

Council



St Edmundsbury
BOROUGH COUNCIL

Minutes of an extraordinary meeting of **Council** held on
Tuesday 17 October 2017 at **7.00 pm** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Mayor Terry Clements
Deputy Mayor Margaret Marks

| | | |
|-----------------|---------------------|-----------------|
| Sarah Broughton | Wayne Hailstone | David Roach |
| Simon Brown | Diane Hind | Barry Robbins |
| Tony Brown | Beccy Hopfensperger | Richard Rout |
| Carol Bull | Paul Hopfensperger | Andrew Smith |
| John Burns | Ian Houlder | Andrew Speed |
| Mike Chester | Betty Mclatchy | Clive Springett |
| Patrick Chung | Ivor Mclatchy | Sarah Stamp |
| Bob Cockle | Sara Mildmay-White | Peter Stevens |
| Jason Crooks | David Nettleton | Jim Thorndyke |
| Mary Evans | Clive Pollington | Julia Wakelam |
| Paula Fox | Alaric Pugh | Frank Warby |
| Susan Glossop | Joanna Rayner | Patricia Warby |
| John Griffiths | Karen Richardson | |

293. **Welcome and Introduction**

The Mayor welcomed Councillors Mike Chester and Mary Evans to their first meeting of Council following their recent election to the Chedburgh and Hundon Wards.

Under this item, the Mayor also wished to record this thanks to the West Suffolk Councils' customer service team, with particular recognition given to the Reception staff.

294. **Apologies for Absence**

Apologies for absence were received from Councillors Trevor Beckwith, Robert Everitt, Wayne Hailstone, Jane Midwood, Peter Thompson and Anthony Williams.

Councillor Chung had also apologised for his lateness.

295. **Declarations of Interests**

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

296. **Public Participation**

There were no members of the public in attendance.

297. **Referrals Report of Recommendations from Cabinet**

Council considered the Referrals report of Recommendations from Cabinet contained within Report No: COU/SE/17/015.

(A) Referrals from Cabinet: 27 June 2017

1. West Suffolk Joint Pay Policy Statement: 2017/2018

Approval was sought for the West Suffolk Joint Pay Policy Statement for 2017/2018.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Council.

On the motion of Councillor Houlder, seconded by Councillor John Burns and duly carried, it was

RESOLVED:

That the West Suffolk Joint Pay Policy Statement for 2017/2018, as contained in Appendix 1 to Report No: CAB/SE/17/038, be approved.

(B) Referrals from Cabinet: 19 September 2017

1. Annual Treasury Management Report 2016/2017

Approval was sought for the Annual Treasury Management Report for 2016/2017.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Council.

On the motion of Councillor Houlder, seconded by Councillor David Roach, and duly carried, it was

RESOLVED:

That the Annual Treasury Management Report for 2016-2017, attached as Appendix 1 to Report No: TMS/SE/17/003, be approved.

(C) Referrals from Cabinet: 17 October 2017

1. Exempt: Investing in our Commercial Asset Portfolio

Council noted that this referral would be considered in private session under Agenda Item 10.

298. Single Council: Consequential and Transition Matters

Council considered Report No: COU/SE/17/016, which following decisions taken in September 2017 of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) to submit a business case to the Secretary of State to become a single council for West Suffolk, approval was now sought for a number of technical matters that would be required to be included in any subsequent Order to become a single council.

In due course, the Secretary of State would issue a decision on whether or not he was minded to agree the business case. If he was minded to do so, work would immediately commence on a draft Order to be laid before Parliament to create a new council for West Suffolk.

For the reasons set out in the report, it was important that the Council now considered those matters necessary for inclusion within the draft Order.

Councillor John Griffiths, Leader of the Council, drew relevant issues to the attention of Council, including that the Department for Communities and Local Government (DCLG) and the Secretary of State had been impressed with the work undertaken so far to create a new single council and what FHDC and SEBC Councils were trying to achieve. Whilst the principle of single council had been agreed, detailed work was now required on the process to create a new council.

Some such matters had been considered by the Future Governance Steering Group (FGSG) and the outcome of its discussions and recommendations on the following were contained in the report:

- (a) proposed transition arrangements through the operation of a Shadow Authority (SA), which would comprise all 72 councillors from both councils;
- (b) the proposed name of the new Council, namely West Suffolk District Council unless the new Council or SA resolved otherwise;
- (c) the status of the new Council, i.e. whether it should be a district or a borough council, and that this was proposed to be considered by the SA; and
- (d) the proposed council size of 64 Members (the full case for this proposal being attached at Appendix 1).

In addition to the above, Council noted that the SA would be responsible for appointing an executive body, the Implementation Executive (IE), which would be responsible for overseeing a smooth transition at the transfer date. Proposed membership of the IE was outlined in paragraph 4.6 of the report.

Council then noted that some further work was required to be undertaken to fully justify the proposed council size figure of 64 Members, as detailed in paragraphs 7.4 and 7.5.

A detailed discussion was held and the majority of Members supported the proposals detailed in the report. Recognition was given to the work undertaken to date by the FGSG and considered its recommendations outlined above were sensible and practicable for enabling a smooth transition. It was also acknowledged that whilst they were all supportive of a single council for West Suffolk, the three MPs covering the St Edmundsbury and Forest Heath areas should continue to be lobbied to maintain momentum for creating the single council to be effective from 1 April 2019 (with elections in May 2019).

On the motion of Councillor John Griffiths, seconded by Councillor Carol Bull and duly carried, it was

RESOLVED:

That:

- (1) should the Secretary of State be minded to create a single council for West Suffolk, the following matters be recommended for inclusion within the Order to create the new Council on 1 April 2019:
 - (a) Forest Heath District and St Edmundsbury Borough Councils should transition via the means of a Shadow Authority, which will comprise all 72 councillors from both councils;
 - (b) the Shadow Authority should be required to form an implementation executive, to include both the Leaders and at least three further councillors from each of Forest Heath and St Edmundsbury councils;
 - (c) the name of the new Council should be West Suffolk District Council until such time as the Council, or Shadow Council, may resolve otherwise;
 - (d) the Shadow Authority should have equivalent powers granted to authorities by virtue of s.245(4) to apply for Borough Status;
 - (e) the proposed Council Size for West Suffolk District Council of 64 members, and the route for determining the final Council Size case, as set out in paragraphs 7.4 and 7.5 of Report No: COU/SE/17/016, should be endorsed;
- (2) St Edmundsbury Borough Council recognises that both itself, and Forest Heath District Council, will have a duty to co-operate with the Shadow Authority; and
- (3) it be noted that, during the Secretary of State's consultation, the Leader of the Council will respond to confirm the Council's firm commitment to supporting the creation of a new single council for West Suffolk.

(Councillor Patrick Chung joined the meeting during the consideration of this item.)

299. **Constitutional and Administrative Matters**

Council considered Report No: COU/SE/17/017, which sought approval for a number of minor Constitution amendments and other administrative matters.

The issues that required consideration were:

- (a) the provision of delegation to officers to take action against landlords that had deliberately failed to join a Landlord Redress Scheme;
- (b) the provision to increase the delegated limit for the Service Manager (Shared Legal) to negotiate and settle miscellaneous disputes from £500 to £50,000, which accorded with the key decision threshold; and
- (c) as a final part of establishing the governance structure for the West Suffolk Councils joint venture company with Suffolk County Council, Verse Facilities Management Limited, that a Member of St Edmundsbury Borough Council be nominated to be appointed to the Shareholder Advisory Group to act on behalf of the Council in their oversight of the company. This appointment would be made alongside a Member representative being sought from Forest Heath District Council, and two Members from Suffolk County Council.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Council.

Councillor Julia Wakelam asked the following question of Councillor Houlder:

"How many actions have been taken against rogue landlords in St Edmundsbury borough within the last year?"

Councillor Sara Mildmay-White, Portfolio Holder for Housing provided a brief reply, and Members were informed that a detailed written response would be provided following the meeting.

On the motion of Councillor Ian Houlder, seconded by Councillor Clive Pollington, and duly seconded, it was

RESOLVED:

That it be agreed to:

- (1) add those matters addressed within paragraph 1.3 of Report No: COU/SE/17/017, to the Scheme of Delegation for the Assistant Director (Planning and Regulatory) and the Service Manager (Housing Standards);
- (2) increase the delegated limit for the Service Manager (Shared Legal) to negotiate and settle miscellaneous disputes to £50,000; and

- (3) nominate a Councillor to sit on the Shareholder Advisory Group for Verse Facilities Management Ltd.

300. **Review of Political Balance and Appointment to Politically Balanced Bodies**

Council considered Report No: COU/SE/17/018, which presented a review of the political balance and proposed appointments to the politically balanced bodies.

By-elections for two vacancies on St Edmundsbury Borough Council (Chedburgh and Hundon Wards) took place on 28 September 2017. These seats were filled by Members of the Conservative Group.

In addition, the Council had received written notice under the requirements of the Local Government (Committees and Political Groups Regulations 1990) confirming that Councillor John Burns had resigned as leader, and as a member of, St Edmundsbury Borough Council's UK Independence Party (UKIP) Group and was now an Independent Borough Councillor. Subsequent to this, Councillor Burns and Councillor Tony Brown had constituted a new political group, the 'Haverhill Indys', and Councillor Burns was the leader of that Group.

Accordingly, this had altered the political composition of the Borough Council and Council was, therefore, requested to review the allocation of seats and substitutes to political groups in accordance with the political balance rules, as 'far as reasonably practicable'.

Councillor Griffiths, Leader of the Council, drew relevant issues to the attention of Council, including that Appendix 1 provided details of the committees required to be politically balanced and their respective place entitlement and proposed seat allocations.

Appendix 2 showed the entitlement and proposed allocation of substitutes on the politically balanced committees. It was suggested that the Council gave precedence to ensuring that each Group should have a substitute if they were represented on a committee, and, once this was achieved, if there were additional substitute places on a committee, they were distributed by political balance, as indicated.

Council agreed this was a sensible approach.

On the motion of Councillor John Griffiths, seconded by Councillor Frank Warby, and duly carried, it was

RESOLVED:

That:

- (1) the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced, as set out in paragraph 1.1.1, be approved;

- (2) the allocation of seats (and seats for substitute Members) on the Committees which are required by law to be politically balanced, as indicated in Appendices 1 and 2 to Report No: COU/SE/17/018, be approved;
- (3) the allocation of full member and substitute seats on the West Suffolk Joint Standards Committee, as indicated in Section 1.2.2, be approved. This Committee is not required to be politically balanced;
- (4) whilst the Democratic Renewal Working Party is not required to be politically balanced, the allocation of seats is by custom and practice, undertaken on this basis. Therefore, the allocation of full member and substitute seats to this Working Party, as indicated in Section 1.2.3, be approved; and
- (5) the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to re-appoint or appoint as applicable, Members and substitute Members to those bodies set out in recommendations (2), (3) and (4) above on the basis of nominations from the relevant Group Leaders.

301. **Annual Scrutiny Report 2016/2017**

Council received and noted the Annual Report of the Overview and Scrutiny Committee, and the Performance and Audit Scrutiny Committees, previously circulated as Report No. COU/SE/17/019.

Article 7 of the Council's Constitution required that *'the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.'*

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of Council. Councillor Sarah Broughton, Chairman of the Performance and Audit Scrutiny Committee, added her comments regarding the specific work of her Committee.

Discussion was held on:

- (a) the outcome of the devolution proposals;
- (b) performance of Barley Homes, the West Suffolk Councils' housing company, which was still in its infancy;
- (c) Councillor Call for Action provisions;
- (d) the new Public Space Protection Orders;
- (e) performance regarding tackling dog fouling; and
- (f) performance of The Apex.

302. Exclusion of Press and Public

As the next item on the agenda was exempt, it was proposed, seconded and
RESOLVED:

That the press and public be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against the item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

303. Exempt Appendix: Referrals Report of Recommendations from Cabinet: Investing in our Commercial Asset Portfolio (para 3)

Council considered Exempt Appendix 1 attached to the Referrals report of Recommendations from Cabinet contained within Report No: COU/SE/17/015.

(C) Referrals from Cabinet: 17 October 2017

1. Exempt: Investing in our Commercial Asset Portfolio

Approval was sought for delegated authority to be given to progress an addition to the Council's commercial asset portfolio, together with associated funding required.

The full exempt Cabinet Report No: CAB/SE/17/057 was attached to the referral. Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Council.

Following a detailed discussion, Council supported the recommendations as proposed in the exempt referral from Cabinet.

On the motion of Councillor Alaric Pugh, seconded by Councillor Peter Stevens, and duly carried, it was

RESOLVED:

The decision is contained in the exempt version of these minutes.

The meeting concluded at 7.48 pm

Signed by:

Mayor
