

Council 17 December 2013

Schedule of Referrals from Cabinet and Democratic Renewal Working Party

(Report E205 has been amended to reflect an amended recommendation emanating from the meeting of Cabinet on 10 December 2013, which is to the West Suffolk Sustainability Strategy (Page 25 (B)(6) refers). This is shown in red bold, underlined and strikethrough where appropriate.)

(A) Referrals from Cabinet: 6 November 2013

1. Joint Appeal Policy and Procedure

Decisions Plan Reference: Nov13/10
Cabinet Member: Cllr David Ray

Report E157

RECOMMENDED: That

- (1) the proposed changes detailed in paragraph 4.7 (a) to (d) inclusive of Report E157, 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.**

On 6 November 2013, the Cabinet approved the Joint Appeal Policy and Procedure (Appendix B to Report E157 refers), as detailed in the Decisions Notice published on 8 November 2013.

The Policy provides details of the composition of new Appeals Panels that will deal with the majority of employee appeals. The respective Panel will not involve elected Members but will include two members of the Councils' Joint Leadership Team and will be independent of the case. If possible, the Panel will be at a higher level of authority than the original Disciplinary Panel.

The Policy also addresses the issue of hearing appeals by Chief Officers, which will require amendments to the Council's Constitution. It is proposed that reference to the existing Staffing Appeals Committee be removed thus disbanding that Committee, and constituting a new Joint

Officer Appeals Committee for any termination or grievance involving posts at Chief Officer level which will continue to require decisions of elected Members.

For ease of reference, the actual amendments required to the Constitution as detailed Section 4.7 of Report E157 are reproduced below (changes shown in bold, italics and underlined or strikethrough). To avoid confusion, the typographical error in Report E157 as indicated in the recommendation above has been rectified below:

- (a) Part 2, Articles of the Constitution: Article 8: Section 8.4 be amended to read:

8.4 ***'Joint Officer Appointments and Staffing-Joint Officer Appeals Committees***

8.4.1 *The Staffing-Joint Officer Appeals Committee will comprise ~~up to nine~~ **three Members each from St Edmundsbury Borough Council and Forest Heath District Council** and will be politically balanced. It will meet on an ad hoc basis to deal with certain employment matters affecting individual members of staff **Chief Officers** which require a Member decision, such as disciplinary appeals.'*

- (b) The fourth paragraph of the first column of Part 3, Responsibility for Functions: 2(D) be amended to read:

*'Any Member of the Council may serve on the Committee provided that they are not also a Member of the **Joint Officer Staffing- Appeals Committee**'.*

- (c) The first column of Part 3, Responsibility for Functions: 2(E) be amended to read:

'~~E-Staffing-Joint Officer Appeals Committee~~

~~Up to 7 Members of the Authority~~

This is a joint Committee between St Edmundsbury Borough Council and Forest Heath District Council.

Membership of the Joint Committee will comprise six Members, three from each authority. In addition, each authority will be able to appoint one substitute Member. The Head of Legal and Democratic Services, in consultation with Group Leaders, has delegated authority to make the St Edmundsbury Borough Council appointments of full and substitute Members.

- (d) The second column of Part 3, Responsibility for Functions: 2(E) be amended to read:

'To consider appeals against dismissal and grievances by employees Chief Officers of the Authority St Edmundsbury Borough Council and Forest Heath District Council'.

(B) Referrals from Cabinet: 10 December 2013

(These referrals have been compiled before the meeting of Cabinet on 10 December 2013 and are based on the recommendations contained within the relevant reports. Any amendments made by Cabinet to the recommendations will be notified prior to the meeting of Council.)

1. Review of the Council's Treasury Management Strategy

Decisions Plan Reference: Dec13/08

Cabinet Member: David Ray

**Report E194
(Treasury
Management
Sub-Committee
Report E163)**

RECOMMENDED: 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 2014/2015.**

Report E163 provided the findings of the review carried out by the Council's appointed external consultants, PS Live on the Council's current Treasury Management Investment Strategy; an outline to the external support available for treasury management activities, and a summary of the external support presentations held at the Treasury Management Sub-Committee meeting held on 23 September 2013.

Officers consider the use of either a Treasury Management Advisor and/or the use of an external Fund Manager as the options available to support the Council's treasury management activities. Brokers are unable to offer any form of treasury management advice to the Council, so have been excluded from the three options set out in Section 5 of Report E163. The three options that have been considered to provide external support are:

- Option A – Treasury Management Advisors only
- Option B - External Fund Managers only
- Option C – Combination of both Option A and B.

Such external support required to assist the Council in ensuring that the Council has in place the necessary framework to ensure the effective management and control of treasury management activities are:

- (a) Advice and guidance on preparation of treasury management annual investment strategy including advice on:

- (i) The structure and timing of investment and borrowing decisions;
 - (ii) Investment parameters/limits;
 - (iii) Interests rate forecast – including short and medium term forecast of Bank of England Base Rate, Public Works Loans Board, London Inter-Bank Offer Rate, inflation and investment returns;
- (b) economic analysis, including commentary on market movements, Monetary Policy Committee meetings and Bank of England inflation reports;
 - (c) advice on investment counter-party creditworthiness and regular alerts for changes in creditworthiness;
 - (d) appraisal of different investment products and debt instruments; and
 - (e) training for officers and Members.

2. West Suffolk Families and Communities Strategy

Decisions Plan Reference: Nov13/02
Cabinet Member: Robert Everitt

**Report E196
 (Overview and
 Scrutiny
 Committee
 Report E182)**

RECOMMENDED:

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

The West Suffolk Families and Communities Strategy (the Strategy), has been developed in conjunction with Forest Heath District Council. It provides the framework for reshaping the relationship between the Council, its communities and their families. The aim is to foster resilience in local communities and seeks to address the dependency culture which can build up when the Council is seen as the first port of call for any issue. The Strategy is deliberately focused on supporting families by providing support early, rather than when a family is in crisis; is a preventative approach which is both better for the families and reduces the demand placed on public services by those in crisis.

The approach outlined in the Strategy is founded on an asset-based approach to working with communities which focuses on the strengths a community already has and can build on, rather than a focus on deficits or problems. It is based in the knowledge that sustainable local solutions can only come from the communities themselves, and not from Council generated projects.

The thinking behind the Strategy has been reflected in the creation of a Families and Communities Team as part of the Leisure, Culture and Communities restructuring. The team will provide locality officer

support to councillors across both Councils as they engage in their local communities. Officers will be working with Councillors to support local communities in delivering the projects they are motivated in taking forward.

It also outlines the importance of the early years of the development of children and the case for supporting families to give both the children and parents the best life changes. The benefits of this approach disperse into wider agendas such as improvements in health and wellbeing, greater contributions to the local economy and less crime and anti social behaviour.

An initial work programme has been drafted and will evolve as the Strategy is implemented. The list is not intended to be exhaustive, but provides an indication of some of the ways in which engagement with communities will be different in future.

3. Local Council Tax Reduction Scheme and Council Tax Technical Changes 2014/2015

Decisions Plan Reference: Dec13/04
Cabinet Member: David Ray

Report E197

RECOMMENDED:

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.

The Local Council Tax Reduction Scheme (LCTRS) was introduced on 1 April 2013 (Paper D224, 12 December 2012 refers.) The scheme served two purposes:

- to localise the system of benefits previously administered by central government
- to reduce by 10% the amount of support paid to those finding it hard to pay council tax, in order to meet the Government's funding cut.

Following consultation, the Council decided to meet the cost of the Government's 10% cut by requiring working age claimants to pay 8.5% more of the council tax charge than previously; and by changing the discounts / exemptions available to owners of second homes and empty properties. Limiting the increase for working age claimants meant that the Council received a year one transitional grant from Government.

The scheme adopted for empty and second homes in February 2013 (Paper D277 refers) was as follows:

Discounts	2012/2013	2013/2014
Class A, empty, unfurnished and undergoing major repairs to render habitable	100% exemption for 12 months maximum	10% discount for a twelve month period
Class C, empty, substantially Unfurnished	100% exemption for 6 months maximum	10% discount for a six month period
Second homes	10% discount	5% discount
Empty homes premium (property empty for more than 2 years)		Pay 150%

The Council received a one off transitional grant in 2013/2014 from Department of Communities and Local Government (DCLG), the intention was to use some of this grant to implement a cost neutral scheme.

On 10 December 2013, the Cabinet duly noted the monitoring position of the Local Council Tax Reduction Scheme 2013/2014 and council tax technical changes as at 1 October 2013, as detailed in paragraphs 5.7 to 5.12 of Report E197, and then considered the proposals for the 2014/2015 scheme provided in Section 6.

As the main precepting authority with around 80% of the council tax bill, Suffolk County Council has indicated its contentment with a 2014/2015 scheme along the lines of maintaining the overall 2013/2014 budget level for the LCTRS with no further reduction in expenditure required other than the original 10% Government reduction (cost neutral position at that point), which was achieved across the LCTRS and technical changes income.

Whilst the monitoring figures and position reported in Section 5 of Report E197 provides some comfort, a full year's review needs to be undertaken to understand the overall impact including behavioural changes around bringing empty properties back into use, property numbers and LCTRS caseload before recommending any changes to the schemes. Therefore the recommendation is to continue the schemes in their current forms, including applying the current 2013/2014 level of applicable amounts[#] within the LCTRS, for 2014/2015. The technical changes will also remain as those detailed in the table above for 2013/2014.

An applicable amount is the amount that the Government says that a family needs to live on each week. When your applicable amount has been calculated it is then compared with your income to work out the council tax reduction entitlement for which you are eligible.

Due to the fact that the LCTRS is not changing this year there is no requirement to undertake specific consultation.

4. Council Tax Base for Tax Setting Purposes

Decisions Plan Reference: Dec13/05
Cabinet Member: David Ray

Report E198

RECOMMENDED: 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 2 to Report E198.**

The Council Tax Base of the Council is the total taxable value at a point in time of all the domestic properties in its area, projected changes in the property base and the estimated collection rate. It is used in the calculation of Council Tax. Each authority divides its total Council Tax required to meet its budget requirements by the Tax Base of its area to arrive at a Band 'D' Council Tax.

The Band 'D' Properties figure as at 7 October 2013 of 34,477.90 as quoted in the CTB1 form attached as Appendix 1 to Report E198 has been updated as at 19 November 2013 to allow for:

- (a) technical changes outlined in Report E197 (for the purpose of the CTB1 form the full property is removed and therefore the element chargeable for council tax under each individual authority's scheme, needs to be added back into the council tax base); and
- (b) potential growth in the property base during 2014/2015 taken from an average of the housing delivery numbers for those sites within the local plan and those that have planning permission, adjusted for an assumed level of discounts/exemptions within that growth of property base.

An allowance is then made for losses on collection, which assumes that overall collection rates will be maintained at approximately 98.5%. In addition to this collection rate change, an adjustment has been made to allow for the collectability of the council tax arising from the changes in the new Local Council Tax Support scheme, which has been assessed at 90%. The resulting Tax Base for Council Tax collection purposes has been calculated as 34,725.00 which is an increase of 44.48 on the previous year.

Appendix 2 attached to Report E198 show the tax base estimated figures for Town/Parish Councils for 2014/2015.

5. North-West Bury St Edmunds Masterplan

Decisions Plan Reference: Nov13/13
Cabinet Member: Terry Clements

**Report E199
(Sustainable
Development
Working Party
Report E168)**

RECOMMENDED:

- (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.**

Report E168 outlines the process for preparation of the Masterplan for North-West Bury St Edmunds and seeks its adoption as non-statutory planning guidance. Land at North-West Bury St Edmunds is allocated in Policy CS11 of the adopted St Edmundsbury Core Strategy to accommodate long term strategic growth for Bury St Edmunds which would deliver around 900 homes, a relief road, employment, education, community and leisure facilities. The allocation is developed further by Policy BV3 of the Bury St Edmunds Vision 2031 submission draft document.

Policy BV3 states the amount of land available for development, location of uses, access arrangements, design and landscaping will be informed by a Masterplan for the site. A Concept Statement adopted by the Council on 16 May 2013 which provides the parameters and framework for the development of the site is included as Appendix 6 to the Vision 2031 document.

A draft Masterplan has subsequently been prepared by consultants acting on behalf of Countryside Properties. Wide consultation on the Masterplan document has been carried out by the developers between 4 July 2013 and 1 August 2013 in accordance with the Council's

Statement of Community Involvement and the Protocol for the Preparation of Masterplans.

The Sustainable Development Working Party had expressed specific concerns with the Masterplan, which resulted in amendments to the draft Masterplan. These have been incorporated into the recommendation above.

6. West Suffolk Sustainability Strategy

Decisions Plan Reference: Nov13/01
Cabinet Member: Peter Stevens

**Report E199
(Sustainable
Development
Working Party
Report E169)**

RECOMMENDED:

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.'

To achieve a shared approach to policy and service delivery for the people of West Suffolk and meet statutory obligations, Forest Heath District and St Edmundsbury Borough Councils have developed a draft Sustainability Strategy for West Suffolk.

Report E169 outlined consultation undertaken on the draft strategy and the amendments made to it as a consequence. The adoption of the strategy in its amended form is being sought.

7. Vision 2031: Consideration of Modifications

Decisions Plan Reference: N/A
Cabinet Member: Terry Clements

Report E201

RECOMMENDED:

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.

On 30 September 2013 the Council resolved to submit the Vision 2031 local plan documents for Bury St Edmunds, Haverhill and the Rural Area to the Secretary of State for Examination by a Planning Inspector. Examination of the documents has now commenced and Hearings are expected to be held early in 2014. During the course of the Examination it is likely that there will be a need to suggest and agree modifications to the documents in order to ensure that the Inspector can find them 'sound'. Some modifications will arise from questions asked by the Inspector and others will result from comments received from people or organisations that submitted representations during consultation on the Vision documents. Although it is anticipated that most will be minor in nature, there may be a need for the Council to propose some 'main modifications' to the plan in order for the Planning Inspector to find it sound by the time the Examination concludes. While it will ultimately be necessary to consult on these main modifications, it is unlikely that there will be an opportunity before or during the Hearings to take officers' suggested main modifications through the democratic process for consideration and endorsement. To do so would add considerable delays to the Examination process given that the Inspector will have arranged the Hearings and report writing to fit in with his other case load.

Given that the proposed main modifications will be subject to public consultation following the conclusion of the Hearings, it is suggested that an appropriate way forward would be for the Head of Planning and Regulatory Services, and pending his arrival in post the Place Shaping Manager, should be given delegated powers, in consultation with the Portfolio Holder for Planning and Regulatory Services, to agree draft proposed main modifications to the Vision 2031 documents to be submitted to the Planning Inspector. The proposed modifications would be reported back through Cabinet following the conclusion of the Hearings.

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

Chairman of the Working Party: Cllr Mrs P A Warby

1. Amendments to Terms of Reference of the Democratic Renewal Working Party (Report E180)

RECOMMENDED:- 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.***

A Joint Member Learning and Development Group (JMLDG) was established in December 2012 as an informal group to contribute to and support member development opportunities.

The decision-making process for member development is different in Forest Heath District and St Edmundsbury Borough Councils, and in order to align these processes, it is recommended that the JMLDG make recommendations to Cabinet in both authorities. This requires the Terms of Reference of the Democratic Renewal Working Party (DRWP) to be amended to remove responsibility for member development.

2. Amendments to the Constitution: (1) Filming of meetings and (2) Sealing Documents (Report E181)

RECOMMENDED:-

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.

In order to meet modern requirements, and be ready for any requests, proposed guidance has been issued on the filming of meetings subject to not interfering with the meeting and protecting the public who are present.

Standardising the arrangements for signing and sealing of documents across Forest Heath District and St Edmundsbury Borough Councils will enhance efficiency and reflect the shared service structure.

The Appendices to Report E181 give details of the recommended changes to the constitution that are required to permit filming of meetings and the rationalisation of the arrangements for sealing and signing documents.

