

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

Minutes of the Meeting of the Council held on Tuesday 17 December 2013 at 7.00pm in the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds.

PRESENT:

The Mayor (Councillor Buckle) (in the Chair)

Councillors:

Beckwith	Griffiths	Mrs Rayner
Mrs Broughton	Mrs Hind	Mrs Rushen
Chung	P J Hopfensperger	Simner
Clements	Mrs R V Hopfensperger	Spicer
Clifton-Brown	Houlder	Springett
Cockle	Marks	Mrs Stamp
Mr Cox	McManus	Stevens
Everitt	Mrs Mildmay-White	Thorndyke
Farmer	Nettleton	Mrs Wade
Farthing	Oliver	Mrs Wakelam
French	Pugh	F J Warby
Mrs Gower	Ray	Mrs P A Warby

### **51. Prayers**

The Mayor's Chaplain, Reverend Canon Jonathan Alderton-Ford of Christ Church, Moreton Hall, Bury St Edmunds, opened the meeting with prayers.

### **52. Minutes**

Subject to the following amendments the minutes of the meeting of the Council held on 30 September 2013 was confirmed as a correct record and signed by the Mayor.

- (a) Councillor Stevens was not present at the meeting.
- (b) Minute number 47 (ii) (a) final paragraph: Councillor Mr Cox had asked whether 'the new surface for the Haverhill All Weather Pitch be third generation astro turf?'
- (c) Minute number 47 (v): Councillor Mr Cox had asked whether the stop watch used at Development Control Committee was calibrated and whether records were kept.

### **53. Mayor's Communications**

The Mayor reported on the 82 civic engagements which he and the Mayoress had attended since the Meeting of the Council on 30 September 2013. A further 20 civic engagements had been attended by Deputy Mayor and Mayoress Councillor Marks and Mrs M Marks. Details of all the engagements attended had been circulated with the Members' Bulletin on Friday 13 December 2013.

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

Councillor Griffiths, Leader of the Council, welcomed Councillors Mrs Rayner and Wade to their first Council meeting.

Councillor Griffiths reported on the recent traffic disruption that had been caused by a structural weakness in the Westley railway bridge but currently had no indication of how long works to rectify this would take. He had written to the Leader of Suffolk County Council and asked for confirmation of the timetable for the works; he agreed to send a copy of this letter to all councillors the following day.

Councillor Griffiths also reported that a bid for £4.9m funding for the Eastern Relief road had not been successful and confirmed that this was disappointing news but he would be seeking feedback and a review would then take place. However £4.3m had been passed to Local Enterprise Partnerships (LEPs) for them to administer.

The Council were told that a letter had been received from the Department for Communities and Local Government regarding the New Homes bonus; this indicated that St Edmundsbury would receive an allocation of £871,000. Details would be sent to all councillors.

Finally, Councillor Griffiths wished everyone a Happy Christmas and 2014.

55. **Announcements from the Head of Legal and Democratic Services and Apologies for Absence**

Apologies for absence were received from Councillors Ms Byrne, Mrs Levack, Redhead, Mrs Rushbrook, Mrs Richardson, A Whittaker and Mrs D Whittaker.

56. **Declarations of Interest**

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

57. **Public Question Time**

**Mr Howard Quayle of Fornham All Saints** informed the Council that Fornham All Saints supported Vision 2031 and that they recognised that Bury St Edmunds was growing fast. However there were a number of areas that the Parish Council had objected to which had already been submitted and Councillor P Hopfensperger had raised these at a recent Cabinet meeting.

Mr Quayle questioned why the stated provision of 13.1 Ha of Open Space was 155% above the minimum standards (being 5.13 Ha) for a development covering 30.43 Ha as stated in the submitted Masterplan for Bury North West. If this went ahead, developers would have to purchase the land and then develop it as Open Space. Once this was established there would be ongoing operating costs.

He then asked 'why is there such an over-provision of 'Open Space' related to this development, and will this over-provision now be revised downwards towards the minimum standards?'

As the allotted time of 5 minutes had been exceeded, the Mayor used his discretion to allow a brief response to the question.

In reply, **Councillor Clements, Portfolio Holder for Planning and Regulation**, confirmed that a detailed response would be sent to Councillor P Hopfensperger and Mr Quayle the following day.

**Dr Bhalla of Bury St Edmunds** asked the Portfolio Holder for Health and Wellbeing 'what is the short and long term strategy for the changing demographics and the increase in cases of dementia?'

In reply, **Councillor Mrs Mildmay-White, Portfolio Holder for Health and Wellbeing** confirmed that the authority took this issue very seriously. A Health and Wellbeing Strategy had been adopted by the council and Priority 3 of this strategy was that 'older people in Suffolk have a good quality of life'. Within this strategy there were a number of themes, including 'ageing well' which was to be revisited and defined. Another theme was that new housing developments must take account of demographics; there would be further details regarding a new project aimed at age friendly homes, in February.

**Malcolm Johnson of Fornham All Saints** asked "what is the status of the remainder of the NW Bury St Edmunds Strategic site allocated in the Vision 2031 document that is not included in the current planning application?"

As this question had not been provided in advance, **Councillor Clements, Portfolio Holder for Planning and Regulation** agreed to provide a written answer.

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

The Council considered the Schedule of Referrals contained within Report E205 (previously circulated).

**(A) Referrals from Cabinet: 6 November 2013**

(A) 1. Joint Appeal Policy and Procedure

Councillor Ray, Portfolio Holder for Resources and Performance, introduced this item and explained that this was a joint policy with Forest Heath District Council and had been recommended for approval by Cabinet. The policy removes members' involvement in the appeal process (with the exception of Chief Officers) which necessitates a change to the constitution.

Some concern was raised by Members that the appeals process should continue to have member involvement but Councillor Ray explained that there were very few appeals; the committee met rarely; and that members were not always up to date with the current appeals procedure. He also confirmed that the officers chosen to sit on the panel would be independent of the appeal process.

Councillor Ray proposed the original motion, seconded and with the majority in favour and three against, it was

RESOLVED: That

- (1) the proposed changes detailed in paragraph 4.7 (a) to (d) inclusive of Report E157, to be made to the Council's Constitution, subject to amending paragraph 4.7 (b) to remove the strikethrough from 'Appeals Committee'; and
- (2) the Staffing Appeals Committee be disbanded upon approval of the amendments to the Constitution being given by full Council.

**(B) Referrals from Cabinet: 10 December 2013**

**(B) 1. Review of the Council's Treasury Management Strategy**

Councillor Ray, Portfolio Holder for Resources and Performance, introduced this report which set out the options available to support the Council's treasury management activities.

Some concern was raised by Members that there may be a conflict between treasury management advisors and the Fund Manager. There was also concern that the cost of a Fund Manager may outweigh any additional income received.

Councillor Ray confirmed there would not be a conflict as the aim would be to get maximum investment and security of capital. The return on investment currently received was not as good as that achieved by Forest Heath District Council. He further stated that the procurement exercise would determine the cost and specify the type of advice received. The benefits would be looked at to ensure they covered the costs of a Fund Manager.

On the motion of Councillor Ray, seconded and with the majority in favour and one against, it was

RESOLVED: That

- (1) Option C, as detailed in Report E163 be approved and the potential use of Fund Managers be set out within the 2014/2015 Treasury Management Strategy; and
- (2) a procurement exercise on a potential Fund Manager be carried out during 23014/2015.

**(B) 2. West Suffolk Families and Communities Strategy**

Councillor Everitt, Portfolio Holder for Communities, introduced this strategy which provides the framework for reshaping the relationship between the Council, its communities and their families. It aims to address the dependency culture and focuses

on the strengths a community already has and that local solutions can only come from the communities themselves.

A Families and Communities Team had been created as part of the restructure, with locality officers provided to support councillors. This would enable early intervention and allow issues to be identified whilst fully engaging with residents.

Although one Member felt that this could undermine frontline councillors the majority of Members supported this strategy.

On the motion of Councillor Everitt, seconded and with the majority in favour and one against, it was

RESOLVED:

That the West Suffolk Families and Communities Strategy, as contained in Appendix A to Report E182, be adopted.

### (B) 3. Local Council Tax Reduction Scheme and Council Tax Technical Changes 2014/2015

Councillor Ray, Portfolio Holder for Resources and Performance, introduced this item which considered whether changes should be made to the scheme for 2014/2015. Although changes could be made to the scheme each year, it was proposed not to make any for the coming year as it was currently delivering what was needed. This could be reviewed after 12 months of the current scheme when a full year's data would be available.

Although the transitional grant received in 2013/14 was for one year only, it was hoped that the scheme would be cost neutral without any additional funding. Councillor Ray also explained that the empty homes premium of 150% was agreed for homes that had been empty for two years or more and that its aim was to try and bring empty homes back into use rather than 'fine' owners.

The government's objectives were to encourage people back into work and by asking working age claimants to pay towards their council tax (8.5%), this would help to achieve this objective. Councillor Ray reminded Members that only 12% of council tax goes to the borough with the rest to Suffolk County Council and the Police Authority.

In order to allow for changes that government may require the council to make, the recommendation was amended as shown in bold type and underlined.

On the motion of Councillor Ray, seconded and with the majority in favour and one against, it was

RESOLVED:

That no change be made to the current Local Council Tax Reduction Scheme 2013/2014 or council tax technical changes for 2014/2015, as detailed in Section 6 of Report E197, **except as may be required by legislation.**

(B) 4. Council Tax Base for Tax Setting Purposes

Councillor Ray, Portfolio Holder for Resources and Performance, introduced this report which was for noting only.

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

RESOLVED: That full Council NOTES:

- (1) the tax base for 2014/2015, for the whole of St Edmundsbury is 34,725.00 equivalent Band 'D' dwellings, as detailed in paragraph 4.8 of Report E198; and
- (2) the tax base for 2014/2015 for the different parts of its area, as defined by Parish or special expense area boundaries, are as shown in Appendix 3 to Report E198.

(B) 5. North-West Bury St Edmunds Masterplan

Councillor Clements, Portfolio Holder for Planning and Regulation, introduced this item which outlined the process for the preparation of the Masterplan for North-West Bury St Edmunds.

A number of concerns were raised by Members as follows: bus connections not wanted by residents of the Howard and Mildenhall estates; traffic congestion likely to worsen as new homes were built; officers seeking to improve traffic flow may look at cheaper options rather than the best solution; consultation with those impacted by traffic had not been carried out; issues raised now were being deferred until the next stage with the view that they would never be answered; risk of moving forwards before Vision 2031 being formally accepted.

In response to these concerns, Councillor Clements explained that it was necessary to have connections in place; that the best options from all sources were being looked at to ease traffic congestion and that developers were aware of the risk of moving forward before the formal acceptance of Vision 2031.

Councillor R Hopfensperger informed the Council that as a Ward Member for Fornham, she had raised a number of genuine concerns at Cabinet regarding the Masterplan. However she noted that it was necessary to work in partnership with the Borough and developers in order to get the best results.

On the motion of Councillor Clements, seconded and with the majority for and four against, it was

RESOLVED:

- (1) the Masterplan for the development of the site at North-West Bury St Edmunds, as set out in Appendix A to Report E168, be adopted as non-statutory

planning guidance subject to the following amendments:

- (i) Section 7 – Movement and Access  
New paragraph to be inserted – ‘7.1 It is acknowledged that there will be a wider traffic impact resulting from this development and planning applications will need to be accompanied by a Transport Assessment that addresses how and when these wider impacts will be addressed to the satisfaction of the highways authority and the Highways Agency.’ (with the rest of the paragraphs in the section being re-numbered); and
- (ii) Section 9 – Sustainability and Energy  
Paragraph 9.13 to be amended by the insertion of the words ‘and sizes’ after the word ‘types’ in the third line.

(B) 6. West Suffolk Sustainability Strategy

Councillor Stevens, Portfolio Holder for Waste and Property, explained that this strategy aimed to achieve a shared approach to policy and service delivery for the people of West Suffolk and to meet statutory obligations. The recommendation had been amended as shown below in bold type and underlined.

On the motion of Councillor Stevens, seconded and with the majority in favour and one against, it was

RESOLVED:

That the proposed West Suffolk Sustainability Strategy, as contained in Appendix A of Report E169 be adopted subject to the amendment of the second sentence in the first paragraph of Section 2.4 to read:

‘Medical care can prolong survival after serious illness but social and economic conditions often influence **whether a person is ill in the first place mental and physical health and well-being in the first place.**’

*(Councillor Mrs Broughton declared a Pecuniary Interest in this item as her husband had a beneficial interest in land referred to in the Bury St Edmunds Vision 2013 document. She left the room during the consideration of this item. Councillor Farthing left the room and did not return.)*

(B) 7. Vision 2031: Consideration of Modifications

Councillor Clements, Portfolio Holder for Planning and Regulation, introduced this item which sought approval for modifications to be made to the Bury St Edmunds, Haverhill and Rural Vision 2031

documents during examination by a Planning Inspector. There would be no opportunity for these to go through the democratic process for consideration and endorsement and doing so would add considerable delays to the Examination process. Councillor Clements noted that any proposed modifications would be subject to public consultation and would be reported back through Cabinet following the conclusion of the Hearings.

On the motion of Councillor Clements, seconded and with the majority in favour and one against, it was therefore

RESOLVED:

That the Head of Planning and Regulatory Services, and pending his arrival in post the Place Shaping Manager, in consultation with the Portfolio Holder for Planning and Regulatory Services, be given delegated authority to approve proposed main modifications required to the Bury St Edmunds, Haverhill and Rural Vision 2031 documents ahead of public consultation on the main modifications following the close of the local plan hearings.

*(Councillor Mrs Broughton returned to the meeting.)*

**(C) Referrals from Democratic Renewal Working Party: 2 December 2013**

**(C) 1. Amendments to Terms of Reference of the Democratic Renewal Working Party**

On the motion of Councillor P Warby, Chairman of the Democratic Renewal Working Party, seconded and duly carried, it was

RESOLVED: That

- (1) the amended Terms of Reference of the Democratic Renewal Working Party, as detailed in Appendix 2 to Report E180, be approved; and
- (2) the constitution of the Joint Member Learning and Development Group to consist of the respective Portfolio Holders and three members from each authority.

**(C) 2. Amendments to the Constitution: (1) Filming of meetings and (2) Sealing of documents**

Councillor Mrs P Warby, Chairman of the Democratic Renewal Working Party, informed the Council that changes to the constitution were sought to permit filming of meetings and to rationalise the arrangements for sealing and signing of documents.

One Member expressed the view regarding the filming of meetings that there should be at least half a day's notice given,



that a minor charge should be made and that any recordings should be made available to all councillors. Councillor Mrs P Warby confirmed that answers to these questions had been given to the Member at the Democratic Renewal Working Party Meeting.

The Head of Legal and Democratic Services explained that when the Council's seal is affixed to a legal document, in order to protect the seal, it must be attested by officers (currently two in St Edmundsbury Borough Council and one in Forest Heath District Council). In order to streamline the process it was proposed that only one officer need attest the seal and that the group of officers allowed to attest the seal would be slightly widened.

On the motion of Councillor Warby, seconded and duly carried, it was

RESOLVED:

That Council approves the changes to the constitution set out in Appendices to Report E181 in respect of the recording of meetings and the use of social media in meetings, and the signing and sealing of documents.

59. **Appointment of Vice Chairman of Performance and Audit Scrutiny Committee**

Councillor Griffiths proposed Councillor Mrs P Warby as Vice Chairman of Performance and Audit Scrutiny Committee, seconded by Councillor Mrs Broughton. Following a vote, Councillor Mrs P Warby was duly elected.

60. **Review of Outside Representation – Magna Carta Trust**

Councillor Mrs Stamp informed Members that it was necessary to review the Council's representation on the Magna Carta Trust. Previously, the Council's primary trustee position was automatically assigned to that year's Mayor but this had been problematic as mayors have busy calendars and only serve for one year therefore continuity was sometimes an issue.

The second trustee was former councillor and Mayor, Mrs Charlesworth who had been able to attend most meetings and provide continuity. It was suggested that Mrs Charlesworth retained one of the nominations until the next review.

Councillor Mrs Stamp proposed Councillor Oliver as the second trustee, seconded by Councillor Cockle.

The term of office would be tied to the scheduled Borough elections and this appointment would run until the annual council meeting following the next Borough elections in 2015. Thereafter, appointments would be for four years.

*(Councillor Cockle left the meeting and did not return.)*

## 61. **Motion on Notice**

Under Paragraph 12.1 of the Council Procedure Rules, as contained within the Council's Constitution, Councillor Nettleton had given notice of the following motion:-

*'Given that the estimated increased income of c£160,000 from proposed rises in car parking charges notified to Overview and Scrutiny on 4 September 2013 (Report E84) and repeated in Report E124 presented to Performance and Audit Scrutiny on 26 September 2013 was wrongly calculated by c£112,000 – the correct estimate is c£48,000 – and that no-one in authority seemed even remotely concerned about this potential 'black hole' in the budget for 2014/15, I propose that only the 20p rise in the 3 hour tariff in the Cattle Market/arc and School Yard West car parks be implemented, raising an additional c£25,000. The proposed increase in the daily charge of 10p for Ram Meadow and Parkway Deeked – from £2.20 to £2.30 – raising an estimated c£23,000, should not go ahead until such time that these two car parks reach capacity at midday on Saturdays on 8 or more occasions in a calendar year (the 85% centile formula).'*

Councillor Nettleton informed the Council that he was withdrawing this motion.

## 62. **Report on Special Urgency**

The Leader of the Council reported that no executive decisions had been taken under the Special Urgency provisions of the Constitution.

## 63. **Reports and Questions**

- (i) Report from the Leader of the Council: Councillor Griffiths (Report E206)

No questions were raised.

*(Councillor Mrs R Hopfensperger left the meeting and did not return.)*

- (ii)(a) Report from the Deputy Leader of the Council: Councillor Mrs Mildmay-White (Report E207)

No questions were raised.

- (ii)(b) Report from the Cabinet Member for the Waste and Property Portfolio: Councillor Stevens (Report E208)

Councillor Stevens informed Members that in his report at 4.1.1, the first bullet point should say 'Hargrave Village Hall'.

Councillor Mr Cox requested that congratulations should be recorded in the minutes to the Waste team led by Gary Bailey, in Haverhill who had recently helped residents on three separate occasions and provided an excellent service.

In response to a question, Councillor Pugh, Portfolio Holder for Economic Growth, informed Members that there was now a Market Developments Officer within Economic Growth who would

be looking at the planning and layouts of all markets across West Suffolk.

(ii)(c) Report from the Cabinet Member for the Housing Portfolio: Councillor Mrs Gower (Report E209)

Several Members commented on the temporary tolerated stopping place that had been identified for the core members of a travelling family. There was concern that this might set a precedent for future years, but Councillor Mrs Gower confirmed that this would not be the case. Concern was also raised over the transparency of the process in making the decision; ward members and neighbouring ward members were only involved after the decision had been made. Councillor Mrs Gower explained that the Gypsy and Traveller Protocol had been agreed throughout Suffolk and Norfolk and that any changes to the protocol would need to be agreed by all members. She would raise concerns with the Gypsy and Traveller liaison officer.

The ONE Haverhill Board had been given grant funding to distribute to projects in Haverhill. Councillor Mrs Gower confirmed that, when she was Chairman of the Board, she had sought approval for the meetings to be held in public but this had not been approved by Board Members.

(ii)(d) Report from the Cabinet Member for the Resources and Performance Portfolio: Councillor Ray (Report E210)

Councillor Ray reported that Members had breached the Council's confidentiality procedures on two occasions since the last full Council meeting. Firstly the names of four members of staff who were being made redundant were given to the press before they had been informed; and secondly, a Member had published information on Facebook concerning potential sites for the Gypsies and Travellers which could have prejudiced the work being carried out. He reminded Members of their responsibility in keeping information confidential.

In response to a question about the Customer Access project, Councillor Ray confirmed that the public would be encouraged to access services for free on the internet and that a Freephone telephone number had been considered and discounted.

Councillor P Hopfensperger confirmed that he was the Member who had posted information about potential sites for the Gypsies and Travellers but he denied breaching confidentiality procedures as he stated that he had been given the information by someone in the street, not through council sources. He went on to state that the information was not confidential as it was not on a blue paper. Councillor Hopfensperger demanded an apology from Councillor Ray for accusing him of leaking confidential information. Councillor Ray noted that he had intentionally not mentioned any individual member, but simply raised a concern about the importance of treating confidential and sensitive information appropriately.

(ii)(e) Report from the Cabinet Member for the Economic Growth Portfolio: Councillor Pugh (Report E211)

In response to questions, Councillor Pugh informed Members that the Council could offer free parking but had no influence on the reimbursement of bus fares. He also explained that the Six Point Plan for jobs and growth as mentioned at 1.1 of his report had not yet been completed.

(ii)(f) Report from the Cabinet Member for the Planning and Regulation Portfolio: Councillor Clements (Report E212)

In response to questions, Councillor Clements confirmed that the Haverhill Vision 2031 Hearings were not being held in the Town Hall Arts Centre in Haverhill as it was not available. He also confirmed that the introduction of a delegation panel had been agreed by Full Council in September 2013.

(ii)(g) Report from the Cabinet Member for the Communities Portfolio: Councillor Everitt (Report E213)

In response to a question from Councillor P Hopfensperger Councillor Everitt confirmed that the meeting with David Ruffley, Member of Parliament for Bury St Edmunds Constituency, with the Leader of the Council and residents at Newbury Community Centre, had been at the request of David Ruffley, MP who had requested a briefing and update on the transfer of community centres.

The Reduce the Strength Campaign had been very successful and around 65% of premises had supported the scheme in removing from sale all beer and ciders with an alcohol content of over 6.5%. Wines were not considered to be an issue.

(ii)(h) Report from the Cabinet Member for the Heritage, Arts and Culture Portfolio: Councillor Mrs Stamp (Report E214)

Councillor Mrs Stamp presented her report and confirmed that the Apex had, in the previous week, achieved four consecutive sell-out events with over 2,000 people attending.

Several members commented favourably on the new Wolf and Crown Sculpture on Southgate Green Roundabout. Councillor Mrs Stamp confirmed that the £2,000 contribution made by the Borough Council towards the sculpture had come from an underspend in the Bury in Bloom budget.

In her report, Councillor Mrs Stamp had stated that over 39,000 tickets had been sold for 276 ticketed events in the Apex between April and December and she further clarified that the figures in her report included all rooms for hire within the Apex, not just the auditorium. In response to a question, she further confirmed that it was both her wish and that of all Members to see the Apex subsidy reduce.

Concern was also raised that the Apex should remain as a community asset, not just an arts venue and that, even though there had been a rationalisation of staff, the engagement with the

local community should not suffer. Councillor Mrs Stamp agreed that it was very important that the Apex remains accessible.

- (iii) Report from the Chairman of the Overview and Scrutiny Committee: Councillor Houlder (Report E215)

No questions were raised.

- (iv) Report from the Vice Chairman of the Performance and Audit Scrutiny Committee: Councillor Mrs Broughton (Report E216)

No questions were raised.

- (v) Questions to the Chairmen of other Committees

No questions were raised.

64. **Conclusion of Business**

The meeting concluded at 9.18 pm.

**MAYOR**

