195, para 1.5	Remove reference to Cabinet meeting at least 10 times per year as some years it may meet less than this.
209, 4.1	Insert "up to" before "six", and insert "and, as required," after "budget monitoring" to reflect the more usual programme of Performance and Audit Scrutiny Committee meetings.
217, 2.13	Head of Legal and Democratic Services now responsible for Data Protection.

29, para 20 of new Scheme of Delegation to Officers	Replace "To maintain the Register of Common Lodging Housekeepers" with "To maintain the Public Register of Houses in Multiple Occupation" to reflect legislation.
Various	Officer job titles should be updated throughout the Constitution to reflect the current position.

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