

Council



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Council** held on
Tuesday 23 February 2016 at 7.00 pm in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Mayor Patrick Chung
Deputy Mayor Julia Wakelam

Sarah Broughton	Wayne Hailstone	Karen Richardson
Simon Brown	Diane Hind	Barry Robbins
Tony Brown	Ian Houlder	Richard Rout
Terry Buckle	Beccy Hopfensperger	Angela Rushen
Carol Bull	Paul Hopfensperger	Andrew Speed
John Burns	Margaret Marks	Clive Springett
Terry Clements	Betty Mclatchy	Sarah Stamp
Bob Cockle	Ivor Mclatchy	Peter Stevens
Jason Crooks	Jane Midwood	Peter Thompson
Robert Everitt	Sara Mildmay-White	Jim Thorndyke
Jeremy Farthing	David Nettleton	Paula Wade
Paula Fox	Clive Pollington	Frank Warby
Susan Glossop	Alaric Pugh	Patricia Warby
John Griffiths	Joanna Rayner	

121. Prayers

The Mayor's Chaplain, Reverend Canon Matthew Vernon, Sub-Dean of St Edmundsbury Cathedral, opened the meeting with prayers.

122. Remembrance

A minute's silence was held in remembrance of the late Councillor Tim Marks.

123. Welcome

The Mayor formally welcomed Jill Korwin to her first meeting of Council at St Edmundsbury. Ms Korwin had recently been appointed to the post of Director for St Edmundsbury Borough and Forest Heath District Councils.

124. **Minutes**

The minutes of the meeting held on 15 December 2015 were confirmed as a correct record and signed by the Mayor.

125. **Mayor's announcements**

The Mayor reported on the civic engagements and charity activities which he, the Mayoress, Deputy Mayor and Consort had attended since 15 December 2015.

He drew particular attention to the Chinese New Year event held on 8 February 2016 at The Apex and conveyed his sincere thanks to all those involved in its organisation.

126. **Apologies for Absence**

An apology for absence was received from Councillor David Roach.

The interim Service Manager (Legal) sought confirmation from Members that they had received the following papers:

- An addendum to Item 8, (A)(4) of Report No: COU/SE/16/002, *Referrals Report of Recommendations from Cabinet: Third Generation Artificial Pitch Provision in Haverhill*, (tabled at the meeting); and
- an amended version of Attachment A to Report No: COU/SE/16/003, *Budget and Council Tax Setting 2016/2017 and Medium Term Financial Strategy* (previously circulated by email).

All Members present confirmed receipt of the above.

127. **Declarations of Interests**

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

128. **Leader's Statement**

Councillor John Griffiths, Leader of the Council, presented his statement as contained in Paper No: COU/SE/16/001.

In addition to his statement, Councillor Griffiths updated Members on:

- (1) **Devolution:** West Suffolk's position and how this sat with other councils in Norfolk, Suffolk and Cambridgeshire and that an 'Eastern Powerhouse' could be created through effectively working together. If not done so already, Members were encouraged to attend one of the devolution information events arranged by the LGiU, which were presently being held across Norfolk and Suffolk as attendance would assist with their necessary decision making at the appropriate time.

- (2) **West Suffolk Operational Hub (WSOH):** The second round of consultation closed on 19 February 2016 and respondents were thanked for taking part. Following analysis of the responses and other connected issues, St Edmundsbury Borough and Forest Heath District Councils' Cabinets would then recommend how to proceed.
- (3) **Eastern Relief Road, Bury St Edmunds:** The final signature to enable completion of the necessary legal agreements for the Eastern Relief Road, was expected shortly. Construction of this road was a major step forward for unlocking land for the creation of jobs, growth and housing for Bury St Edmunds which would benefit West Suffolk and the eastern region as a whole.
- (4) **Budget 2016/2017 and Medium Term Financial Strategy:** Recognition was given to the Portfolio Holder for Resources and Performance; the Finance Team and staff in general; and the Performance and Audit Scrutiny Committee for the enormous amount of work involved in achieving a sustainable budget for 2016/2017, which would be under consideration at Agenda Item 9.

In response to questions, Council was informed that:

- (a) Decisions taken on planning applications by the Development Control Committee were taken in accordance with planning regulations. There was no requirement for Cabinet Members not to sit on Development Control Committees and should a Cabinet Member feel as individuals that they had pre-determined or were biased towards an application, it was the responsibility of that Member to be mindful of public perception and decide whether they should partake in the debate on any given application.
- (b) Councillor Griffiths agreed that the message regarding the differences between the services provided by the county, borough and town/parish councils was a difficult issue to effectively communicate, and information detailing the financial split on council tax bills attempted to avoid the confusion.
- (c) A suggestion regarding the feasibility of a 'Western Relief Road' could be brought to the attention of the Highway Authority and other partners.
- (d) Officers were investigating the reasons for the apparent dysfunctionality of the West Suffolk website which temporarily prevented respondents from completing the questionnaire relating to second round of consultation on the WSOH.
- (e) Improvements to transport links between Cambridge and Haverhill and more infrastructure in general in that locality was supported. Working with the Highway Authority, the Local Enterprise Partnerships and other partners through prospective devolution, it was hoped that through a combination of funding and focus, aspirations for that area would be delivered.

129. **Public Participation**

The following question was put and answered during this item:

1. **Colin Hilder of Fornham St Genevieve**, asked a question in connection with planning enforcement issues. Whilst it was positively acknowledged that progress had recently been made in the number of enforcement cases being resolved, Mr Hilder considered the Council should be more transparent and follow other councils' practice, and publish full details of outstanding enforcement and s106 Agreement cases on the Council's website on a quarterly basis. Mr Hilder then drew attention to Heavy Goods Vehicle (HGV) operating sites and that the Council should comment on applications for the licensing of HGV operating sites, as facilitated by the Traffic Commissioner, and recommend appropriate environmental conditions to instigate a degree of control over the number of HGVs operating in the locality.

In response, Councillor Alaric Pugh, Portfolio Holder for Planning and Growth stated that significant progress had been made on resolving enforcement cases and he would support the publication of successes in this area in order to deter future breaches of conditions and planning regulations. Compliance with the Data Protection Act was of utmost importance and St Edmundsbury Borough Council's interpretation regarding the level of personal data able to be published under the Act appeared to differ from other councils' understanding, and this would be looked into to see if any changes should be made regarding the publication of such cases.

In respect of responding to applications for the licensing of HGV operating sites, resources were being looked into to devote to this; however, the potential cost implications would need to be taken into consideration before making any commitment to this.

130. **Mayoralty 2016/2017**

The Chairman of the Mayoral Advisory Committee, Councillor Ian Houlder, reported informally that the Committee had recommended that:

- The present Deputy Mayor, Councillor Julia Wakelam be nominated for the office of Mayor of St Edmundsbury for the 2016/2017 civic year; and
- Councillor Terry Clements be nominated for the office of Deputy Mayor of St Edmundsbury for the 2016/2017 civic year.

The elections of Mayor and Deputy Mayor for 2016/2017 would be held at the Annual Meeting of the Council on 19 May 2016.

Both Councillors Wakelam and Clements were delighted to accept their respective nominations and thanked Members for their support.

131. **Referrals Report of Recommendations from Cabinet and Democratic Renewal Working Party**

Council considered the Referrals report of Recommendations from Cabinet and Democratic Renewal Working Party contained within Report No: COU/SE/16/002.

(A) Referrals from Cabinet: 9 February 2016

1. Annual Treasury Management and Investment Strategy Statements 2016/2017

Approval was sought for the Annual Treasury Management and Investment Strategy Statements 2016/2017.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Council, including that 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 Council should formally approve an Annual Treasury Management and Investment Strategy, setting out the Council's treasury management policy and strategy statements for the forthcoming year.

Members were informed that no major changes had been made to the Strategy or Code of Practice since they were last approved by Council in February 2015.

On the motion of Councillor Ian Houlder, seconded by Councillor Sara Mildmay-White, and duly carried it was

RESOLVED: 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.

2. Budget and Council Tax Setting 2016/2017 and Medium Term Financial Strategy

The recommendations arising from this report were considered separately under Agenda Item 9 (Minute 132 refers).

3. Enterprise Zones: Update

Approval was sought 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 Council, 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) had been successful. The Cabinet report (CAB/SE/16/006 refers) 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 Council for Cabinet to manage specific details to support the development of the EZs.

Whilst support was generally shown for the allocation of EZ status for the two sites, some reservation was expressed regarding the lack of clarity from Government on funding for the schemes, including the role of the Local Enterprise Partnerships in the allocation of future business rates income, and whether any subsidy to businesses located in the EZs would be expected of the taxpayer in the future. It was also felt that consideration should also be given to enabling a level of Member scrutiny on the proposed business cases before decisions on these were taken by Cabinet.

In response, Councillor Pugh acknowledged that insufficient detail from Government was forthcoming at the present time, and given this and the tight timescale in which to make a decision on whether to accept the EZ allocations, appropriate delegations were being sought to pursue matters in accordance with Council's original in principle decision taken in November 2015.

On the motion of Councillor Alaric Pugh, seconded by Councillor Terry Clements, and duly carried it was

RESOLVED: 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) 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, be approved.

4. Third Generation Artificial Pitch Provision in Haverhill

Approval was sought for a loan request submitted by the Haverhill Community Sports Association (HCSA).

As stated in Minute 126 above, an addendum to this report was tabled, which together with additional narrative, set out an amendment to Cabinet's original Recommendation 2(b).

At this point, the Mayor adjourned the meeting for a few minutes to give Members sufficient time to read the content of the addendum. The meeting resumed at 7.52pm

Councillor Joanna Rayner, Portfolio Holder for Leisure and Culture drew relevant issues to the attention of Council, including that HCSA had been successful in obtaining a time limited grant offer of £300,000 from the Football Foundation to create a third generation (3g) football pitch on the New Croft site at Chalkstone Way, 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 developer funding, to enable the HCSA to accept the grant offer and to commence on site prior to next football season.

Attention was then drawn to the addendum. In respect of recommendation 2(b), the developer had clarified that, while it was supportive of the scheme in principle, it had not been its intention to make a unilateral agreement to repay the Council's bridging loan, as understood by the HCSA (and reflected in the Cabinet report). Instead it would prefer for any developer contribution to this, and any other off and onsite facilities, to be addressed through the planning process, in the normal manner. Nonetheless, it was still acknowledged that any development in Haverhill would create an increased demand for 3g pitch capacity in the town, and this scheme was a good way in which to meet that requirement, funded proportionately through developer contributions at the appropriate time. Such developer contributions were subject to the outcome of the planning applications which were yet to be determined and, it was noted that for absolute clarity, the Council's decision regarding this offer of a bridging loan would not affect the determination of those planning/s106 processes by the local planning authority.

In addition, it had also been suggested that the loan term be extended to a period of up to ten years to give the HCSA maximum scope to secure the match-funding in full.

The original Recommendation 2(b) approved by Cabinet on 9 February 2016 was therefore proposed by Councillor Rayner to be deleted and as an amendment to Cabinet's referral, that it be replaced with:

"The 'Financial Considerations' (section 3) and 'Conditions specific to the HCSA request' (Appendix 1) set out in CAB/SE/16/007 being amended to allow for a loan period of up to 10 years and to clarify that the loan will be repaid to the Council once it has received the full monies or upon the expiry of 10 years, whichever is the sooner (the issue of developer contributions being a matter for separate agreement between housing developers and the Council as part of the normal planning process)."

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 Cabinet report (CAB/SE/16/007 refers), as amended to accord with the proposal set out in the revised Recommendation 2(b) above.

Council expressed full support for the proposal and the revised recommendations. Recognition was expressed to the officers, HCSA and other interested parties involved for the substantial amount of work put into achieving a pragmatic resolution to enable this project to come to fruition. The provision of a 3g pitch at the New Croft facility was a significant achievement for Haverhill.

On the motion of Councillor Joanna Rayner, seconded by Councillor Clive Springett, and duly carried it was

RESOLVED: 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) the 'Financial Considerations' (section 3) and 'Conditions specific to the HCSA request' (Appendix 1) set out in CAB/SE/16/007 being amended to allow for a loan period of up to 10 years and to clarify that the loan will be repaid to the Council once it has received the full monies or upon the expiry of 10 years, whichever is the sooner (the issue of developer contributions being a matter for separate agreement between housing developers and the Council as part of the normal planning process).

5. Park Farm, Ingham: Adoption of Concept Statement

Approval was sought for the Concept Statement for Park Farm, Ingham.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Council, including that thorough consideration had been given to this item by the Sustainable Development Working Party and Cabinet, both of which were satisfied that the Concept Statement had been prepared in accordance with the Vision 2031 Development Plan document and the Council's Protocol for Preparing Concept Statements.

On the motion of Councillor Alaric Pugh, seconded by Councillor Jim Thorndyke, and duly carried it was

RESOLVED:

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.

6. Tayfen Road Development Area, Bury St Edmunds: Masterplan

Approval was sought for the Masterplan for the Tayfen Road Development Area, Bury St Edmunds.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Council, including that the complex detail of this masterplan had been thoroughly considered by the Sustainable Development Working Party and Cabinet, and provided an exciting and important development to this part of Bury St Edmunds.

Concern was expressed regarding potential infrastructure problems as any potential to widen carriageways along Parkway and through to Tayfen Road would be lost should the aspirations provided in the masterplan be realised.

Councillor David Nettleton, one of the Ward Members for Risbygate, welcomed the masterplan and was pleased to support an increase in housing in this location, but expressed concern regarding the potential increase in traffic generation. He considered that roads should not be widened in the centre of town; however working with the Highway Authority, action needed to be taken to alleviate potential problems leading from Tayfen Road to and including the Out Northgate roundabout. Councillor Nettleton also offered a potential solution for making better pedestrian and cycle links from the railway station to West Suffolk College, whilst avoiding travelling along Tayfen Road altogether. He also made reference to the affordable housing element of the scheme, the current 10% provision of which, was a concern previously been expressed by the Cabinet.

Councillor Pugh supported Councillor Nettleton's comments regarding the promotion of better pedestrian and cycle links for this part of town. He added that during the pre-application and planning application stages 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 proposals would need to be made to mitigate these. 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 emphasis was placed on the wider considerations regarding the need for highway improvements in connection with the re-development of this area of the town and the town centre generally. Such improvements also needed to sit comfortably with the emerging Bury St Edmunds Town Centre Masterplan.

On the motion of Councillor Alaric Pugh, seconded by Councillor Ian Houlder, and duly carried it was

RESOLVED:

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.

**(B) Referrals from Democratic Renewal Working Party:
4 February 2016**

1. Freedom of the Borough Protocol

Approval was sought for a new Freedom of the Borough protocol, which would form part of the Council's Constitution.

Councillor Patsy Warby, Chairman of the Democratic Renewal Working Party drew relevant issues to the attention of Council, including that if approved, the protocol provided a formally agreed process by which nominations should be assessed for persons (or organisations) considered for the honour of Freedom of the Borough. This ensured transparency and reflected best practice in other local authorities.

Councillor Warby explained how the process of assessing nominations would work in practice and that the Working Party had recommended amendments to the draft protocol originally presented to it on 4 February 2016. The amended draft was attached as Appendix 1 to Report No: COU/SE/16/002 for approval.

A number of typographical errors were identified in Appendix 1 and these would be rectified under existing officer delegated authority.

On the motion of Councillor Patsy Warby, seconded by Councillor Terry Buckle, and duly carried it was

RESOLVED:

That the Freedom of the Borough Protocol, attached as Appendix 1 to Report No: COU/SE/16/002, be approved.

132. Budget and Council Tax Setting 2016/2017 and Medium Term Financial Strategy

Council considered Report No: COU/SE/16/003 which presented the proposals for Budget and Council Tax Setting in 2016/2017 and the Medium Term Financial Strategy.

Attention was firstly drawn to the amended version of Attachment A, which had been previously circulated by email, as referred to in Minute 126 above. The costs had now been shown with internal recharges removed in order to give greater clarity on support services.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Council, including that Report No: COU/SE/16/003 set out details of the Council's proposed revenue and capital budgets for 2016/2017. The Cabinet had been required to consider the 2016/2017 budget for the authority and had recommended to Council a proposed council tax increase of 1.952%, which equated to an increase in £3.42 for an average Band D property, to help fund this budget. The council tax precept for St Edmundsbury Borough Council (SEBC) in 2016/2017 would therefore be £178.65 for an average Band D property.

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.

Budget pressures included:

- (a) increased demand in key services such as Housing Benefits and Housing;
- (b) inflationary costs and employer's pension liabilities;
- (c) increase in business rate appeals; and
- (d) changes to Government policies, including the Local Government finance settlement. The Council had seen a 67% cumulative cut in Revenue Support Grant (RSG) funding over the three years from 2013/2014 to 2015/2016 with a cut of 49% for 2016/2017.

Financial uncertainty continued beyond 2016/2017, namely:

- (a) A Business Rate 100% Retention Scheme was expected by 2020, however, detail was yet to be forthcoming on how this would be implemented.
- (b) The Government had announced a four year RSG to cover the period up to 2019/2020; however, details regarding qualification and the associated risks were unclear. Further cuts were expected in subsequent years with an expectation that there would be no RSG available to the borough by 2019/2020.

- (c) A number of consultations would be undertaken in 2016, including the future of New Homes Bonus and changes to the Local Government finance system, therefore the outcomes and implications of these were not yet known.
- (d) 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 above increased the risk of uncertainty but may provided opportunities to influence the future financial situation, such as by behaving more commercially.

Councillor Houlder continued and thanked Members of the Performance and Audit Scrutiny Committee for their scrutiny of a number of proposals that had been worked on to bridge the approximate budget gap of £1.9 million for 2016/2017. All staff and Members alike were then commended for their input to enable a sustainable budget to be delivered in 2016/2017.

Councillor Houlder then moved the recommendations contained in the report, which were duly seconded by Councillor John Griffiths, Leader of the Council.

Councillor David Nettleton proposed an amendment to the substantive motion, which was duly seconded by Councillor Bob Cockle. The amendment sought to increase council tax by 0.67%, which equated to an increase in £1.17 for an average Band D property, making the annual total £176.40 instead of £178.65, the difference being £80,000. Councillor Nettleton explained that this would be balanced by a forecast of a higher yield from parking fees of £80,000 based on past and current performance.

Following Councillor Nettleton's speech and explanation of his proposed amendment, a debate was held on the amendment. Some concern was expressed that Forest Heath District Council (FHDC), SEBC's shared services partner, was proposing a 0% council tax freeze for 2016/2017, which equated to £137.43 for an average Band D property, and a few Members considered SEBC's council tax payers were in effect, subsidising FHDC's council tax payers.

In response, Councillor Griffiths explained that each Council's financial affairs were independent from each other and there was no cost subsidy. Where costs were shared, such as staffing arrangements, these had been undertaken in line with the approved cost sharing basis, which had been recently scrutinised by the Performance and Audit Scrutiny Committee before being approved by Council. This was reviewed and signed off as part of the audit of the Council's Statement of Accounts. He added that the budget comprised a whole raft of budget assumptions and Councillor Nettleton's amendment was based on an unpredictable assumption.

The amendment to the substantive motion was then put to the statutorily required recorded vote. The votes recorded were 7 votes for the amendment, 36 against and no abstentions. The names of those Members voting for and against being recorded as follows:

For the amendment:

Councillors Tony Brown, Burns, Cockle, Crooks, Hind, Nettleton and Robbins

Against the amendment:

Councillors Broughton, Simon Brown, Buckle, Bull, Chung, Clements, Everitt, Farthing, Fox, Glossop, Griffiths, Hailstone, Beccy Hopfensperger, Paul Hopfensperger, Houlder, Marks, Betty McLatchy, Ivor McLatchy, Midwood, Mildmay-White, Pollington, Pugh, Rayner, Richardson, Rout, Rushen, Speed, Springett, Stamp, Stevens, Thompson, Thorndyke, Wade, Wakelam, Frank Warby and Patsy Warby

Abstentions:

None

The amendment to the substantive motion was therefore defeated.

The debate then turned to the substantive motion. The majority of Members supported the budget for 2016/2017 and acknowledged that given the financial pressures, uncertainties and challenges placed upon the Council by Central Government, a significant amount of hard work had been undertaken by staff and Members to achieve a sustainable budget, and therefore a nominal rise in council tax for 2016/2017 should be supported.

Councillor Griffiths also placed on record his congratulations to all staff and Members for the 2016/2017 budget. He highlighted that services continued to be preserved and delivered, and improved where possible. Council tax had previously been frozen before it became 'fashionable' to do so, which recognised the forward thinking of SEBC. Previous investment in the borough had paved the way for further investment from the Local Enterprise Partnerships and other partners, which had placed the Council (and West Suffolk) in a strategically stronger position in the longer term. The proposed increase in council tax was below inflation, and gained his full support.

The substantive motion was then put to the statutorily required recorded vote. The votes recorded were 38 votes for the motion, 3 against and 2 abstentions. The names of those Members voting for, against and abstaining being recorded as follows:

For the motion:

Councillors Broughton, Simon Brown, Buckle, Bull, Chung, Clements, Cockle, Everitt, Farthing, Fox, Glossop, Griffiths, Hailstone, Hind, Beccy Hopfensperger, Paul Hopfensperger, Houlder, Marks, Betty McLatchy, Ivor McLatchy, Midwood, Mildmay-White, Pollington, Pugh, Rayner, Richardson, Rout, Rushen, Speed, Springett, Stamp, Stevens, Thompson, Thorndyke, Wade, Wakelam, Frank Warby and Patsy Warby

Against the motion:

Councillors Tony Brown, Burns, and Crooks

Abstentions:

Councillors Nettleton and Robbins

It was therefore

RESOLVED: That

- (1) Having taken into account the information received by Cabinet on 9 February 2016 (Report No: CAB/SE/16/005) including the Report by the Head of Resources and Performance (S151 Officer) set out in Attachment C, together with the up to date information and advice contained in this report, the level of Band D Council Tax for 2016/2017 be set at £178.65.
- (2) Subject to (1) above, the following formal Council Tax resolution be adopted:
 - (i) the revenue and capital budget for 2016/2017 attached at Attachment A, as amended, to Report No: COU/SE/16/003, and as detailed in Attachment D, Appendices 1-5 and Attachment E, be approved;
 - (ii) the Medium Term Financial Strategy (MTFS) projected budget position for 2017/2018 to 2019/2020, as detailed in Attachment D Appendix 1, be noted;
 - (iii) a general fund balance of £3 million be agreed to be maintained, as detailed in paragraph 1.9.2 of Report No: COU/SE/16/003;
 - (iv) the statutory calculations under Section 30 to 36 of the Local Government Finance Act 1992, attached as Attachment G, be noted;
 - (v) the Suffolk County Council and Suffolk Police Authority precepts issued to St Edmundsbury Borough Council, in accordance with Section 40 of the Local Government Finance Act 1992 and outlined at paragraphs 2.5 and 2.6 of Report No: COU/SE/16/003, be noted; and
 - (vi) in accordance with Section 30(2) of the Local Government Finance Act 1992, the amounts shown in Schedule D of Attachment F be agreed as the amount of Council Tax for the year 2016/2017 for each of the categories of dwellings shown.
- (3) The Head of Resources and Performance, in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus on the 2015/2016 revenue budget to the Invest to Save Reserve as detailed in paragraph 1.9.4 of Report No: COU/SE/16/003, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year.
- (4) The revised Minimum Revenue Provision (MRP) policy, as set out in section 1.8 of Report No: COU/SE/16/003 and Attachment D Appendix 4, be adopted.
- (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.

133. Review of the Constitution: Recommendations from the Joint Constitution Review Group

Council considered Report No: COU/SE/16/004, which sought approval for a number of recommendations for amendments to the St Edmundsbury Borough Council (SEBC) Constitution.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Council, including that the proposed amendments had been jointly considered with Members of Forest Heath District Council (FHDC) that sat on the informal Joint Constitution Review Group, which would help ensure both SEBC's and FHDC's Constitutions remained aligned where possible. The proposed amendments largely sought to clarify some operational anomalies.

On the motion of Councillor Ian Houlder, seconded by Councillor Sara Mildmay-White, and duly carried it was

RESOLVED:

That the following amendments to the St Edmundsbury Borough Council Constitution be approved:

(1) Part 3 - Functions and Responsibilities; Section 2 – Responsibility for Council Functions; C. Other Committees; C.4 - West Suffolk Joint Emergency Planning Panel; C.6 - West Suffolk Joint Health and Safety Panel; C.7 - West Suffolk Joint Staff Consultative Panel

(a) That Sections C.4, C.6 and C.7 be amended, for reasons of clarity, to reflect the position with regard to the public access to these meetings and that the following wording be incorporated within these Sections:

"These meetings are not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in both Councils."

(b) That additional wording be included on the agenda papers for these Panels to confirm that these meetings are not open to the public and that any recommendations which arise from these meetings will be reported onto Cabinet/Council, where required to do so.

(2) Part 4 - Rules of Procedure – Council Procedure Rules; Section 6 – Public Question Time

That an additional new paragraph 6.2 be added to Section 6 - Public Question Time as follows:

6.2 A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757120/01638 719363 or in person by telling the committee administrator present at the meeting.

(3) Part 4 - Rules of Procedure – Committee Procedure Rules; Section 11 – Public Speaking

That additional paragraphs 11.5 and 11.6 be added to Section 11 – Public Speaking, as follows:

11.5 *These public speaking rules do not apply to meetings of the Development Control Committee, as the Committee has its own authority to determine from time to time, its own arrangements for public speaking on applications, and which matters are to be included within those arrangements (see Part 3 – Functions and Responsibilities; Section 2 – Responsibility for Council functions; A - Development Control; paragraph 4.2 and as set out in the ['Guide to Having a Say on Planning Applications'](#))*

11.6 These public speaking rules do not apply to meetings of the Licensing and Regulatory Committee, when the Committee sits as a hearing, in which case the Hearing Procedure Rules will apply (Part 3 – Functions and Responsibility; Section 2 – Responsibility for Council Functions; B-Licensing; paragraph 4.1 and Appendix A).

134. **Calendar of Meetings: 2016/2017**

Council considered Report No: COU/SE/16/005, which sought approval for the proposed calendar of meetings for 2016/2017.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Council, including that other meetings not listed in the Council's Constitution and those arranged on an ad-hoc basis would be scheduled throughout 2016/2017 and Members would be advised of these separately.

On the motion of Councillor Ian Houlder, seconded by Councillor Robert Everitt, and duly carried it was

RESOLVED:

That the Calendar of Meetings for 2016/2017, attached as Appendix A to Report No: COU/SE/16/005, be approved.

(Subsequent to the meeting, it transpired that the meeting of the Sustainable Development Working Party (SDWP) arranged for 20 September 2016 'clashed' with a meeting of Joint FHDC/SEBC Cabinet, and therefore following

approval of the SDWP on 17 March 2016, the SDWP meeting was rearranged 22 September 2016 at the later than usual time of 6.00 pm)

135. Representation on Suffolk County Council's Health Scrutiny Committee

Council considered a narrative item, which sought approval for a nominated Borough Council representative on Suffolk County Council's Health Scrutiny Committee.

Councillor John Griffiths, Leader of the Council, drew relevant issues to the attention of Council, including that following the recent sad death of Councillor Tim Marks, a vacancy had arisen for a representative from the Borough Council to sit on Suffolk County Council's Health Scrutiny Committee.

On the recommendation of the Overview and Scrutiny Committee, Council was asked to nominate one Member and, if required, one substitute Member to serve on this joint body. No substitute member had however, been nominated on this occasion.

The Overview and Scrutiny Committee had nominated Councillor Paul Hopfensperger to sit on the Health Scrutiny Committee for the interim period until its meeting in June 2016 when the Committee, in accordance with usual practice, would seek to nominate a representative for the full 2016/2017 year.

On the motion of Councillor John Griffiths seconded by Councillor Diane Hind, and duly carried it was

RESOLVED:

That Councillor Paul Hopfensperger be nominated as the Borough Council's representative on Suffolk County Council's Health Overview and Scrutiny Committee for the interim period until a Member, and if required, a substitute Member, are nominated for the full 2016/2017 municipal year by the Borough Council's Overview and Scrutiny Committee and Council in June 2016.

136. Questions to Committee Chairmen

Council considered a narrative item, which sought questions of Committee Chairman in business transacted since the last ordinary meeting of Council on 15 December 2015, as outlined below:

Committee	Chairman	Dates of meetings
Overview and Scrutiny Committee	Cllr Diane Hind	13 January 2016
Performance and Audit Scrutiny Committee	Cllr Sarah Broughton	28 January 2016
Development Control Committee	Cllr Jim Thorndyke	7 January 2016 4 February 2016
Licensing and Regulatory Committee	Cllr Frank Warby	2 February 2016

No questions were asked on this occasion.

137. Urgent Questions on Notice

No urgent questions on notice had been received.

138. Report on Special Urgency

Council received and noted a narrative item, as required by the Council's Constitution, in which the Leader of the Council reported that at the time the Council agenda was published, no executive decisions had been taken under the special urgency provisions of the Constitution.

The meeting concluded at 9.12 pm

Signed by:

Mayor
