

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Cabinet** held on
Tuesday 9 February 2016 at 5.00 pm in 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)

Robert Everitt
Ian Houlder
Alaric Pugh

Joanna Rayner
Peter Stevens

By Invitation:

Sarah Broughton

(Chairman of the Performance and Audit
Scrutiny Committee)

Diane Hind

(Chairman of the Overview and Scrutiny
Committee)

In attendance:

Susan Glossop
David Nettleton

Clive Pollington

167. **Apologies for Absence**

(Prior to commencing consideration of formal business, Councillor John Griffiths, Leader of the Council and Chairman, formally welcomed Jill Korwin to the meeting. Ms Korwin had recently been appointed to the post of Director for St Edmundsbury Borough and Forest Heath District Councils.)

No apologies for absence were received.

168. **Minutes**

The minutes of the meetings held on 24 November 2015 (informal joint meeting with Forest Heath District Council's Cabinet) and 8 December 2015 were confirmed as correct records and signed by the Chairman, subject to the following amendment to a typographical error in the appendix attached to the minutes of 8 December 2015, which was the complete list of St Edmundsbury Borough Council's car parking tariffs to be applied from April 2016:

The charge for a 30 minute stay in the Lower Baxter Street, Bury St Edmunds car park be amended to read the current charge of 80p and not 60p, as stated.

169. Open Forum

No non-Cabinet Members in attendance wished to speak under this item.

170. Public Participation

No members of the public in attendance had registered to speak under this item.

171. Report of the Overview and Scrutiny Committee: 13 January 2016

The Cabinet received and noted Report No: CAB/SE/16/001, which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 13 January 2016:

- (1) Presentation by the Portfolio Holder for Leisure and Culture;
- (2) Skyliner Way, Bury St Edmunds;
- (3) Directed Surveillance Authorised Applications (Quarter 3); and
- (4) Work Programme Update.

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet, including that the Committee had been disappointed that the bid application to the Highway Authority's On-Street Parking Account to implement verge parking at Skyliner Way had been unsuccessful; and that subject to Council approval, the Committee had nominated Councillor Paul Hopfensperger to sit on Suffolk County Council's Health Scrutiny Committee for the remainder of the Health Scrutiny Committee's 2015/2016 municipal year.

172. Report of the Anglia Revenues and Benefits Partnership Joint Committee: 7 December 2015 and 12 January 2016

The Cabinet received and noted Report No: CAB/SE/16/002, which provided an outline of issues discussed by the Anglia Revenues and Benefits Partnership Joint Committee at its meetings held on 7 December 2015 and 12 January 2016.

On 7 December 2015 the Anglia Revenues and Benefits Partnership (ARP) Joint Committee considered the following substantive items of business:

- (1) Performance Report;
- (2) ARP Joint Committee Partnership Budget;
- (3) Service Delivery Plan;
- (4) Welfare Reform Update;
- (5) Enforcement Agency Update;
- (6) Anglia Revenues Partnership Trading Company: Progress Update; and
- (7) Forthcoming Issues.

On 12 January 2016, the Joint Committee considered the following substantive item of business:

(1) ARP Joint Committee Partnership Budget

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of the Cabinet, including that the Joint Committee had received updates on the success of introducing the recently established ARP enforcement agency and progress made on the proposal to deliver a commercial ARP trading company. Members also acknowledged the budget challenges facing the Partnership in 2016/2017 and future years.

173. **Report of the Performance and Audit Scrutiny Committee: 28 January 2016**

The Cabinet received and noted Report No: CAB/SE/16/003, which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 28 January 2016:

- (1) Balanced Scorecards and Quarter Three Performance Report 2015/2016;
- (2) West Suffolk Strategic Risk Register Quarterly Monitoring Report – December 2015;
- (3) Delivering a Sustainable Budget 2016/2017: Procedural Update (Verbal);
- (4) Development and Implementation of the Garden Waste Collection Service;
- (5) Work Programme Update;
- (6) Financial Performance Report (Revenue and Capital) Quarter 3 – 2015/2016;
- (7) Treasury Management Report 2015/2016 - Investment Activity 1 April to 31 December 2015; and
- (8) Annual Treasury Management and Investment Strategy Statements 2016/2017.

Councillor Sarah Broughton, Chairman of the Performance and Audit Scrutiny Committee, drew relevant issues to the attention of the Cabinet including that the first five items listed above were considered jointly with Forest Heath District Council's Performance and Audit Scrutiny Committee, and that a separate report for Item (8) above was included next on the Cabinet agenda for consideration.

The Cabinet particularly noted that a detailed discussion had been held on the proposed operation of the opt-in subscription service for the collection of garden waste, which was due to take effect from April 2016; and that the financial performance of various services had been scrutinised in detail.

174. **Recommendations from the Performance and Audit Scrutiny Committee: 28 January 2016 - Annual Treasury Management and Investment Strategy Statements 2016/2017**

The Cabinet considered Report No: CAB/SE/16/004 which sought approval for the Annual Treasury Management and Investment Strategy Statements for 2016/2017.

The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management required that, prior to the start of the financial year, the Council formally approved an Annual Treasury Management and Investment Strategy, setting out the Council's treasury management policy and strategy statements for the forthcoming year.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of the Cabinet, including that performance on investments in 2015/2016 had been better than projected; however this was largely due to having higher than expected capital to invest rather than achieving better rates of interest.

RECOMMENDED TO COUNCIL:

That:

- (1) the Annual Treasury Management and Investment Strategy Statements 2016/2017, as contained in Appendix 1 to Report No: TMS/SE/16/002, be adopted; and**
- (2) the Treasury Management Code of Practice 2016/2017, as contained in Appendix 2 to Report No: TMS/SE/16/002, be approved.**

175. **Budget and Council Tax Setting: 2016/2017 and Medium Term Financial Strategy**

The Cabinet considered Report No: CAB/SE/16/005 (AMENDED), which presented the proposals for Budget and Council Tax Setting in 2016/2017 and the Medium Term Financial Strategy.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of the Cabinet, including that Report No: CAB/SE/16/005 (AMENDED) set out details of the Council's proposed revenue and capital budgets for 2016/2017 and the Cabinet was required to consider the 2016/2017 budget for the authority and recommend to Council the level of council tax required to help fund this budget.

In the provisional Local Government Finance Settlement for 2016/2017, it was proposed to offer a guaranteed four year Revenue Support Grant (RSG) to cover the period up to 2019/2020 to those councils that could demonstrate ongoing efficiency savings for 2016 to 2020. The Council had seen a 67% cumulative cut in revenue support grant funding over the three years from 2013/2014 to 2016/2017. Further cuts to the Revenue Support Grant element was highlighted within the provisional four year settlement, with an expectation that there would be no Revenue Support Grant available to the

borough by 2019/2020. In addition, the Council Tax Freeze Grant, which incentivised councils to freeze their council tax levels had not been included in the settlement for 2016/2017 onwards. The Government had also maintained the previous years' 2% threshold for council tax increases for 2016/2017, however the Government had widened the membership of those authorities, which now included St Edmundsbury, that could increase its proportion of council tax up to £5. This would equate to an approximate increase of 2.8% for St Edmundsbury. Therefore any council tax rise above £5 or 2.8% (whichever was the greater) would trigger a local referendum.

The Council continued to face considerable financial challenges as a result of uncertainty in the wider economy and constraints on public sector spending. In this context, and like many other councils, difficult financial decisions were needed to be made. The Council had however, an excellent track record of achieving substantial year-on-year budget savings and generating new income.

The Cabinet acknowledged the budget gap faced at the beginning of the year of £1.9 million for 2016/2017, which was in addition to the savings delivered locally by the Borough over the years and the in excess of £4 million annual shared service savings already delivered across West Suffolk with Forest Heath District Council; and that by 2019/2020, the projected budget gap amounted to £1.545 million, as contained in the Medium Term Financial Strategy (MTFS).

The Finance Team was commended for delivering a sustainable budget for 2016/2017. The figures contained in the report assumed a 1.99% increase in council tax for 2016/2017; however Councillor Houlder explained that as a result of investigations following the publication of the report, it was established that the council tax figure must be divisible by 9 (to 2 decimal places), therefore it was necessary to adjust the proposed council tax increase to 1.952%, which equated to an increase in £3.42 for an average Band D property. The council tax precept for SEBC in 2016/2017 would therefore be £178.65 for an average Band D property.

Given the financial challenges facing the Council, the Cabinet supported the proposed modest increase which would help support the closure of the budget gap in 2016/2017.

All staff and Members were then recognised for showing dedication and commitment in making the Council more efficient in delivering the necessary savings and generating income whilst maintaining the delivery of services.

RECOMMENDED TO COUNCIL:

That:

- (1) the revenue and capital budget for 2016/2017 attached at Attachment A and as detailed in Attachment D, Appendices 1-5 and Attachment E of Report No: CAB/SE/16/005, as amended, be approved;**
- (2) having taken into account the conclusions of the Head of Resources and Performance's report on the adequacy of**

reserves and the robustness of budget estimates (Attachment C) and the Medium Term Financial Strategy (MTFS) (Attachment D, as amended), particularly the Scenario Planning and Sensitivity Analysis (Attachment D, Appendix 5) and all other information contained in this report, Cabinet recommends a 1.952% (£3.42 for an average Band D property) increase in council tax for 2016/2017;

- (3) the Head of Resources and Performance, in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus from the 2015/2016 revenue budget to the Invest to Save Reserve as detailed in paragraph 1.9.4, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3, as amended) as deemed appropriate throughout the year;**
- (4) the revised Minimum Revenue Provision (MRP) policy, as set out in section 1.8 and Attachment D Appendix 4, be adopted; and**
- (5) where the Council has usable capital receipts that are not needed for other purposes, delegated authority be given for the Section 151 Officer to apply, where prudent to do so, some or all of it to meet capital expenditure incurred in the current year or previous years under paragraph 23 of the 2003 Regulations to reduce or eliminate any MRP that might need to be set aside, as detailed in Attachment D, Appendix 4.**

(Councillor Diane Hind left the meeting at the conclusion of this item.)

176. Enterprise Zones: Update

The Cabinet considered Report No: CAB/SE/16/006, which sought approval for a number of recommendations associated with accepting the allocation of Enterprise Zones at Haverhill Research Park and 14 hectares of land at Suffolk Business Park, Bury St Edmunds.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth drew relevant issues to the attention of the Cabinet, including that the Enterprise Zone (EZ) bids made by the New Anglia Local Enterprise Partnership (which included 14 hectares of Land at Suffolk Business Park) and the Greater Cambridge Greater Peterborough Local Enterprise Partnership (which included Haverhill Research Park) were successful. The report provided details of the demonstrable benefits of this status; however, there remained a number of financial implications that needed to be worked through, particularly in respect of associated prospective business rates income and business rates retention. As the exact position regarding these matters was at present unclear from Government, delegated authority was being sought by full Council for Cabinet to manage specific details to support the development of the EZs.

Members considered that whilst they supported the allocation of these locations as EZs for the future growth and prosperity of St Edmundsbury and

the wider West Suffolk, it was difficult to agree to proposals without having the complete terms from Government. It was however, acknowledged that sufficient safeguards would be put in place to ensure the development of the EZs were effectively managed accordingly.

RESOLVED:

That it be noted that the Enterprise Zone (EZ) bids by the New Anglia Local Enterprise Partnership (which includes 14 hectares of land at Suffolk Business Park) and the Greater Cambridge Greater Peterborough Local Enterprise Partnership (which includes Haverhill Research Park) were successful.

It has been made clear to both LEPs that in the event that either of their applications were successful that full Council approval was still required.

RECOMMENDED TO COUNCIL that:

- (1) the allocation of the Enterprise Zones be accepted for implementation in April 2016 and delegated authority be given to Cabinet to negotiate and agree the details and precise terms of the Enterprise Zones (including entering into any legal agreements), subject to inclusion of a clause that requires discussions and, if necessary, renegotiation of the terms around the possible changes that come with Business Rates Retention in 2020;**
- (2) subject to (1) above, delegated authority be given to the Head of Planning and Growth in consultation with the s151 Officer to work with the Local Enterprise Partnerships and other bodies to promote the two Enterprise Zones;**
- (3) delegated authority also be given to Cabinet to approve business cases for investment in on-site infrastructure to support the development of the EZs as and when these come forward and before any works can commence; and**
- (4) Council approves the discretionary business rates discount for new businesses locating within the EZs as explained in paragraph 4.7 of Report No: CAB/SE/16/006.**

177. Third Generation Artificial Pitch Provision in Haverhill

The Cabinet considered Report No: CAB/SE/16/007, which sought approval for an allocation of funding for a bridging loan.

Councillor Joanna Rayner, Portfolio Holder for Leisure and Culture drew relevant issues to the attention of Cabinet, including that Haverhill Community Sports Association (HCSA) had been successful in obtaining a grant offer of £300,000 from the Football Foundation to create a third generation (3g) football pitch on the New Croft site in Haverhill.

The Council's West Suffolk Playing Pitch Assessment had identified a need for a 3g pitch in Haverhill to meet current and future growth in demand, and the

New Croft site was a logical location to place such a facility. The new facility was estimated to cost £600,000 and the HCSA currently had a shortfall of £300,000. HCSA had therefore approached the Council for a loan of a further £300,000, on a bridging loan basis ahead of other third party funding, to enable the HCSA to accept the grant offer and to commence on site prior to next football season.

Should the loan be supported there would be a series of safeguards placed in the loan agreement to protect the Council's interest, in accordance with the Council's existing loans policy. Proposed conditions of the loan were contained in Appendix 1 attached to the report.

Members congratulated the HCSA on its success in obtaining the grant from the Football Foundation and commended the Portfolio Holder and officers on the work undertaken to agree a positive way forward that would help ensure the project came to fruition.

RECOMMENDED TO COUNCIL:

That:

- (1) the bridging loan request received from Haverhill Community Sports Association for up to £300,000 to enable it to progress the building of a third generation (3g) football pitch facility at the New Croft site in Chalkstone Way, Haverhill be approved; and**
- (2) the Head of Operations, in consultation with the Services Manager (Legal), be authorised to prepare the necessary legal agreements to support the issue of the loan, in accordance with the terms set out in Report No: CAB/SE/16/007, subject to:**
 - (a) the Haverhill Community Sports Association confirming acceptance of the loan agreement conditions; and**
 - (b) receipt of a unilateral undertaking from the developer of the North East Haverhill Vision 2031 growth site that they will pay the Council £300,000 as a voluntary contribution towards the scheme (and repayment of the loan), in lieu of making their own equivalent provision within their proposed development.**

178. Home-Link Lettings Policy

The Cabinet considered Report No: CAB/SE/16/008, which sought approval for a revised Home-Link Lettings Policy.

Councillor Sara Mildmay-White, Portfolio Holder for Housing drew relevant issues to the attention of the Cabinet, including that Home-Link was the Choice Based Lettings (CBL) scheme for the Cambridgeshire and West Suffolk Housing sub-region. Each Local Authority had its own Lettings Policy and was responsible for implementing any changes to that policy. Many elements of the Lettings Policy had been agreed across the sub-region and these could

not be amended without agreement of all local authorities across the sub-region.

The Cabinet considered the proposed changes set out in Appendix A attached to the report to be acceptable.

RESOLVED:

That the revised Home-Link Lettings Policy, as contained in Appendix A to Report No: CAB/SE/16/008, be approved.

179. Recommendations from the Sustainable Development Working Party: 27 January 2016

The Cabinet considered Report No: CAB/SE/16/009, which presented the recommendations of the Sustainable Development Working Party emanating from its meeting 27 January 2016.

On 27 January 2016, the Sustainable Development Working Party considered the following substantive items of business:

- (1) Park Farm, Ingham: Adoption of Concept Statement; and
- (2) Tayfen Road Development Area, Bury St Edmunds: Masterplan.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of the Cabinet, including that thorough consideration had been given to the two items outlined above at the meeting of the Sustainable Development Working Party.

In respect of the Park Farm, Ingham Concept Statement, the Sustainable Development Working Party had drawn attention to traffic generation issues and pedestrian access/egress, and whilst early discussion had been held with officers of the highway authority regarding such matters, they were outside the remit of the Concept Statement and would be addressed at the later Masterplan and planning application stages.

The Cabinet was satisfied that the Concept Statement has been prepared in accordance with the Vision 2031 Development Plan document and the Council's Protocol for Preparing Concept Statements.

In respect of the Tayfen Road Development Area Masterplan, the draft Masterplan was intended as a replacement for the existing Masterplan dating from 2009 which had not been delivered. Given recent major changes in the 'off line' retail market place it was no longer considered that the 2009 Masterplan was deliverable over the Development Plan period (to 2031).

The Masterplan under consideration was not entirely consistent with the adopted Concept Statement and sought to amend the configuration of commercial (non- residential) uses of the site that were envisaged in the previous Concept Statement adopted in 2007. The amendments proposed were a consequence of changed conditions in the retail market. The current Masterplan also proposed residential development on part of the existing allocated 'public open space' to the north of the site.

Whilst the Masterplan under consideration retained the concept of mixed uses for the site, Officers outlined at the Sustainable Development Working Party meeting its principal differences with the original Masterplan, as contained in Report No: CAB/SE/16/009.

The Sustainable Development Working Party had expressed concerns in relation to the Masterplan, in respect of the following, to which officers had duly responded, as set out in Cabinet Report No: CAB/SE/16/009:

- (a) increased traffic generation;
- (b) affordable housing;
- (c) type of commercial development; and
- (d) pedestrian/cyclist links.

The Cabinet made specific reference to (a) and (b) above and considered that during the pre-application and planning application stages that discussions would be required to establish that a planning application would need to be accompanied by a Transport Assessment which would assess the traffic impacts of the application(s) and to make proposals to mitigate these. Members acknowledged that Suffolk County Council's Bury St Edmunds Transport Strategy 2011 -2031 had identified that there needed to be improvements to junctions along Tayfen Road but were of the view that there were wider considerations of the need for highway improvements in connection with the re-development of this area of the town and the town centre generally. Such improvements needed to sit comfortably with the emerging Bury St Edmunds Town Centre Masterplan.

In respect of (b) above, concern was expressed that the planning application currently being processed in respect of the Masterplan area only contained 10% of affordable housing units rather than 30% in line with the Council's adopted policy. Officers explained that this was a matter which was still the subject of assessment and negotiation and viability issues needed to be addressed. Members reaffirmed the view that that the amount of affordable housing to be provided as an integral part of the overall development should accord with policy expectations.

The discussion then centred on viability issues and the provision of sufficient affordable housing in line with adopted policy, and whether potential benefits associated with a potential 'public open book' policy outweighed the risks of potentially making Bury St Edmunds unattractive for developers.

(a) **Park Farm, Ingham: Adoption of Concept Statement**

RECOMMENDED TO COUNCIL:

That the Concept Statement for Park Farm, Ingham, as contained in Appendix A to Report No: SDW/SE/16/001, be adopted as informal planning guidance.

(b) **Tayfen Road Development Area, Bury St Edmunds: Masterplan**

RECOMMENDED TO COUNCIL:

That the Masterplan for the Tayfen Road Development Area, Bury St Edmunds, as contained in Appendix A, as amended by the changes included in Appendix D, to Report No: SDW/SE/16/002, be adopted as non-statutory planning guidance.

180. **Exemption to Contract Procedure Rules: Replacement of Waste Cleansing Vehicle with Second Hand Unit**

The Cabinet received and noted a narrative item which provided an exemption to the West Suffolk Contract Procedure Rules of the Constitution, relating to the procurement of a second hand waste vehicle.

Councillor Peter Stevens, Portfolio Holder for Operations, drew relevant issues to the attention of the Cabinet.

The exemption, as set out in the agenda, was duly noted by the Cabinet.

181. **Decisions Plan: February 2016 to May 2016**

The Cabinet considered Report No: CAB/SE/16/010, which was the Cabinet Decisions Plan covering the period February 2016 to May 2016.

Members took the opportunity to review the intended forthcoming decisions of the Cabinet; however, no further information or amendments were requested on this occasion.

182. **Revenues Collection Performance and Write-Offs**

The Cabinet considered Report No: CAB/SE/16/011, 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 Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including the current collection performance, as set out in Section 3 of the report.

RESOLVED:

That the write-off of the amounts detailed in the exempt appendices to Report No: CAB/SE/16/011 be approved, as follows:

- (1) Exempt Appendix 1: Council Tax totalling £6,586.12
- (2) Exempt Appendix 2: Business Rates totalling £15,323.82
- (3) Exempt Appendix 3: Housing Benefit overpayments totalling £10,236.19

183. Exclusion of Press and Public

See minute 184 below.

184. Exempt Appendices: Revenues Collection Performance and Write-Offs (paras 1 and 2)

The Cabinet considered Exempt Appendices 1 and 2 to Report No: CAB/SE/16/011 under Agenda Item 16, however no reference was made to specific detail and therefore this item was not held in private session.

The meeting concluded at 5.56pm

Signed by:

Chairman
