

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Cabinet** held on
Tuesday 24 March 2015 at **5.00 pm** at the **Conference Chamber West,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman John Griffiths (Leader of the Council) (in the Chair)
Vice Chairman Sara Mildmay-White (Deputy Leader)

Terry Clements
Anne Gower
Alaric Pugh

Dave Ray
Sarah Stamp
Peter Stevens

By Ian Houlder (Chairman of the Overview and Scrutiny
Invitation: Committee)

In Sarah Broughton
attendance: David Nettleton
Patsy Warby

52. **Apologies for Absence**

No apologies for absence were received.

53. **Minutes**

The minutes of the meetings held on 10 February and 24 February 2015 (special meeting) were confirmed as correct records and signed by the Chairman.

54. **Report of the Overview and Scrutiny Committee: 12 March 2015**

The Cabinet received and noted Report No: CAB/SE/15/020 (previously circulated) which informed the Cabinet of the following items discussed jointly with Forest Heath's Overview and Scrutiny Committee on 12 March 2015:

- (1) Draft West Suffolk Annual Report 2014/2015;
- (2) Monitoring the Western Suffolk Community Safety Partnership; and
- (3) Overview and Update of Planning Enforcement Service.

Councillor Houlder, Chairman of the Overview and Scrutiny Committee drew relevant issues to the attention of the Cabinet, including that the suggestions

made by both Committees for amending the draft Annual Report were duly accepted and approved by both Cabinets on 17 March 2015.

He added that in respect of Item (3) above, the Committee was pleased that a West Suffolk Enforcement Team had been put in place with an accompanying forward work programme.

55. Eastern Relief Road, Bury St Edmunds: Update

The Cabinet considered Report No: CAB/SE/15/021 (previously circulated), which sought approval for issues associated with the commissioning of electricity infrastructure works to serve development at Moreton Hall, including Suffolk Business Park.

Councillor Griffiths, Leader of the Council, drew relevant issues to the attention of the Cabinet, including that on 24 February 2015, Council had committed £4,528,871 of funding for electricity infrastructure works to serve Suffolk Business Park. At that time it was considered that the New Anglia Local Enterprise Partnership (LEP) was likely to provide a loan for this full amount. It had since been established that the LEP would consider a loan of £1.4m instead.

Negotiations were ongoing with a number of parties, including the County Council, regarding the funding required to deliver the electricity infrastructure in this location. Due to timing issues, authority was sought from Cabinet and Council to commit the full amount of funding from the Council's unallocated capital receipts to enable the works to be committed.

There was a significant lead in time to ensure the electricity would be available in time for the first phases of development including the new high school. It was therefore essential that the works were commissioned by the end of April 2015; however, the exact amount of funding from the LEP nor the timing of the supporting funding from Taylor Wimpey or Suffolk County Council would not be known until May at least.

Therefore, to enable the works to be secured, Members were requested to commit to the programme of electricity works at a cost of £4,578,271 (to be initially financed from capital receipts with a view to the project being funded from some or all of the following: £1.4m from Taylor Wimpey; a £1.4m loan from the LEP; and a loan from the County Council). If there was any shortfall, this would be funded by the Council and recovered through loan repayments from Taylor Wimpey. This would all be subject to undertaking due diligence processes. As the works would be commissioned by Taylor Wimpey, a loan agreement would need to be prepared between the Borough Council and Taylor Wimpey.

It was envisaged that the £4,528,871 funding would be repaid firstly from the contribution from Taylor Wimpey (£1.4m) and then the remainder either from the commercial lets as they came forward for Suffolk Business Park or by the commercial developer appointed to bring the land forward.

The Cabinet commended the Borough Council for bringing the partners together to drive this project forward and Members were confident that the

allocated capital would be recouped in due course with appropriate interest payments, where applicable.

RECOMMENDED TO COUNCIL

That:

- (1) the Section 151 Officer allocates £4,528,871 within the Council's capital programme, initially financed from capital receipts, with a view to the project being funded by a combination of £1.4m from Taylor Wimpey, a £1.4m loan from New Anglia Local Enterprise Partnership (NALEP), and a loan from Suffolk County Council. Following the conclusion of the negotiations with these parties and the outcome of the NALEP application, if there is any shortfall, this will be funded by the Council and recovered through the loan repayments by Taylor Wimpey, as set out in 2.9 and 2.10 of Report No: CAB/SE/15/021;**
- (2) all of the above be subject to the satisfaction of the Section 151 and Monitoring Officers, in consultation with the Leader of the Council; and**
- (3) subject to Recommendations (1) and (2) above, delegated authority be granted to the Head of Planning and Growth, in consultation with the Leader of the Council, to enter into a loan agreement with Taylor Wimpey to commission the electricity infrastructure works.**

56. Transfer of Land to Suffolk County Council for New High School at Moreton Hall, Bury St Edmunds

(Councillor Clements declared a local non-pecuniary interest as a Suffolk County Councillor and the item under consideration was located in his County Council Division. Councillor Mrs Stamp declared a local non-pecuniary interest as a Suffolk County Councillor. Both Members remained in the meeting for the consideration of this item.)

The Cabinet considered Report No: CAB/SE/15/022 (previously circulated) which sought approval for issues connected with the construction of a new high school at Moreton Hall, Bury St Edmunds.

Councillor Stevens, Portfolio Holder for Waste and Property drew relevant issues to the attention of the Cabinet, including that the following matters were under consideration for recommending to Council for approval:

- (1) the transfer of 11.38 acres of land to Suffolk County Council for the construction of a new upper school at Moreton Hall, which would serve all of Bury St Edmunds, for the sum of £193,460;**

- (2) for a capital contribution of £1,366,460 (comprised of the figures detailed in the recommendation below) to be made towards shared sports facilities within the site to be leased back to the Council and operated by Abbeycroft Leisure under a sub-lease with an operator's agreement; and
- (3) the approach to maintain the commercial advantage of the Council's 'ransom strip' following the transfer of the 11.38 acres of land.

Councillor Mrs Stamp, Portfolio Holder for Leisure, Culture and Heritage made additional comments regarding the benefits of the shared community sports provision for the whole of Bury St Edmunds.

The Cabinet was supportive of the recommendations and commended the successful partnership working between all partners involved and enabling this entire project to progress.

RECOMMENDED TO COUNCIL:

That:

- (1) 11.38 acres of land be transferred to Suffolk County Council for the construction of a new upper school at Moreton Hall, Bury St Edmunds, as detailed in Section 1 of Report No: CAB/SE/15/022, for the sum of £193,460 subject to a 125 year lease back of the land forming part of the shared community sports provision and an accompanying dual use agreement, whilst ensuring the commercial advantage of the Council's ransom strip is maintained;**
- (2) a capital contribution of £1,366,460 be made to Suffolk County Council towards a shared community sports provision within the site made up of the balance of:**
 - (a) £813,000 capital allocation for Bury Town FC relocation;**
 - (b) £360,000 anticipated future s106 contributions for sporting facilities at Moreton Hall;**
 - (b) the capital receipt of £193,460 detailed in (1) above; and**
- (3) delegated authority be given to the Head of Operations, in consultation with the Portfolio Holders for Waste and Property, and Leisure, Culture and Heritage, Chief Executive, s151 Officer and Monitoring Officer, to agree the terms of all legal agreements necessary to give effect to the above.**

57. Public Service Village Phase II: Update and Next Phase

The Cabinet considered Report No: CAB/SE/15/023 (previously circulated) which provided an update on the current situation regarding the Public Service Village: Phase II project.

Prior to this meeting, consideration had been given to deferring part of this item until a future Cabinet and Council meeting. Whilst interest in the project was encouraging and potential partners wished to progress their enquiries more quickly than initially anticipated, the Cabinet wished to seek further information on a number of matters before recommending approval of Recommendation (2) contained in the report.

Councillor Griffiths, Leader of the Council, drew relevant issues to the attention of the Cabinet, including that it had been established that the decision to defer approval of Recommendation (2), which sought an additional £200,000 for underwriting the appointment of appropriate expertise, would not jeopardise progression of the project and it had been acknowledged that this amount was not required to be committed at this stage.

As decisions on the other three recommendations could be taken by Cabinet, no Cabinet referral to Council was therefore presently required and all Members had previously been informed of the deferral accordingly.

The Cabinet then accepted a proposed amendment to Recommendation (3) to indicate that the outcome of the negotiations would come back for a decision of Council. *'...so that these can be presented to a future meeting of Council'* would be inserted following *'.....as detailed in Section 1.1.7 of Report No: CAB/SE/15/023'*.

RESOLVED:

That:

- (1) the progress of the Public Service Village Phase II (PSVII) Bury St Edmunds project, be noted;
- (2) the Head of Planning and Growth, in consultation with the Leader of the Council, be given delegated authority to negotiate Heads of Terms for a joint venture with the owners of the NHS distribution unit, and partnership agreements with potential occupiers of PSVII, as detailed in Section 1.1.7 of Report No: CAB/SE/15/023, so that these can be presented to a future meeting of Council; and
- (3) the exemption to the Contract Procedure Rules, as detailed in Sections 1.2.3 to 1.2.5 of Report No: CAB/SE/15/023, be noted.

58. Leisure Development Proposals for West Stow Country Park: Update

The Cabinet considered Report No: CAB/SE/15/024 (previously circulated) which sought approval for proposed 'lots' to enable the Application to Bid process to commence the progression of further leisure development at West Stow Country Park.

Councillor Mrs Stamp, Portfolio Holder for Leisure, Culture and Heritage drew relevant issues to the attention of the Cabinet, including that the proposed 'lots' were provided in Table 1 of paragraph 2.2.1. Following approval of the

lots, potential bidders would be able to submit responses for some or all of the lots for further leisure development. The evaluation process would then determine the best solution for the Council, based on a combination of cost and quality. The preferred solution would need to be presented to Council for approval before entering into any leases.

The proposed timetable for delivering the project was set out in paragraph 2.3.1.

RESOLVED:

That, the proposed lots, as set out in Section 2.2 of Report No: CAB/SE/15/024, be approved with the outcome of the 'Application to Bid' process being reported back to Cabinet and full Council in June-July 2015.

59. Sponsorship and Advertising Policy for West Suffolk

The Cabinet considered Report No: CAB/SE/15/025 (previously circulated) which sought approval for a new Sponsorship and Advertising Policy for West Suffolk.

Councillor Ray, Portfolio Holder for Resources and Performance drew relevant issues to the attention of the Cabinet, including that the policy set out the definitions, general principles and procedures for entering into agreements for sponsorship and advertising, so as to maintain propriety and transparency within St Edmundsbury Borough (SEBC) and Forest Heath District Councils (FHDC). This was an updated version of the previous SEBC policy, adopted in 2007. A new policy was needed because of moving forward with the shared services agenda and also because the Councils were trying to behave more commercially in maximising the use of the Councils' assets.

RESOLVED:

That the Sponsorship and Advertising Policy for West Suffolk, as contained in Appendix 1 to Report No: CAB/SE/15/025, be approved.

60. West Suffolk Safeguarding Policy

The Cabinet considered Report No: CAB/SE/15/026 (previously circulated) which sought approval for a new West Suffolk Safeguarding Policy – Guidelines for Working with Children, Young People and Vulnerable Adults.

Councillor Mrs Mildmay-White, Portfolio Holder for Health and Communities, drew relevant issues to the attention of the Cabinet, including that the Safeguarding Policy and Guidelines for working with children, young people and vulnerable adults had been revised and updated to ensure compliance with the new duties placed upon the Council by the Care Act 2014.

The revised policy would enable St Edmundsbury Borough and Forest Heath District Councils to fulfil their statutory obligations under the Children Act 2004 and Care Act 2014 by establishing effective arrangements to safeguard

and promote the welfare of children, young people and vulnerable adults. The features of effective arrangements as identified under the two Acts were listed in the report, together with information on the role and responsibilities of the independent Children's and Adult Safeguarding Boards, and internal training available on safeguarding issues.

In response to a question, the Cabinet was informed that training on safeguarding issues would be provided to new and re-elected Members following the Borough and District elections in May 2015.

RECOMMENDED TO COUNCIL:

That, the revised Safeguarding Policy and Guidelines for working with Children, Young People and Vulnerable Adults, as set out in Appendix A to Report No: CAB/SE/15/026, be adopted.

61. Recommendations from the Bury St Edmunds Area Working Party: 10 March 2015

The Cabinet considered Report No: CAB/SE/15/027 (previously circulated) which presented the recommendations of the Bury St Edmunds Area Working Party.

On 10 March 2015, the Bury St Edmunds Area Working Party considered the '*Amendments to the Article 4 Directions in the Bury St Edmunds Town Centre and Victoria Street Conservation Areas*' as a substantive item of business.

Councillor Clements, Portfolio Holder for Planning and Regulation, drew relevant issues to the attention of the Cabinet, including that the proposed new Article 4 Directions would include the removal of permitted development rights for solar panels, photo voltaic cells etc. The timetable for the consultation process and implementation of the amended Article 4 Directions (if approved) was contained in Section 1.1.5 of the report. Members noted that this had been revised since Report No: BAW/SE/15/001 had been presented to the Working Party.

RESOLVED:

That consultation be carried out on:

- (1) the proposed new Article 4 Directions for the Bury St Edmunds Town Centre and Victoria Street Conservation Areas, as set out in BAW/SE/15/001; and
- (2) the removal of Permitted Development Rights in respect of micro-generation equipment within both these areas in accordance with the amended timetable set out in paragraph 1.1.5 of Report No: CAB/SE/15/027.

62. Recommendations from the Grant Working Party: 13 March 2015

The Cabinet considered Report No: CAB/SE/15/028 (previously circulated) which presented the recommendations of the Grant Working Party.

Councillor Mrs Mildmay-White, Portfolio Holder for Health and Communities drew relevant issues to the attention of the Cabinet, including that on 13 March 2015, the Grant Working Party considered the '*New approach to grant funding arrangements and review of the Locality Budget Scheme*' as a substantive item of business.

The Working Party had considered proposed changes for streamlining the grant funding arrangements for 2015/2016 onwards, including the establishment of a Community Chest fund, and the revisions to the Members' Locality Budget Scheme following a review of the scheme piloted in 2014/2015. Whilst it had recommended amendments to Recommendations (2) and (4) contained in Report No: GWP/SE/15/002, the Working Party had accepted the new approach to grant funding and supported the revisions to the Locality Budget Scheme.

The Cabinet considered the amendments made by the Grant Working Party, the reasons for which were provided in the report and reiterated by Councillor Mrs Mildmay-White, and these were found to be acceptable. All other recommendations were supported.

RESOLVED:

That:

- (1) the revised approach to grant funding from 2015/2016 including the establishment of a Community Chest, as set out in Section 1.3 of Report No: GWP/SE/15/002, be approved;
- (2) (a) the Head of Families and Communities, in consultation with the Portfolio Holder with the responsibility for Grants, be given delegated powers to make awards from the Community Chest funding to the value of £10,000, as set out in paragraph 1.4.4 of Report No: GWP/SE/15/002;
- (b) subject to (2)(a) above, the Grant Working Party firstly be consulted by email on grants proposed to be awarded under this delegation using a similar procedure to that applied under the existing Rural Initiatives Grant Scheme;
- (3) the existing St Edmundsbury Grant Policy be revoked and from April 2015 be replaced with the new criteria, as outlined in Appendix A to Report No: GWP/SE/15/002;
- (4) the success of the Locality Budget Scheme to date be noted and subject to the amendment below, revisions to the scheme to be implemented for 2015/2016, be approved:

the sentence, '*For the purposes of this scheme, a rural parish council is considered to be a parish with a population of 1,000 or fewer according to the latest mid year estimate figures*', be deleted from paragraph 1.7 of Appendix B to Report No: GWP/SE/15/002; and

- (5) any Locality Budget underspend for 2014/2015 with the exception of the £500 per Councillor carry-forward, be approved and retained within the Locality Budget fund for allocation in future years, as outlined in Section 3.2 of Report No: GWP/SE/15/002.

63. Revenues Collection Performance and Write-Offs

The Cabinet considered Report No: CAB/SE/15/029 (previously circulated) which provided the collection data in respect of Council Tax and National Non-Domestic Rates and sought approval for the write-off of debts as contained in the Exempt Appendices.

Councillor Ray, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including that as at 28 February 2015, the collection rate of National Non Domestic Rates (NNDR) was 95.95% against a profiled target of 95.59%. As at 28 February 2015, the Council Tax collection rate was 97.20% against a profiled target of 97.71%

The Revenues Section collected outstanding debts in accordance with either statutory guidelines or Council agreed procedures. When all these procedures had been exhausted the outstanding debt was written off using the delegated authority of the Head of Resources and Performance (for debts up to £2,499.99) or by Cabinet (for debts over £2,500).

The specific reasons for recommending each write-off were included in Exempt Appendices 1 and 2.

RESOLVED:

That the write-off of the amounts detailed in the exempt appendices to Report No: CAB/SE/15/029 be approved, as follows:

Exempt Appendix 1: Council Tax totalling £12,526.75

Exempt Appendix 2: Business Rates totalling £5,190.50

64. Exclusion of Press and Public

See minute 65 below.

65. Exempt Appendices: Revenues Collection Performance and Write-offs

The Cabinet considered Exempt Appendices 1 and 2 to Report No: CAB/SE/15/029 (previously circulated), however no reference was made to specific detail and therefore this item was not held in private session.

The meeting concluded at 5.42 pm

Signed by:

Chairman
