
Cabinet



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Cabinet** held on
Tuesday 27 March 2018 at **5.00 pm** in the **Conference Chamber West,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman John Griffiths (Leader of the Council) (in the Chair)
Vice Chairman Sara Mildmay-White (Deputy Leader)

Carol Bull
Robert Everitt
Ian Houlder

Alaric Pugh
Joanna Rayner

By Invitation:

Sarah Broughton

(Chairman of the Performance and Audit
Scrutiny Committee)

Diane Hind

(Chairman of the Overview and Scrutiny
Committee)

In attendance:

John Burns

Susan Glossop

446. **Apologies for Absence**

Apologies for absence were received from Councillor Peter Stevens.

447. **Minutes**

The minutes of the meetings held on 9 January 2018 and 6 February 2018 were confirmed as correct records and signed by the Chairman.

448. **Open Forum**

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

449. **Public Participation**

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

450. Report of the Performance and Audit Scrutiny Committee: 31 January 2018

The Cabinet received and noted Report No: CAB/SE/18/017, which informed the Cabinet of the following substantive items discussed by the Performance and Audit Scrutiny Committee on 31 January 2018:

- (1) Balanced Scorecards and Quarter Three Performance Report 2017-2018;
- (2) West Suffolk Strategic Risk Register Quarterly Monitoring Report – December 2017;
- (3) Work Programme Update;
- (4) Financial Performance Report (Revenue and Capital) Quarter 3 – 2017-2018;
- (5) Delivering a Sustainable Medium Term Financial Strategy 2018-2021;
- (6) Ernst and Young – Certification of Claims and Returns Annual Report 2016-2017;
- (7) Ernst and Young – External Audit Plan and Fees 2017-2018;
- (8) Decision Relating to Complaint to Local Government Ombudsman;
- (9) Treasury Management Report 2017-2018 - Investment Activity 1 April to 31 December 2017; and
- (10) Annual Treasury Management and Investment Strategy Statements 2018-2019 and Treasury Management Code of Practice.

Councillor Sarah Broughton, Chairman of the Performance and Audit Scrutiny Committee (PASC), drew relevant issues to the attention of Cabinet, including that the first three items had been considered jointly with Forest Heath District Council's PASC, and that separate reports in connection with Items (5), (9) and (10) above had been considered and recommendations approved by Cabinet at its meeting held on 6 February 2018.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, noted that a proposed follow-up report on the Building Control Service's Improvement Plan was expected to be presented to the Committee in November 2018. He expressed a keenness to attend this meeting, to which the Chairman of the Committee agreed.

451. Report of the Overview and Scrutiny Committee: 7 March 2018

The Cabinet received and noted Report No: CAB/SE/18/018, which informed the Cabinet of the following substantive items discussed by the Overview and Scrutiny Committee on 7 March 2018:

- (1) Barley Homes (Group) Limited Annual Report 2018;
- (2) Lettings Policy;
- (3) Car Parking Update;
- (4) Annual Presentation by the Cabinet Member for Resources and Performance;
- (5) West Suffolk Information Framework – Report from the Joint Task and Finish Group;
- (6) Decisions Plan: March to May 2018; and
- (7) Work Programme Update.

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of Cabinet including that separate reports containing recommendations of the Committee were included on this Cabinet agenda for Items (2) and (5) above.

A brief discussion was held on the Barley Homes (Group) Limited Annual Report 2018 (Item (1)) above) and the issues that had been raised by the Committee, as summarised in the Cabinet report. Members were informed that a meeting had been arranged for 29 March 2018, for the Leaders and relevant Portfolio Holders of the three partner authorities (Suffolk County, Forest Heath District and St Edmundsbury Borough Councils), to discuss a potential way forward. The Cabinet looked forward to future progress of the company.

**452. Recommendations of the Overview and Scrutiny Committee: 7
March 2018: West Suffolk Information Framework**

The Cabinet considered Report No: CAB/SE/18/019, which sought approval for a new West Suffolk Information Framework.

A joint Task and Finish Group, comprising Members of Forest Heath District and St Edmundsbury Borough Councils' Overview and Scrutiny Committees, had been established to devise a new Information Framework. The Framework represented a revised approach to data and the way the West Suffolk Councils used it. It provided a high level summary of the current position, and proposed an approach that sought to maximise the Councils' data assets through aligning data across West Suffolk Councils and its partners to improve the services provided, and create better outcomes for residents, customers, visitors, businesses, partners and communities.

The vision and key principles of the Information Framework were summarised in paragraph 1.1.3 of the Cabinet report. Its aim was to provide councillors, staff, partners and interested members of the public with an overview of the Councils' direction of travel and its intent with regards to data and information, and was therefore not a delivery document. Detailed individual plans, strategies and service-specific business cases that accorded with this framework would come forward at a later stage.

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, explained that the Task and Finish Group had been through a thorough and detailed process to devise the draft Information Framework and the Committee had no hesitation in recommending its approval to Cabinet.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Cabinet. He also expressed his thanks to the Task and Finish Group and the Committee for bringing this new comprehensive Information Framework forward for adoption.

RESOLVED:

That the West Suffolk Information Framework, attached as Appendix A to Report No: OAS/SE/18/008, be approved.

453. Recommendations of the Overview and Scrutiny Committee: 7 March 2018: Lettings Policy

The Cabinet considered Report No: CAB/SE/18/020, which sought approval for a revised Lettings Policy.

On 7 March 2018, the Overview and Scrutiny Committee considered Report No: OAS/SE/18/005, which set out proposed revisions to the Lettings Policy. These revisions were required as a result of recent case law and to ensure that the Lettings Policy was compliant with the requirements of the Homelessness Reduction Act 2017, which came into force on 3 April 2018. The Overview and Scrutiny Committee had considered the draft policy in detail and recommended its adoption.

Councillor Sara Mildmay-White, Portfolio Holder for Housing, drew relevant issues to the attention of Cabinet, including that the revisions, as summarised in Section 1.1.2 of the Cabinet report, had been subject to consultation and agreement of the Home-Link (Choice Based Lettings scheme) partners of the Cambridge and West Suffolk sub-region.

RESOLVED:

That the revised Lettings Policy, attached at Appendix 1 to Report No: OAS/SE/18/005, be approved.

454. Tackling Rogue Landlords: Civil Sanctions Policy

The Cabinet considered Report No: CAB/SE/18/021, which sought approval for a new Civil Sanctions Policy, which if adopted, would help tackle rogue landlords.

The adoption of a new Civil Sanctions Policy, attached as Appendix A to the report, would enable the West Suffolk Councils (Forest Heath District and St Edmundsbury Borough) to make use of new powers under the Housing and Planning Act 2016 to tackle a small number of rogue landlords in the private rented sector in West Suffolk and improve the wellbeing of tenants. On 9 January 2018, the Cabinet approved the draft policy for consultation and the outcome of this engagement exercise was contained Section 5 of the report.

Councillor Sara Mildmay-White, Portfolio Holder for Housing, drew relevant issues to the attention of the Cabinet, including that the engagement process on the draft policy with landlords, tenants, interested groups and other stakeholders, had largely been positive and had provided the opportunity to promote the Housing Standards service offered by the Councils and the most effective way to enforce the new legislation. Promotion of the preventative and reactive regulatory agendas was key, and better landlords involved in the process, had identified that the Councils wished to work with them, not only to achieve compliance, but to deliver a sector that provided an adequate supply of decent homes.

The Cabinet supported its adoption (with new delegated powers to officers for incorporation into their respective Constitutions being presented to each Council for approval), placing emphasis on ensuring Ward Members were

made aware of this new policy and enforcement powers, should the need for tackling rogue landlords in their wards need to be addressed.

RESOLVED:

That the Housing Standards – Civil Sanctions Policy contained in Appendix A to Report No: CAB/SE/18/021, which describes the new measures and sanctions which will support existing enforcement work and pro-active inspection programmes, be adopted; and

RECOMMENDED TO COUNCIL:

That the new delegations regarding the enforcement powers be incorporated into the Scheme of Delegation, contained in Part 3 of the Constitution, to enable these sanctions to be enforced.

455. Workforce Strategy 2018-2020

The Cabinet considered Report No: CAB/SE/18/022, which sought approval for a new Workforce Strategy.

The Workforce Strategy, attached as Appendix 1 to the report, set out the West Suffolk Councils' vision for their people and identified the areas needed to focus on to achieve their ambitions. It looked at the composition of the workforce and the current skills set and the skills needed for the future. It identified how the Councils would continue to recruit and develop their workforce and work with their communities to make sure the right people, the right skills and the right behaviours were in place.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Cabinet, including that the Strategy aimed to enable West Suffolk to be a confident, co-operative and high performing organisation in every aspect of its work addressing the needs of its customers and communities, together with promoting West Suffolk as an employer of choice.

The Cabinet commended the quality of the document and the outcomes expected to be achieved as a result of implementing the Strategy, as set out in Appendix A of Appendix 1.

RESOLVED:

That the Workforce Strategy as contained in Appendix 1 to Report No: CAB/SE/18/022, be approved.

456. Decisions Plan: March 2018 to May 2018

The Cabinet considered Report No: CAB/SE/18/023, which was the executive Decisions Plan covering the period 1 March 2018 to 31 May 2018.

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

457. Haverhill Leisure Centre Investment

The Cabinet considered Report No: CAB/SE/18/024, which sought approval for a capital allocation from the previously approved Investment Fund for making improvements to Haverhill Leisure Centre.

In December 2016, Council approved the development of a Leisure Investment Fund with the aim to provide capital to invest in the Council's leisure facilities to reduce the management fee provided to Abbeycroft Leisure accordingly. In April 2017, the Council also agreed to enter into a new partnership with Abbeycroft Leisure with a schedule of management fee reductions, which was in part, based upon an option to redevelop Haverhill Leisure Centre.

Councillor Joanna Rayner, Portfolio Holder for Leisure and Culture, drew relevant issues to the attention of Cabinet, including summarising the improvements proposed as set out in Section 1.2 of the report, and that a financial evaluation of the scheme had been conducted, also outlined in the report and at Exempt Appendix 2, which supported a justification for the investment.

In addition, the scheme would deliver against the principles of the Council's Promoting Physical Activity Framework by encouraging a wider range of users to use the facilities. Whilst the final scheme was 1.7% over budget at a total cost of £1,525,984, there was cost certainty and any overspend on this amount would be Alliance Leisure's (the commissioned leisure facility developer specialising in the provision of local authority, education and leisure trust facilities) liability and not the Council's responsibility (with the exception of any issues arising from the asbestos survey). In addition to this investment, Abbeycroft Leisure had agreed to invest a further £200,000 of their own reserves to bring the project to reality and meet customer expectations.

The Cabinet acknowledged the considerable investment to be made; however it recognised the wider benefits of the proposal, particularly in respect of promoting better health and well-being, and was excited by the plans outlined in Appendix 1a and 1b.

RESOLVED:

That capital spending of £1,443,000 from the Strategic Investment Fund that was approved by Council in December 2016 (Report No: COU/SE/16/021), be approved, together with a further £25,984 from the Strategic Priorities and Medium Term Financial Strategy reserve to deliver the improvements to Haverhill Leisure Centre outlined in Report No: CAB/SE/18/024.

458. Revenues Collection Performance and Write Offs

The Cabinet considered Report No: CAB/SE/18/025, 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 Exempt Appendices 1 and 2.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including the current collection performance, as set out in Section 3 of the report.

RESOLVED:

That the write-off of the amounts detailed in the exempt appendix to Report No: CAB/SE/18/025, be approved, as follows:

- (1) Exempt Appendix 1: Council Tax totalling £19,340.13
- (2) Exempt Appendix 2 : Business Rates totalling £128,925.73

459. Exclusion of Press and Public

Following the consideration of the exempt appendices attached to Report Nos: CAB/SE/18/024 and CAB/SE/18/025, which were not taken in private session as no specific reference to the content of these exempt appendices was raised, 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 item, 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.

460. Exempt Appendix: Haverhill Leisure Centre Investment

See minute 459 above.

461. Exempt Appendices: Revenues Collection Performance and Write Offs

See minute 459 above.

462. Late Urgent Item - Exempt: Investing in our Commercial Asset Portfolio (para 3)

The Cabinet considered Exempt Report No: CAB/SE/18/026, which sought endorsement of the use of the Chief Executive's urgency powers to enable the Council to bid at auction for a commercial property which had arisen as a potential investment opportunity.

As this was a late urgent item, which was required to be considered in private session due its commercial sensitivity, with the agreement of the Chairman of the Overview and Scrutiny Committee, notice of the decision intended to be made in private session was published in a Special Urgency Notice on 22 March 2018. As the decision was time critical, the Chairman of the Overview and Scrutiny Committee had also agreed that, if approved, it should be

exempted from call-in, the reasons for which were set out in the Special Urgency Notice.

A decision was required in private session to endorse the exercising of the Chief Executive's urgency powers for negotiating at auction, the purchase of the freehold of 20 High Street, Haverhill, which was scheduled to be auctioned on 28 March 2018 (the day after this meeting). A successful purchase would provide the Council with a property offering both strategic and investment potential. In the short to medium term the property would provide an income from the current tenant (Iceland Foods Ltd), whilst in the longer term there would be the opportunity to help shape the High Street and improve pedestrian circulation and connectivity in the retail core. It also supported the aspirations of the Haverhill Town Centre Masterplan and accorded with the West Suffolk Growth Investment Strategy.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Cabinet, including that this proposal had the endorsement of the Chairman of the Overview and Scrutiny Committee and Haverhill Ward Members. Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, and Councillor John Burns, Ward Member for Haverhill East, were in attendance and invited to speak and they both demonstrated their support for the proposal.

Councillor Pugh added this would be an excellent testament to the Council acknowledging the value of investing in the High Street and trusting the financial stability of the existing tenants. The realisation of a sound return on investment in the short to medium term, and the longer term benefits in the wider context of supporting the delivery of the aspirations of the Haverhill Town Centre Masterplan was similarly commended.

The Cabinet fully supported this proposal, adding their own comments regarding the benefits of the purchase, if successful. Some clarification was sought regarding the online bidding process; however, no concerns were raised.

In order to clarify a legal matter, Councillor Pugh proposed an amendment to the first recommendation, so that it read:

- (1) *subject to the inclusion of additional clarification that in the event the vendor fails to provide an indemnity to mitigate any risk presented by a pre-existing lease on the site, Option (b) of the options set out at paragraph 2.3.3 of Exempt Report No: CAB/SE/18/026 regarding the purchase of the identified property at 20 High Street, Haverhill, be agreed;*

This amendment was accepted and it was subsequently:

RESOLVED:

That:

- (1) subject to the inclusion of additional clarification that in the event the vendor fails to provide an indemnity to mitigate any risk presented by a pre-existing lease on the site, Option (b) of the options set out at paragraph 2.3.3 of Exempt Report No: CAB/SE/18/026 regarding the purchase of the identified property at 20 High Street, Haverhill, be agreed;
- (2) subject to recommendation (1) above, the intention for the Chief Executive to use his powers of urgency to negotiate at auction, the purchase of the identified property at 20 High Street, Haverhill, be endorsed;
- (3) it be noted that subject to this endorsement, the Chief Executive authorises a budget up to a maximum of £2,004,000, to be made available to facilitate the purchase, including fees and Stamp Duty Land Tax, to be funded from the Investing in the Growth Agenda fund; and
- (4) it be noted that should the purchase be made, the Council's Section 151 Officer will make the necessary changes to the Council's prudential indicators as a result of Recommendation (3).

The meeting concluded at 5.46 pm

Signed by:

Chairman
