

Council



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda
Date:	Wednesday 25 March 2015
Time:	<p>6.30 pm – Public Speaking</p> <p>Prior to the start of the informal discussions, members of the public are invited to put questions/statements of not more than 5 minutes duration in relation to items to be discussed in Part 1 (A) of the agenda only.</p> <hr/> <p>6.30 pm - Informal discussions</p> <p>Informal discussions with Forest Heath District Council on the substantive items listed below under Item 3, to be held in the <u>Conference Chamber</u>.</p> <hr/> <p>7pm - Formal meeting</p> <p>The formal meeting of the Council will commence at 7pm or immediately following the conclusion of the informal discussions, whichever is the later, in the <u>Conference Chamber</u> .</p>
Venue:	<p>Conference Chamber West Suffolk House Western Way Bury St Edmunds, IP33 3YU</p>
Membership:	<p>All Councillors</p> <p>You are hereby summoned to attend a meeting of the Council to transact the business on the agenda set out below.</p> <p><i>Joy Bowes</i></p> <p>Joy Bowes Service Manager (Legal) 17 March 2015</p>

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Fifteen Members
Committee administrator:	Fiona Osman Service Manager (Democratic Services) Tel: 01284 757105 Email: fiona.osman@westsuffolk.gov.uk

Procedural Matters

All Members of Forest Heath District Council will be in attendance to enable informal discussions on the report listed in Item 3 below to take place between the two authorities.

On the conclusion of the informal joint discussions, St Edmundsbury Borough Council will hold its formal meeting in the Conference Chamber as follows:

Part 1 (A) - Public

1. Apologies for Absence

To receive announcements (if any) from the Service Manager (Legal) (including apologies for absence)

2. Public Participation

(Public speaking on Item 3 was undertaken at the beginning of the informal discussions, to allow Members to consider the issues raised by members of the public. Public speaking on Items 4 and 5 will be subject to the following rules.)

(Section 9 of the Council Procedure rules)

To hear and answer any questions relating to items to be discussed in Part 1 (B) of the agenda, from members of the public in the public gallery who are residents of the Borough or District.

(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 Democratic Services ***no later than 10.00 am on Tuesday 24 March 2015.*** The written notification should ***detail the full question*** to be asked at the meeting of the Council.)

3. Review of Constitution

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Report No: **COU/SE/15/014**

Cabinet Member: Dave Ray Lead Officer: Joy Bowes

(For reference purposes, Forest Heath District Council's Report Number is COU/FH/15/16)

(Following the informal discussions held with Forest Heath Council on this agenda item, Members are reminded that no further debate shall take place on items where an agreement was reached during the informal discussions.)

Part 1 (B) - Public

4. Suffolk Business Park Land Assembly

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Report No: **COU/SE/15/015**

Portfolio Holder: John Griffiths Lead Officer: Steven Wood

5. Schedule of Referrals

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Schedule attached as Report No: **COU/SE/15/016**

(A) Referrals from Special Cabinet: 24 February 2015

1. Suffolk Business Park Land Assembly

Cabinet Member: John Griffiths

(B) Referrals from Cabinet: 24 March 2015

1. Suffolk Business Park/Eastern Relief Road, Bury St Edmunds: Update

Cabinet Member: John Griffiths

*(Full Cabinet Report **to follow** as Appendix A.)*

2. Transfer of land to Suffolk County Council for new High School at Moreton Hall, Bury St Edmunds

Cabinet Member: Peter Stevens

*(Full Cabinet Report **to follow** as Appendix B.)*

3. Public Service Village Phase II: Update and next phase

Cabinet Member: John Griffiths

Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Review of Constitution	
Report No:	COU/SE/15/014 [to be completed by Democratic Services]	
Decisions plan reference:		
Report to and date/s:	Council	25 March 2015
Portfolio holder:	David Ray Portfolio Holder for Resources and Performance Tel: 01359 250912 Email: david.ray@stedsbc.gov.uk	
Lead officer:	Joy Bowes Service Manager (Legal) Tel: 01284 757141 Email: joy.bowes@westsuffolk.gov.uk	
Purpose of report:	To present to members revised sections of the Constitution and seek their adoption.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that Council:</p> <ol style="list-style-type: none"> 1. adopt the revised sections of the Constitution set out at Appendix A, with any amendments arising from consideration of the comments in Appendix B or tabled at the meeting, as replacements for the equivalent parts of its current constitution; and 2. Authorise the Monitoring Officer to make changes or corrections to the text, numbering or layout of the adopted revised Constitution that are necessary for consistency, accuracy, grammatical correctness and sense, and to remove any parts of the existing constitution implicitly made redundant by the adoption of the revised version or which are otherwise obsolete, prior to publication. 3. Authorise the Monitoring Officer, in consultation with the Leader and Chief Executive, 	

	to make any interim changes to those sections of Part 3 containing functions of the Cabinet and committees that are necessary to give effect to decisions made at the Annual Meeting prior to the adoption of a revised Part 3 at the July meeting of Council.		
Key Decision: (Check the appropriate box and delete all those that do not apply.)	Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.			
Consultation:	<ul style="list-style-type: none"> All revised sections of the constitution have been circulated in instalments to all members and to senior officers and have been available on the intranet. 		
Alternative option(s):	<ul style="list-style-type: none"> The option is not to approve a revised constitution but to retain the existing version. 		
Implications: The aim of revising the Constitution was to provide officers and members of the West Suffolk councils a single framework within which to operate. This will promote efficiency and working together by streamlining the decision-making processes.			
Are there any financial implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	•
Risk/opportunity assessment:		(potential hazards or opportunities affecting corporate, service or project objectives)	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Detriment to efficiency and risk of procedural errors arising from not agreeing the adoption of a constitution that is consistent to both West Suffolk councils	Medium	Revised constitution developed with the involvement of members at all stages and the oversight of the Joint Constitution Review Group	Low
Ward(s) affected:		All Wards	

Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Existing constitutions of St Edmundsbury and Forest Heath councils
Documents attached:	<i>(Please list any appendices.)</i> Appendix A – draft revised Articles and Procedure Rules Appendix B – schedule of comments received and responses to them

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 This report and appendices are the next step in a process which began last year with the setting up of the Joint Constitution Review Group (the Group), comprising members of both West Suffolk councils, to look at creating one version of a constitution that would be adopted by each Council.
- 1.1.2 The principles on which the revised constitution was to be based were adopted by each Council at meetings in December 2014. Subsequently, as they were drafted, the Articles and Procedure Rules attached as Appendix A were submitted to members and senior officers for consultation. The Group has met three times this year to consider the comments received.
- 1.1.3 Attached as Appendix B is a table of the comments received, and where appropriate the recommendations of the Group on those comments. Any remarks received after the publication of this report will be tabled separately. Owing to the length of the documentation, the debate at the joint meeting will focus on those matters on which comment has been made or where members are asked to make a choice.

1.2 Next Steps

- 1.2.1 The sections of Part 3 which contain the delegation of functions to the Cabinet and committees will be dealt with after the Annual Meetings, because the Cabinet portfolios and committee structure which are then appointed will inform the drafting, and brought to the July Council meetings for adoption. Interim changes required to enable the authority to carry out its functions in the meantime will be made under the delegation in recommendation 3 above. Revisions to the section of Part 3 containing the delegation of functions to officers will be carried out by officers, under the delegations authorised in December, to accord with the recently completed staffing restructure. If the input of councillors is needed in relation to officer delegations (for example in relation to adopting one consistent approach in West Suffolk to the urgency powers of the Chief Executive) this will be sought at a future Council meeting.
- 1.2.2 There are other sections of both constitutions such as protocols and procedures which need to be updated and (in some cases) harmonised. These will be brought forward for member consideration as part of the continuous review of what are dynamic and evolving documents.

Constitution review

Column 2 – The draft constitution as originally circulated for consultation.

Column 3 - Comments and proposed amendments as received from the consultation process.

Column 4 – The Joint Constitution Review Group’s (the Group) recommendations.

Highlighted text indicates where the Group have not made a recommendation and Members are asked to consider and make a decision as appropriate.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
Part Two – Articles			
1	Article 1 – the constitution		
1.4.3	Where the Constitution permits the Council to choose between different courses of action, the Council will choose the option which it thinks is closest to the purposes stated above.	Does not currently make sense – propose that this reads: '..., the Council will choose the option which it thinks will be most likely to achieve the purposes set out in 1.3 above'.	Where the Constitution permits the Council to choose between different courses of action, the Council will choose the option which it thinks will be most likely to achieve the purposes set out in 1.3 above is closest to the purposes stated above.
4	Article 4 – the full Council		
All	The term 'full Council' has been used to mean the meeting of all members of the Council.	To remove the word 'full' and just use 'Council' instead. The word 'full' is superfluous.	To remove the word 'full' when talking about a meeting of all members of the Council.
4.1	Meaning – The Council means every councillor of <i>Forest Heath District Council/St Edmundsbury Borough Council</i> meeting as a body.	To replace 'as a body' with 'together'.	The Council means every councillor of <i>Forest Heath District Council/St Edmundsbury Borough Council</i> meeting together as a body.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
4.2	Functions of the Council – Only the Council will exercise the following functions:	To add in 'meeting as a whole' after Council.	Only the Council meeting as a whole will exercise the following functions:
4.2 (n)	Conferring the title of Honorary Alderman/Alderwoman...	To remove 'Alderwoman'.	Conferring the title of Honorary Alderman/ Alderwoman ...
5.	Article 5 – Chairing the Council		
5.3 (a)	Civic and ceremonial role - ...representing the whole [district/borough] during his/her term of office;	To add in 'and promoting'.	- representing and promoting the whole [district/borough] during his/her term of office;
5.3 (b)	Civic and ceremonial role – enhancing the image of the [district/borough]	To replace 'enhancing the image' with 'guarding the reputation'. A further comment was received to reinstate 'enhancing'.	- enhancing the image guarding the reputation of the [district/borough] Consider whether to reinstate 'enhancing'.
6.	Article 6 – the Cabinet		
6.2.1	...It will comprise the Leader and no fewer than two and up to nine* other councillors appointed to the Cabinet by the Leader,...	...It will comprise the Leader and no fewer than two and up to nine* other councillors appointed to the Cabinet by the Leader,...	Members are asked to consider the draft and make a decision.
	<i>*This is the statutory maximum and is in the current SEBC constitution. FHDC are recommended to include this to allow maximum flexibility for the size of Cabinet.</i>		

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
6.5	Cabinet Support Members	To remove the provision for Cabinet Support Members.	6.5 Cabinet Support Members To delete the whole of 6.5
7.	Article 7 – Overview and Scrutiny Committees		
7.1.1	Introduction - ...Forest Heath and St Edmundsbury Councils will also appoint joint overview and scrutiny committees to exercise those functions with regard to matters that affect both councils.	To replace 'will' with 'may'.	...Forest Heath and St Edmundsbury Councils may will also appoint joint overview and scrutiny committees to exercise those functions with regard to matters that affect both councils.
7.9.1 (g)	Working Methods - the chairmen and Vice-Chairmen of the Scrutiny Committees will meet at least quarterly...	To replace 'chairmen and Vice-Chairmen of the Scrutiny Committees' with 'chairman and vice-chairman of each Scrutiny Committee'.	- the chairman and vice-chairman of each Scrutiny Committee the chairmen and Vice-Chairmen of the Scrutiny Committees -will meet at least quarterly...
10.	Article 10 – Joint Arrangements and Working Groups		
10.2.4	The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following cases:	To include 'any of' before 'the following cases'.	10.2.4 – The Cabinet may appoint Members to a joint committee from outside the Cabinet in any of the following cases:
10.4.2	If all the members of a joint committee are members of the executive in each of the participating authorities...	Replace 'executive' with 'Cabinet'.	10.4.2 – If all the members of a joint committee are members of the Cabinet executive in each of the participating authorities...

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
10.4.3	If the joint committee contains members who are not on the executive in any participating authority...	Replace 'executive' with 'Cabinet'.	10.4.3 – If the joint committee contains members who are not on the Cabinet executive in any participating authority...
11. Article 11 – Officers			
11.1.1	Appointment of staff cannot be the responsibility of the Executive.	Remove.	11.1.1 – Appointment of staff cannot be the responsibility of the Executive.
11.1.1 (c)	Head of Paid Service, Chief Finance Officer and Monitoring Officer – the Council...	To add in '(s151 Officer)' after 'Chief Finance Officer.	11.1.1 (c) – <u>Head of Paid Service, Chief Finance Officer</u> (s151 Officer) and <u>Monitoring Officer</u> – the Council...
12. Article 12 – Decision-Making			
12.3.2 (a) (i)	be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough/District; or	To delete 'comprising two or more Wards'	be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough/District; or
12.3.2 (a) (ii)	result in any new expenditure, income or savings of more than £50,000 in relation to the Council's revenue budget or capital programme	£50,000 is the existing SEBC limit (FHDC chose £25,000 as their initial limit, as SEBC did when adopting the cabinet model in 2002).	result in any new expenditure, income or savings of more than £50,000 in relation to the Council's revenue budget or capital programme

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
12.3.2 (a) (iii)	12.3.2 (a) (iii) require the acquisition or disposal of any land or interest in land in excess of a value of £300,000; or	To delete	12.3.2 (a) (iii) require the acquisition or disposal of any land or interest in land in excess of a value of £300,000; or
12.3.2 (b)	Wherever practicable, a decision which has a significant impact on people living or working in a single Ward will be treated as a key decision.	To delete in total.	12.3.2 (b) Wherever practicable, a decision which has a significant impact on people living or working in a single Ward will be treated as a key decision.
13.	Article 13 – Finance, Contracts and Legal Matters		
13.5.1	Common Seal of the Council ... The affixing of the Common Seal will be attested by any one of the following officers of the Council:	To replace 'The affixing of the Common Seal will be attested' with 'Sealed documents will be signed'.	13.5.1 ... Sealed documents will be signed The affixing of the Common Seal will be attested by any one of the following officers of the Council:
15.	Article 15 – Suspension, Interpretation, Maintenance and Publication of the Constitution		
15.1.3	No Committee or Sub-Committee or the Cabinet shall have power to suspend any Rules of Procedure, but may resolve to recommend the Council to suspend in special circumstances which shall be stated in the resolution.	To delete to allow committees flexibility in running their meetings.	15.1.3 — No Committee or Sub-Committee or the Cabinet shall have power to suspend any Rules of Procedure, but may resolve to recommend the Council to suspend in special circumstances which shall be stated in the resolution.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
Part 4 – Procedure Rules			
Council Procedure Rules			
Introduction			
1.	Ordinary meetings of the Council will usually take place <i>[five/six]</i> times a year on a <i>[Tuesday/Wednesday]</i> , commencing at <i>[7/6pm]</i> .	To specify a start time of 6pm for St Edmundsbury, and to add a restriction on length of time of the meeting to 3 hours long.	Meetings will commence at 6pm and at 9pm shall stand adjourned until the following day at 6pm whenever practicable unless the chairman is of the view that the meeting will conclude within 30 minutes thereafter and exercises his or her discretion to continue the meeting.
4.	Notice of all meetings of the Council will be given to the public by the Chief Executive/Head of Legal and Democratic Services ...	Notice to be given by the Chief Executive for both authorities.	Notice of all meetings of the Council will be given to the public by the Chief Executive ...
6.	The Council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.	It is proposed to include this in the St Edmundsbury constitution to permit webcasting or some other means of public access in future.	The Council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
1. Annual Meeting of the Council			
1.1.4 (i)	appoint the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee;	It is a member recommendation for the new constitutions that Chairs and VCs stay in post until the first meeting of the new civic year except where new ones are appointed at the Annual Meeting. The proposal is to align by having just the scrutiny chairs appointed at AM and leaving all others to be done by each committee.	appoint the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee;
7. Recording of Council Meetings			
7.1	<p><i>St Edmundsbury</i> – The audio-only digital recording is retained until the minutes of the meeting are approved.</p> <p><i>Forest Heath</i> – The audio-visual recording is retained for 12 months after the minutes of the meeting are approved.</p>	Members of the JCRG agreed that all recordings should be retained for 12 months after the day of the meeting.	All recordings should be retained for 12 months after the day of the meeting.
8. Questions by Members			
On the Leader’s Statement			
8.3	A total for 30 minutes will be allowed for questions and responses.	No proposed amendments to the draft	8.3 A total for 30 minutes will be allowed for questions and responses.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
Questions on notice at Council			
8.4	At present FH limit the length of the question to 150 words. There is no such provision in the SE constitution. No limit is proposed, in the interests of flexibility, although this is an option if desired.	The Group approve the above as drafted.	<p>...a member may submit in writing to the Service Manager (Democratic Services) a question on notice for:-</p> <p>(a) the [Chairman/Mayor]; or (b) the Leader or any member of the Cabinet; of (c) the Chairman of any Committee or sub-committee</p> <p>on any matter in relation to which the Council has powers or duties...</p>
8.5	This proposal means that normally the question will appear in the agenda, but gives flexibility for urgent cases.	Approved by the Group as drafted.	<p>A Member may ask only one question on notice under 8.4 at each Council meeting and</p> <p>a) must submit it in writing to the Service Manager (Democratic Services) no later than noon seven working days before the meeting, not counting the day of the meeting; or</p> <p>b) if the question is urgent and the member has the consent of the member to whom the question is to be put, must submit it in writing to the Service Manager (Democratic Services) by noon on the working day before the meeting.</p>

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
8.7	<i>Suggested time limit on which views are sought – ten minutes is consistent with the rules of debate which limits speeches to five minutes i.e. five minutes each for the question and answer</i>	Ten minutes approved by the Group.	A member asking a question on notice under paragraph 8.4 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. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes.
11. RULES OF DEBATE			
11.4	Content and length of speeches		
11.4.2 and 11.4.3	No speech will be longer than five minutes... The five minutes time limit will not apply to a member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.	These time limits already apply at SEBC and have not been found to hinder the debate. There is provision under rule 10.1 (h) for the length of speeches to be extended with the agreement of the meeting.	No speech will be longer than five minutes... The five minutes time limit will not apply to a member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.

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(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
13. VOTING			
13.3	Show of hands		
	<p>The Forest Heath rules currently permit the use of voting papers for appointments if a motion to that effect is passed. See Appendix 1 of Council Procedure Rules (Page 71). Views are sought on whether this system should apply at either or both councils.</p>	<p>The Group makes no recommendation and leaves the decision to the meetings on 25 March.</p>	<p><u>Option 1</u> Unless a recorded vote is demanded under paragraph 13.4 of the Rules, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.</p> <p><u>Option 2</u> [Use wording as included in Appendix 1 to Council Procedure Rules DRAFT – Page 71]</p>
20. THEMED DEBATES			
20.	Themed Debates	<p>The provision for themed debates appears in the current SEBC constitution, which was based on a national model in 2002. Officers are not aware that it has ever been used, but views are sought on whether to retain it as something that may be useful in future.</p> <p>Members of the JCRG proposed that this should be deleted.</p>	To delete 'Themed debates'

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
Committee Procedure Rules			
1.	Terms of reference		
1.2	Every committee will be able to propose changes to the terms of reference for consideration by the Cabinet or Council.	New provisions recommended by members.	Every committee will be able to propose changes to the terms of reference for consideration by the Cabinet or Council.
2.	Time and place of meetings		
2.1	<i>New provisions in (a) and (b) to give effect to the member recommendation that committees have more freedom over their ways of working including the timings of meetings.</i>	Wording has been approved by the Group.	Committees and sub-committee meetings shall take place on the dates and at the times set out in the calendar of meetings approved by Council before the start of each civic year, except that:- a) the members of any committee or sub-committee may resolve to hold the meetings at a time that is different from that in the calendar but is the same for every meeting; b) the chairman, after appropriate consultation and before the publication of the agenda for any given meeting, may alter the date, time or place of any meeting if in his or her opinion it would assist the efficient conduct of the committee or sub-committee's business; but in all cases regard will be had to the compatibility of the date, time or place proposed with the right of the public to attend.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
6.	Election of chairmen and vice-chairmen of committees and sub-committees		
6.2	<i>This is a new procedure and is in accordance with member recommendation.</i>	Wording has been approved by the Group.	The members who were chairman and vice-chairman prior to the Annual Meeting will, if still in office and members of the relevant committee or sub-committee, remain in post until the new chairman and vice-chairman are elected.
7.	Order of business		
7.1 (I)	<i>This is in accordance with the member recommendation.</i>	Wording has been approved by the Group.	Unless changed in accordance with rule 7.2 below the order of business at committee and sub-committee meetings will be:- (I) to consider the date and time of the next meeting and any proposals for future agenda items under rule 12 below.
12.	Agenda items requested by members		
12.3	<i>This section is new for non-scrutiny committees and responds to the recommendation that at the end of each meeting there should be the opportunity for members to propose future items of business.</i>	Approved by Group as drafted.	The member shall present his or her proposal to the committee or sub-committee and may be questioned on it before the committee or sub-committee resolves whether or not to refer the matter to a future meeting for report and consideration in the usual way.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
13.	Questions on notice		
13.1	At present FH limit the length of the question to 150 words. There is no such provision in the SE constitution. No limit is proposed, in the interests of flexibility, although this is an option if desired.	The Group approve the above as drafted.	Subject to paragraph 13.5 below, a member may submit in writing to the Service Manager (Democratic Services) a question on notice for:- (a) the Chairman; or (b) the Chairman of any sub-committee on any matter in relation to which the committee or sub-committee has powers or duties.
13.2	This proposal means that normally the question will appear in the agenda, but gives flexibility for urgent cases.	Approved by the Group as drafted.	A Member may ask only one question on notice under 13.1 at each meeting and c) must submit it in writing to the Service Manager (Democratic Services) no later than noon seven working days before the meeting, not counting the day of the meeting; or d) if the question is urgent and the member has the consent of the member to whom the question is to be put, must submit it in writing to the Service Manager (Democratic Services) by noon on the working day before the meeting.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
13.4	Suggested time limit on which views are sought – ten minutes is consistent with the rules of debate which limits speeches to five minutes i.e. five minutes each for the question and answer	Ten minutes approved by the Group.	A member asking a question on notice under paragraph 13.1 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. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes
16.	Rules of debate		
16.4	Content and length of speeches		
16.4.2	The five minute time limit already applies at both FHDC and SEBC but in the FHDC constitution there is no provision for proposers to speak for longer. There is provision under rule 14.1(g) for the length of speeches to be extended with the agreement of the meeting.	Wording approved by the Group as drafted.	No speech will be longer than five minutes,* except as allowed by the committee or sub-committee following a motion moved and carried under rule 15.1(g), and will be about the matter under discussion.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
18.	Voting		
18.3	Show of hands		
	<p>The Forest Heath rules currently permit the use of voting papers for appointments if a motion to that effect is passed . See Appendix 1 below. Views are sought on whether this system should apply at either or both councils.</p>	<p>The Group makes no recommendation and leaves the decision to the meetings on 25 March.</p>	<p><u>Option 1</u> Unless a recorded vote is demanded under paragraph 18.4 of the Rules, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.</p> <p><u>Option 2</u> [Use wording as included in Appendix 1 to Committee Procedure Rules DRAFT – pages 88-89]</p>

Cabinet Procedure Rules

2.4	Open Forum		
2.4.1	<p>At each Cabinet meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Cabinet members. Members wishing to speak during this session may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.</p>	<p><i>This is a new provision recommended by members.</i></p>	<p>At each Cabinet meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Cabinet members. Members wishing to speak during this session may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.</p>

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
Overview and Scrutiny Procedure Rules			
A. Overview and Scrutiny Committee			
1.	What will be the number of and arrangements for Overview and Scrutiny Committees		
1.2	<i>The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Overview and Scrutiny Committee but it may resolve to vary this provision by unanimous vote at the Annual Meeting.</i>	<i>At present FHDC does not have a politically balanced committee. The highlighted section allows for political balance to be restored or for other arrangements to be made, as the Councils see fit.</i> <i>The Group makes no recommendation and leaves the decision to the meetings on 25 March.</i>	The Committee will consist of a maximum of [10/16] Members of the Council.
5.	Who Chairs Overview and Scrutiny Committee Meetings?		
5.1	<i>5.1 appears in the SEBC constitution but the FHDC constitution has no equivalent. Views are sought on whether to apply it to both Councils.</i>	<i>The Group recommends that the wording in column 4 applies to both councils.</i>	Following discussions between Group Leaders, the Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be appointed by the Council. In the event that there is a majority group within the Council, it will be desirable for:- (a) the Overview and Scrutiny Committee to be chaired by a Member who is not a Member of the Majority group; and (b) the Vice-Chairman of the Overview and Scrutiny Committee to be a Member of the Majority group.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
14.	Call In		
14.2	(a) a decision must be called-in by at least five Members of the Council or the Leader of any political group on the Council which has five or more Members provided they have the agreement, by means of a signature, of three other Members of that Group*;	<p><i>The highlighted words are in the SEBC constitution. Members are asked if they want to apply them to both councils, or only one, or neither.</i></p> <p>The Group recommends deletion of the highlighted wording.</p>	(a) a decision must be called-in by at least five Members of the Council
17.	Business at Overview and Scrutiny Committee Meetings		
17.2	The time set aside for presentation of each portfolio report and questions thereon shall be 15 minutes.	<p><i>*This paragraph is inserted on the recommendation of members. A time of 15 minutes was suggested in the draft and members' views were sought.</i></p> <p>The Group recommended that the time set aside should be at the discretion of the Chairman.</p>	The time set aside for presentation of each portfolio report and questions thereon shall be at the discretion of the Chairman.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
B.	Performance and Audit Scrutiny Committee		
1.	What will be the arrangements for the Performance and Audit Scrutiny Committee?		
1.2	<i>The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Performance and Audit Scrutiny Committee but it may resolve to vary this provision by unanimous vote at the Annual Meeting.</i>	<i>At present FHDC does not have a politically balanced committee. The highlighted section allows for political balance to be restored or for other arrangements to be made, as the Councils see fit.</i> <i>The Group makes no recommendation and leaves the decision to the meetings on 25 March.</i>	The Committee will consist of a maximum of 10 Members of the Council.
5.	Who Chairs Performance and Audit Scrutiny Committee Meetings?		
5.1	<i>This section appears in the SEBC constitution but the FHDC constitution has no equivalent. Views are sought on whether to apply it to both Councils.</i>	<i>The Group recommends that the wording in column 4 apply to both councils.</i>	Following discussions between Group Leaders, the Chairman and Vice-Chairman of the P&A and Scrutiny Committee will be appointed by the Council. In the event that there is a majority group within the Council, it will be desirable for:- (a) the Overview and Scrutiny Committee to be chaired by a Member who is not a Member of the Majority group; and (b) the Vice-Chairman of the Overview and Scrutiny Committee to be a Member of the Majority group.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
Access to Information Procedure Rules			
3. Rights to attend Meetings			
3.1	Members of the public may attend all meetings subject only to the exceptions in these rules.	The Group proposed the wording in column 4.	Members of the public may attend all meetings subject only to the exceptions in these rules unless excluded in accordance with rules 11.1 and 11.2(a) below.
6. Supply of Copies			
6.	The Council will supply copies of (a) ... (b)... (c) ... to any person on request and may make a charge for postage and any other costs:	The Group proposed the wording in column 4.	The Council will supply copies of the following documents to any person on request and may make a charge for postage and any other costs: (a)... (b)... (c)...
17. Special Urgency			
17.1, 17.2.1 & 18.1.1	SEBC rules provided for the Mayor, or in their absence, the Deputy Mayor to be asked in the absence of the Chairman.	<i>It is proposed to harmonise with FHDC rules by asking the Vice Chairman rather than the Mayor/Deputy Mayor - this is more appropriate given the apolitical stance of the Mayor.</i>	Delete 'Mayor, or in their absence the Deputy Mayor' and insert 'Vice Chairman'.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
18.	Report to Council		
18.1	When an Overview and Scrutiny Committee can require a report		
18.1.3	The power to require a report rests with the Overview and Scrutiny Committee but is also delegated to the proper officer Monitoring Officer ...	<i>FHDC's constitution already delegates this to the MO.</i>	The power to require a report rests with the Overview and Scrutiny Committee but is also delegated to the proper officer Monitoring Officer ...
Budget and Policy Framework Procedure Rules			
5.	Urgent decisions outside the budget and policy framework		
(a)	In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Vice-Chairman will be sufficient.	<i>SEBC rules refer the decision to the Mayor or Deputy Mayor in the absence of the Chairman of O&S, but given the apolitical role of the Mayor it is considered more appropriate for the VC to act.</i>	In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Vice-Chairman will be sufficient.
(a) (iii)	the Council's Financial Procedure Rules are complied with in all other respects.	<i>This is not in the SEBC rules but appears appropriate</i>	the Council's Financial Procedure Rules are complied with in all other respects.
6.	Virement		
(b) (i)	The Cabinet non-recurring expenditure of up to £25,000 in any one case within budget allocations to functions which are the responsibility of the Cabinet	<i>It is proposed that virement levels be increased in line with the Key Decision threshold (£50k) if this is approved.</i>	To increase virement levels in line with the Key Decision threshold of £50k if this is approved.

(1) Ref	(2) Draft Constitution as circulated for consultation	(3) Proposed amendments to the draft	(4) Joint Constitution Review Group Recommendations (changes made as a result of the consultation are in bold text)
(b) (ii)	<p>Executive members (Portfolio Holders)</p> <p>non-recurring expenditure of up to £25,000 in any one case within budget allocations to functions which are the responsibility of the Executive Member; virement will also require the agreement of the Leader.</p>	<p><i>It is proposed that virement levels be increased in line with the Key Decision threshold (£50k) if this is approved.</i></p>	<p>To increase virement levels in line with the Key Decision threshold of £50k if this is approved.</p>
7.	In-year changes to budget and policy framework		
(c)	<p>necessary to ensure compliance with the law, ministerial direction or government guidance where there is no discretion how to act;</p>	<p><i>[words highlighted added to make clear that where there is a choice of how to implement guidance etc then changes will be a matter for council decision]</i></p>	<p>necessary to ensure compliance with the law, ministerial direction or government guidance where there is no discretion how to act;</p>
8.	Call-in of decisions outside the budget and policy framework		
(c)	<p>The matter will be referred to the next ordinary meeting of the Council except in cases of urgency when an extraordinary meeting will be called.</p>	<p><i>[words highlighted added to allow a flexible response to circumstances]</i></p>	<p>The matter will be referred to the next ordinary meeting of the Council except in cases of urgency when an extraordinary meeting will be called.</p>

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Special Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Suffolk Business Park Land Assembly	
Report No:	COU/SE/15/015	
Report to and date/s:	Special Cabinet	24 February 2015
	Special Council	25 March 2015
Portfolio holder:	Cllr John Griffiths Leader of the Council Tel: 01284 757001 Email: john.griffiths@stedsbc.gov.uk	
Lead officer:	Steven Wood Head of Planning and Growth Tel: 01284 757306 Email: steven.wood@westsuffolk.gov.uk	
Purpose of report:	<p>To meet the objective of the Council to achieve development of Suffolk Business Park. To facilitate site assembly by the acquisition of property through a compulsory purchase order.</p> <p>This action meets the Council's priority to increase opportunities for economic growth; and homes for our communities by the development of Suffolk Business Park and the construction of the Eastern Relief Road.</p>	
Recommendations	<p>It is RECOMMENDED that full Council:</p> <p>(1) makes the St Edmundsbury Borough Council (Suffolk Business Park Infrastructure) Compulsory Purchase Order 2015 ("the Order") under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and the Acquisition of Land Act 1981 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers, for the acquisition of all legal estates and interests in the land and the acquisition of rights within the areas shown hatched on the draft Order map</p>	

	<p>produced as Appendix 1 to Report No: COU/SE/15/015 with such amendment to the final land take and plot boundaries and to substitute the taking of new rights as an alternative to the acquisition of title as may be considered necessary and approved by the Head of Planning and Growth, the Section 151 Officer and the Monitoring Officer, in consultation with the Leader of the Council, for the purposes of securing mixed use development including the provision of the Eastern Relief Road linking Moreton Hall/Suffolk Business Park at Lady Miriam Way to Junction 45 of the A14 Trunk Road;</p> <p>(2) notes that the draft Order map shows areas hatched where the intention is for the acquisition of all interests in the land other than those of the acquiring authority;</p> <p>(3) following confirmation of the Order by the Secretary of State, authorises the use of the General Vesting Declaration procedure and notice to treat, notice of entry and conveyance where necessary in accordance with the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 to implement the St Edmundsbury Borough Council (Suffolk Business Park Infrastructure) Compulsory Purchase Order 2015;</p> <p>(4) approves the acquisition and appropriation of the land required for the scheme for planning purposes under the provisions of section 122 of the Local Government Act 1972 and section 237 of the Town and Country Planning Act 1990 in conjunction with (3) above to enable the Council to over-ride private rights, easements and interests (including restrictive covenants etc) affecting the land required for the scheme;</p> <p>(5) gives delegated authority to the Head of Planning and Growth and Section 151 Officer in consultation with the Leader of the Council to:</p>
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<p>Recommendations: (continued)</p>	<p>(i) take all necessary steps as soon as is reasonably practical to secure the making, submission, confirmation and implementation of the Order (and, where appropriate, amendments to the Order by way of exclusion of interests in land or the addition of interests in land including the investigation of ownership interests) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry; and subsequent services of Notices to Treat and Notices of Entry or, at their discretion, the execution of General Vesting Declarations as the case may be if the Order is confirmed;</p> <p>(ii) negotiate to acquire all interests in the land and new rights within the Order and rights and interests affected by the Order either by agreement or compulsorily, including prior to the making of the Order; and, where appropriate, to agree terms for relocation;</p> <p>(iii) approves agreements and undertakings with the owners of any interest in the Order and any objectors to the confirmation of the Order setting out the terms for the withdrawal of objections to the Order including, where appropriate, seeking inclusion in and/or exclusion from the Order of land or new rights; and</p> <p>(iv) in the event that the question of compensation be referred to the Upper Tribunal (Lands Chamber), to take all necessary steps in relation thereto including advising on the appropriate compensation payable and to appoint appropriate consultants if necessary to assist and advise in this regard.</p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p> <p>(as they are decisions of full Council)</p>

Consultation:		<ul style="list-style-type: none"> • Consultation on the Masterplan for Suffolk Business Park ran for four weeks before the Masterplan was formally adopted in June 2010. • Additional consultation will be necessary for any planning application in line with the Council's Joint Statement of Community Involvement and protocols on development briefs. • Consultation with the landowners and the landowners agents has been continuing for a number of months. Currently the Council is meeting weekly with Taylor Wimpey. The Council has met with Churchmanor Estates Co Ltd as agents for Rougham Estate and a further meeting is scheduled for 26 March 2015. Attempts to consult with Rougham Estates direct have not been successful. Rougham Estates have requested that all dealings are through Churchmanor. 	
Alternative option(s):		<ul style="list-style-type: none"> • Not to use CPO powers would threaten the delivery of the Eastern Relief Road and risk funding falling away. Suffolk Business Park cannot be delivered without the Eastern Relief Road. 	
Implications:			
Are there any financial implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • As detailed in the report 	
Are there any staffing implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • Time and resources of existing staff and need to appoint/manage consultants 	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • As detailed in the report 	
Are there any equality implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • As detailed in the report 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
The CPO fails to be confirmed by the Secretary of State	Medium	Instruct expert consultants and follow due process	Low
Recovery of costs	Medium	Legal agreement	Low

Time taken to confirm the CPO affects the delivery of the road	High	Consultants advice and LEP support	Medium
If the land is not acquired and the ERR cannot be secured, the area will be vulnerable to requests for ad hoc developments which will reduce the chances of a road being funded and additional development requests for other parts of the district.	High	Agree the CPO process to purchase the said land	Medium
Ward(s) affected:	All Wards		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Suffolk Business Park Masterplan dated June 2010. Cabinet Report No: CAB/SE/15/016 – 24 February 2015 (Whilst the recommendations remain unchanged and are endorsed by Cabinet, this Council report has been updated since it was first considered on 24 February 2015)		
Documents attached:	Appendix 1: Location Plan		

Key issues and reasons for recommendations

1. Background

- 1.1 The extension to Suffolk Business Park for commercial use was first allocated in the Replacement St Edmundsbury Borough Local Plan in 1998. This allocation has been confirmed through the adoption of the Core Strategy and most recently in the Bury St Edmunds Vision 2031 documents.
- 1.2 Negotiations between the parties have been continuing since 2006 and have yet to reach agreement. It is considered that the need to provide employment land in Bury St Edmunds is now becoming urgent and the need to deliver the wider opportunities set out in the Vision 2031 documents is increasingly pressing. It is for these reasons that it is considered that there is a compelling case in the public interest for the making of the order so that delivery of the Eastern Relief Road and all the benefits that it will bring, may be secured.
- 1.3 On 10 February 2015, Cabinet approved in principle, the use of the Council's compulsory purchase powers in relation to the land shown on the drawing (Appendix 1) presented with the report, subject to appropriate attempts to explore options with the landowner which would resolve the matter without the need for the Council to invoke its compulsory purchase powers.
- 1.4 On 24 February 2015, Cabinet approved similar recommendations as set out in bold above and in doing so recommended to full Council that it approves these actions.
- 1.5 Following the approval of Report No: CAB/SE/15/017 at Council on 24 February 2015 a number of appointments have been made. The Council has appointed Pinsent Masons LLP to work with the Council's legal team to take forward the Compulsory Purchase Order (CPO). Terraquest have been appointed to carry out land searches and provide a hatched plan which will form the basis of the Order and Lambert Smith Hampton who are charged with providing valuation advice.

2. Negotiations

- 2.1 Prior to the involvement of the Council, Taylor Wimpey and Churchmanor had been meeting regularly to agree a Joint Venture which would be based upon all the landowners contributing the necessary land for development. This agreement has not been signed and is currently not being progressed.
- 2.2 The Council had been holding meetings with Taylor Wimpey and Churchmanor for some time both individually and together. These meetings and in particular the meeting held on 24 October 2014, have set out the issues that need to be resolved to enable the development to proceed. Subsequent discussions and the submission of a heads of terms document from Churchmanor have regrettably not resulted in a satisfactory resolution to provide the Council with any confidence that the site assembly will happen without the Council using its CPO powers.
- 2.3 Government guidance asks Councils to make best endeavours to resolve these matters by negotiation so as to avoid the use of statutory powers. To this end,

the Head of Planning and Growth informed both Churchmanor Estates Company Ltd (as agent for the landowner) and Sir George Agnew, Rougham Estates (the present owners of part of the land in question) and Taylor Wimpey (the present owners of part of the land in question) in writing that the Council had passed a resolution on 24 February 2015 to, in principle, use its CPO powers to facilitate the sustainable urban extension known as Suffolk Business Park/Eastern Relief Road. The letter invited both parties to resolve the issue of land assembly without the need for the Council to invoke its CPO powers.

- 2.4 In addition, following the Cabinet resolution on 10 February endorsed by Council on 24 February, Officers have met with Mr Stephen Clark of Churchmanor Estates Company PLC and representatives from Taylor Wimpey UK Ltd. Officers have explained the seriousness of the authority's concerns from the outset and have also encouraged Churchmanor to enter more readily into meaningful negotiations.
- 2.5 Since Council published its intention to consider the use of CPO powers there has been a change in attitude from Churchmanor. It is considered that showing a clear intention to use the CPO process has acted as a catalyst for a more positive dialogue with partners.
- 2.6 It is the intention that these negotiations will continue with the hope that the parties will reach agreement without resorting to the use of CPO powers. It is important however, that the CPO process should continue in parallel so that the powers will be in place, should the need arise.

3. Planning matters

- 3.1 Suffolk Business Park is an allocated site in the St Edmundsbury Core Strategy (adopted 2010) and the Bury St Edmunds Vision 2031 (adopted 2014). The site also benefits from a Masterplan (adopted 2010) which sets out the broad parameters of how the site should come forward. Planning permission for the precise alignment of the Eastern Relief Road was granted on 17 February 2014.
- 3.2 The broad location of the Eastern Relief Road has been long established through the Suffolk Business Park Masterplan. The options for the alignment of the Eastern Relief Road are limited by the fixed nature of junction 45 of the A14 Trunk Road and existing development at Moreton Hall/Suffolk Business Park. Alternative routes for the Eastern Relief Road would also have to cross land including the same ownerships as the current alignment.

4. Legal Powers

- 4.1 The main legal powers to be used by the Council are contained within Section 226(1) (a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 for the making of the compulsory purchase order.
- 4.2 Section 226(1)(a) Town and Country Planning Act 1990 (as amended) enables the compulsory acquisition of land where an acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the Order land and where the acquiring

authority thinks that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or, social and/or environmental wellbeing of the authority's area and in accordance with the guidance in ODPM Circular 06/2004. The Secretary of State will not confirm a compulsory purchase order unless there is a compelling case in the public interest that outweighs the private interests in the CPO area. This question of balance is also required to satisfy the Human Rights Act incorporating the European Convention of Human Rights.

- 4.3 Article 1 of the First Protocol (of The Human Rights Act 1998) states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- 4.4 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country.
- 4.5 The Council is utilising its powers under section 226(1)(a) because it has not been possible to secure by agreement all interest that are required for the development and it is not certain it will be able to acquire the remaining land by agreement.
- 4.6 Any objections to the Order will be considered by an independent inspector at the Public Inquiry. It is necessary, having regard to the Human Rights Act, and in particular to the specific rights mentioned at paragraphs 4.3.and 4.4 above, to take into account the interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest. In this context, the Council must carefully consider the balance to be struck between individual rights and the wider public interest.
- 4.7 The Council can reasonably take the view, for the reasons set out in this report, that it considers that any interference with the Convention rights is justified in order to secure the economic, environmental and social benefits the scheme will bring. Compensation payments will be made for the acquisition of interests in land and for the acquisition of new rights in land within the compulsory purchase compensation code pursuant to the Land Compensation Acts 1961-1973 and other relevant legislation. Consequently if the Order is confirmed it would strike an appropriate balance between public and private interests such that there is no breach of Human Rights.

5. Finance/Budget/Resource Implications

- 5.1 The costs associated with making the Order fall into two general categories, costs incurred during the process of making the Order and then costs relating to the promotion of the CPO, including acquisition of the land should the order be invoked.

Costs incurred during the process of making the CPO

- 5.2 Council Report No: CAB/SE/15/017 – 24 February 2015 approved a £150,000 budget for the project which included the costs associated with making this Order. The Council is in the process of agreeing a mechanism for the costs associated with making the order to be recovered.

Costs relating to the promotion of the CPO

- 5.3 The Council must have access to the necessary resources to meet the costs of the promotion of the CPO, including land acquisition and planning blight costs. However it will fall to developers to meet all costs associated with the redevelopment of the site.
- 5.4 There are options for covering the costs of the acquisition which include agreeing a back to back arrangement with a commercial developer. Alternatively, it is possible for the Council to enter into an indemnity agreement with a developer to ensure that the Council isn't liable for the acquisition costs.
- 5.5 To assist with understanding the magnitude of the acquisition costs, officers have commissioned Lambert Smith Hampton to provide a valuation in line with the Compensation Code. The s151 Officer and Monitoring Officer will need to be satisfied that the Council has a mechanism in place to recover costs associated with acquisition prior to the process being started. The CPO will not be invoked unless it is clear how the acquisition/compensation payments will be met.
- 5.6 It is important to note that an Order (once made) does not have to be invoked. A CPO can be confirmed but not implemented; therefore not attracting the promotion costs, for example costs of acquisition. Likewise, following the confirmation of a CPO, it is possible to draw down land as and when it is required. Therefore in the example of Suffolk Business Park, the acquiring authority could purchase parcels of land over a period of time and when the demand arose during the life of the CPO powers (CPO powers must be exercised within a period of three years following the confirmation of the Order).

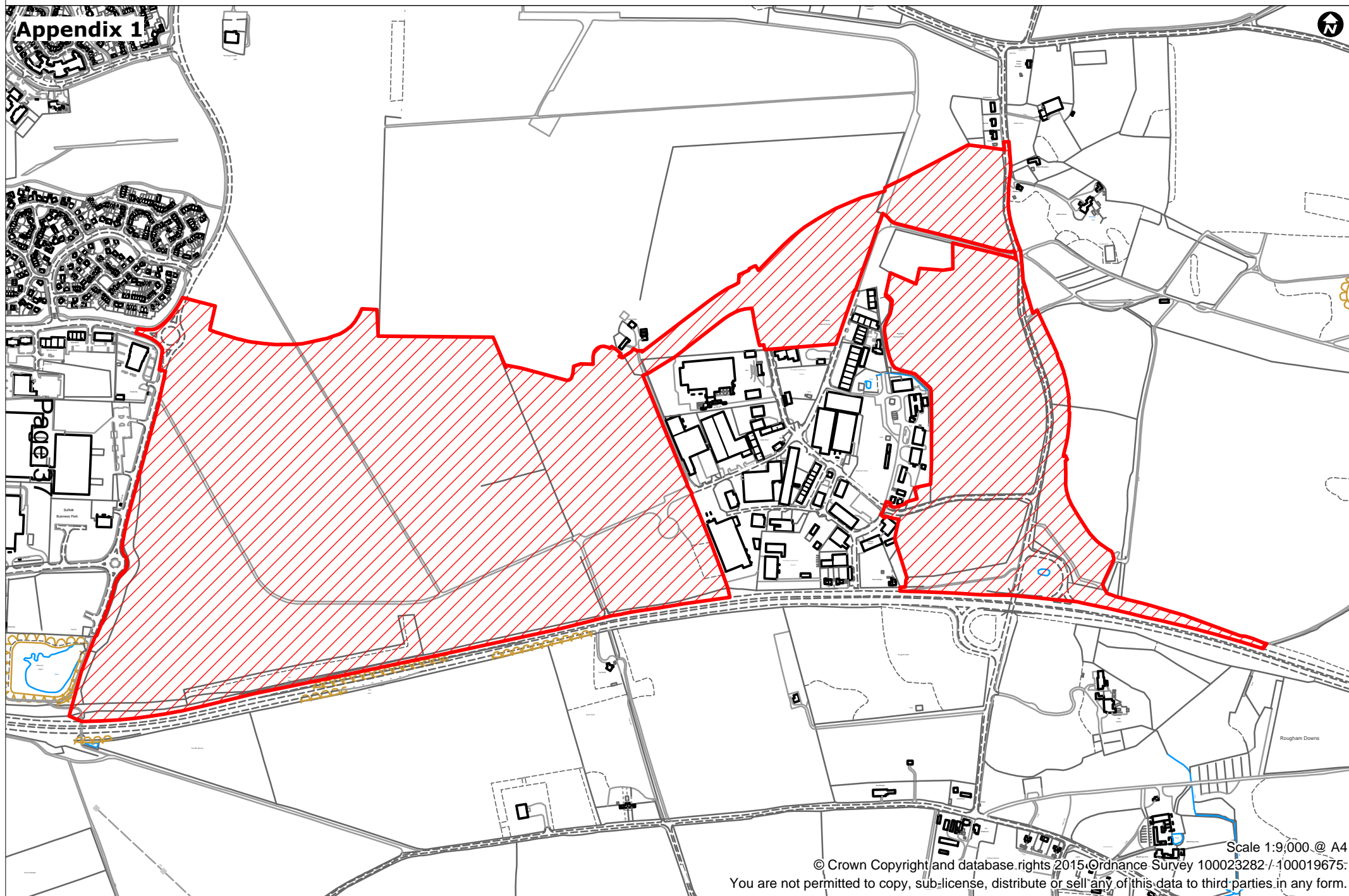
6. Conclusion

- 6.1 The development of Suffolk Business Park is a long held strategic aspiration of St Edmundsbury Borough Council (SEBC). The need for employment land to serve this part of the region is now urgent. Negotiations have been continuing for several years in several different ways and to date there is no guarantee of the delivery of this land. It is considered that this matter is now too important to leave to chance. Unless the Council takes urgent steps to promote a CPO and secure the necessary land for the Eastern Relief Road (ERR), there is the potential that the funding for the ERR will be re-allocated. There is a compelling case for the making of the CPO to:

- deliver the new road and the regeneration of the land along its route;
 - enable the project to be delivered with certainty and to a programme;
 - ensure the Council can use the Local Enterprise Partnership funding available to it; and
 - ensure that the critical elements of the scheme can be delivered without delay.
- 6.2 It is clear that the CPO process is already acting as a catalyst for more meaningful discussions and therefore it is proposed that the process should be allowed to continue in conjunction with efforts to reach agreement via negotiation.
- 6.3 The legal powers set out in section 4 above exist for exactly this type of situation and officers have carefully considered the relevant aspects of the law and the SEBC Constitution to ensure that the process is sound.
- 6.4 There are costs associated with making the Order (paragraph 5.2 above) which were previously approved by full Council on 24 February 2015. These costs will be recovered out of the development costs. Any further costs associated with the acquisition of land, should the Order be confirmed, will not be required until and unless parts of the land come forward for development. It is unlikely that SEBC will have to cover the costs of land acquisition unless it chooses to do so for good reason. A further report will be brought to full Council in the future to detail any proposed acquisition.
- 6.5 Once the Order is confirmed, it does not have to be invoked. The process of making the Order often results in the desired outcome by negotiation. A further report will be brought back to full Council prior to any Order being invoked.
- 6.6 Wider consultation with stakeholders has been and will continue to be part of the process to deliver Suffolk Business Park and the wider benefits that will be achieved from the opening of the Eastern Relief Road.
- 6.7 It is for all these reasons that it is considered there is a compelling case in the public interest for the making of the order so that delivery of the Eastern Relief Road and all the benefits that it will bring, may be secured.

St Edmundsbury Borough Council (Suffolk Business Park Infrastructure) Compulsory Purchase Order 2015

Appendix 1



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Special Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Schedule of Referrals from Cabinet	
Report No:	COU/SE/15/016	
Report to and date:	Special Council	25 March 2015
Documents attached:	<p>Appendix A: Report No: CAB/SE/15/021 Suffolk Business Park/Eastern Relief Road, Bury St Edmunds: Update TO FOLLOW</p> <p>Appendix B: Report No: CAB/SE/15/022 Transfer of Land to Suffolk County Council for New High School at Moreton Hall, Bury St Edmunds TO FOLLOW</p>	

(A) Referrals from Special Cabinet: 24 February 2015

1. Suffolk Business Park Land Assembly

Cabinet Member: Cllr John Griffiths

Report No:
CAB/SE/15/016

The recommendations emanating from the Cabinet's consideration of this report are contained within Report No: COU/SE/15/016, 'Suffolk Business Park Land Assembly', which has already been considered as Agenda Item 4 on this special full Council agenda.

(B) Referrals from Cabinet: 24 March 2015

(This section (B) has been compiled before the meeting of the Cabinet on 24 March 2015 and is based on the recommendations contained within the relevant reports. Any amendments made by the Cabinet to the recommendations will be notified following the meeting of the Cabinet and circulated by email to full Council accordingly.)

1. Suffolk Business Park/Eastern Relief Road, Bury St Edmunds: Update

Cabinet Member: *Cllr John Griffiths*

Report No:
CAB/SE/15/021

At the time of distribution of these Special Council papers, the Cabinet report relating to this item (CAB/SE/15/021) was also yet to be published. Once available and for ease of reference, the full Cabinet report **will follow** as Appendix A to this report.

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

Cabinet Member: *Cllr Peter Stevens*

Report No:
CAB/SE/15/022

At the time of distribution of these Special Council papers, the Cabinet report relating to this item (CAB/SE/15/022) was also yet to be published. Once available and for ease of reference, the full Cabinet report **will follow** as Appendix B to this report.

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

Cabinet Member: *Cllr John Griffiths*

Report No:
CAB/SE/15/023

RECOMMENDED: That

- (1) the progress of the Public Service Village Phase II (PSVII) Bury St Edmunds project, be noted;**
- (2) £200,000 be allocated from earmarked reserves (Delivering our Strategic Priorities and Medium Term Financial Strategy Reserve) to underwrite the appointment of project management, legal, property and other specialists including architectural expertise, as detailed in Section 1.3 of Report No: CAB/SE/15/023; and**
- (3) 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.**

The Public Service Village concept was approved and adopted by the Council in 2006. In agreeing to progressing Phase II, the Council at it's meeting on 16 December 2014, agreed a budget of £100,000 to appoint consultants to review the adopted Masterplan, appoint Project

Management resources, and Legal and Property advisors to help formulate the project and ensure that the Council obtains Best Consideration.

Good progress is being made with signing up with potential partners to occupying the Olding Road site. The activities approved at the December meeting are also at an advanced stage to provide confidence to take the project to the next stage sooner than expected. To deliver the next stage more permanent arrangements need to be put in place requiring the Council to commit a further £200,000 towards underwriting the continued appointment of legal, property, architectural, project management and other expertise to help progress this initiative to immediately accommodate a partner organisation on site and develop plans to advance proposals with other parties for other parts of the site. These initial costs will be recovered from partner organisations once formal commitments have been made.

The Public Service Village Phase II proposal has generated a great deal of interest with various public sector partners. It is therefore important that the momentum of this project is maintained and therefore the Head of Planning and Growth would like to be granted delegated authority to continue these discussions to a point where they can be formulated into Heads of Terms and incorporated in a joint venture or partnership and developer agreement. It is proposed that this delegation would be used in consultation with the Leader of the Council.

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