

NOTE: All Members are requested to sign, before the Meeting, the Attendance Register which will be placed in the **Conference Chamber**.

ST. EDMUNDSBURY BOROUGH COUNCIL

JOY BOWES
Head of Legal
and Democratic Services

West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

20 September 2013

To: All Members of the Council

You are hereby summoned to a meeting of the Council to be held in the **Conference Chamber** at **WEST SUFFOLK HOUSE**, Western Way, Bury St Edmunds on **Monday 30 September 2013** at **7.00 pm**, when it is proposed to transact the business on the agenda set out below.



Head of Legal and Democratic Services

The Meeting will be opened with Prayers by the Mayor's Chaplain, Reverend Canon Jonathan Alderton-Ford of Christ Church, Moreton Hall, Bury St Edmunds.

(Note: Those Members not wishing to be present for prayers should remain in the Members' Breakout Area and will be summoned at the conclusion of prayers.)

PART 1 – PUBLIC

1. **To confirm the minutes of the meeting of the Council held on 18 June 2013**
2. **Mayor's communications**
3. **Announcements (if any) from the Leader of the Council or Members of the Cabinet**
4. **Announcements by the Head of Legal and Democratic Services (including apologies for absence)**
5. **Declarations of Interests**

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the Agenda **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

6. **Public Question Time under Section 9 of the Council Procedure Rules**

To hear and answer any questions from members of the public in the public gallery who are residents of the Borough.

(Note: The maximum time to be set aside for this item is 30 minutes, but if all questions are dealt with sooner, or if there are no questions, the Council will proceed to the next business.

*Each such person will be allowed up to a total of **five minutes for their question to be put and answered**. One further question will be allowed arising directly from the reply, **provided that the original time limit of five minutes is not exceeded**.*

***Written questions** may be submitted by members of the public to the Head of Legal and Democratic Services **no later than 10.00 am on Friday 27 September 2013**. The written notification should **detail the full question** to be asked at the meeting of the Council.)*

7. **Schedule of Referrals from Cabinet, West Suffolk Joint Standards Committee and Development Control Committee**

Schedule attached as Report **E126**.

8. **Bury St Edmunds Seasonal Park and Ride: Use of Chief Executive's Urgency Powers**

On 20 June, 2013, the Chief Executive exercised his urgency powers in order to progress the delivery of a joint venture to provide a seasonal park and ride facility for Bury St Edmunds in time for this year's Christmas Fayre. At the request of the Overview and Scrutiny Committee, a summary of the background to this decision is attached as Report **E127**.

The Council is requested to **NOTE** the exercise of the Chief Executive's Urgency Powers as contained within Part 3, Section C (a) of the Council's Constitution.

9. **Call-in Provisions for Development Control Committee: Use of Chief Executive's Urgency Powers**

A full report on proposed changes to the Framework for a Shared Planning Service was considered by the Development Control Committee on 5 September 2013 (Report E97 refers), and recommendations arising from that report that require full Council approval are included at Item 7 of this full Council agenda.

However, in response to an exceptional situation with regard to the call-in provisions for the Development Control Committee (DCC) the Chief Executive's Urgency Powers were exercised to give immediate effect to certain changes for the reasons set out below.

Part 3, Section (A) of the Borough Council's Constitution specifies which applications will be considered by DCC as a matter of course and also provides for call-in by elected Members of items which would not normally be considered by it.

One of those provisions gives any elected Member the right to call in (among other things) any planning, listed building or tree work without consultation and without giving reasons. Each called-in item will then be the subject of an officer report for consideration at DCC.

A Member had called in 18 applications for consideration by the Committee. None of these were in his ward and in some cases he had given no reason for his action. One tree matter only was also called in by the Ward Member. For applicants this means that decisions which would otherwise have been made by officers were delayed until after the Committee meeting. Call-ins generate considerable work for officers in the preparation and printing of reports, which is unsustainable if repeated regularly, and increase the time spent by officers and Members at the DCC meeting, all of which has a cost to the Council.

In order to prevent recurrence of the mass call-in described above, on the recommendation of the Monitoring Officer and following consultation with the Leader and the Chairman and Vice-Chairmen of DCC, the Chief Executive used his urgency powers to make an interim amendment to the Constitution as set out below. (The opportunity was also taken to correct the title of the Head of Service). The changes are shown in italics and took effect from 11 July 2013 to the date of this meeting.

Part 3 – Section A – Development Control Committee

B(1)(b)

- (i) A Member of the Council may require, as of right, the Head of Planning *and Regulatory Services* to refer to the Committee for determination any application *in his or her ward* for
 - a. Planning permission;
 - b. Listed Building Consent;
 - c. Work to trees; and
 - d. Any application relating to prior approval under the Town and Country Planning (General Permitted Development) Orders (provided that a meeting of the Committee is available before the expiry of the time period at the end of which the Authority is deemed to have consented to the development).
- (ii) A Member of the Council may require, as of right, the Head of Legal and Democratic Services to refer to the Committee for determination any application *in his or her ward* for determination as to whether existing or proposed development is lawful.

A Member may request that the Chairman (or in his/her absence one of the Vice-Chairmen) refer to the Committee any of the matters referred to in (i) and (ii) above that is not in the Member's own ward.

The Council is requested to **NOTE** the exercise of the Chief Executive's Urgency Powers as contained within Part 3, Section C (a) of the Council's Constitution.

10. **Appointment of Chairman of Performance and Audit Scrutiny Committee.**

Following the sad death of Councillor John Hale, and in accordance with Paragraph 1.1.2(i) of the Council Procedure Rules of the Constitution, the Council is asked to **APPOINT** a Chairman to the Performance and Audit Scrutiny Committee.

Should the current Vice-Chairman be appointed as Chairman, the Council will also need to appoint a Vice-Chairman.

11. **Notice of Motion: Local Government Act 1972: Section 249 Honorary Freedom of the Borough**

Councillor J H M Griffiths to move the following motion, notice of which has been given pursuant to Council Procedure Rule 12.1:

'That in recognition of the eminent services rendered to the area by Dr Ann Williams, former Principal of West Suffolk College, a special meeting of the Council be convened for the purpose of conferring upon the said Dr Ann Williams the Honorary Freedom of the Borough of St Edmundsbury.'

(Note: If this motion is moved and seconded, the Mayor will be advised that, under the Constitution, Council Procedure Rule 12.5, it will be appropriate for him to allow the motion to be dealt with at this meeting of the Council instead of being referred to another forum.)

12. **Motion on Notice**

Councillor Nettleton has given notice under paragraph 12.1 of the Council Procedure Rules of the following motion:

'That the borough council introduces a Locality Budget scheme so that all 45 Members of the Council can make funding decisions in the wards they represent.'

Paragraph 12.5 of the Council Procedure Rules states:

'Any motion under paragraph 12.1 of these Rules, on being moved and seconded, will, without discussion, be referred to the appropriate forum for consideration and report except that the Mayor may, if he/she considers it appropriate, allow the motion to be dealt with at the meeting at which it is moved and seconded; provided that the motion, if carried, would not involve the Council in expenditure not included in the Council's approved revenue or capital budget.'

13. **Question on Notice**

Councillor Nettleton has given notice under paragraph 11.2 of the Council Procedure Rules of the following question to Councillor Griffiths, Leader of the Council:

'In which year does the Leader of the Council expect the derelict Tayfen site to be developed at this important gateway to Bury St Edmunds?'

Paragraph 11.5 of the Council Procedure Rules states that:

'Every question will be answered without discussion. The Member who is asked the question may decline to answer or may ask another Member to answer but that Member may also decline to answer. An answer may take the form of:-

- (a) a direct oral answer summarised in the minutes;*
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or*
- (c) where the reply cannot conveniently be given orally at the meeting, a written answer sent by the appropriate officer and/or relevant Member to all Members within 10 working days of the Council meeting'.*

Paragraph 11.6 states that:

'A Member asking a question under paragraph 11.2 or 11.3 of these Rules may ask one supplementary question, without notice, of a Member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply'.

14. **Quarterly Report on Special Urgency**

Part 4, Access to Information Procedure Rules, of the Constitution (paragraphs 17.3.1 and 17.3.2) requires the Leader of the Council to submit quarterly reports to the Council on the executive decisions taken, if any, in the circumstances set out in Rule 16, Special Urgency, in the preceding three months.

Accordingly, the Leader of the Council reports that the following executive decision was taken under the Special Urgency provisions of the Constitution, with the agreement of the Chairman of the Overview and Scrutiny Committee:

Subject

Cambridge Sub-Region Strategic Housing Market Assessment Memorandum of Co-operation

Reason why decision could not reasonably be deferred

The Memorandum of Co-operation was required to be signed up to by the local authorities in the Cambridgeshire strategic housing market area prior to Forest Heath District Council's next scheduled meeting of Cabinet on 3 September 2013, therefore the Council's making of this decision was unable to be deferred to the next scheduled Cabinet meeting on 10 September 2013.

The Council is requested to **NOTE** the taking of the above executive decision under the Special Urgency provisions of the Constitution.

15. **Reports and Questions**

(Note: Council Procedure Rule 11.1 of the Constitution requires that:

(a) the time limit for all questions and answers under this item is one and a half hours; and

(b) a maximum of 7 minutes to be initially allocated to each report and questions on that report (to include up to two minutes if necessary for the report writer to present their report). After every report has been received, the Mayor will determine if further questions can be put to the relevant Member(s) in the balance of the hour and a half left available for this session.)

(i) *Report from the Leader of the Council, Cllr John Griffiths*
(Report **E128** attached)

(ii) *Reports from each Member of the Cabinet, namely:-*

	<u>Portfolio</u>	<u>Cabinet Member</u>	<u>Report No</u>
(a)	Deputy Leader	Cllr Sara Mildmay-White	(E129 attached)
(b)	Waste and Property	Cllr Peter Stevens	(E130 attached)
(c)	Housing	Cllr Anne Gower	(E131 attached)
(d)	Resources and Performance	Cllr David Ray	(E132 attached)
(e)	Economic Growth	Cllr Alaric Pugh	(E133 attached)
(f)	Planning and Regulation	Cllr Terry Clements	(E134 attached)
(g)	Communities	Cllr Robert Everitt	(E135 attached)
(h)	Heritage, Arts and Culture	Cllr Sarah Stamp	(E136 attached)

(iii) *Report from the Chairman of the Overview and Scrutiny Committee, Councillor Ian Houlder.*

Report **E137** attached.

(iv) *Report from the Vice-Chairman of the Performance and Audit Scrutiny Committee, Councillor Christopher Spicer.*

Report **E138** attached.

(v) ***Questions to Chairmen of other Committees (No reports or minutes attached)***

Under this item, Members may ask the relevant Chairman questions relating to meetings of the following Committees on the dates indicated:-

- Development Control - 6 June;
4 July;
1 August; and
5 September 2013
- Licensing & Regulatory
Committee - 17 September 2013

**EXEMPT INFORMATION – EXCLUSION OF PUBLIC
TERMS OF FORMAL RESOLUTION**

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

PART 2 - PRIVATE

16. **To confirm the exempt minutes of the meeting of the Council held on 18 June 2013 (copy attached)**