

Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Schedule of Referrals from Cabinet and Democratic Renewal Working Party	
Report No:	COU/SE/14/001 [to be completed by Democratic Services]	
Report to and date/s:	Council	16 December 2014
Documents attached:	Appendix A to Report No: CAB/SE/14/009: Outline of the options considered to form part of the West Suffolk Community Energy Plan Appendix B to Report No: CAB/SE/14/009: Summary of the options appraisal of a range of renewable energy generation opportunities Appendix C – St Olaves - Polling District split into Parts 1 and 2 Appendix D – Risbygate – Polling District 2 split into 2, 3 and 4 Appendix E – CGR Timetable – Illustrative Timetable for a Community Governance Review	

(A) Referrals from Cabinet: 21 October 2014

1. West Suffolk Local Code of Corporate Governance

Decisions Plan Reference: Oct14/12
Cabinet Member: Cllr David Ray

Report F147
(Performance and Audit Scrutiny Committee Report F135)

RECOMMENDED:

That the West Suffolk Local Code of Corporate Governance, attached as Appendix A to Report F135, be adopted.

The Local Code of Corporate Governance sets out the principles of how the Council will ensure compliance with statutory requirements and best practice guidance on corporate governance. Whilst the adoption of a Local Code is not a statutory requirement in itself, it represents best practice

and is a key element of the Council's overarching governance arrangements and its commitment to good corporate governance.

The Code is subject to annual review to ensure it remains up to date. Minor adjustments have been made to the document, at Appendix A to Report F135, to reflect it is now a joint West Suffolk Local Code of Corporate Governance between St Edmundsbury Borough and Forest Heath District Councils.

2. Anglia Revenues and Benefits Partnership: Enforcement Agency

Decisions Plan Reference: N/A
Cabinet Member: Cllr David Ray

**Report F150
(Anglia Revenues and
Benefits Partnership
Joint Committee
exempt report – 11
September 2014)**

RECOMMENDED:

That, one of the two Directors, in consultation with the Portfolio Holder for Resources and Performance, be given delegated authority to introduce a shared Enforcement Agency for the Anglia Revenues Partnership (St Edmundsbury Borough Council, Forest Heath District Council, Fenland District Council, Breckland Council and East Cambridgeshire District Council) Waveney District Council and Suffolk Coastal District Council through discussion via the ARP Operational Improvement Board, as outlined in Appendix A to Report F150, and detailed in the full business case appraisal presented to the Anglia Revenues and Benefits Partnership Joint Committee.

Part 3 of the Tribunals, Courts and Enforcement Act 2007 was introduced in April 2013 which has changed the basis of enforcement fees (previously known as bailiff fees) to mean that debtors incur far greater fees if their debts are passed to enforcement agencies; rising from £42.50 after two visits to £310.00 if a first visit is needed.

The Anglia Revenue and Benefits Partnership Joint Committee's proposal to establish an in-house Enforcement Agency, as outlined in Appendix A to Report F150, will provide the potential to ensure that residents are treated fairly where enforcement is necessary, and fees are kept as low as possible, whilst retaining the income generated by enforcement actions for the Council Tax payers of the partner authorities.

A detailed analysis has assessed the potential benefits of a shared in-house Enforcement Agency, which will offer the potential of a shared income in excess of £150,000 per annum from fees. The full business case, presented to the Joint Committee, is deliberately cautious and so the potential income could be significantly greater than forecast.

3. Castle Manor Academy, Haverhill – Concept Statement

Decisions Plan Reference: Oct14/06
Cabinet Member: Cllr Terry Clements

**Report F152
(Sustainable
Development Working
Party Report F144)**

RECOMMENDED:

That the draft Concept Statement for the Castle Manor Academy, Haverhill, as set out in Appendix A to Report F144, be adopted as non-statutory planning guidance.

Policy HV16 of the Haverhill Vision 2031 Local Plan document allocates land at Eastern Avenue and Park Road, Haverhill (known as Castle Manor Academy and owned by the Castle Partnership Academy) for expansion and redevelopment of educational premises. Applications for planning permission will only be determined once a Masterplan has been approved and that Masterplan should be prepared in accordance with a Concept Statement for the site.

Extensive consultation on the draft Concept Statement took place during July and August 2014 in accordance with the Council's adopted Statement of Community Involvement.

The following significant changes have been made to the document following public consultation:

- (a) the Concept Statement has been amended to clearly show the boundaries of the site;
- (b) the Concept Statement has been amended to reflect the extent of vegetation along the Local Wildlife Site;
- (c) specific reference to nature conservation has been added to the text;
- (d) unnecessary jargon has been removed from the text;
- (e) protection of the playing fields now makes reference to Sport England's Policy 'A Sporting Future for the Playing Fields of England'; and
- (f) reference is made to the need to identify any potential contamination, archaeological sites and to provide a surface water strategy to prevent flooding.

(B) Referrals from Cabinet: 2 December 2014

1. Delivering a Sustainable Budget 2015-2016 and Budget Consultation Results

Cabinet Member: Cllr David Ray

Report No:
CAB/SE/14/004
(Performance and
Audit Scrutiny
Committee Report No:
PAS/SE/14/010)

RECOMMENDED:

That, taking into account the public consultation results outlined in Appendix A to Report No: PAS/SE/14/010:

- (a) the proposals, as detailed in Table 2 at paragraph 1.5.1 of Report No: PAS/SE/14/010, be included; and***
- (b) the proposals, as detailed in paragraph 1.5.2 of Report No: PAS/SE/14/010, be removed.***

St Edmundsbury continues 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, we have to make difficult financial decisions.

The Medium Term Financial Strategy (MTFS), approved by full Council on 25 February 2014 (Report E293), sets out the current and future financial pressures and challenges facing St Edmundsbury. Our MTFS document also sets out the approach that St Edmundsbury Borough Council will take to the sound management of its finances over the next two years.

Report No: PAS/SE/14/010 provided information on the budget gap; budget assumptions and the methodology for securing a balanced budget for 2015/2016.

Following extensive public consultation on a number of proposals for potential inclusion in the budget for 2015/2016, the Cabinet supported the recommendations of the Performance and Audit Scrutiny Committee, as detailed in Report No: CAB/SE/14/004.

2. Accounting for a single West Suffolk staffing structure and the move to a West Suffolk Cost Sharing Model

Cabinet Member: Cllr David Ray

Report No:
CAB/SE/14/006
(Performance and
Audit Scrutiny
Committee Report No:
PAS/SE/14/006)

RECOMMENDED: That

- (1) as part of the 2015/16 budget setting process and subject to external audit support, the proposed cost sharing model for income and employee costs, as detailed in Table 2 and 3 and at paragraph 2.17 of Report No: PAS/SE/14/006, be approved; and**
- (2) the proposed model, as detailed in Tables 2 and 3 and at paragraph 2.17 of Report No: PAS/SE/14/006, be reviewed annually as part of the budget setting process with any necessary amendments to the model (in order to secure delivery against the principles set out in paragraph 2.12 of Report No: PAS/SE/14/006), be reported through to Performance and Audit Scrutiny Committee in the autumn.**

The Cabinet considered the recommendations of the Performance and Audit Scrutiny Committee arising from Report No: PAS/SE/14/006, which informed Members of the:

- (i) allocation of the single staffing structure across the West Suffolk partnership between Forest Heath District Council and St Edmundsbury Borough Council has to date been driven by the level of savings generated from the baseline position back in 2012; and
- (ii) a new approach to cost sharing for West Suffolk which recognises the shared nature of much of West Suffolk's service delivery and recognises that the Councils remain separate legal entities. The West Suffolk cost sharing model must therefore be transparent and comply with external audit requirements.

A new cost sharing model will deliver the following benefits to West Suffolk:

- (a) a simpler cost sharing model that is easy to communicate and understand;
- (b) an automated system of recharging for costs that continually gives a true reflection of service demand for both Councils;
- (c) an open and transparent mechanism which more easily enables the cost of a service to be shown for Forest Heath, St Edmundsbury and combined for West Suffolk; and
- (d) real time information available for costs throughout the financial year to allow budgets to be managed and monitored and for faster decisions to be made based on the most accurate and informative data.

3. Local Council Tax Reduction Scheme and Technical Changes 2015/2016

Cabinet Member: Cllr David Ray

Report No:
CAB/SE/14/007

RECOMMENDED: That

- (1) no change be made to the current Local Council Tax Reduction Scheme for 2015/2016;**
- (2) the 5% second homes discount be removed from 1 April 2015; and**
- (3) a change to a one week exemption for Class C empty property from 1 April 2015 be approved, subject to the conditions contained in Table 2 of paragraph 6.1 of Report No: CAB/SE/14/007, as amended to replace 30% with 10% [discount for a twelve month period], in the first row, second column.**

The Cabinet was provided with an overview of the first year review (2013/2014) on the new Local Council Tax Reduction Scheme (LCTRS) and the technical changes on some empty properties and second homes, introduced from 1 April 2013, and it accordingly resolved to note the findings.

The above recommendations are provided by the Cabinet on the 2015/2016 LCTRS and the technical changes from 1 April 2015.

The recommended continuation of the current schemes covered in Report No: CAB/SE/14/007, is intended to continue to deliver a 'cost neutral scheme' against the original 10% Government grant reduction. The impact of the 2015/2016 24% reduction in Central Government grant is therefore required to be addressed elsewhere and will form part of the Council's wider Medium Term Financial Strategy review and 2015/2016 budget setting process.

Based on the overall findings of the first year review outlined in Sections 2 and 3 of the Cabinet report, and the monitoring information for 2014/2015 contained at Appendix A of that report, the Cabinet's recommendation is to continue the LCTR scheme in its current form, including applying the current 2014/2015 level of applicable amounts # within the LCTRS, for 2015/2016.

An applicable amount is the amount that the Government says that a family needs to live on each week. When your applicable amount has been calculated it is then compared with your income to work out the council tax reduction entitlement for which you are eligible.

Due to the fact that the LCTRS is not changing this year there is no requirement to undertake specific consultation.

In respect of the technical changes, based on the overall findings of the first year review outlined in Sections 2 and 3 of the Cabinet report, and the

monitoring information for 2014/2015 contained at Appendix A of that report, the recommendation is to:

- Remove the current 5% discount for second home owners (this brings us in line with many other ARP partners);
- change the Class C empty property to one week exemption followed by 100% charge; and
- to continue the empty homes technical changes as per the current year's 2014/2015 scheme.

The recommendation provided above refers to Table 2 of Report 6.1 of Report No: CAB/SE/14/007, and for ease of reference, this is reproduced below (with the amendment to the typographical error in the first row, second column):

Table 2

Discounts/exemptions	2015/2016
Class A, empty, unfurnished and undergoing major repairs to render habitable (formally exempt Class A)	10% discount for a twelve month period
Empty, substantially unfurnished properties, which have been so for less than one week since the property was last occupied. For the purposes of determining when the property was last occupied, any period of less than 6 weeks within which the property was occupied will be disregarded. (formally exempt Class C)	Proposal for one week exemption followed by a 100% charge (Conditions detailed to the left)
Second homes	Proposal to charge 100%
Empty homes premium (property empty for more than 2 years)	Pay 150%

For information, attention was drawn at the Cabinet meeting to an additional typographical error contained in paragraph 3.2 of Report No: CAB/SE/14/007, whereby the in-year collection rate was 98.4% and not 97.12%, as printed.

4. Council Tax Base for Tax Setting Purposes 2015/2016

Cabinet Member: Cllr David Ray

Report No:
CAB/SE/14/008

RECOMMENDED: That

- (1) the tax base for 2015/2016, for the whole of St Edmundsbury is 34,839.29 equivalent Band 'D' dwellings, as detailed in paragraph 1.4 of Report No: CAB/SE/14/008; and**

(2) the tax base for 2015/2016 for the different parts of its area, as defined by parish or special expense area boundaries, are as shown in Appendix 2.

The Council Tax Base of the Council is the total taxable value at a point in time of all the domestic properties in its area, projected changes in the property base and the estimated collection rate.

The total taxable value referred to above is arrived at by each dwelling being placed in an appropriate valuation band determined by the Valuation Office, with a fraction as set by statute being applied in order to convert it to a Band 'D' equivalent figure. These Band 'D' equivalent numbers are then aggregated at a district wide level and are also sub totalled for parishes. This has to be done by the council responsible for sending the bills out and collecting the Council Tax ('the billing authority'). In two tier areas, district councils fulfil this function.

The Council Tax Base is used in the calculation of Council Tax. Each authority divides its total Council Tax required to meet its budget requirements by the Tax Base of its area to arrive at a Band 'D' Council Tax.

The Band 'D' Properties figure as at 6 October 2014 of 35,281.1 as quoted in the CTB1 Tax Base Return form attached at Appendix 1 to Report No: CAB/SE/14/008, has been updated as at 6 November 2014 to allow for:

- (a) technical changes outlined in Report No: CAB/SE/14/007; and
- (b) potential growth in the property base during 2015/2016 taken from an average of the housing delivery numbers for those sites within the local plan and those that have planning permission, adjusted for an assumed level of discounts/exemptions within that growth of property base.

An allowance is then made for losses on collection, which assumes that overall collection rates will be maintained at approximately 98%. In addition to this collection rate change, an adjustment has been made to allow for the collectability of the council tax arising from the Local Council Tax Support scheme, which has been assessed at 90%. The resulting Tax Base for Council Tax collection purposes has been calculated as 34,839.29 which is an increase of 114.29 on the previous year.

The tax base figures provided within Appendix 2 of the report have been communicated to town and parish councils so they can start to factor these into their budget setting process.

5. Developing a Community Energy Plan

Cabinet Members: *Cllrs David Ray and
Peter Stevens*

Report No:
CAB/SE/14/009

RECOMMENDED: That

- (1) The following be allocated:**
 - (a) £15,000 to continue the West Suffolk Greener Business Grant in support of energy efficiency improvements, as outlined in paragraphs 1.1.4 and 1.1.5 of Report No: CAB/SE/14/009;**
 - (b) £85,500 to improve business resource efficiency and install the next phase of solar schemes on Council property (Option 1), as outlined in Appendix A to Report No: CAB/SE/14/009;**
 - (c) as part of the 2015/2016 budget setting process, £1.62 million over three years to develop rent-a-roof solar schemes in partnership with local businesses (Option 3), as outlined in Appendix A to Report No: CAB/SE/14/009; and**
 - (d) as part of the 2015/2016 budget setting process, £50,000 to cover the identification, detailed feasibility and associated community engagement activities in support of potential sites for larger scale solar and renewable energy generation technologies (Option 5) where supported and/or led by communities in the Borough, as outlined in paragraph 1.3.5 to Report No: CAB/SE/14/009.**

Report No: CAB/SE/14/009 summarises the business case and makes recommendations regarding the viable options which, if approved, would establish for the first time a long term energy investment plan generating stable revenue and energy cost savings for the Council alongside its existing support for improved community energy efficiency. This would form the West Suffolk Councils' Community Energy Plan.

Improvements in energy efficiency deliver immediate savings generally with short financial paybacks. In addition, achieving certain levels of building energy efficiency is a requirement for the highest renewable energy tariffs. Since its launch in 2011, the West Suffolk Greener Business Grant has contributed to the improvement in efficiency of 62 businesses in West Suffolk from a pot of £60,000 provided by West Suffolk Local Strategic Partnership. The fund has been used by businesses to match-fund either their own capital or other funds, for example Grants for Growth funded by the European Regional Development Fund.

As part of the broader support to business in the Community Energy Plan, it is proposed that the Council allocates £15,000 to top up the grant pot. A similar amount will be sought from Forest Heath District Council so that the grant can continue to be offered to help cut local business costs which in turn will support our strategic priority to stimulate economic growth across West Suffolk.

To assist Members with the consideration of recommendations (1) (b) to (d) inclusive above, Appendices A and B to Report No: CAB/SE/14/009 are attached to this report. These provide an outline of the options considered and a summary of the options appraisal.

The Cabinet has not only put forward the above recommendations but resolved to support the development of a West Suffolk Community Energy Plan and support the appraisal of other energy-related options set out in the report with a view to receiving further investment proposals.

6. Public Service Village Phase II, Olding Road, Bury St Edmunds

Cabinet Member: *Cllr Terry Clements*
(but the majority of other portfolio holders
are involved in the process)

Report No:
CAB/SE/14/010

RECOMMENDED: That

- (1) the Masterplan for the Public Service Village, Bury St Edmunds (2006), be reviewed; and**
- (2) £100,000 be allocated from earmarked reserves (invest to save) to support the appointment of project management, legal, masterplanning and property expertise, as detailed in Section 1.4 of Report CAB/SE/14/010.**

The Public Service Village concept was approved and adopted by the Council in 2006. Phase I has been successfully completed by the construction and occupation of West Suffolk House. The improving economic climate and the possible relocation of the Council's depot together with a change of ownership of the DHL logistics building, present an opportunity for the Council to progress Phase II of the project.

To do this the Council will need to review the adopted Masterplan to bring it up to date with the changes since 2006 and to put in place resources to help deliver this ambitious plan. £100,000 has therefore been requested to be allocated towards the appointment of specialist resources to help formulate the project and ensure that the Council obtains Best Consideration.

7. West Suffolk Data Protection Policy

Cabinet Member: Cllr David Ray

Report No:
**CAB/SE/14/0014 and
narrative item**

RECOMMENDED:

That the West Suffolk Data Protection Policy, provided as Report No: CAB/SE/14/014, be adopted.

Compliance with the Data Protection Act (DPA) is monitored and enforced by the Information Commissioner's Office (ICO). The ICO has the power to impose fines of up to £500,000 for a serious breach of one or more of the data protection principles and where the breach is likely to cause substantial damage or distress. This is in addition to any penalties imposed by the courts against individuals who unlawfully breach the DPA. ICO guidance therefore stresses that it is vital for all Council employees, Members and contractors to understand the importance of protecting personal data; that they are familiar with the organisation's security policy; and that they put its security procedures into practice.

The joint policy (based on that previously adopted by Forest Heath District Council) outlines the principles of the Data Protection Act 1998 and identifies how both Forest Heath District Council and St Edmundsbury Borough Council (jointly referred to as West Suffolk Councils throughout the policy) comply with the Data Protection Act. It aims to give guidance on how the requirements of the Act apply to the work of the Councils.

(C) Referrals from Democratic Renewal Working Party: 18 November 2014

1. Polling District Review

Cabinet Member: Cllr David Ray

Report No:
DRW/SE/14/001

RECOMMENDED:

That the Schedule of Polling Districts be amended to reflect the following changes:

- (1) Move electors from Station Hill, Tayfen Road (part of) and Tayfen Terrace from Risbygate Part Two to Risbygate Part One.***
- (2) Split Risbygate Part Two into two polling districts with the dividing line being Spring Lane and the Nature Reserve between Spring Lane and Beetons Way.***

(3) *Split St Olaves into two polling districts, with the dividing line to include all properties to the rear of Northumberland Avenue*

The Electoral Registration and Administration Act 2013 requires every Council to conduct a review of polling districts during the 16 months beginning 1 October 2013. The most efficient and cost effective time to make any changes is when the newly updated register is published on 1 December.

A letter outlining the review process, and a background document, were circulated to Borough Councillors, County Councillors, Chairmen of Parish Councils, Party Agents and Acting Returning Officers of the West Suffolk and South Suffolk constituencies. A link was also put on the home page of the Council's website alerting visitors to the site that the review was taking place.

Representations had been received for St Olaves and Risbygate Wards:

(1) St Olaves Ward consisted of one polling district and one polling station located at the New Bury Community Centre. The proposals received both suggested splitting this ward into two polling districts and having a second polling station at a variety of different locations. Officers were minded not to recommend this proposal as the current polling station was already located centrally in the polling district (but see below). (See map at Appendix C to COU/SE/14/001)

(2) Risbygate Ward consisted of two polling districts and two polling stations. The first proposal was to create a new polling district called Risbygate Part Three and move electors in Station Hill, part of Tayfen Road and Tayfen Terrace from Risbygate Part Two into this new area. The electors in this new area would poll with those in Risbygate Part One at the Seventh Day Adventist Church. (See map at Appendix D to COU/SE/14/001)

The current polling station in Risbygate Part Two (the Quaker Meeting House) was often required to hold two polling stations due to the number of electors and there had previously been concerns regarding access and parking. A further proposal was therefore to split Risbygate Part Two into two polling districts, creating a new polling district, Risbygate Part Four. The only cost implication would be room hire for an additional polling station. Officers did recommend these proposals be adopted. (See map at Appendix B)

In considering both areas, members supported the proposals in respect of Risbygate Ward. In relation to St Olaves Ward, the Working Party noted that, while they recommended different solutions, both representations received had highlighted the need for two polling stations. Since at most elections the polling station at the Newbury Community Centre was split into two stations, with two sets of staff, members therefore felt that, as with Risbygate Ward, there would only be a small cost implication of splitting the polling district into two. Councillor Nettleton had suggested that the dividing line should follow the line of

Northumberland Avenue, including properties on both sides of the road. He had previously had discussions with local residents and was confident that his proposal would receive their approval since it reflected a reasonable boundary between the Mildenhall Hall Road and Howard Estates. However, he offered to contact the two residents' associations before the matter was considered at full Council in December, and a positive response has been received from both.

2. Community Governance Review (CGR)

Cabinet Member: Cllr David Ray

Report No:
DRW/SE/14/002

RECOMMENDED:

(1) The Council undertakes a Community Governance Review; and for that purpose:

- a. Council confirms that initial consideration and targeted consultation with borough councillors, parish and town councils, the County Council, neighbouring councils, Members of Parliament and other community organisations (e.g. residents' associations) be undertaken to inform the preparation of Terms of Reference for the Review, taking into account the requests already received and the advice contained in Report COU/SE/14/001 about future growth areas;**
- b. Council requests the Democratic Renewal Working Party to consider the outcome of that consultation and report back to Council at its scheduled meeting in June/July 2015;**
- c. Council allocates a one-off budget of £5,000 for the consultation and publicity elements of the review.**
- d. Council agrees the review timetable set out in Appendix E recognising that it will commence in 2015 and will not conclude before the May 2015 election.**

Councillor Beckwith had submitted a Motion on Notice to the Council meeting on 30 June 2014 which had been referred for further consideration to this Working Party. His proposal was to create a new Moreton Hall Prish within part of the current Bury St Edmunds Parish. Haverhill Town Council had also asked the Council to look at parish boundaries in reference to growth in and around Haverhill under Vision 2031, and a number of similar requests had been received from parish councils around Bury St Edmunds affected by growth. The last review had been conducted in 2010-2011.

In supporting a Borough-wide CGR members of the Working Party considered a number of options for the method of consultation and unanimously agreed that the review should be web-based and widely publicised, with appropriate organisations and representatives being

targeted for involvement, and parish and town councils being encouraged to publicise it to their own electors. Individual letters would not be sent to every household. Responses from electors would primarily be made online and collated electronically. However residents would be able to respond by post and communities would also to organise collective means of responding if they wished. It was clarified that, if an online survey was used, respondents would be asked to identify which parish or part of a town they currently lived in, so that top level (but anonymous) information could be provided to the Working Party on what proportion of residents in a certain area had responded and how. Although significantly cheaper than some of the options put forward to the Working Party, this method of consultation would have some costs, and the Working Party noted these would be reflected in the updated recommendations made to full Council and set out below.

Although the purpose of a review would be to consider the three issues that had already put forward, there would be opportunity for interested parties to propose other issues for consideration. The Working Party would then consider all proposals and set the scope for the review.

The paper also proposed a timetable for the CGR which is reproduced as Appendix E to this report for information. It was noted that the implementation date of any changes would be a matter to be determined later, although the normal practice was to align this to a scheduled election date, i.e. 2019.