

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Cabinet** held on
Tuesday 7 February 2017 at 5.00 pm in the **Conference Chamber West,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Sara Mildmay-White (Deputy Leader) (in the Chair)

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:

Simon Brown
Tony Brown
John Burns

Susan Glossop
Paul Hopfensperger
David Nettleton

291. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt and John Griffiths.

292. **Minutes**

The public and exempt minutes of the meeting held on 8 December 2016 were confirmed as a correct record and signed by the Chairman.

293. **Open Forum**

Councillors David Nettleton and Paul Hopfensperger both made statements in connection with Agenda Item 6, '*Recommendations of the Overview and Scrutiny Committee: 11 January 2017: St Andrew's Car Park*'.

On 11 January 2017, the Overview and Scrutiny Committee had considered Councillor Nettleton's Motion on Notice, the contents of which were provided in Report No: CAB/SE/17/002 due to be considered under Agenda Item 6.

The Motion on Notice had been submitted to Council on 20 December 2016 and had subsequently been referred to the Overview and Scrutiny Committee for consideration.

The Chairman informed both Members that their statements would be considered during the Cabinet's deliberations of the Overview and Scrutiny Committee's recommendations when the item was reached.

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

294. Public Participation

There were no members of the public in attendance.

(Councillor David Nettleton left the meeting during the consideration of this item.)

295. Report of the Overview and Scrutiny Committee: 11 January 2017

The Cabinet received and noted Report No: CAB/SE/16/058, which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 11 January 2017:

- (1) St Andrews Car Park;
- (2) Designated Public Place Orders in Bury St Edmunds and Haverhill and Change to Public Space Protection Orders;
- (3) Bury St Edmunds Bus Station Information Building – Background Information;
- (4) Review of Abbeycroft Leisure Ltd Performance 2005 -2016;
- (5) Annual Presentation by the Portfolio Holder for Leisure and Culture;
- (6) Review and Revision of the Constitution (Quarterly Report);
- (7) Directed Surveillance Authorised Applications (Quarter 3); and
- (8) Work Programme Update.

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee drew relevant issues to the attention of Cabinet, including that recommendations emanating from Items (1), (2) and (4) above would be considered later on this Cabinet agenda.

296. Recommendations of the Overview and Scrutiny Committee: 11 January 2017 - St Andrews Car Park, Bury St Edmunds

The Cabinet considered Report No: CAB/SE/17/002, which sought decisions on the Overview and Scrutiny Committee's recommendations following its consideration of Councillor David Nettleton's Motion on Notice.

On 20 December 2016, Councillor Nettleton had submitted a Motion on Notice to Council, which upon being seconded, had been referred without debate to the Overview and Scrutiny Committee for consideration at its meeting on 11 January 2017.

The Motion, which proposed changes to St Andrews Street Car Park in Bury St Edmunds, was reproduced in Report No: CAB/SE/17/002, and had been considered in detail by the Overview and Scrutiny Committee.

Councillor Peter Stevens, Portfolio Holder for Operations, drew relevant issues to the attention of Cabinet, including thanking the Committee for its thorough examination of the contents of the Motion, and considered its recommendations to be acceptable in part. He agreed that the tariffs for St Andrews Street Car Park should not be changed in isolation as this may impact on other car parking provision in the borough, and should also be looked at in the context of the emerging Bury St Edmunds Town Centre Masterplan, as recommended. However, the Committee's recommendation regarding its proposed reinstatement of the previous alignment of the footpath in this car park (which, if carried out, would result in a requisite loss of parking spaces) should be noted at this stage, as he considered this needed to be assessed further and included within the evidence base when a review of car parking in Bury St Edmunds would be undertaken as part of the development of the Town Centre Masterplan. Councillor Stevens subsequently moved a revised recommendation to replace Recommendation (2) proposed by the Committee, as follows:

'The Committee's recommendation regarding the alignment of the footpath in St Andrew's Street Car Park, as provided in Report No: CAB/SE/17/002, be noted and included in the evidence being gathered for the review of car parking in Bury St Edmunds which will inform the forthcoming Town Centre Masterplan'.

The Cabinet acknowledged the work of the Committee regarding its examination of this matter, and agreed that consultation with Ward Members on the proposed realignment of the footpath could have been handled more effectively. Recognition was however, given to the number of additional car parking spaces created as a result of the current realignment and how the path had met the relevant health and safety requirements and therefore the Cabinet would not wish to take any action at this stage without considering the wider implications. Support was therefore given to Councillor Stevens' revised recommendation.

RESOLVED:

That:

- (1) the all-day tariff for long stay parking in St Andrew's Street Car Park, Bury St Edmunds not be changed, and that the Annual Update Report on Car Parking, usually presented to the Committee in November be moved to January 2018, following the completion of the Bury St Edmunds Town Centre Master Plan; and
- (2) the Committee's recommendation regarding the alignment of the footpath in St Andrew's Street Car Park, as provided in Report No: CAB/SE/17/002, be noted and included in the evidence being gathered for the review of car parking in Bury St Edmunds which will inform the forthcoming Town Centre Masterplan.

297. **Recommendations of the Overview and Scrutiny Committee: 11 January 2017 - Public Space Protection Orders (PSPOs): Changes to Anti-Social Behaviour Legislation**

The Cabinet considered Report No: CAB/SE/17/003, which sought approval for amendments to conditions of certain Public Space Protection Orders as a result of changes to legislation, prior to public consultation.

The Anti-Social Behaviour Crime and Policing Act 2014 tidied up, amalgamated and redefined a number of anti-social behaviour (ASB) powers. This included replacing Designated Public Space Orders (DPPOs) and Dog Control Orders with Public Space Protection Orders (PSPOs).

Where a DPPO was currently in force, as in the case in Haverhill and Bury St Edmunds, it would continue to be valid until October 2017, which was three years following the introduction of the new legislation. At this point the DPPO would be treated as a PSPO and remain in place for a further period of up to three years unless varied or discharged. Only if there was a variation or discharge of the Order, does the change from DPPO to PSPO need to be subject to a period of consultation and be considered through the Council's democratic process.

As one of the Portfolio Holders responsible for this matter, Councillor Joanna Rayner, Portfolio Holder for Leisure and Culture, drew relevant issues to the attention of Cabinet, including that the Overview and Scrutiny Committee had scrutinised proposed changes to the alcohol-related PSPOs in Bury St Edmunds, which on the request of Suffolk Police and other stakeholders, included a proposed additional condition relating to street begging; and also changes to conditions to the PSPOs relating to dog control across St Edmundsbury. The Committee had also noted that the alcohol-related PSPOs in Haverhill remained in place; however, no changes to the conditions had been proposed or the area covered, therefore no decisions were required to be made.

The Cabinet acknowledged the concerns of the Committee regarding distinguishing the difference between 'passive' begging and 'aggressive' begging, as outlined in the Cabinet report; however it was recognised that it was challenging to differentiate the variances in language in the Order, which would result in making the Order difficult to enforce.

The Cabinet was satisfied that subject to the outcome of the public consultation, the proposed changes were acceptable and proportionate to mitigate potential nuisance or problems in an area that may be detrimental to the local community's quality of life.

RESOLVED:

That, as detailed in Report No: OAS/SE/17/002:

- (1) the inclusion of street begging in the Bury St Edmunds alcohol-related Public Space Protection Orders, be approved, subject to public consultation; and

- (2) the Public Space Protection Orders relating to dog control across St Edmundsbury, be approved, subject to public consultation.

298. **Recommendations of the Overview and Scrutiny Committee:
11 January 2017 - Review of Abbeycroft Leisure Ltd Performance
2005-2016**

The Cabinet considered Report No: CAB/SE/17/004, which presented the recommendations of the Overview and Scrutiny Committee in relation to its review of the performance of Abbeycroft Leisure Ltd in St Edmundsbury.

Councillor Joanna Rayner, Portfolio Holder for Leisure and Culture, drew relevant issues to the attention of Cabinet, including thanking the Overview and Scrutiny Committee for its work in reviewing Abbeycroft's past performance since the operation of the Council's leisure services had been transferred in 2005. The findings, as provided in the Committee's recommendations, would provide a significant contribution to informing the development of a new Partnership Agreement with Abbeycroft, which would be presented to Cabinet in spring 2017.

The Cabinet acknowledged the successes of Abbeycroft and recognised its provision of wide-ranging leisure facilities across the borough. The Committee's recommendations were supported with the view that they be formally noted by Council, as proposed.

RECOMMENDED TO COUNCIL:

That note be taken of the findings of the Overview and Scrutiny Committee in developing a new Partnership Agreement with Abbeycroft moving forward, in particular:

- (1) the need for full transparency in costs to the Council of providing leisure services;**
- (2) the need for the agreement to focus on the outcomes for the health and wellbeing of communities; and**
- (3) the approach to developing a Partnership Agreement with Abbeycroft for at least 10 years and alignment of leases will deliver value for money service for the Council.**

299. **Report of the Performance and Audit Scrutiny Committee: 25 January 2017**

The Cabinet received and noted Report No: CAB/SE/17/005, which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 25 January 2017:

- (1) Balanced Scorecards and Quarter Three Performance Report 2016-2017;
- (2) West Suffolk Strategic Risk Register Quarterly Monitoring Report – December 2016;
- (3) Work Programme Update;

- (4) Financial Performance Report (Revenue and Capital) Quarter 3 – 2016-2017;
- (5) Delivering a Sustainable Medium Term Financial Strategy 2017-2020
- (6) Treasury Management Report 2016-2017 - Investment Activity 1 April to 31 December 2016; and
- (7) Annual Treasury Management and Investment Strategy Statements 2017-2018 and Treasury Management Code of Practice.

Councillor Sarah Broughton, Chairman of the Performance and Audit Scrutiny Committee, drew relevant issues to the attention of Cabinet, including that the first three items were considered jointly with Forest Heath District Council's Performance and Audit Scrutiny Committee during an informal meeting, and that recommendations emanating from Items (5), (6) and (7) above would be considered later in this Cabinet agenda.

Councillor Broughton highlighted that discussion had particularly been held on the balanced scorecard for housing (attached as Appendix F to Report No: PAS/SE/17/003), including that Members had requested a more detailed breakdown of the Housing Waiting List figures; and potential reasons for the presentation of an increase in cases of homelessness in the borough. In response to the latter, Councillor Sara Mildmay-White, Portfolio Holder for Housing, explained that work was being undertaken to address and mitigate this.

300. Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Treasury Management Report 2016-2017 - Investment Activity (1 April to 31 December 2016)

The Cabinet considered Report No: CAB/SE/17/006, which sought approval for the Treasury Management Report, which had been updated to include investment activity for the third quarter of 2016/2017.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Cabinet, including that the Treasury Management Sub-Committee and Performance and Audit Scrutiny Committee had previously scrutinised Report No: TMS/SE/17/001, which included a summary of the investment activities for the period April to December 2016 at Appendix 1 of that report. Both Committees had examined the report in detail and had recommended approval.

The Cabinet acknowledged that the decisions taken previously to support the increase in counterparty limits and include the use of Enhanced Cash Funds in the authorised investments lists was now proving to be justifiable given the outcome of recent investment activity.

RECOMMENDED TO COUNCIL:

That the Treasury Management Report 2016-2017, attached at Appendix 1 to Report No: TMS/SE/17/001, be approved.

301. **Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017 - Annual Treasury Management and Investment Strategy 2017/2018 and Treasury Management Code of Practice**

The Cabinet considered Report No: CAB/SE/17/007, which sought approval for the Annual Treasury Management and Investment Strategy Statements for 2017/2018 and the Treasury Management Code of Practice.

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.

The proposed Annual Treasury Management and Investment Strategy Statements 2017/2018, was attached as Appendix 1 to Report TMS/SE/17/002. The revised investment counterparty limits, reported to Council on 20 December 2016 (Report No: COU/SE/16/021), had been incorporated into the new 2017/2018 Strategy.

The Treasury Management Code of Practice, attached as Appendix 2 to Report No: TMS/SE/17/002 had been updated accordingly, to reflect the proposed Annual Treasury Management and Investment Strategy Statements 2017/2018. The revised investment counterparty limits and the use of Enhanced Cash Funds (to be added to the approved types of investment), as reported to Council on 20 December 2016 (Report No: COU/SE/16/021), had been incorporated into the 2017/2018 Treasury Management and Investment Strategy.

The final prudential indicators had been updated as part of the Medium Term Financial Strategy 2017-2021.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of the Cabinet, including thanking the Performance and Audit Scrutiny Committee for its examination of these documents. As acknowledged and recorded under Minute 300 above, the decisions taken previously to support the increase in counterparty limits and include the use of Enhanced Cash Funds in the authorised investments lists was proving justifiable in order to achieve a better rate of return.

RECOMMENDED TO COUNCIL:

That:

- (1) the Annual Treasury Management and Investment Strategy Statements 2017/2018, as contained in Appendix 1 to Report No: TMS/SE/17/002, be approved; and**
- (2) the Treasury Management Code of Practice 2017/2018, as contained in Appendix 2 to Report No: TMS/SE/17/002, be approved.**

302. **Recommendations of the Performance and Audit Scrutiny Committee: 25 January 2017: Delivering a Sustainable Medium Term Financial Strategy 2017-2020**

The Cabinet considered Report No: CAB/SE/17/008, which sought approval for the inclusion of an updated position of budget proposals in order to progress securing a balanced budget for 2017/2018.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Cabinet, including that following approval of a number of budget proposals in December 2016, Table 1 of Report No: PAS/SE/17/005 (and reproduced in Report No: CAB/SE/17/008), set out additional budget pressures and progress made to date in achieving the 2017-2020 savings target. These proposals had been scrutinised by the Performance and Audit Scrutiny Committee and had been recommended to be incorporated into the budget, over and above those items approved by Council on 20 December 2016.

The Cabinet supported the proposals and recognised their importance in order to progress securing a balanced budget for 2017/2018 and delivering a sustainable Medium Term Financial Strategy 2017-2021.

RECOMMENDED TO COUNCIL:

That the proposals, as detailed in Table 1 at paragraph 1.2.1 of Report No: PAS/SE/17/005, be included in order to progress securing a balanced budget for 2017-2018.

303. **Budget and Council Tax Setting 2017/2018 and Medium Term Financial Strategy 2017-2021**

The Cabinet considered Report No: CAB/SE/17/009, which presented the proposals for Budget and Council Tax Setting in 2017/2018 and the Medium Term Financial Strategy 2017-2021.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of the Cabinet, including that Report No: CAB/SE/17/009 provided details of the Council's proposed revenue and capital budgets for 2017/2018 and the Cabinet was required to consider the 2017/2018 budget for the authority and recommend to Council the level of council tax required to help fund this budget.

In light of the significant transformation in the funding of local services, the Council continued to face considerable financial challenges in the short, medium and longer term. Changes included reductions in Government grant funding, including the pending removal of the Revenue Support Grant which was expected not to be available to the Borough by 2019/2020; more business rates being retained locally (and the uncertainty around how that was going to work); plus the introduction, and then reduction of New Homes Bonus. Further details and the implications of these particular matters were detailed in the report.

Alongside these cuts, was the lowest bank base rate for years (resulting in the Council's income from interest being significantly reduced), and increased demand in some services, such as housing. Whilst the Government had maintained the 2% or £5 threshold (whichever was the higher) for council tax increases for 2017/2018 for shire districts, this local tax raised only one fifth of the Council's income for local services. Bridging the gap between income and demand was the single biggest challenge facing local government across the country.

St Edmundsbury Borough Council had been working in partnership with Forest Heath District Council (the West Suffolk councils) since 2010 and had saved in excess of £4 million annually through sharing services; however it was recognised that whilst the income received by the West Suffolk councils must be maintained, projects in which investment had been made, must be delivered in order to bridge the budget gap in the medium to longer term.

Some projects would require considerable investment through borrowing, but that investment would build a more financially resilient and self-sufficient council, with less reliance on uncertain Government, or other funding. That focus on income-generating projects, which may span several years before making any returns, meant that the Council was unable to simply balance a budget for one year. Section 1.6 of the report provided details on how the Council intended to support these projects and its investment in growth agenda.

The Council Tax Freeze Grant, which incentivised councils to freeze their council tax levels had not been included in the settlement since 2016/2017 onwards and any previous awards were now included within the Revenue Support Grant and phased out accordingly.

Having acknowledged the issues highlighted above, including the introduction of two new business rate reliefs for 2017/2018 announced in the December 2016 Autumn Statement, as detailed in Section 1.4 of the report, the Cabinet noted the position in Sections 1.5 to 1.13 of the report for securing a balanced budget for 2017/2018 and over the medium term to 2020/2021, which was based on an assumption of a 1.96% increase in council tax for 2017/2018. This equated to an increase in £3.51 for an average Band D property, therefore the level of Band D council tax for 2017/2018 would be set at £182.16; however it was noted that the level of council tax beyond 2018 would be set in accordance with the annual budget process for the relevant financial year.

The Assistant Director (Resources and Performance) also informed that an updated National Non-Domestic Rate (NNDR)¹ form had been submitted to the Department of Communities and Local Government (DCLG) which stated that since the publication of the Cabinet report, the anticipated business rate income had increased. This would not, however, affect the net position of the 2017/2018 budget and the updated figures would be presented to Council on 21 February 2017.

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 2017/2018 and assist financial planning in the medium to longer term.

All staff and Members were 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 2017-2021 contained in Attachment A to Report No: CAB/SE/17/009 and as detailed in Attachment D, Appendices 1-5 and Attachment E be approved;**
- (2) having taken into account the conclusions of the Assistant Director (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), particularly the Scenario Planning and Sensitivity Analysis (Attachment D, Appendix 5) and all other information contained in Report No: CAB/SE/17/009, Cabinet recommends a 1.96% increase (equates to £3.51 for an average Band D property) in council tax for 2017/2018. The level of Band D council tax for 2017/2018 therefore be set at £182.16. (Note: the level of council tax beyond 2018 will be set in accordance with the annual budget process for the relevant financial year);**
- (3) the Assistant Director (Resources and Performance), in consultation with the Portfolio Holder for Resources and Performance, be authorised to transfer any surplus from the 2016/2017 revenue budget to the Invest to Save Reserve as detailed in paragraph 1.11.4, and to vire funds between existing Earmarked Reserves (as set out at Attachment D, Appendix 3) as deemed appropriate throughout the year; and**
- (4) the Discretionary Business Rates Relief awarded for local newspapers, as detailed in paragraph 1.4.2.1 to 1.4.2.3 to Report No: CAB/SE/17/009, be approved.**

(Councillors Sarah Broughton, John Burns and Diane Hind left the meeting at the conclusion of this item.)

304. Report of the Anglia Revenues and Benefits Partnership Joint Committee: 6 December 2016 and 10 January 2017

The Cabinet received and noted Report No: CAB/SE/17/010, which provided an outline of issues discussed by the Anglia Revenues and Benefits Partnership Joint Committee at its meetings held on 6 December 2016 and 10 January 2017.

Whilst inquorate and therefore no decisions were taken, the Anglia Revenues and Benefits Partnership (ARP) Joint Committee discussed the following substantive items of business on 6 December 2016:

- (1) Performance Report;
- (2) ARP Risk Register;
- (3) Welfare Reform Update;
- (4) Forthcoming issues; and
- (5) Partnership working through Section 113 Agreement.

On 10 January 2017, 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 Cabinet, including that the Joint Committee had commended the successes of the Partnership.

Members were pleased to note the efficiencies achieved in 2016/2017, which would contribute to an estimated below budget spend of £455,000 by the end of the financial year. Whilst up to a maximum of £171,000 would be held in reserve, the remaining balance would be distributed back to the partner councils with St Edmundsbury Borough Council's share amounting to £38,000.

305. **Bury St Edmunds Town Centre Masterplan Progress**

The Cabinet considered Report No: CAB/SE/17/011, which sought authorisation of the relevant delegations to enable the Bury St Edmunds Town Centre masterplanning process to progress.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Cabinet, including that the aim of the Bury St Edmunds Town Centre Masterplan was to set guidelines for the future growth and development of the town centre and to provide the framework for individual development proposals to be assessed when they came forward.

The report provided details of progress to date, including that a Working Group had been established, comprising several partners and stakeholders, to drive the project forward. An indicative timeline was also provided at paragraph 1.3.1, setting out the various stages required to be undertaken before adoption of the masterplan as a Supplementary Planning Document was sought by full Council by the end of 2017.

In order to meet the relevant timescales, delegated authority was sought for the Chief Executive, in consultation with the Portfolio Holder for Planning and Growth, to approve a final version of the Issues and Options (I&O) report (which was legally required to be produced and would inform the development of the masterplan), for public consultation.

The proposed Communications Plan, and Public Engagement/Consultation Plan were noted, together with the suggested opportunities for inclusion in the I&O report outlined in paragraphs 1.7.4 to 1.7.12.

Councillor Pugh emphasised that if the relevant delegated authority was granted, both he and the Chief Executive would be acting on behalf of the

Working Group and therefore recognition should be given to the significant amount of work that would have been completed through effective partnership working to reach a point where the Group was satisfied to go out to consultation on the I&O report.

In response to a question, the Cabinet was informed that rural parish councils and other interested persons located in rural areas would have the opportunity to become engaged in developing the emerging Town Centre Masterplan, as part of the consultation processes.

The Cabinet expressed its tremendous support regarding the development of the Masterplan and welcomed the forthcoming I&O consultation, details of which had been promoted on the Council's website. Members also looked forward to how the emerging Masterplan would illustrate aspirations for the town, support future growth and ensure Bury St Edmunds remained an attractive place to live, work, visit and invest.

RESOLVED:

That:

- (1) the update on the Bury St Edmunds Town Centre Masterplan process, be noted;
- (2) the emerging issues and options, as detailed in Section 1.7 of Report No: CAB/SE/17/011, be noted; and
- (3) delegated authority be given to the Chief Executive Officer, in consultation with the Portfolio Holder for Planning and Growth, to approve the Issues and Options Report for public consultation.

306. **Recommendation of the Licensing and Regulatory Committee:
24 January 2017 - Joint West Suffolk Sex Establishments Licensing
Policy**

The Cabinet considered Report No: CAB/SE/17/012, which sought approval for a Joint West Suffolk Sex Establishment Policy.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Cabinet, including that on 1 March 2011 the Borough Council had adopted Section 27 of the Policing and Crime Act 2009 which allowed it to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act re-classified lap dancing clubs and similar venues as 'Sexual Entertainment Venues' and as a Sex Establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Sexual Entertainment Venues were defined by the legislation. The provisions of Schedule 3 were summarised in the report.

In order to operate under the legislation, 'best practice' advised that Councils adopted a policy for the issue of licences and the maintenance of Sex Establishments and approve a set of conditions to be applied to each licence. The Borough Council had a Sex Establishment Licensing Policy adopted on 5 April 2011 and Forest Heath District Council had a separate policy. It was

proposed that the Joint Policy, which aligned the operation of the two authorities thus increasing efficiency and had been subject to public consultation, as contained as Appendix 1 to Report No: LIC/SE/17/003, replaced both documents.

RECOMMENDED TO COUNCIL:

That the proposed Joint West Suffolk Sex Establishment Licensing Policy, as set out in Appendix 1 of Report No: LIC/SE/17/003, be adopted.

307. Recommendations from the Grant Working Party: Community Chest Funding - 2017/2018: Deferred Recommendations

The Cabinet considered Report No: CAB/SE/17/013, which sought approval for recommendations of the Grant Working Party following its reconsideration of four applications for Community Chest funding in 2017/2018.

In the absence of Councillor Everitt, Portfolio Holder for Families and Communities, Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Cabinet, including that on 8 December 2016, recommendations of the Grant Working Party had been made to Cabinet following its consideration of applications for Community Chest funding in 2017/2018 (and in some cases, for 2018/2019). With the exception of four applications, these had been approved as recommended, for the reasons provided in Report No: CAB/SE/16/064. Cabinet had noted at that time that the Working Party had deferred its consideration of four applications pending receipt of further information.

The Working Party had now reconsidered these applications. The funding allocations to Suffolk Mind and Catch 22 (Suffolk Positive Futures) had been recommended in accordance with their applications; however, the Working Party considered that a reduced grant of £10,000 from its applied for figure of £12,294 should be awarded to HomeStart (Honington) and that although £5,000 had been applied for, no grant should be awarded to Unit Twenty Three ('Freefall' production), for the reasons provided in the report.

The Cabinet thanked the Working Party for its reconsideration of these applications and supported its recommendations.

RESOLVED:

That:

- (1) the allocation of Community Chest funding for 2017/2018 be approved, namely:
 - (a) Suffolk Mind £4,970.30
 - (b) Catch 22,
Suffolk Positive Futures £8,189.00
 - (c) HomeStart (Honington) £10,000.00
- (2) No Community Chest funding for 2017/2018 be awarded to Unit Twenty Three ('Freefall' production)

308. Decisions Plan: February 2017 to May 2017

The Cabinet considered Report No: CAB/SE/17/014, which was the Cabinet Decisions Plan covering the period February to May 2017.

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

309. Revenues Collection Performance and Write Offs

The Cabinet considered Report No: CAB/SE/17/015, 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. He added that in the event that a written-off debt became recoverable, the amount would be written back on, and enforcement procedures would be re-established. For example, this might happen if someone had gone away with no trace, but was unexpectedly 'found' again through whatever route.

RESOLVED:

That the write-off of the amounts detailed in the exempt appendices to Report No: CAB/SE/17/015, be approved, as follows:

- (1) Exempt Appendix 1: Business Rates totalling £32,208.93;
- (2) Exempt Appendix 2: Overpayment of Housing Benefit totalling £22,012.40; and
- (3) Exempt Appendix 3: Sundry Debt totalling £18,578.24.

(Councillor Tony Brown left the meeting during the consideration of this item.)

310. Civil Parking Enforcement

The Cabinet considered Report No: CAB/SE/17/016, which sought approval for the transfer of Civil Parking Enforcement (CPE) to the Borough Council under the operation of a West Suffolk service, and the financial implications associated with that.

CPE was where local authorities took over the responsibility for 'on street' parking restrictions from the police. Suffolk hosted 6 out of 25 areas in England that were not currently designated as Civil Enforcement Areas, which meant that parking violations in these areas were still enforced by the police.

Previous discussions had indicated, as recently endorsed by the Suffolk Public Sector Leaders' Group, a collective desire for a basic level of enforcement of on-street parking restrictions in Suffolk from the police to local authorities.

Subject to the consent of the Secretary of State for Transport, CPE could only be transferred to the County Council who may operate it directly or by delegation under an agency agreement with district and borough councils. Suffolk County Council (SCC) had already delegated CPE powers to Ipswich Borough Council and a similar form of delegation was preferred across Suffolk with three operational teams patrolling the county. A West Suffolk service was proposed to cover St Edmundsbury and Forest Heath. Babergh and Mid Suffolk District Councils had approached the West Suffolk councils to manage some of its off street car parks on a full cost recovery basis, and this was proposed as a recommendation.

Councillor Peter Stevens, Portfolio Holder for Operations, drew relevant issues to the attention of Cabinet, including the financial implications resulting from CPE. The set up costs for implementing the scheme across the county would be in the region of £1.13 million. This cost would be shared with £10,000 being sought from each of the six district and borough councils (excluding Ipswich Borough Council where CPE already existed) with Suffolk County Council and Suffolk Constabulary funding the remainder.

It had been estimated that the annual operating costs for St Edmundsbury Borough Council (SEBC) (including the employment of Civil Enforcement Officers, vehicles and back office function) was approximately £700,000. The income from Penalty Charge Notices must be used to offset the operating costs and the estimated annual income was approximately £320,000 thereby leaving an annual operating CPE deficit of £380,000.

CPE was unlikely to reach a cost neutral position based on the projected costs and estimated income from the issue of parking fines, therefore it was expected that on-street parking income would be the preferred mechanism to off-set the deficit and ensure the viability of the service. Currently, on street pay and display and neighbourhood/resident parking in Bury St Edmunds was managed and enforced on a cost neutral basis by SEBC and all surplus income was returned to the SCC On-Street Parking Account. Recognising the level of deficit in St Edmundsbury, and subject to final agreement, SCC would potentially allow all income generated on street, including Angel Hill, to be retained by SEBC. This was subject to other provisions and criteria, as detailed in paragraph 2.7 of the report.

The Cabinet also considered the overall budgetary position summarised in Exempt Appendix A; proposed measures to mitigate financial risks; a summary of the necessary Agency Agreement and Memorandum of Understanding required to be put in place with SCC and Suffolk Constabulary respectively; and delegations required to be granted to enable the final agreements to be signed off to enable CPE to become fully operational by April 2019.

Members were extremely pleased to see this coming forward. It was recognised that CPE had the benefit of a common enforcement service for both on and off-street parking for the convenience and ease of understanding

for the motorist as well as providing greater control and a more efficient operation to that currently delivered by the Police.

Recognition was given to Bury St Edmunds Town Council regarding its funding of a recently appointed Police Community Support Officer (PCSO). As part of her role, she was taking enforcement action on illegal parking in Bury St Edmunds, which would help tackle the problem until the proposed CPE service came into operation.

RECOMMENDED TO COUNCIL:

That:

- (1) the contents of Report No: CAB/SE/17/016 and the estimated financial impact of introducing Civil Parking Enforcement (CPE) shown at Exempt Appendix A, be noted;**
- (2) Suffolk County Council be supported in seeking the transfer of Civil Parking Enforcement to St Edmundsbury Borough Council;**
- (3) an Agency Agreement be entered into with Suffolk County Council for the period 2019-2029 to undertake delegated Civil Parking Enforcement powers across the Borough;**
- (4) £10,000 be contributed towards the countywide set up costs for Civil Parking Enforcement;**
- (5) it be agreed that St Edmundsbury Borough Council will meet the cost of operating Civil Parking Enforcement delivered by a West Suffolk service, subject to (i) the retention of all on-street parking and neighbourhood parking receipts; (ii) a Service Level Agreement with Suffolk County Council on the processing of new requests for Traffic Regulation Order (TRO) restrictions and the maintenance of lines and signs; and (iii) assume delegated responsibility for on street pay and display tariff setting and the provision of on-street parking bays (subject to a Highway Authority pre-defined assessment);**
- (6) CPE enforcement be provided in parts of Babergh and Mid Suffolk and a separate agreement with the individual District Councils to enforce their off street car parks, on a full cost recovery basis; and**
- (7) delegated authority be given to the Assistant Director (Operations), in consultation with the Portfolio Holder for Operations, to sign-off the final agreements relating to the introduction of Civil Parking Enforcement.**

311. Exclusion of Press and Public

See minute 312 below.

312. Exempt Appendix: Civil Parking Enforcement (para 3)

The Cabinet considered Exempt Appendix A to Report No: CAB/SE/17/016 under Agenda Item 20, however no reference was made to specific detail and therefore this item was not held in private session.

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

The Cabinet considered Exempt Appendices 1, 2 and 3 to Report No: CAB/SE/17/015 under Agenda Item 19 , however no reference was made to specific detail and therefore this item was not held in private session.

314. Exempt Minutes: 8 December 2016 (paras 3, 5 and 7)

The exempt minutes of the meeting held on 8 December 2016 were confirmed as a correct record and signed by the Chairman under Agenda Item 2; however no reference was made to specific detail and therefore this item was not held in private session.

The meeting concluded at 6.10 pm

Signed by:

Chairman
